



CITY OF CLOVIS
PUBLIC UTILITIES DEPARTMENT
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**COMMENTS ON PROPOSED REGULATORY FRAMEWORK FOR EXTENDED
EMERGENCY REGULATION OF URBAN WATER CONSERVATION**

The City of Clovis respectfully submits the following comments for consideration regarding the Proposed Regulatory Framework for Extended Regulation for Urban Water Conservation:

1. The proposal for a Growth Adjustment is welcomed. However, the proposed method of calculating the adjustment is unnecessarily complicated. Furthermore, the proposed adjustment only addresses the actual residential growth and fails to address the corresponding growth in businesses and institutions, such as schools and hospitals, which is necessary to support the growing population. A much simpler and more rational method of adjusting for growth would be to base the required reductions on total per capita usage. The 25% overall conservation goal could be increased for statewide population growth (approximately 0.9% per year) in order to still achieve the Governor's ordered 25% reduction below 2013 usage (i.e., approximately a 27% per capita reduction based on three years at 0.9% population growth). This new baseline conservation goal could then be proportionally adjusted for each conservation tier, and compliance could simply be measured in per capita usage.
2. No explanation or rationale is provided for staff's recommendation for a 4% cap on credits and adjustments to water supplier's conservation standards. It seems arbitrary to cap the adjustments if the individual adjustments themselves are valid and rational.

3. The proposed regulatory framework addresses some of the factors that affect urban water usage, but not all of the factors. The first sentence in the document titled "Factors That Can Affect Per Capita Water" that is posted on the SWRCB's website states:

"It is not appropriate to use Residential Gallons Per Capita Day (R-GPCD) water use data for comparisons across water suppliers unless all relevant factors are accounted for."

That document then goes on to list five factors that should be considered, including climatological factors, population growth, population density, socio-economic measures, and water prices.

Yet ironically, the original emergency regulations adopted by the SWRCB did not address any of these factors, and this proposed regulatory framework only addresses the climatological factors and population growth, but fails to address the remaining factors. Most glaringly, the proposed regulatory framework fails to address population density. Cities such as Clovis are implementing "smart growth" strategies now and into the future, but by failing to consider population density, the regulations are unfairly punishing them for how they developed over the last 100 years.

The Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation really should consider all of the factors that the SWRCB's own documents indicate should be accounted for when making these comparisons.

4. The method used to assign cities to the different mandatory conservation tiers is inconsistent with the Executive Order B-29-2015. The executive order calls for a 25% reduction in total urban water usage and requires that areas with higher per capita use achieve proportionally higher reductions. Nowhere does the order indicate that the proportionality shall be based on residential per capita use. Yet cities were assigned to the tiers based solely on the residential per capita use without considering total per capita use, and the SWRCB reports residential per capita usage (R-GPCD) on its Conservation Reporting webpage rather than total per capita usage. As a result, Clovis, which has a higher R-GPCD than some surrounding cities is in a higher conservation tier than those cities, even though Clovis' total per capita usage is less than those cities'.

Part of the reason that Clovis' total per capita usage is lower is that Clovis made significant investments in using recycled wastewater to irrigate public landscaping before these emergency regulations were adopted. This investment represents a real, long-term means of sustainably managing water resources, but it is negated by the methodology the SWRCB used to assign suppliers to the different conservation tiers.

Since the executive order addresses total water consumption, total per capita usage should be used to assign cities to the different mandatory conservation tiers, not residential per capita usage, and SWRCB should be reporting total per capita usage on its webpage.

5. The SWRCB should consider modifying the way compliance is evaluated and enforced. Under the current method of evaluating compliance, a supplier with a 20% conservation standard that saves 15% is treated the same as a supplier with a 36% conservation standard that saved 31%, even though the first supplier only conserved 75% of their target and the second supplier conserved 86% of their target amount. Enforcement should be based on the proportion of the suppliers' conservation mandate that is achieved, rather than just the gross percentage that the supplier missed their target.

Thank you for the opportunity to provide comments for the Proposed Regulatory Framework for Extended Emergency Regulation for Urban Water Conservation. We look forward to working with your agency and others to sustainably and resiliently manage California's water resources through this drought and into the future. Please call me at (559) 324-2614 if you have any questions.



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