



City of Sierra Madre

Public Works Department

April 14, 2015

VIA EMAIL Jessica.Bean@waterboards.ca.gov

Ms. Jessica Bean

State Water Resources Control Board

1001 I Street

Sacramento CA 95812-0100

Dear Ms. Bean:

The City of Sierra Madre ("City") is pleased to submit the following comments on the State Water Resources Control Board's ("SWRCB") Proposed Regulatory Framework to implement the Governor's April 1, 2015 Executive Order, No. B-29-15, directing the SWRCB to impose regulations to achieve a statewide 25% reduction in potable urban water use. The City remains committed to reducing its water usage and imposing appropriate conservation measures as part of its response to the continuing historic drought facing California. More so than many other cities in California, Sierra Madre has been at the forefront of drought response measures, having imposed a mandatory 20% water use restriction nearly two years ago in May 2013, and increasing the mandatory conservation efforts to 30% in July 2014.

The proposed regulatory framework is a good step forward in responding to the California-wide drought. However, the City is concerned that the proposed regulations appear to simultaneously place a greater conservation burden on those cities and urban water providers which have already demonstrated responsibility in the statewide need to conserve water, while rewarding those who have conserved little or nothing.

The City appreciates this opportunity to provide comments on the proposed framework and looks forward to reviewing and commenting on the draft regulations once released.

I. Cities Should Be Credited With Water Use Reductions Already Achieved.

Governor Brown's order requires the SWRCB to impose restrictions intended to

achieve a 25% reduction statewide in domestic water use since 2013. The proposed regulatory framework imposes a graduated tier of required reduction levels on urban water suppliers, ranging from 10% to 35%, depending on per capita water usage in September 2014, and imposes a 25% reduction on small water providers. The proposed regulatory framework does not account for reductions already achieved by urban water providers implementing various conservation measures, even though this data exists. This creates an anomalous situation which penalizes those who have demonstrated the greatest conservation measures and rewards those who have done the least (some of whom have even increased consumption). To illustrate this flaw, one need only compare two agencies within the same proposed "tier," here, the 25% tier:

- the City of Brawley has already reduced its total water consumption by 41% since 2013, but has a further conservation target of 25%, thus requiring that Brawley bear a net total conservation burden of 66%;
- the Phelan Pinon Hills Community Service District has actually increased its water consumption by 6% since 2013, and with the same conservation target of 25%, its net total conservation burden is 19% .

The City proposes that the SWRCB revise the draft framework to impose a net total conservation standard on urban water providers. Thus, agencies would have to meet a specified net total conservation standard by 2016, relative to their use in 2013, measured monthly and at the end of February, 2016 as sought by the Governor.

Imposing a cumulative conservation standard on urban water providers, rather than requiring additional reductions ranging from 10% to 35% regardless of previous conservation successes, is consistent with the Governor's order. He ordered the SWRCB to impose regulations sufficient to achieve a statewide reduction in aggregate domestic water use since 2013 of 25%. His order did not require a 25% reduction on top of the reductions relative to 2013 already achieved by some providers.

Giving credit to the water providers who have already conserved some water will reward those efforts and incentivize further conservation. Many cities, including Sierra Madre, have imposed a number of water conservation restrictions over the last few years as the drought intensified. In May, 2013, Sierra Madre imposed a mandatory 20% reduction on water use. In July 2014, Sierra Madre increased its restrictions to 30% mandatory conservation requirement, and has achieved an 11% reduction in its water

usage from June 2014-February 2015 relative to 2013.¹ The City has calculated a numeric conservation requirement for each household that implements this 30% reduction requirement on a household by household basis. Moreover, in July 2014, the City declared a moratorium on new connections to its water service until the drought lifts.² Additionally, the City quickly implemented the SWRCB July 14, 2014 Emergency Regulations pertaining to irrigation, by adopting a Resolution mandating the same level of restrictions and penalties for its residents. And the City is currently considering requiring the use of graywater irrigation systems for any new construction. Thus, the City has prevented any additional demand from new development from straining its already limited supplies. Additionally, the City has implemented numerous technological and behavior restrictions above the restrictions required by the Governor's previous orders, such as strict outdoor watering restrictions and a requirement to fix leaks immediately (consistent with the SWRCB July 14, 2015 order). Subjecting the City to additional conservation targets without accounting for the 11% reduction already achieved ignores these efforts and effectively penalizes the City and its residents for having undertaken them. Failing to recognize these efforts will leave the City hard pressed to convince its residents and businesses of the value of additional conservation efforts if their previous efforts go unrecognized.

Instead, the proposed regulatory scheme rewards users who increased their consumption during this critical period of drought, as their mandatory "reduction" target is now reset at their higher consumption level. Sadly, this is exactly the strategy many users have vocally advanced—one should use more water in order to set their "base" as high as possible in anticipation of mandatory conservation efforts. The proposed regulatory framework must not reward this irresponsible strategy. Those communities who have not accomplished any reduction in their usage are spread across all four tiers in the proposed regulatory framework, including several providers who would be subject to the lowest tier of restrictions. Water providers—above a certain "base" residential gallons per capita daily use (R-GPCD)—who have failed to conserve any water since 2013 must be forced to conserve a net amount of at least 25%, reflecting their failure to contribute to the collective efforts required to respond to this drought.

¹ The City's Water Conservation website details these measures, and is itself part of the City's drought response efforts, providing tips to residents. <
<http://www.cityofsierramadre.com/water-conservation>>

² City of Sierra Madre Ordinance No. 1356U and City Council Resolution 14-58.

How can the City convince its residents and businesses of the need for additional conservation restrictions when many in the state have done nothing to conserve—even increasing consumption—yet are only forced to reduce their increased usage by 10%, 20%, or 25%?

The proposed regulations must be revised to explicitly take previously achieved reductions in water usage into account. For example, Sierra Madre has already achieved a reduction of 11% relative to 2013, thus its new target under the proposed tiers would be an additional reduction of 24% relative to 2013, for a total of the proposed 35% reduction. Cities who have already met their reduction target would only have to hold the line and maintain their existing reduction.

II. SWRCB Should Additionally Consider Other Approaches to Divide Providers Into Tiers, Beyond Residential Gallons Per Capita Daily, Because this measure Fails to Account For Differences Across Providers.

The proposed regulatory framework divides providers into reduction tiers based solely on each provider's residential gallons per capita daily (R-GPCD) used for September 2014. In addition to the problems identified above, using this metric for comparisons across providers up and down the state, in different geographic and hydrologic regions, and with vastly different economic, population, demographic, and land use characteristics, is inappropriate. The SWRCB's own website acknowledges this, stating:

"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. Factors that can affect per capita water include:

- Rainfall, temperature and evaporation rates – Precipitation and temperature varies widely across the state. Areas with high temperature and low rainfall need to use more water to maintain outdoor landscaping. Even within the same hydrologic region or the same water supply district these factors can vary considerably, having a significant effect on the amount of water needed to maintain landscapes.
- Population growth – As communities grow, new residential dwellings are constructed with more efficient plumbing fixtures, which causes interior water use to decline per person as compared

to water use in older communities. Population growth also increases overall demand.

- Population density – highly urbanized areas with high population densities use less water per person than do more rural or suburban areas since high density dwellings tend to have shared outdoor spaces and there is less landscaped area per person that needs to be irrigated.
- Socio-economic measures such as lot size and income – Areas with higher incomes generally use more water than areas with low incomes. Larger landscaped residential lots that require more water are often associated with more affluent communities. Additionally, higher income households may be less sensitive to the cost of water, since it represents a smaller portion of household income.
- Water prices – Water prices can influence demand by providing a monetary incentive for customers to conserve water. Rate structures have been established in many districts to incentivize water conservation, but the effectiveness of these rate structures to deter excessive use and customers' sensitivity to water prices vary."³

Nothing in the proposed regulatory framework indicates that these factors were taken into account in dividing communities across the state into required reduction tiers. In revising the proposal, the SWRCB should consider a hybrid measure that, in addition to forcing any community which has failed to reduce water usage into the highest tier and allowing providers who have met their targets to maintain those reductions, takes each community's characteristics into account in setting reduction tiers. One approach would be to use each community's population density, average residential lot size, annual per capita income, and average rainfall to modify its raw average R-GPCD into a comparable weighted average R-GPCD for statewide comparative purposes.

³ SWRCB, Conservation Reporting, <http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/conservation_reporting_info.shtml>.

III. Conservation Tiers Should be Revised to Include a Lower Tier, Requiring Providers With Successful Conservation Programs to Maintain their Existing Reductions; and a Higher Tier for Water Wasters

The nationwide average residential per capita daily water usage is 88 gallons per day.⁴ The average R-GPCD in California for September 2014 varied by hydrologic region from 85 gallons per day in the San Francisco Bay region to 252 gallons per day in the Colorado River region. Sierra Madre is in the South Coast region, which averaged 119 gallons per day according to the September 2014 snapshot.

The proposed regulations impose mandatory reductions on all California water providers, even those with a R-GPCD of less than 55, a little more than half the national average, and 30 gallons per day lower than the lowest basin-wide average R-GPCD. This is inequitable. Cities and agencies with an R-CPGCD of 55 or less are already more than 25% below the national average, while those communities using more than 400 or 500 gallons per day (10 times the lowest tier) should not be subject to the same mandatory reduction standard as communities like Sierra Madre which has achieved an 11% reduction to date, is similarly unfair.

To combat these two problems, the City proposes that the SWRCB revise the regulations to expand the number of tiers from four to six. On the low end, there should be a zero reduction tier, solely for communities with a R-GPCD less than 66 gallons per day, 25% less than the national average and 25% less than the average for the San Francisco hydrologic region, the lowest average user. This tier would be unavailable for any community which has not achieved reasonable reductions to date. On the other end of the spectrum, providers with a R-GPCD higher than 400 gallons per day should be subject to a minimum conservation reduction of 45%. The tiers in between should be adjusted accordingly, moving the trigger for each tier upward, reflecting the addition of

⁴ American Water Works Association, Water Use Statistics, <<http://www.drinktap.org/home/water-information/conservation/water-use-statistics.aspx>>.

a new lowest tier. These proposed modifications would be reasonable and more equitable (rewarding better conservation efforts), and still would enable the state to meet the Governor's average 25% reduction goal.

Additionally, any community in any tier which has already met its required reduction should not be required to achieve any additional reductions in water use. Rather, as long as the community maintains its efforts, its obligations to the state are met and it should not have to cut water use further until all water providers have achieved their targets.

IV. Proposed Regulations Should Clarify that Prohibition on Watering Turf in Medians Does Not Prohibit Watering Trees.

The Governor's order prohibits the use of potable water for watering turf in public medians. In the final regulations, the SWRCB should clarify that this prohibition does not extend to watering trees in public medians.

V. Conclusion

For the foregoing reasons, the City requests the Board revise its proposed regulatory framework to:

- Credit cities with conservation reductions already achieved in determining their required reduction target;
- Use a weighted average of residential per capita daily use that takes each communities' economic, population, demographic, and land use characteristics into account;
- Include a zero reduction tier for communities with a residential per capita daily use less than 66 gallons per day;
- Include a 45% reduction tier for communities with a residential per capita daily use higher than 400 gallons per day;
- Clarify that median watering regulation does not prohibit watering trees in medians;

The City seeks these amendments to ensure that the proposed regulations are reasonable, feasible, and will accomplish the Governor's stated goal of a 25% statewide

water use reduction. The City recognizes that this historic drought requires an aggressive response. It has already conserved 11% of water since 2013 and is working on getting to its cumulative conservation target, but wants to ensure that its efforts will be matched by appropriate efforts by other communities in the state.

Sincerely,



Bruce Inman
Director of Public Works
City of Sierra Madre

cc: Sierra Madre City Council
Elaine Aguilar, City Manager
Teresa L. Highsmith, City Attorney