



County of San Diego

HELEN N. ROBBINS-MEYER
CHIEF ADMINISTRATIVE OFFICER
(619) 531-6226
FAX (619) 557-4060

CHIEF ADMINISTRATIVE OFFICE
1600 PACIFIC HIGHWAY, SUITE 209 SAN DIEGO, CA 92101-2422

DONALD F. STEUER
ASST. CHIEF ADMINISTRATIVE OFFICER/
CHIEF OPERATING OFFICER
(619) 531-4940
FAX (619) 557-4060

April 13, 2015

Jessica Bean
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Dear Ms. Bean:

Re: State Water Board Implementation of Governor's Executive Order B-29-15

On behalf of the County of San Diego (County), we would like to thank the State Water Resources Control Board (State Water Board) for inviting comments from the County on the regulatory framework proposed by the State Water Board to implement the Governor's Executive Order B-29-15 (Executive Order). Given the unprecedented drought facing the State, the County recognizes the severity of the drought and welcomes the opportunity to work with the State Water Board to attempt to develop alternative water conservation strategies. We have some suggestions that we hope the State Water Board will consider as it starts to draft regulations implementing the Executive Order.

The County manages jails, detention centers, hospitals, courts, libraries, parks, airports and a host of other facilities over an expansive area served by thirty separate water agencies. Sixty percent of the County's potable water consumption comes from only seventeen facilities and a majority of these high water users are jails and hospitals which are "24/7" facilities. Significant reductions in landscape watering will do little to achieve the necessary water conservation levels at sparsely landscaped jails and hospitals. Moreover, these facilities are often clustered in a single water district so that meeting water reduction targets for the impacted water district may be disproportionately difficult.

Alternative Compliance Option for Government Agencies: To help manage this problem and assist the State Water Board in achieving the water reduction targets established by the Executive Order, the County proposes a credit system that would allow cities and counties served by multiple water agencies to be allowed the opportunity to opt facilities out of individual water agencies for purposes of achieving State conservation targets. A credit system would allow these government agencies to achieve overall savings across their operations while not penalizing the individual water districts serving facilities where savings cannot be achieved. For example, if significant savings in Water District "A" are obtained through conservation efforts but savings cannot be obtained in Water District "B" that serves multiple County jails and hospitals, then the credit for additional savings in District "A" would be applied to District "B". The cities and counties would have to separately report their potable water

usage and conservation levels to the State Water Board. To avoid unfairly penalizing cities and counties for having implemented water conservation measures, the generally applicable conservation standard applicable to the water agencies serving the facilities separately accounted for would be used as the conservation target (e.g., 20% reduction would apply to 5 facilities where 1 facility is in a 35% reduction area, 3 are in a 20% reduction area and 1 in a 10% reduction area). Cities and counties would have to report water usage figures to individual water agencies and indicate how the credits are being applied so the water agencies can account for the credits to ensure their usage and water savings are neither over-counted or under-counted.

Again, San Diego County has facilities served by thirty water districts, so allowing cities and counties to separately account for their potable water use across a number of facilities in separate water districts will have a number of significant benefits. It will encourage cities and counties to invest in substantial water saving technologies and practices at facilities where savings are readily achievable to support activities at facilities where, because of prior water conservation investments and existing water conservation successes or other factors, only very limited additional water conservation is possible. It avoids unfairly penalizing local water purveyors that disproportionately serve high water use government facilities like prisons and hospitals. It provides the County with an opportunity to be a partner with the State Water Board in helping to achieving compliance with the Executive Order rather than merely a regulated end user.

Allow Opportunity to Account for Regional Variation: The State Water Board has proposed to use residential per capita water use measured from a single reporting period in September 2014 as the basis for establishing a tiered conservation standard for all urban water suppliers in the State. Similarly, the State Water Board proposes using month-by-month comparisons from June 2013-February 2014 as compared to the same months from June 2015-February 2016 to establish achievement of conservation targets. The approach for both the baseline and the monthly comparisons fails to adequately consider unusual circumstances such as localized rain events, recently completed development and redevelopment, regional investment in alternative water supplies, and other factors that may make the choice of a limited baseline or monthly comparisons from which compliance is measured inaccurate.

The County appreciates the need to establish a clear starting point from which to measure compliance with the Executive Order, but regulatory success is often dependent on stakeholder buy-in. The surest way to achieve “buy-in” is to provide a mechanism by which factors impacting compliance measures in vastly different California regions can be fairly accounted for. We would suggest that local water purveyors, cities and counties be allowed to apply to the State Water Board for an adjusted tiered conservation standard or month-by-month water consumption level where unusual circumstances warrant adjustment. In a state as large and diverse as California, it is simply not possible for a single statewide compliance measure to fairly reflect all conditions, everywhere. There needs to be a mechanism to fairly account for regional variation.

The last paragraph of the State Water Board’s proposed regulatory framework states that regulations on large landscape water users not supplied by a water purveyor will be proposed. The County uses groundwater sources to supply some of its park and other facilities, but wouldn’t consider these to be large landscapes. The County notes that none of the groundwater basins in San Diego County is identified as a high priority basin using the State’s CASGEM Groundwater Prioritization

Jessica Bean
Page 3
April 13, 2015

Basin criteria. This is in stark contrast to the Central Valley and other regions in the State that rely to a much greater degree on groundwater. The County requests that the State take into consideration the relative demand placed on groundwater resources in various regions of the State when establishing statewide groundwater conservation targets; and, as with the its baseline and monthly conservation measures, establish a process whereby regional variation can be accounted for by the State Water Board based on an application from an impacted city, county or water agency.

Again, we would like to thank the State Water Board for inviting comments from the County of San Diego on the regulatory framework proposed to implement the Executive Order. We look forward to continuing this dialogue as the regulatory process moves forward. If you have any questions or would like additional information on any portion of the County's response to the draft regulatory framework please do not hesitate to contact me directly at (619) 531-4940 or April Heinze, Director County Department of General Services at (858) 694-2527.

Sincerely,



DONALD F. STEUER
Assistant Chief Administrative Officer/Chief Operating Officer

cc: Helen Robbins-Meyer, Chief Administrative Officer
April Heinze, Director, General Services