

April 13, 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 Barstow ("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 is committed to reducing its water usage and imposing appropriate conservation measures as part of its response to the continuing historic drought California faces.

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.

The City proposes that the SWRCB revise the draft framework to impose a cumulative conservation standard on urban water providers. Thus, agencies would have to meet a specified total net 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 Barstow together with its water provider, the Golden State Water Company (GSWC), have imposed a number of water conservation restrictions over the last few years as the drought intensified. In February 2014, GSWC imposed a 20% voluntary conservation requirement. Additionally, GSWC has implemented numerous technological and behavior restrictions above the restrictions required by the Governor's previous orders, such as outdoor watering restrictions and a requirement to fix leaks immediately. To date, Golden State Water Company's Barstow water use is down by 9% relative to 2013. It should also be noted that, based on available data from 2009-12, the residential average water use was reduced from 115 to 90 gallons/day. Data for 2013 and 2014 is not yet available. Also, the community has reduced the overall gross average daily use from the aggregate 1995-2005 period by forty percent. Subjecting the City to additional conservation targets without accounting for these significant reductions already achieved will render these efforts meaningless. 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.

Moreover, imposing additional mandatory reduction targets without accounting for conservation already accomplished will reward those cities and communities who did nothing in response to the first four years of the drought. Sadly, this is exactly the strategy many individual 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. 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, yet are only now forced to reduce their use by (in some cases) less than 25%?

The proposed regulatory scheme must be revised to explicitly take previously achieved reductions in water use into account. For example, while Barstow has achieved a reduction of 9% relative to 2013, the community has also reduced overall water use by 40% over a period of years, and residential water use by 21% from 2009-12. Using only the reduction to date for Barstow's retail water supplier, Golden State Water Company, of 9%, Barstow needs an additional reduction of 11% relative to 2013, for a total 20% reduction even though we have already made extensive reductions over time.

## **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."<sup>1</sup>

Nothing in the proposed regulatory framework indicates that these factors were taken into account in dividing communities across the state into required reduction tiers. The City is particularly concerned about this, since it is in the high desert and has a rural character, both resulting in higher water demand than other communities which are more developed and urban. 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

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<sup>1</sup> SWRCB, Conservation Reporting, <[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/conservation\\_reporting\\_info.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/conservation_reporting_info.shtml)>.

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.

### **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.<sup>2</sup> 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. Barstow is in the South Lahontan region, which averaged 165 gallons per day.

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. Setting such a low bar for the lowest tier, while leaving many water wasting communities subject to the same mandatory 20% reduction standard as communities like Barstow who has achieved an 9% reduction to date, nearly half its target, and has an average R-GPCD a little more than half of the average for its hydrologic region 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 who has not achieved reasonable reductions to date. On the other end

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<sup>2</sup> American Water Works Association, Water Use Statistics, <<http://www.drinktap.org/home/water-information/conservation/water-use-statistics.asp>>.

of the spectrum, providers with an R-GPCD higher than 400 gallons per day should be subject to a minimum conservation reduction of more than 40-45%. The tiers in between should be adjusted accordingly, moving the trigger for each tier upward, reflecting the addition of a new lowest tier. These proposed modifications would be reasonable, 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 success, 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**

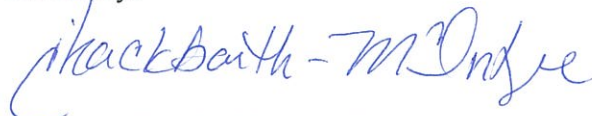
For the foregoing reasons, the City requests the Board revise its proposed regulatory framework to:

- 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 9% of domestic water demand since 2013, has reduced its residential use by 21% from 2009 – 2012, and reduced its gross water use by 40% from the aggregate 1995-2005 time period, and will certainly continue to conserve to try and meet its target goal of 20%. However, we urge consideration for the conservation goal to be cumulative of all conservation efforts over a period of time, and that the City's efforts will be matched by appropriate efforts by other communities in the state.

Sincerely,



Mayor Julie Hackbarth-McIntyre  
City of Barstow

cc: Barstow City Council  
Charles C. Mitchell, City Manager  
Teresa L. Highsmith, City Attorney