



May 4, 2015

Ms. Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento CA 95814

Sent via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Dear Ms. Townsend:

The City of Barstow ("City") submits the following comments on the State Water Resources Control Board's ("SWRCB") Notice of Proposed Emergency Rulemaking 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 thanks the SWRCB for providing multiple opportunities for the public comment on these proposed regulations and for revising the regulations, in part, to respond to concerns raised by it and other California cities. The City further reiterates its commitment to continuing its existing conservation efforts as part of its response to the historic drought facing California.

The City recognizes that the proposed regulations build in credit for previous conservation efforts and thanks the SWRCB for ensuring that previous conservation efforts, since 2013, are counted. The City also continues to support the increase from four to eight tiers of conservation (as compared to the proposed regulatory framework previously released for comment); however, the SWRCB still has failed to revise the conservation tiers to include additional higher conservation tiers above 36% for the highest water consumers, rather than spreading the additional conservation burden on those using less water. Additionally, the proposed regulations should be revised to include an administrative mechanism for data correction.

The proposed regulations should also account for the significant variation in climate across the state, as hotter, inland areas have higher evapotranspiration rates than cooler, coastal areas. To accomplish this, the City supports the proposal by the Association of California Water Agencies, which adjusts the proposed conservation tiers to explicitly take local variation in evapotranspiration rates into account. The fact that the regulations presently do not account for local climatic variation is particularly concerning for Barstow, as it is in the high desert and has significantly higher average temperatures than much of the state.

**I. Regulation Still Need to Be Revised to Include Additional Tiers, at the Higher End.**

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 regulations impose a graduated tier of required reduction levels on urban water suppliers, ranging from 8% to 36%, depending on per capita water usage from July to September 2014. However, this does not go nearly far enough in adequately apportioning conservation requirements across the state's urban water providers. The state has been in a serious drought for several years now, yet has seen only some progress in conservation efforts. Imposing several higher tiers now, rather than with the likely next round of emergency regulations, will ensure that suppliers with the highest levels of per capita water usage from July to September 2014 will bear their full share of conservation requirements in this historic drought. To that end, the City urges the SWRCB to add four more conservation tiers, up to a 50% conservation tier.

As compared with the draft regulatory framework, the proposed regulations expand the number of tiers, thereby narrowing the range of usage levels within each tier for the lower usage levels, and adding one additional tier above the originally proposed 35%, requiring 36% conservation relative to 2013. This remains inadequate, given the scale of this drought and the fact that suppliers at the highest water use levels have the same conservation requirement as communities with several hundred R-GPCD lower usage levels. Instead, the SWRCB should revise the proposed regulations to include several additional tiers above 36%--up to 50% or higher for the highest levels of use. Increasing the number of tiers and imposing higher conservation requirements for the higher tiers would create a more rational conservation approach, while ensuring that the highest water users bear progressively greater conservation burdens. This would also help ensure that the Governor's mandate of 25% overall urban water conservation is met.

**II. SWRCB Must Revise Regulations to Allow Administrative Corrections to Monitoring Reports.**

The City advocates that the regulations should be revised to include a mechanism for a city to submit revised and corrected monitoring data to the SWRCB.

**III. Regulations Should be Revised to Take Local Climatic Conditions Into Account.**

The Governor's order prohibits the use of potable water for watering turf in public medians. The City supports the provisions in the digest and frequently asked questions provided with the proposed regulations that clarify that this prohibition applies to ornamental turf and thus does not prohibit watering urban trees.

However, as the City discussed in its previous comment letter, the regulations

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still rely on the single metric of residential per-capita daily water usage to impose uniform conservation tiers statewide, without any reflection of the significant regional variation in climate across the state. The SWRCB should further revise the regulations to reflect local climatic variations. Hotter, inland areas, like Barstow, have higher evapotranspiration rates and thus require additional water to keep critical flora, including urban trees, healthy relative to cooler, coastal areas. Even with reductions in unnecessary landscape irrigation and limiting outdoor irrigation to critical flora, areas with higher evapotranspiration rates will still need more water for the same amount and type of landscaping as cooler, coastal areas. Failing to account for this fact is a particular problem for Barstow and its neighboring communities in the high desert, one of the hottest, driest regions of the state. To reflect this reality while still accomplishing the needed reduction in statewide potable water use, the City supports the proposal by the Association of California Water Agencies, which adjusts the existing conservation tiers to account for areas with higher evapotranspiration rates.

#### IV. Conclusion

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

- Include additional, higher conservation standard tiers above 36% for communities with a high R-GPCD, up to a 50% conservation requirement;
- Revise the regulations to allow administrative corrections of monitoring reports;
- Revise the regulations to account for local climate variation, reflecting the variation in evapotranspiration rates across the state.

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 severe drought requires an aggressive response. It has already conserved 9% of water via the Golden State Water Company, and will work together with its residents and businesses to achieve its 28% conservation target.

Sincerely,



Charles C. Mitchell  
City Manager  
City of Barstow

cc: Barstow City Council  
Teresa L. Highsmith, City Attorney