

WATERBOARDS Comment Letter-Conservation Pricing due 7.1.2015 Noon

QUESTION

What actions should the State Water Board take to support the development of conservation pricing by water suppliers that have not yet developed conservation rate structures and pricing mechanisms?

COMMENTS

Water demand left out of this question.



Capistrano Taxpayers Association, Inc. v. City of San Juan Capistrano refers to usage for tier pricing. That opinion stated:

However, the trial court did not err in ruling that Proposition 218 requires public water agencies to calculate the actual costs of providing water at various levels of usage

Missing from the usage discussion, is the current usage versus the requested or demand anticipated by Water Supply Assessments, Planning Determinations and Building and Safety permitted land development.

Conservation should not be on the backs of existing users. High use users can be viewed as taking base use of the approved land use demands. That places the responsibility on their use and the water supplier instead of the agency (local government) that approves increased development.

Density bonuses and height increases have been awarded without regard to water conservation.

There must be a reduction of development causing a reduction of baseline use instead of penalties on existing users of water.

In the case of the City of Los Angeles, who also has their own proprietary water supplier (LADWP LA Department of Water and Power_, LADWP has to approve any request for increased water due to development. They have no option to deny that request. LADWP does not control the baseline need of water supply, the City of Los Angeles does. LA City Council has ultimate jurisdiction over LADWP after the chartered Board of Water and Power Commissioners.

Water Board has no jurisdiction.

QUESTION

What actions should the State Water Board take to support water suppliers that have already developed conservation rate structures and pricing mechanisms to improve their effectiveness?

COMMENTS

Public education and awareness is the cheapest and most effective way for conservation issues. After that greywater should be encouraged. California Building Standards Commission and the Department of Housing and Community Development have issued standards in 2013. That conservation can be done through rebates.

Appliances count, especially washers. Rebates have been ongoing and should continue.

QUESTION

What actions can the State Water Board take to assist water suppliers in demonstrating that existing rate structures harmonize competing legal authorities associated with water rates?

COMMENTS

Harmonize competing legal authorities is a strange phrase. The Water Board is requesting de-publication of the Fourth District Court of Appeal, Division Three's opinion in *Capistrano Taxpayers Association, Inc. v. City of San Juan Capistrano* (G048969).

Is that where the word *competing* enters? Does this mean the Governor's Executive Order trumps the courts?

We do not believe the Governor's Executive Order trumps the courts.

Governor's Declaration is narrowed to drought conditions. Those conditions may not occur in all areas of the State. Once rain or snow occur, the drought will end.

With this rush for water supply, the costs have been ignored. Stormwater capture or desalination plants may not be the wisest in choice for supply. Capital costs and operation and maintenance costs may be outside local government budgets. For water suppliers, they may not be able to justify the passing down of costs. High water users may find their costs far outweigh any averages. This technique forces privatization which has not been addressed in the Executive Orders.

Privatization of any public resource should not be the intent.

Public Health issues are not addressed in any meaningful way. In LA County, City of LA agencies, environmental professors and environment groups have requested

Guidelines without any due process for the public. Now, stormwater capture is being designed by these same groups to be used as toilet water through the LA County Department of Public Health system without any due process.

This excludes the California State Department of Public Health and strict scientific standards and monitoring.

County Department of Public Health costs are borne by the taxpayer, not water rates. Epidemiological costs are not even addressed.

It is unclear how the WATER SUPPLIER is involved in stormwater capture with direct use to buildings, homes and parks. This is a MS4 permit and water quality issue-associated with different cost structures.

Joyce Dillard
P. O. Box 31377
Los Angeles, CA 90031