

City of Arts & Innovation

Sent via email: commentletters@waterboards.ca.gov

December 2, 2015

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

RE: EMERGENCY REGULATION FOR STATEWIDE URBAN WATER CONSERVATION - WORKSHOP COMMENTS

The City of Riverside, through its Public Utilities Department, hereby submits the following comments in response to the State Water Resources Control Board's request for input for the December 7, 2015 informational workshop on the potential extension and modification of the existing Emergency Regulation for Statewide Urban Water Conservation (Emergency Regulations) if drought conditions persist into 2016.

Since 2008, Riverside has met 100% of its annual water needs from local, well managed, adjudicated groundwater basins, and locally produced recycled water. Presently, Riverside produces water from three local groundwater basins that recharge naturally within the Santa Ana River watershed. The basins from which we produce groundwater all recharge from natural, local precipitation and in spite of the drought, the water table depth has been stable over the past several years. Our prior capital expenses along with ongoing investments in groundwater management and dry-year yield programs would become significant stranded investments under arbitrary regulations to reduce water use. Our well managed groundwater basins are capable of meeting current and future demands, for at least the next four years, because of these significant local investments.

The City of Riverside has legally challenged the State Water Board's adoption of the existing Emergency Regulation. Riverside does not dispute the existence of a drought in California or the need to conserve water. We do, however, object to the State Water Board's failure to specifically recognize water conservation by groundwater water agencies with adequate supplies that are naturally recharged by sources other than imported water. Riverside is uniquely situated with a robust source of groundwater with many years' worth of reserves. The current Emergency Regulations have a separate conservation tier for surface water agencies with a minimum of four years of supply and no dependence on imported water. No separate conservation tier is established for groundwater agencies with a minimum of four years of supply and no dependence on imported water. Now that the State Water Board has had time to fully consider the Emergency Regulations, Riverside requests that these regulations be amended to remedy this discrepancy.

Riverside proactively took the steps to be water-independent since 2008. Riverside does not import or rely upon imported water and has a decades-long reserve of groundwater even at pre-conservation use rates (see attached Exhibit A, Riverside Public Utilities' June 18, 2015 "Rationale for the Petition for Writ of Mandate and Complaint for Relief," pp. 13, 17). The water levels in the area have remained stable since 1934 (Exh. A, p. 17), and are sufficiently robust that purposeful dewatering by over-extraction took 24 years to lower the water table by 80 feet (Exh. A, p. 15).

Riverside's water resources are unique within the state;

- Riverside is solely dependent upon local groundwater basins that have a minimum of four years of supply.
- Riverside does not import any water from outside the hydrologic region in which it is located, including no imports from the State Water Project.
- Riverside's groundwater resources are naturally recharged

The groundwater basins Riverside draws from were adjudicated in 1969, in *Western Municipal Water District of Riverside County et al., vs. East San Bernardino County Water District et al.*, Riverside County Superior Court Case No. 78426 (the "1969 Judgment" [available online at <http://www.sbvmwd.com/Home/ShowDocument?id=1494>]). The 1969 Judgment was adopted after the 1950's drought to prevent overdrafts in this basin (Exh. A, p. 21). The 1969 Judgment establishes a safe yield, which is independent of imported water supplies. Riverside and the other parties have successfully cooperated in sustainably managing the groundwater through past droughts and can continue to do so through this drought. An additional benefit of the 1969 Judgment is the thorough, detailed data compiled by a court-appointed Watermaster. (Exh. A, pp 19-22.)

In conclusion, Riverside offers the following response to the specific question posed by the State Board:

1. What elements of the existing Emergency Regulation, if any, should be modified in an extended Emergency Regulation?

Riverside proposes the following amendment to the section 865(c)(2) of the "Adopted Text of Emergency Regulation" to address groundwater urban water suppliers with a minimum of four years of supply with no imports of water.

"(c)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's April 1, 2015 Executive Order, each urban water supplier shall reduce its total potable water production by the percentage identified as its conservation standard in this subdivision. Each urban water supplier's conservation standard considers its service area's relative per capita water usage.

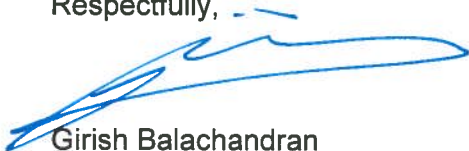
(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years' reserved supply available may, submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (34) through (4011), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier's sources of supply do not include groundwater or water imported from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available.

(3) Each urban water supplier whose source of supply is solely groundwater other than groundwater imported from outside the hydrologic region in which the water supplier is located, has a minimum of four years' reserved supply available and whose groundwater supplies recharge naturally may submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (4) through (11), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier's source of supply do not include water imported from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available."

This amendment was also proposed in our July 2, 2015 letter to Ms. Caren Trgovich, attached hereto as Exhibit B.

With such addition, the State Water Board will still have the discretion to review the data submitted by the groundwater agencies and determine if a lower conservation tier is appropriate.

Respectfully,



Girish Balachandran
Public Utilities General Manager

GB/mp/cef: PUGM-015-017_SWRCB Comment Letter from RPU_12-02-2015