

**Personal comments on “20X2020 Water Conservation Plan” Draft**

**By Mayor Pro Tem Fred Strong of El Paso de Robles, CA**

**Not considered nor approved by the full City Council**

**May 19, 2009**

**GENERAL:**

The general direction and intent of the document is necessary under the assumption and at least desirable from a common sense point of view. However, as with many things, the devil is in the details. Large scale reports and plans must make decisions that can be quantified and categorized. The method of doing so can create unintended consequences or injustices. Some things need to be addressed in this regard, including a recognized and reasonable appeal process at appropriate levels of responsibility.

**EXECUTIVE SUMMARY:**

“Recommendations” (page xi) 1c and 2b need to have funding addressed. 3b and 5d, which are related, should be funded from an appropriate source and/or linked. 5a is a viable alternative that ignores the consequences of Proposition 218. We need a “fix” in that area of cost recovery and user fees or an imposed State fee on water which is exempt from Proposition 218 and is used to provide the funding back to the jurisdictions from which it is extracted for the mandated segments of water management.

“Enforcement mechanisms” should use incentives as much as possible rather being punitive. However, in the punitive area: State authorization to make intentional resource waste a misdemeanor offense, subject to appropriate fines and penalties, could be a significant help to local public or municipal water agencies in conservation and BMP enforcement.

**PLAN:**

On page 2 the stress on “per capita” use was highlighted from the Governor’s message. That message motivated AB 2175 (Laird and Feuer) in the 2008 legislative session which augmented the proposal with additional detail, wherein lay the devil. Even with the amendments and proposed amendments of July 18 and August 4. Contrary to what is stated on page 2, agriculture was included in the mandated conservation. Reductions

were based upon Gross Water Use. It addressed exemptions for commercial and industrial users but did not provide for backing those amounts out of the Gross Water Use used as the base for calculating conservation goals. That would put a huge burden on the residential user. It must be avoided in one way or another.

To its credit, it implied the establishment of 110 GPCD as a base below which no one would be required to additionally conserve. I believe that local purveyors should be encouraged to use that same figure as a base below which a user would not be found in violation of the purpose nor intent of the regulations encouraged by this plan. Many researchers and interested organizations have indicated that 110 GPCD is a figure which provides a safe margin for individual health and safety.

Page 4 ends with the statement: *Ideal regional targets would reflect the climate variability represented by the ETo zones, would result in irrigation water use substantially lower than ETo amounts, and would be flexible enough to accommodate implementation at the geographic scale of hydrologic region or water supplier service area.* This is clarified further in Table 4 on page 14.

As a general rule the relationship between the text and chart may be true, even though other text in the plan recognizes that this does not accurately reflect all situations. An example being from page 11 ... *data available for this analysis were not complete and accuracy levels vary significantly among water suppliers.* In that regard, it is necessary to include an appeal process.

I can speak directly to the inland situation in Region 3. Referring to Table 4, in the case of my own community, although we are in Region 3, our actual historic GPCD is in the range of regions 5 through 8. Our hot, dry summers with characteristically high afternoon winds (unique to this microclimate in the region) and low inland rainfall contribute to a situation that is not typical for Region 3. While I can see an acceptance of the baseline presented in Table 3 on page 13 as reasonable in those cases where data for a specific, designated year is not available, I cannot see this as appropriate in numerous exceptional situations which need a reasonable appeals process for baseline determination. Specifically, Paso Robles has a consistent GPCD of between 220 and 240. The Region 3 "range" listed in Table 4 is 141-177. That is inaccurate. The weighted average is 154, which would call for approximately a 33% reduction in actual GPCD to even approach the conservation goals. If that is determined to be a "requirement," a

special funded study of causes and solutions with appropriate implementation tools should be used.

I especially resent the last sentence in the paragraph, "Take enforcement actions to prevent waste and unreasonable use of water," on page 41. This sentence is completely inappropriate unless the preceding recommendations are implemented. Micro-climates MUST be recognized. The figures used were based upon convenience for the plan and are not reasonable on a per jurisdiction basis. If major reductions are mandated, they should be funded. The worst thing that we can do is to fine or punish anyone because they don't have the climate or resources to come into compliance. Fines merely exacerbate these situations. Withholding state funding is even worse because it may be the only reasonable way for a specific jurisdiction to come into compliance.

We must get out of the fear and punishment mode and move into a cooperation and mutual aid mode.

Page 15 mentions that "many urban water suppliers" have undertaken the MOU and BMPs. It would be helpful if an appendix identified who these are so that others could call upon their expertise in assessing the implementation of the same programs.

On page 16, item 4a addresses new measures but nowhere does it assess how these measures affect our carbon footprint, even though they may conserve water. That assessment should be made.

The "Grant funding" paragraph on page 21 uses the term "scenario assumes" which is a dangerous assumption in light of recent events. I believe some mention must be made of alternatives if this assumption proves to be inaccurate.

Throughout the plan, but especially on page 23, recycled water is addressed as an important component of success. It would seem appropriate, therefore, to encourage state funding of local efforts to initiate or develop this conservation component.