



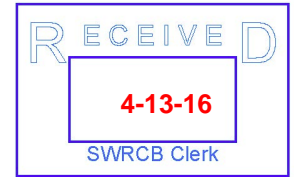
Home of  
Travis Air Force Base

# CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

April 13, 2016



## COUNCIL

Mayor  
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## DEPARTMENTS

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Community Development  
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Finance  
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Fire  
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Police  
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Public Works  
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***Via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)***

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

Re: Comment Letter – Urban Water Conservation Workshop

Dear Ms. Townsend, Chair Marcus, and Board Members:

The City of Fairfield (Fairfield) continues to have several concerns about the current Emergency Water Conservation Regulations and any plans to continue these regulations into the future. Comments to the specific questions that the State Water Resources Control Board (SWRCB) has sought input on are provided below.

- 1. What elements of the existing February 2016 Emergency Regulation, if any, should be modified and how so.*

All facets of the Emergency Regulations should be eliminated. A water supply shortage does not exist for the City of Fairfield (and most likely anywhere in Northern California), therefore the continuation of any “emergency” regulations is inappropriate. Local water agencies are the most appropriate agencies to manage their supplies and they should therefore be allowed to follow their own State approved Urban Water Management Plans and other local water use/conservation policies without State Water Board intervention.

Fairfield recognizes and appreciates the severity of the multi-year drought that plagued much of California over the past four years leading into this most recent winter. However, with the above normal precipitation in most of Northern California over this past winter, a drought emergency no longer exists for water agencies in Northern California and more specifically, Solano County. Fairfield, like other water suppliers, has developed drought strategies and made significant financial investments to prepare for a multi-year drought, which allowed the City to maintain adequate water supply reserves throughout the duration of the drought.

In fact, Fairfield's past investments in securing redundant water supplies have put Fairfield in a position where we have yet to hit our triggers for a first-stage drought response and are in a position to provide adequate water supplies to our residents without any extraordinary reduction in water use for several more years even if the prior drought conditions resumed in Northern California next year. The SWRCB's Emergency Conservation Regulations caused substantial economic losses to the City in 2015 by reducing water revenues and preventing water intensive industry from locating in Fairfield. Fairfield was denied the benefit of its sound water management practices, long-term planning and financial investment and was effectively forced to forego utilizing its available water supply resources. Failure to rescind these emergency regulations would subject the City and its citizens to further economic losses and in the absence of a drought emergency would be irresponsible and arguably illegal.

- 2. How should the State Water Board account for regional differences in precipitation and lingering drought impacts, and what would be the methods of doing so.*

Short of eliminating the Emergency Regulations altogether, as recommended in the City's reply to the first question above, they should be eliminated for the entirety of Northern California (San Francisco Bay Area and Greater Sacramento Area northward to the Oregon Border). Almost all Northern California reservoirs are at healthy levels and State Water Project allocations are very good for North of Delta State Water Project contractors. Therefore, a drought emergency no longer exists in this part of the State.

- 3. To what extent should the State Water Board consider the reliability of urban water supplier portfolios in this emergency regulation.*

They should be considered. However, in Northern California a water supply emergency no longer exists and local water agencies should therefore be allowed to follow their own State approved Urban Water Management Plans and other local water use/conservation policies without State Water Board intervention.

State Water Resources Control Board  
Re: Comments on Urban Water Conservation Workshop  
April 13, 2016  
Page 3

We recognize that California's drought continues in some areas of Central and Southern California. However, the existence of drought conditions in portions of the State does not mean the SWRCB can ignore legal rules governing the allocation of water statewide, and does not provide the SWRCB with the authority to interfere with contracts or mandate that water suppliers in unaffected areas forego available supplies. Conservation cannot be accomplished in a "one size fits all" approach, and should not punish those that have made plans and investments for these precise circumstances. In fact, many of the local water supplies in Northern California are isolated from use by others and conservation of these supplies serves absolutely no constructive purpose. The SWRCB should instead consider the specific factual circumstances for each supplier and adopt regulations based on these factual circumstances.

Fairfield believes the actions of the SWRCB are illegal, but the City voluntarily continued its water conservation efforts in 2015 and met the State's conservation targets. Fairfield will continue its long standing practices to prudently manage its water resources moving forward, with or with State Water Board Regulations. Continuing to regulate our water use when Fairfield's local water supplies are adequate to safely meet the needs of the community will be injurious and not be acceptable to Fairfield, and the City will be forced to consider all legal remedies including fair compensation for the effective "taking" of water rights by the SWRCB.

Sincerely,



GEORGE R. HICKS  
Director of Public Works