



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

Pamela Torliatt
Mayor

Teresa Barrett
David Glass
Mike Harris
Mike Healy
David Rabbitt
Tiffany Renée
Councilmembers

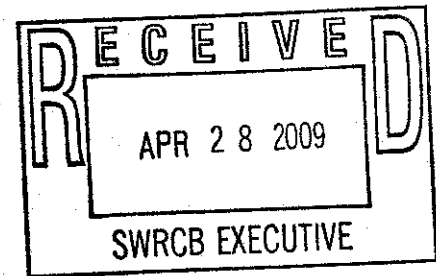
Via email commentletters@waterboards.ca.gov

And US Mail

April 27, 2009

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

Mr. Randy Poole
General Manager/Chief Engineer
Sonoma County Water Agency
P. O. Box 11628
Santa Rosa, CA 95406



**RE: OBJECTION TO AND PETITION FOR RECONSIDERATION OF STATE WATER BOARD
ORDER WR 2009-0027-DWR**

Dear Chairman Hoppin, Vice-Chair Spivey-Weber and Members of the Board,

This objection to and petition for reconsideration of State Water Board Order WR 2009-0027-DWR (the Order) is provided in response to the Public Notice issued by the State Water Resources Control Board (State Water Board) on April 10, 2009, regarding the Sonoma County Water Agency's (Agency) Temporary Urgency Change Petition (Petition) submitted on April 6, 2009. As a contractor who purchases water from the Sonoma County Water Agency (Agency), the City of Petaluma greatly appreciates the State Water Board's attention to the Agency's Petition in the form of the Order. The City of Petaluma supports the Agency's Petition, which was submitted in an effort to prevent the depletion of storage in Lake Mendocino.

The potential depletion of Lake Mendocino is complicated by changes which have occurred since Decision 1610 was issued in 1986, namely the reduction in diversions from the Eel River through the Potter Valley Project. Decision 1610 uses storage in Lake Pillsbury as the benchmark for determining water supply conditions. As indicated in the Agency's Petition, this means that 2009 "will be classified as a Normal water year, probably until June 1, 2009..."¹ even though storage in Lake Mendocino is down 32% from last year. This designation as a "Normal water year" means the Agency must release water from Lake Mendocino at a time when it should be stored. If relief isn't granted,

¹ Temporary Urgency Change Petition, Sonoma County Water Agency (April 6, 2009)

**Water Resources &
Conservation**
202 N. McDowell Boulevard
Petaluma, CA 94954

Phone (707) 778-4546
Fax (707) 778-4508
E-Mail:

dwr@ci.petaluma.ca.us

"...Lake Mendocino storage is predicted to be empty in September 2009."² The Petition makes it clear that amending Decision 1610 is key to preventing the depletion of Lake Mendocino. It is Petaluma's understanding that the Agency has begun the process of amending Decision 1610. We look forward to participating in that process.

Petaluma is keenly aware of the challenges facing the Russian River water supply system, as noted in the Order. We are a full-service municipal government, responsible for providing critical public health services, including water and wastewater services, to over 55,000 residents, and over 1,100 commercial, industrial and institutional customers. In response to the water supply challenges, Petaluma has undertaken a number of actions to improve water use efficiency. Through our on-going water conservation programs, we have:

- Replaced over 5,000 three gallon per flush toilets with toilets that use 1.6 gallons per flush or less.
- Replaced 142 one gallon per flush urinals with waterless urinals.
- Replaced 99 commercial washing machines with high-efficient energy star washing machines.
- Replaced 3,092 residential washing machines with high-efficient energy star washing machines.
- Installed 105 automatic shut-off pre-rinse spray valves at local restaurants.
- Conducted over 2,000 waterwise housecalls at local residences and businesses. Under this program, a water conservation expert examines water use practices by our residential and commercial customers, and offers recommendations for improvement.
- Installed Smart ET irrigation controllers at all City parks.
- Engaged an extensive public outreach campaign that uses newsletters, direct mailed postcards, newspaper advertisements, bus advertisements, public education, movie theater advertisements, and the City's website to convey the message of water conservation.

Other actions the City has taken to preserve our water resources include:

- In 2003, implemented the use of tiered water rates, which reward efficient water use.
- In 2003, implemented usage based wastewater rates. This approach rewards customers who are careful about their indoor water use, and removes the inherent inequity of flat wastewater fees.
- Adopted a water waste ordinance, which prohibits inefficient water use practices.
- Adopted a comprehensive Water Conservation Plan, which sets the City's water conservation implementation plan through 2025, and includes strategies that go

² IBID

beyond the California Urban Water Conservation Council's best management practices.

- Adopted a water conservation ordinance, which establishes stringent water efficiency standards for new commercial and residential developments.
- Began converting from manual read to an automatic meter read (AMR) water meter program. The use of AMR meters helps us quickly identify customer water leaks.

Petaluma has recognized the importance of recycled water as a key resource since it began using recycled water in 1976. Actions taken by the City to preserve our water resources through the use of recycled water include:

- Constructed a recycled water pipeline to irrigate the Adobe Creek Golf Course with recycled water in 1990.
- Constructed a recycled water pipeline to irrigate the Rooster Run Golf Course with recycled water at a cost of \$3 million. This project came on-line in 2005.
- Prepared a comprehensive Water Demand and Supply Analysis report as part of the City's General Plan 2025, which lays out the City's plan for expanding the use of recycled water for irrigation through 2025 to preserve our water resources.
- Adopted the Water Recycling Expansion Program Environmental Impact Report in 2008.
- In 2009, we will complete construction of the \$115 million Ellis Creek Water Recycling Facility. In addition to providing superior protection of the environment and public health, this facility will produce tertiary recycled water which will be used for irrigation of City parks, playgrounds and schools to preserve our water resources.
- Completed design of two capital improvement projects to expand the recycled water program. These are "shovel-ready" projects that have been submitted for funding through the Federal government's economic stimulus program.

These actions have had a substantial impact on the City's water supply. Between 2001 and 2008, total water demand dropped over 13%, despite a 3% increase in population. In the same time period, the City's per capita water demand dropped 25%, from 116 gallons per capita per day (gpcd) in 2001, to 87 gpcd in 2008.

The State Water Board has now adopted an Order that does not recognize the local water supply actions, programs and ordinances the City of Petaluma and the other Water Contractors have in place to respond to shortages on the Russian River water supply system. The City of Petaluma hereby formally objects to the Order and hereby respectfully requests and petitions for reconsideration of certain provisions of the Order for the following reasons:

1. The Agency submitted a Hydrologic Analysis of Lake Mendocino (Analysis) with its Temporary Urgency Change Petition (Petition). The Analysis noted that a 20% reduction in diversions from the upper reach of the Russian River, coupled with lower instream flow requirements, would provide enough water for fishery and recreation uses in the fall. Petaluma is not aware of any hydrologic analysis that differs from that submitted by the Agency. Requiring a 25% percent reduction in diversions from the Russian River to the Agency's service area from April 6, 2009 to October 2, 2009 is not supported by the Analysis, exceeds the level of protection needed for the beneficial interests of concern to the State Water Board, and harms the City of Petaluma and our customers. The City of Petaluma respectfully requests that, to be consistent with the Analysis presented with the Petition, that reductions in diversions of 20% be required of water users in the upper reach of the Russian River (e.g., upstream of the confluence with Dry Creek) from May 15, 2009 to November 15, 2009 and that Provision 13 be changed to specify that any reduction in Agency diversions due to reduced Russian River flows be consistent with the State Water Board's temporary change order issued in 2007, which required a 15% reduction in diversions in comparison to 2004, starting July 1.
2. The Analysis describes the Russian River Biological Opinion issued by the National Marine Fisheries Service in 2008, and the constraints that it imposes on deliveries of water from Lake Sonoma to the Agency's water contractors during the months of June through October. These constraints preclude the Agency from providing additional flow to the main stem of the Russian River, to make up for reduced instream flows in the upper River, and are the basis for the request in the Petition for reduced instream flow requirements for the River below the confluence with Dry Creek. The City of Petaluma respectfully requests that the Board defer to the Biological Opinion with regard to the restrictions in flows in Dry Creek.
3. Provision 14 of the Order limits the water rights of the Agency by prohibiting irrigation of commercial turf. It is primarily the Water Contractors, including the City of Petaluma, who have customers who actually do such irrigation. "Commercial turf" is not defined, nor is the distinction between commercial turf and other forms of turf (e.g., single-family or multi-family homes, schoolyards, public parks, sports fields, street medians, etc.). Irrigation of commercial turf is a lawful use of water, and the City of Petaluma currently does not have authority to immediately prohibit irrigation of commercial turf; instead Petaluma's water conservation program aggressively promotes replacement of turf with low- or no-water landscape materials and smart irrigation practices for the turf that does exist and severely limits the use of turf in new commercial developments. Requiring commercial businesses to prohibit the irrigation of their turf, as apparently intended by Provision 14, will create a financial hardship and cause injury to an entire class of lawful users of water, without any defensible basis of which we are aware. Petaluma respectfully requests that the State Water Board remove

Provision 14 from the Order and allow Petaluma to continue to work within its community to incentivize the retrofitting of turf to low water use landscapes that are consistent with the requirements of the State Model Water Efficient Landscape Ordinance.

4. As a Water Contractor, Petaluma has executed a memorandum of understanding to form the Sonoma Marin Saving Water Partnership, which provides for continuation of the types of formal collaboration undertaken during the past two years, and enables Petaluma and the Water Contractors to undertake a more regional approach to water conservation in the Sonoma and Marin region.
5. Provision 17 of the Order references "measures to eliminate the use of residential water wasting devices." This term is not defined, and we are not aware of any reference to "residential water wasting devices" in the California Water Code. Given that municipal water supply, of which residential use is one component, is defined by the California Water Code to be the highest and best use of water in California, the City of Petaluma respectfully requests that the Board provide further definition to this term, before requiring the Agency to develop a plan to eliminate its use.

The City of Petaluma supports the State Water Board's efforts to improve and increase the efficient use of water in California. However, we must respectfully object to and request that the State Water Board reconsider the Order. We further ask that the State Water Board allow Petaluma to utilize its existing water conservation programs, Water Conservation Plan and Recycled Water Expansion Program plan to continue to improve water use efficiency, to achieve the long-term conservation targets established by the Governor, and to let the local jurisdictions provide a plan to retrofit existing commercial turf with low water use landscaping over a multi-year phase in period.

The City of Petaluma greatly appreciates the State Water Board's consideration in this matter. Should you have any questions regarding the City's objection to the Order, please contact Michael Ban, at (707)778-4487.

Sincerely,



Pamela Torliatt, Mayor
City of Petaluma

xc: Petaluma City Councilmembers
John Brown – City Manager
Water Advisory Committee