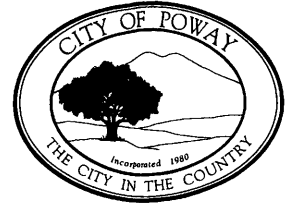


CITY OF POWAY

STEVE VAUS, Mayor
DAVE GROSCH, Deputy Mayor
JIM CUNNINGHAM, Councilmember
BARRY LEONARD, Councilmember
JOHN MULLIN, Councilmember



April 13, 2015

To: State Water Resources Control Board
Jessica Bean (jessica.bean@waterboards.ca.gov)

Thank you for the opportunity to comment on the Board's Mandatory Conservation Proposed Regulatory Framework.

The City of Poway is an urban water supplier in San Diego County. We would like to offer a number of comments and concerns as the Framework is currently presented.

1. The Governor and Board's suggestion of using rate structures and other pricing mechanisms to maximize water conservation is laudable were it not for the potential conflict with Proposition 218 and the San Juan Capistrano case (awaiting a decision from the Court of Appeals). We do not see this as being a tool immediately available to us. Without the ability to implement tiered pricing, our only pricing mechanism is imposing fines or penalties. Fines are not always effective in that customers may find the fine to be more cost effective than making change. Additionally, fines can only be imposed when a violation is observed. The City is therefore looking for meaningful ways to adjust pricing, but must ensure it is done legally.
2. The 2013 baseline seriously disadvantages communities that already achieved major, sustained water conservation prior to 2013. For example, water use in Poway declined 25 percent from 2007 to 2013. Per capita water use in San Diego County has declined by 31 percent since 1990. By failing to account for this conservation, the proposed regulations punish those who have conserved and rewards communities that did not make such early and sustained commitments to conservation.
3. We are also concerned that the state's current approach does not give any credit to agencies or regions that have made substantial investments in water supply reliability, thus eliminating the incentive to increase regional self-reliance as called for in the Governor's California's Water Action Plan. Here in San Diego County, for more than two decades, we have diversified our water supplies at a substantial cost through a historic water conservation-and-transfer agreement with Imperial Valley for independent Colorado River supplies and construction of the Carlsbad Desalination Project. The desalination plant is more than 80 percent complete and on track to begin commercial production this fall, producing up to 56,000 acre-feet of drought-proof supplies annually. Under the State Board's proposed regulations, the ratepayers in San Diego County who are funding this \$1 billion project would experience no water supply benefit from the

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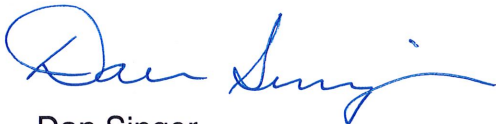
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project. We propose that agencies that have made such investments receive credit for the development of highly reliable local supplies, versus those agencies that have not done so.

4. The Governor's proclamation states that the Water Board shall impose restrictions to require commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries to immediately implement conservation measures. We request that any resulting regulations specify that public elementary, middle, and high schools, as well as college campuses, are subject to the mandatory water use reductions. More specifically, that these institutions are also subject to the local water suppliers' rules, regulations, and penalties. Frequently, school districts override local building and zoning codes. We request the Board's regulations be very clear that cities, water districts and other water suppliers have the ability to use all of their enforcement tools (including fines and penalties) when working with these institutions.
5. Finally, the Governor's proclamation states that the "Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians." We would propose that the Water Board's regulations be clear as to the definitions of "ornamental turf" and "public street medians."

Thank you for considering our comments.

Sincerely,



Dan Singer
City Manager

cc: Dana Frieauf, San Diego County Water Authority (DFrieauf@sdcwa.org)
Jason Rhine, League of California Cities (jrhine@cacities.org)
Poway Mayor and Members of the City Council