



TWENTYNINE PALMS WATER DISTRICT

April 22, 2015

Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Sent via Email to: Jessica.Bean@waterboards.ca.gov

Re: Draft Emergency Regulation for Urban Water Conservation, released April 18, 2015

Dear Ms. Marcus:

The Twentynine Palms Water District understands the serious drought that is facing the State of California and appreciates the State Water Resources Control Board's efforts to adopt regulations to implement the Governor's April 1, 2015, Executive Order B-29-15. We are deeply concerned, however, about how the 28 percent mandatory water use conservation standard proposed for our District would impact the people who live here. As we will explain, the District is defined by a distinct mixture of geographic and socioeconomic factors that would render the imposition of such a water restriction not only an unfair hardship, but a potential threat to the health and safety of our residents. We respectfully request that the Board add the provisions described in this letter to protect against such unacceptable and avoidable consequences.

The Twentynine Palms Water District provides water service to a unique high-desert community on the southern boundary of the Mojave Desert in San Bernardino County, 54 miles northeast of Palm Springs. The District serves a population of approximately 18,000 residents within an 87-square-mile area. The Twentynine Palms Water District imports no surface water and relies exclusively on groundwater. Because of our desert landscape and climate, the District has long been committed to responsible stewardship and conservation of our groundwater resources. As a result of this careful planning, the available groundwater resources are ample for the District's needs now and in the foreseeable future. In addition, these groundwater resources will be protected and managed going forward under the 2014 Sustainable Groundwater Management Act.

Because of our desert landscape and climate, Twentynine Palms Water District has long been committed to responsible water use for residents and businesses in Twentynine Palms and have increasingly maintained and promoted local landscapes with drought tolerant native plants that require little water. With the exception of a few public areas that are served by non-potable private groundwater wells, green lawns and ornamental turf are not widespread in our community. We understand that a primary goal of the State Water Resources Board's Draft Regulation for Urban Water Conservation is to target the irrigation of green lawns and ornamental landscapes in the summer months. As the Board has stated, this provides "the

greatest opportunity” for achieving water savings across the state and has been a justification for imposing water conservation standards as high as 28 percent, 32 percent and 36 percent on various suppliers. By and large, the Twentynine Palms Water District does not have green lawns or ornamental turf. As a result, we are seriously limited in being able to achieve the type of water savings the Board is considering mandating for our District. Our landscapes are nearly as “dry” as it is possible to achieve. We have little capacity to make them much drier.

Water use in the Twentynine Palms Water District service area varies greatly, from 66 gallons per capita per day in cooler months to 139 gallons per capita per day in the heat of summer. The reason for the higher figure in summer is not lawn watering, as established above. Instead, it is largely because the majority of our residents use evaporative water coolers, also known as “swamp coolers,” to survive the heat. By definition, these energy efficient cooling devices use water. The only way to avoid the use of such water is to turn the devices off. In general, most residents in Twentynine Palms have only low to moderate incomes and Twentynine Palms is recognized as a disadvantaged community. Switching to air conditioning is not an option for most of our residents because of both the capital installation costs and high energy costs. Nor is turning off swamp coolers an option during months where temperatures run consistently over 100 degrees and peak temperatures of 110 degrees or more are common. The consequences would be grave.

Twentynine Palms is also home to the Marine Corps Air Ground Combat Center. Although the Twentynine Palms Water District does not serve water directly to the Marine Corps Air Ground Combat Center, many military men and woman including their families live within the City of Twentynine Palms and unincorporated areas of San Bernardino County which are provided water from the Twentynine Palms Water District. Population in these areas fluctuate with deployment of troops and the return of such at any given time. As compliance will be based on comparative water production data, the Twentynine Palms Water District is concerned that this factor could significantly impact the 28 percent mandatory water use conservation standard reduction that will subject the Twentynine Palms Water District to fines.

As these unique and unavoidable facts of life in Twentynine Palms demonstrate, we do not have the options that other communities might have for achieving the magnitude of water use reductions that the Board currently plans to impose on our area. We therefore offer the following recommendations:

In its draft regulation, the State Water Resources Board has seen fit to acknowledge two other types of unique circumstances: agricultural commercial use and areas that received average precipitation in 2014 that also meet other criteria. This demonstrates the Board’s understanding that not all communities are created equal when it comes to geography or other factors. The Board should apply the same logic and reasonableness to the situation facing the Twentynine Palms Water District. We request that the Board include the following provisions in the final regulation to take into account the unusual circumstances described in this letter.

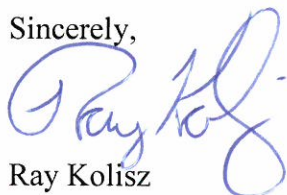
Specifically, because the Twentynine Palms Water District has an ample groundwater supply and does not import water from any other sources, the District should be permitted to submit for Executive Director Approval, a request to reduce its total usage by 4 percent for each month as

compared to the amount used in the same month in 2013. This is in harmony with Article 22.5, Section 865, subdivision (c)(2) of the Draft Emergency Regulation for Urban Water Conservation, released April 18, 2015. This proposed subdivision provides a similar permissible modification of the conservation standard for “[e]ach water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region and that received average annual precipitation in 2014.”

Additionally (or in the alternative), we request that the Board include a more general exception process in the final regulation. This has been suggested by other commenters, including the Association of California Water Agencies, on the Draft Regulatory Framework released April 7, 2015. Such a process should allow urban water suppliers to be able to present specific information and evidence to the Water Board that would support adjustment of the conservation standards to address the types of unusual circumstances and unreasonable health and safety impacts that Twentynine Palms Water District is facing. Addressing specific hardship situations on a case-by-case basis would be a reasonable means of acknowledging the diversity that is inherent in a state the size of California and avoiding unacceptable impacts, including serious threats to health and safety, which could arise under the conservation standards as they stand now.

Thank you for your consideration of these comments and recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ray Kolisz". The signature is fluid and cursive, with a large initial "R" and "K".

Ray Kolisz
Interim General Manager
Twentynine Palms Water District
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