



City of Hesperia

Gateway to the High Desert

April 21, 2015

Jessica Bean
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95814

Re: Comment Letter - Draft Regulations for 25% Statewide Reduction in Potable Urban Water Use-Released April 17, 2015

Ms. Bean,

The City of Hesperia (City) and its subsidiary, the Hesperia Water District (District), appreciate the opportunity to comment on the Draft Regulations for 25% Statewide Reduction in Potable Urban Water Use. The City and District recognize the seriousness of the current drought crisis; however, there are concerns regarding the State Water Resources Control Board's (Board) proposed approach to the regulations. The City and District have the following comments:

- The City and District requests the Board to take into consideration purveyors that have been actively engaged in water conservation programs and efforts. We believe the regulations are inequitable to suppliers that are on the forefront of water conservation. Together, the City and District have been participating in programs such as "Cash for Grass", offering water audits to our customers, established a drought tolerant landscape and irrigation ordinance, conduct a low-flow toilet retrofit program, as well as many other conservation activities. Most of the water limitations from the Board's July 2014 conservation regulations were already in place under the District's mandatory conservation measures under normal conditions. Since 2000, water consumption (in gallons per capita per day (GPCD)) in the District's service area has been reduced by 34%, exceeding the 20x2020 goal established by the State in 2010 and contained in the District's Urban Water Management Plan by 14%.

Further, although the Board's General Information Fact Sheet indicates mandatory 25% reduction "with recognition of past conservation achievements," the proposed regulation places the District in Tier 8, 32% reduction standard. Adding past reduction to the current demand totals 66% in five years, which is unprecedented and unachievable, and clearly fails to recognize the District's past conservation achievements. Substantial reduction requirements penalize existing conservation efforts of many water suppliers throughout the state and place a disproportionate burden in an effort to compensate for purveyors and other users who neglected to conserve prior to emergency regulations. If prior conservation achievements are in fact not recognized, we respectfully request fair reversion to the original 25% reduction standard for all suppliers.

*Eric Schmidt, Mayor
Bill Holland, Mayor Pro Tem
Russ Blewett, Council Member
Mike Leonard, Council Member
Paul Russ, Council Member*

Mike Podgracz, City Manager

*9700 Seventh Ave.
Hesperia, CA 92345
760-947-1000
TD 760-947-1119*

www.cityofhesperia.us



Additionally, the District's service area is located in the Mojave Desert region of San Bernardino County, where average rainfall is less than six inches per year; therefore, natural resource management is crucial. Groundwater is the principal source of potable water in this Mojave River Basin, and it has been adjudicated since 1991. The Mojave Water Agency, working with community partners and water purveyors has effectively managed sustainable groundwater supplies for the region under normal conditions as well as drought conditions. Efforts have focused on conservation, groundwater recharge and water banking. Consequently, the region has enough water supply to sustain the population in upcoming years without the need for supplemental water sources from outside the Basin.

- Climate undeniably has an impact on water consumption. As drafted, the regulations place an inequitable burden on communities in hot, dry regions.
 - Lot size and zoning are contributing factors in water consumption. The City is a rural area that does not have a substantial amount of high-density residential tracts or multi-family units, as do more urban areas. As a result, the per square mile population density is lower in Hesperia. Higher per square mile population density ultimately results in lower residential GPCD.
 - According to the Fact Sheet, the Draft Regulations would go into effect on June 1, 2015. Conservation programs take several months to years for full implementation. The Board is offering a limited time-period to realize the positive effects of conservation efforts. Additionally, as with many agencies, the District is on a bi-monthly billing cycle resulting in a two-month process in order to provide appropriate, direct notification to our customers of further water conservation measures. Other notification methods such as advertising and public service announcements require compliance with purchasing policies, procedures and ordinances, which delay immediate employment of any new regulations. For these reasons, further reduction in potable water use will not be for a lengthy period.
 - Since the economic recession, the City is finally beginning to experience new development within the last year. The City respectfully requests that the Board treat construction water independently and allow for a deduction of construction water usage when calculating GPCD. Failure to do so will result in additional unintended consequences for many State Public Works projects, which must use water during construction. A local example is the Department of Transportation (Caltrans) District 8's State Route 138 East safety project. Without water, the project cannot meet construction standards, nor air quality mitigation measures. Any water supplier asked to provide such a significant amount of water to the State's contractor for this project will effectively be penalized, as the use would count against the supplier's conservation/reduction efforts. This is but one project of many statewide that would be hindered without providing for the deduction of construction water.
 - There is also inequality and inaccuracy in reporting. Some agencies are utilizing actual sales from metered services, whereas others are utilizing total production with residential use estimates when there may or may not be metered usage readings available. When reporting first began, there was confusion among numerous suppliers regarding specific data the SWRCB wanted in the report and how to obtain such data. Since the SWRCB is
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basing the percentage standards on the first few months of initial reporting, the accuracy of reported data is questionable.

We commend SWRCB staff's commitment to addressing the drought conditions in the state and understand time constraints as well as other challenges incurred during this process. If you have any questions regarding the comments, please contact Tina Souza, Management Analyst at 760-947-1474 or at tsouza@cityofhesperia.us. The City and District thank you in advance for your consideration with this matter.

Very Truly Yours,

Scott Priester
Director of Development Services
City of Hesperia

Cc: Mike Podegracz, City Manager
Hon. Paul Cook, U.S. Congressman, 8th District
Hon. Sharon Runner, Senator, 21st District
Hon. Jay Obernolte, Assemblyman, 33rd District