



May 4, 2015

CITY HALL
1110 West Capitol Avenue
West Sacramento, CA 95691

City Council
(916) 617-4500

City Manager's Office
City Clerk
Early Learning Services
Information Technology
(916) 617-4500
Economic Development
(916) 617-4535

Community Development
Planning/Development Engineering
(916) 617-4645
Housing & Community Investment
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Building
(916) 617-4683
Code Enforcement
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Environmental Services
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Utility Billing
(916) 617-4589

Administrative Services
Finance
(916) 617-4575
Human Resources
(916) 617-4567

Parks & Recreation
Administration
(916) 617-4620
Recreation Center
2801 Jefferson Boulevard
West Sacramento, CA 95691
(916) 617-4770
Community Center
1075 West Capitol Avenue
West Sacramento, CA 95691
(916) 617-5320

FIRE
2040 Lake Washington Boulevard
West Sacramento, CA 95691
(916) 617-4600
Fax (916) 371-5017

POLICE
550 Jefferson Boulevard
West Sacramento, CA 95605
(916) 617-4900

PUBLIC WORKS
Operations
1951 South River Road
West Sacramento, CA 95691
(916) 617-4888

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Dear Ms. Townsend:

The City of West Sacramento (City) thanks the Board for reducing the conservation standard for the City to 28% based on our letter to you dated April 22, 2015. The City is hereby submitting formal comments to the Notice of Proposed Emergency Rulemaking regarding Mandatory Conservation Measures (Proposed Framework).

The City of West Sacramento is home to a significant number of disadvantaged families who will be unduly impacted by further water usage reduction requirements. According to the State Office of Environmental Health Hazard Assessment CalEnviroScreen system, 18,021 West Sacramento residents (37% of the City) live in census tracts designated as "disadvantaged communities" based on income, unemployment, poverty, health and pollution factors. West Sacramento traditionally suffers from a higher than average unemployment rate. The State Employment Development Department reports that the March 2015 unemployment rate for the City was 8.1% compared to the statewide rate of 6.5%. Water reductions for commercial ventures have a disproportionately negative effect on the food production industry which likely will result in job loss and an even higher unemployment rate in the City.

The City requests the Board to address the following three concerns before adopting the regulation during its May 2015 meeting:

1. Request to comply with the principles of Environmental Justice:

Setting the conservation standard based only on residential use and applying it to the overall consumption is unfair to communities that have a higher percentage of food based Industrial users. Many of the City's largest employers are food manufacturing companies including: beverage companies, sauce manufacturers, produce companies and breweries. Food production is a significant source of jobs for lower-income, unskilled workers and job losses in this sector would be borne by our most vulnerable residents. California law has long recognized that state regulatory agencies must consider principals of environmental justice in their regulatory actions (see, e.g. Government Code Section 65012.12.) While the

Proposed Framework allows for a modification factor to the conservation standard for those water suppliers delivering more than 20% of their total water production to "commercial agriculture", the City believes that this flexibility must be extended to other segments of the economy that employ substantial numbers of lower income workers. Failure to do so may make both the Board's regulations and local implementing actions vulnerable to challenge on the grounds that they impose a disparate impact on protected classes of individuals. The City requests that the Board extend a similar modification factor for water suppliers delivering significant percentage of water to Industrial users.

2. Request to re-designate tiers for each quarter based on R-GPCD of the same quarter in the prior year or use 9 month average R-GPCD:

The Board is proposing to take the average R-GPCD from July through September of 2014 to determine the conservation standard, but is then applying the conservation standard to June 2015 through February 2016. As you know, most of the opportunity for conservation comes from reducing outdoor watering. In our region, outdoor watering is at its peak during summer months and almost zero during winter months. Therefore establishing a conservation standard based on summer month usage and using the same standard for winter months is not only unreasonable but also not attainable. The City requests that the Board use average R-GPCD for the same quarter in the prior year to establish the tiers. For example, use data from October through December 2014 to establish the tier for the same period in 2015. Another option would be to use the 9 month average R-GPCD from June 2014 through February 2015 to establish the tiers for June 2015 through February 2016.

3. Request to account for residential and commercial growth in the City:

Many food and beverage companies continue to explore opportunities to move to West Sacramento because of the high quality of water available in the City. The City is also experiencing growth in the residential units. Applying the "conservation Standard" to the water consumption from 2013 does not accommodate for any growth the City has experienced during these two years. For example, from March 1, 2014 through April 30, 2015, the following square footages or units have been constructed and occupied:

- 762,000 square feet Commercial/Industrial
- 274 multi-family dwelling units
- 112 single-family dwelling units

Similarly, there are several projects under construction that will be completed and occupied by June 30, 2016:

- 1,400,000 square feet Commercial/Industrial
- 250 multi-family dwelling units
- 115 single-family dwelling units

Therefore, limiting the growth will adversely impact the unemployment rate the City is already struggling with. The City is requesting that proposed regulation accommodate such growth while applying the conservation standard.

Ms. Jeanine Townsend
May 4, 2015
Page 3

The City is hopeful that SWRCB staff, management and Board Members will accommodate the requests in this letter. If you have any questions about the issues described in this letter, please contact Denix Anbiah, Public Works Director, at (916) 617-4850.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Cabaldon". The signature is fluid and cursive, with the first name "Chris" and last name "Cabaldon" clearly distinguishable.

Christopher L. Cabaldon
Mayor

cc: State Water Resources Control Board Members
John Woodling, Regional Water Authority