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December 2, 2015

VIA ELECTRONIC MAIL & U. S. MAIL

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, California 95814

Re: Comment Letter - Urban Water Conservation Workshop

Dear Members of the Board:

This letter is provided to you on behalf of the Cities of Beverly Hills, Brea and Rancho Cucamonga in order to suggest modifications to the subject regulations which will refine the regulations and generate a more equitable distribution of water service reduction requirements based on particular circumstances. There are multiple areas of suggested modifications discussed and requested below. These suggestions concern proposed refinements to the regulations which will take into account certain broad categories of differences affecting the ability of retail service entities to meet reasonable reduction goals. We are certain that other refinements could be suggested which also would produce a more equitable result.

In Beverly Hills, the substantial reduction requirement fails to take into account the amount of water consumed in the City due to commercial activities as distinguished from residential activities. The City's daytime population is many times greater than its nighttime residential population. Commercial enterprises cannot be expected to absorb a reduction of over 30% of their water use. Accordingly, to achieve the City's assigned reduction, residential users would have to be asked or directed to cut their consumption in half, a result not contemplated in the regulations and markedly unfair to those residents. We suggest that this situation could be resolved in the regulations by a refinement which assigns water reduction responsibilities according to land use categories, which could include residential, commercial and industrial. This change would generate more equity among retail water suppliers with different constituent customer characteristics. There also should be ample data available demonstrating distinctions in water use in the land use categories.

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In Brea, an impediment to the City reaching and maintaining its assigned reduction percentage is the presence of growth in water demand due to newly constructed projects. Asking a retail water supplier to reduce based on percentage comparisons between a prior year and 2015 without taking into account demonstrable new production demands is not equitable. In addition, not taking growth demand into account discourages local government support for economic development in the state. The required water service reduction should factor in new demand which has come on line since the base year for measurement.

The City of Brea also is required to provide water for dust control to a County of Orange landfill as to which reduction is impeded by health concerns. We suggest that water required for such a public function be eliminated from the calculations of reductions, both from the base and present amounts.

In Rancho Cucamonga, the City's water supplier has been required to reduce without taking into consideration water supplies stored in the Chino Basin, an adjudicated basin, for the purpose of being able to serve the water users during a drought without drastic supply cutbacks. The stored water is available in the aquifer due to the foresight of the water retailer and at the expense of its ratepayers. That stored water is a stranded public asset because its availability and use is not considered in this Board's conservation regulations. There are many water retailers in adjudicated basins in the same position. To equitably deal with this circumstance, the regulations should be modified to take into account such stored water available to a retailer to deal with drought.

We appreciate your anticipated attention to the suggested modifications discussed in this letter.

Very truly yours,



James L. Markman
City Attorney, Cities of Brea and Rancho Cucamonga
and Counsel to the City of Beverly Hills on Water Issues