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May 4, 2015

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

Submitted via email: commentletters@waterboards.ca.gov

SUBJECT: Comment Letter – Emergency Conservation Regulation

Dear Ms. Townsend:

On behalf of Burbank Water and Power (BWP), I appreciate the opportunity to comment on the State Water Resources Control Board (Water Board) *Emergency Conservation Regulation* and the draft table *Urban Water Suppliers and Proposed Regulatory Framework Tiers to Achieve 25% Use Reduction* (Conservation Framework). The City of Burbank and BWP support the Governor and Water Board in their efforts to manage California's water resources in the midst of a record setting four year drought with no assurance that the next winter season will see it end. In addition to comments previously made by the City of Burbank, BWP would like to support the comments submitted by the California Municipal Utilities Association (CMUA) and offer additional input for consideration:

Comment 1: Support Changes to the Conservation Framework to Ensure Equity

BWP appreciates the effort that the Water Board staff has put into developing the Conservation Framework. The state requested feedback on whether or not the Conservation Framework should be modified to double the number of tiers and use two percent increments instead of four percent.

BWP would support modifying the tiers and the use of two percent increments instead of four as we believe that this would provide more granularity and equity in the Conservation Framework and would be a step in the right direction. Prior to the revisions, Burbank was in Tier 3 with a 130.1 GPCD-R and a 25% conservation standard. With the latest revisions, at 132.2 Burbank is in Tier 7 with a 28% conservation standard. It appears arbitrary that with the revised tiers that 2.3 GPCD-R requires an increase of 4 percent in the applicable conservation standard from the next lowest tier.

Recommendation:

The Water Board staff should take additional steps to remove inequities in the Conservation Framework by adopting one of the following:

- Adopting a sliding scale as proposed in BWP's April 22, 2015 comments, or
- Use the Conservation Framework doubling the tiers and using the two percent increments instead of four

Comment 2: Support for Compliance and Enforcement

BWP would like to recommend, along with CMUA, that the Emergency Conservation Regulation include a provision that will assist those water agencies adhering to all aspects of the regulation (including Section 866) and making steady progress, but not meeting the assigned water use reduction target.

Recommendation:

Subdivision 866(c): A Cease and Desist Order will not be issued solely for the failure of a water supplier to meet the assigned water use reduction target as long as the water supplier complies with all other provisions in the emergency regulation including the steps outlined in this section.

Additionally, BWP would like to recommend a process to return any penalties that are levied to the affected service area, with a **mandate to fund additional conservation and efficiency measures**. If necessary to facilitate this action, BWP would encourage the Water Board to work with the Administration and the Legislature on an appropriate legislative solution.

Comment 3: Support for CII Sector Use as a Total Number

BWP would like to thank the Water Board for the changes in the latest revisions that allow monthly data for the commercial, industrial and institutional (CII) sectors to be submitted as one number as our billing system does not currently separate these classifications.

BWP is keenly focusing on the CII sector in our latest conservation efforts. In Burbank, conversion by CII customers to recycled water when recycled water becomes available to their property is a City of Burbank requirement and a condition of potable water service.

BWP has also been working with the business community to reduce landscape watering requirements and to convert landscaping and other business processes to recycled water,

particularly cooling towers, which consume tens of millions of gallons of potable water per year. BWP will propose by ordinance of progressive penalties commensurate with the volumes of potable water being wasted (ten-times those established for Sustainable Water Use Ordinance violators), for businesses willfully in non-compliance with recycled water conversion requirements.

Comment 4: Support for the Waste and Unreasonable Use of Water Language

BWP supports the Water Board's use of "prevent the waste and unreasonable use of water" language in the Emergency Conservation Regulation. BWP agrees that for the foreseeable future additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation.

Thank you for your consideration of these comments. BWP appreciates the opportunity to provide additional input; please feel free to contact, Lianne McGinley at 818.238.3661 or at lmcginley@burbankca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ron Davis" followed by a stylized flourish.

Ron Davis
General Manager, BWP

c: State Water Resources Control Board Members
Mark Scott, Burbank City Manager
Burbank City Council
Burbank Water and Power Board