

March 30, 2023

State Water Resources Control Board

1001 I Street, 24th Floor

Sacramento, CA 95814

Submitted via e-mail to orpp-waterconservation@waterboards.ca.gov

Comment Letter – Making Water Conservation a California Way of Life

Dear Mr. Nachbaur:

The City of Riverside appreciates the opportunity to submit comments to the State Water Resources Control Board (State Water Board) staff regarding the draft regulatory framework for *Making Water Conservation a California Way of Life*. This process will result in a landmark decision for urban water purveyors and the State Water Board's willingness to consider feedback from agencies and stakeholders across the state is greatly appreciated prior to the official rulemaking process.

Riverside shares the State Water Board's goal of developing policies to ensure California's water supplies will always meet the needs of all California residents, business, agriculture, and the environment. Riverside supports Governor Newsom's *California Water Supply Strategy* as a framework to not only increase water use efficiencies but also expand and grow water supplies through new storage projects (surface and aquifer) as well as expanding the value and uses of recycled water.

The City of Riverside (City) is the county seat of Riverside County with its own water, wastewater and electric utilities. The City provides high quality services to a population of more than 300,000 in and around the City of Riverside. Approximately 102,400 of Riverside's residents or 34% of Riverside's population falls below 200% of the 2020 Federal Poverty Level. In response to growing water demands in the early 2000's, Riverside invested in infrastructure and facilities to expand its ground water production and treatment capacities to eliminate entirely the need for imported water deliveries. Along with its own aggressive water efficiency programs, Riverside has met that goal since 2009. It is this spirit of stewardship in which the following comments are submitted for consideration in the proposed rulemaking measures.

- Riverside supports including the Department of Water Resources' (DWR) recommendation to include 20% of irrigable-not irrigated in a supplier's budget by default. This exclusion places the burden on suppliers to demonstrate those areas have come under irrigation, which will include additional time and costs to remeasure landscapes.
- Riverside supports to keep DWR's recommended Landscape Efficiency Factor of 0.63 and extend supplier's deadline for achieving that standard by 2035.
- Recycled water is a priority for the State, as well as for the City. We ask that the State Water Board remove the exclusion of non-functional turf from receiving Special Landscape Area designation and a landscape efficiency factor of 1.0. Recycled water meters often serve multiple landscapes, and it would be near impossible to distinguish which valve serves non-functional turf versus landscapes that would be allowed to be included in a supplier's budget.

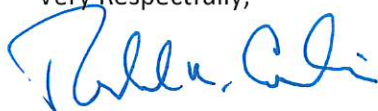
- It is unclear how Effective Precipitation would be calculated and adjusted to the Evapotranspiration (ET). A “one number” adjustment to the average annual ET approach will not mimic realistic irrigation demand. For example, when precipitation occurs during rainy seasons in Southern California, the plants will still need supplemental irrigation in the dry season. However, the proposed approach would subtract the actual ET needs in the summer. The City of Riverside suggests using a monthly or a higher temporal resolution to estimate the effective precipitation which is our practice in the implementation of Agricultural budget-based water rates.
- How can economics and affordability be considered in a balanced approach to the water efficiency formula?
- As the State Water Board establishes a stringent outdoor water use standard, consideration should be given to the multitude of benefits that communities receive from healthy vegetation and tree canopies within their natural environment. Preserving open space, in addition to irrigating parks and urban forests improve the quality of life within a community and helps mitigate the local impacts of climate change, improves air quality, and decreases heat indexes and is a core element of the City’s Strategic Plan and beneficial use of water when available.
- Riverside requests that the final Policy recommendation factor a social science behavioral view. Even the message in the title “Making Water Conservation a California Way of Life” communicates further reductions in water use. For many without the financial means, it is easier and financially beneficial to conserve water by simply turning off outdoor irrigation regardless of the cost to the natural environment. Communities across the state reported after implementing the 2017 Emergency Drought regulations that many trees in parks, medians, and private properties were permanently damaged. This is a likely unintended consequence that requires additional consideration in the formula’s approach.
- Riverside has a strong focus on sustainability, decarbonization and climate issues in its Strategic Plan. It is also the new home to California Air Resources Board and University of California-Riverside who are both doing exciting research in all these areas. Since these landmark regulations in determining California’s water future are on the horizon, I am concerned about the risks of unintended consequences in its implementation. One suggestion is to select several agencies, Riverside being one, to model the proposed implementation strategies using real customer data to compare the fiscal impacts, ease of implementation and other consequences of the proposed regulations. In the meantime, the State Water Board could implement voluntary targets and measure if agencies and regions can meet these important compliance goals.
- Riverside recognizes the State Water Board and Department of Water Resources efforts to build a statewide framework for water-use efficiency and agree that well-designed and achievable landscape standards are a critical part of realizing water-use efficiency goals. Providing as much flexibility at the local level to establish realistic water use targets based on local conditions, constraints, cost effectiveness, impact to water rates, available water supplies, reliability of those local water supplies, community interests and preferences will ensure local buy-in and success.
- RPU meets 100% of the water demands for its service area from local, effectively managed, Court-adjudicated groundwater basins and locally produced recycled water.
- Importantly, please consider the addition of specific language to clarify that the State Water Board actions can never result in an inverse condemnation or “taking” of water rights or imported water supply capacities purchased, built, and owned by agencies. Riverside groundwater sources are from court-adjudicated groundwater basins and managed by a multi-agency Watermaster. Riverside’s water rights were established per the 1969 Western-San Bernardino Judgment (Judgment) as annual extraction and export rights only. Water not produced by Riverside on annual basis cannot be stored for

needs in future years. Riverside and our regional partners have closely managed groundwater supplies and continue to operate within the provisions of the Judgment.

- Riverside balances extraction rights with demand side conservation programs to provide economic stability and affordability for its customers. The proposed rulemaking standards could result in demand reductions that result in the City's inability to exercise local decision-making for use of its own water rights. Furthermore, the City has met or exceeded its SB X7-7 requirements through several conservation programs that include turf removal (outdoor water use efficiency programs), marketing and communication efforts, and water loss reduction programs. However, water conservation is only one part of the water supply portfolio of a well-managed water utility. Riverside's other water resources include storm water capture and future expanded recycled water development. Riverside has invested over \$100 Million on water supply reliability and expects to participate in more regional and expensive supply projects over the next 10 years to further protect and enhance the reliability of local supplies.
- The City looks for the State to expand access to funding programs allowing utilities to cost-effectively achieve the multi-benefits of water use efficiency and offset the burden that these conservation programs will have on the recycled water (reduced availability and increase salt concentration) which will require additional treatment cost burdens to the City's ratepayers.

Thank you for the important work being done by the State Water Board. Our focus is to support your efforts and effectively drive water efficiency for all our customers, minimize fiscal and climate impacts to our community and most vulnerable customers, continue to support a growing agriculture effort (which is a Riverside legacy in the citrus industry) all while meeting the water demands of our growing community. With confidence, these goals are possible if flexibility is provided to exercise the water rights and imported water capacities established and perfected over the past 100 years with the same stewardship Riverside has exemplified throughout its history.

Very Respectfully,



Todd M. Corbin
General Manager – Public Utilities
City of Riverside

Cc: Ms. Charlotte Ely