

# California water regulators approve massive cutback orders

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California regulators unanimously adopted emergency drought regulations Tuesday that for the first time will require tens of millions of Californians and tens of thousands of businesses to sharply reduce water use, a response to the state's unprecedented and deepening drought.

The cuts will fall hardest on the Sacramento region and other parts of inland California, which traditionally have been areas of heavy water use during the searing summer months. Ten of the Sacramento area's 23 large water districts must cut usage by 36 percent during the next nine months compared to 2013. All but two must cut usage by 28 percent.

The State Water Resources Control Board, charged with overseeing California's water rights system, took action following nearly eight hours of testimony and discussion. Local water officials from across the state took to the podium to argue that the board's proposed regulations were draconian, and in some cases unattainable.

Some said the cuts would devastate industrial businesses and cost the state jobs. Others argued that their customers already had cut usage significantly and shouldn't be asked to sacrifice so much more. Still others warned of increased fire risk or asked the board to exempt certain public buildings such as jails.

Sacramento officials complained they are being punished for the region's hot, dry climate.

"The board has set the bar very high for this region," said Amy Talbot of the Sacramento Regional Water Authority. She said the board's plan represents a "significant inequity."

The five-member board expressed sympathy at times but ultimately made just a few revisions to a framework that gives urban water agencies nine months to cut consumption anywhere from 4 percent to 36 percent. The new regulations divide the state's 411 urban water agencies into nine tiers, based on residents' per-capita water use between July and September last year, with the heaviest per-capita users targeted for the largest cuts.

Board chair Felicia Marcus called the decision "an all-hands-on-deck kind of moment."

"This is about preparing for a drought that can go beyond what we have seen in this century," Marcus said. "We're taking the prudent step of preparing if it won't rain. ... The one thing we can't do is put off preparing for the future."

The action comes with California in the midst of a fourth year of drought and with the Sierra Nevada snowpack – a key source of fresh water for the state – at historically low levels. Last year was the hottest year on record for much of the state, and among the driest. Citing the unprecedented conditions, Gov. Jerry Brown last month ordered the board to devise regulations that would cut statewide urban water use an average of 25 percent.

"We are in extraordinary times," said board vice chair Frances Spivy-Weber. "We are beyond the worst-case scenario."

Mandatory cuts were necessary, board officials said, because the governor's earlier call for voluntary cuts of 20 percent are not working. In March, urban water districts managed to cut water use by just 3.6 percent compared to March 2013, board staff reported Tuesday. All told, savings have come to about 9 percent since last June.

Several Sacramento-area water officials spoke during Tuesday's hearing, arguing that the conservation targets the board was considering would force drastic curtailment of outdoor watering. A couple officials said they may need to

impose an outright ban on landscape irrigation.

“We’ll be seeing brown lawns,” said Jennifer Hanson, interim deputy public services director for the city of Lincoln. “We’ll be seeing lots of vegetation dying.”

Lincoln faces a mandatory cutback of 36 percent over 2013 usage. Hanson said residents would need to reduce outdoor watering from three days per week to one day per week to hit that target, and even that may not be enough.

West Sacramento is among the cities that must cut water use by 28 percent. Deniz Anbiah, the city’s director of public works, told the board that nearly all those cuts would need to come during the summer, because water use is already low in winter, when hardly any outdoor watering takes place.

“We need to conserve 40 to 50 percent during the summer,” Anbiah told the board.

“Correct,” said board chair Marcus.

“That may not be feasible,” Anbiah replied.

Anbiah said West Sacramento’s situation was further complicated by its industrial base, which includes a lot of food processors. Forcing them to cut back water usage would harm the city’s economy, he argued.

Others in food processing agreed, saying the industry should get special treatment. “That water just can’t be touched,” said Trudi Hughes of the California League of Food Processors.

The board refused to give the industry all it wanted, but said it would work with water agencies that are in unusual circumstances. Spivy-Weber said she did not want to see food processing plants shut down.

Several water officials asked the board to amend the conservation targets to take into account California’s widely disparate climates. It takes far more water to maintain a similarly sized patch of lawn in Sacramento than in San Francisco because of hot, dry temperatures and resulting evaporation.

Board members said they understood, but that the state was in a crisis that did not leave enough time to make complex adjustments based on climate.

“The summer months are right in front of us,” said Caren Trgovcich, the board’s chief deputy director.

Districts that do not meet their conservation targets will first be warned, staff said. Repeat, willful violators could face steep fines.

“The goal is not going to be to issue fines,” board scientist Max Gomberg said. “The goal is going to be to work with the supplier to get conservation numbers up.”

Brown last month also suggested legislation granting new enforcement powers to local agencies in California’s ongoing drought, including the authority to issue penalties of as much as \$10,000 for the most egregious violations of conservation orders.

Even as Californians conserve more water, they likely will be asked to pay higher water rates. An economic analysis commissioned by the board determined that water agencies will lose about \$500 million in revenue as customers cut usage. Those losses “will have to be made up with rates,” Gomberg said.

Among the other changes the board adopted:

- Each water district can decide how to achieve its conservation targets. A city can choose to let businesses cut usage by one amount and demand households cut by a different amount.

- If an urban agency sells a portion of its water to commercial agriculture, it may be able to deduct that supply from its total production. Gomberg mentioned the El Dorado Irrigation District as one agency that might benefit from the change.

Board officials emphasized that urban areas are not the only ones making sacrifices. Many farmers across the state have already had their water supplies cut. And even those with so-called senior water rights – the strongest under state law – have been told those rights may be curtailed.

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1.7 million

Number of residents in the Sacramento region living in districts that must cut water use by at least 28 percent.

400 billion

Total number of gallons targeted to be saved during the next nine months under the plan adopted by the board.

25%

The amount of water savings the board's plan aims to achieve from urban customers.

3.6%

The reduction in urban water use California achieved in March.