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NEWS RELEASE

FOR IMMEDIATE RELEASE:

September 10, 2009

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AUBURN – Attached is Placer County Water Agency's issued statement by General Manager David Breninger regarding AB 49, the State proposed 20 percent water conservation measure.

If you have any questions, please contact Einar Maisch at (530) 823-4882.



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September 10, 2009

TO: Legislative Leadership and Water Conference Committee Members

FROM: Placer County Water Agency

RE: AB 49 – Analysis regarding “5 Percent” Conservation Mandate for a Few Agencies (including LA, San Francisco, Long Beach) – vs. 20 Percent Mandate for Most California Water Agencies

Given the Monday, September 7 conference committee discussion on AB 49 and its potential implications for water agencies, we have done some initial research into a couple of the items raised in that discussion – as we are very concerned about potential implications for Sacramento area water agencies (and other agencies throughout other parts of the state). Attached, please find a chart reflecting publicly available information pertaining to this issue. (Key data reflected in this chart was drawn from California Urban Water Conservation Council information).

Our analysis revealed some surprising and disturbing information about the fundamentally flawed and inequitable nature of AB 49:

At least three of California’s largest cities (including supporters of AB 49) – Los Angeles, Long Beach and San Francisco – will only have to implement 5 percent conservation (or less), while most of the hundreds of agencies in California – including Sacramento agencies - will have to cut 20 percent (and much more in the future).

A question was raised by one of the conferees regarding the fact that some water agencies (in fact, we believe MOST water agencies) will have to implement a 20 percent conservation mandate, while others will only have to implement a 5 percent reduction..

A question was posed in committee as to how many agencies would fit the 5 percent category, because if large cities and/or a large number of cities fit into the 5 percent category, there is no way that the state will achieve

the 20 percent statewide mandate (at least without ultimately shoving burdens of 20, 30, 40 percent or more cuts onto other agencies).

Looking into this matter as best as possible with publicly available information regarding water use in California's 10 biggest cities, what we found was both disturbing and alarming – both from the standpoint of fair and equitable treatment and from the standpoint of what we believe to be a lack of candor by the proponents of AB 49.

More importantly, we are deeply concerned about the facts that we revealed and how they will exacerbate the crude, inequitable and disproportionate nature of these requirements in the future.

As the attached analysis reflects, the city of Los Angeles has a “gallons per capita daily” use that fits the 5 percent option category, as does Long Beach and San Francisco. (However, we note that San Francisco might actually have no additional mandate, due to low gpcd that may be below another exemption provided in the bill. Moreover, we note that these carve-outs are tied to a highly flawed DRAFT Department of Water Resources report that is skewed to benefit coastal areas). As a result, residents of Los Angeles will only be required to cut their water use by 8 gallons per person per day, where residents of the City of Sacramento will be required to cut more than 100 gallons per person per day. The hot, dry inland areas of California are being asked to give up their water rights and fundamentally alter their lives while dense coastal communities are being asked to do little.

So, with just these three of California's top ten cities effectively exempted from the 20 percent requirement (Los Angeles – population 4,002,071, San Francisco 799,263 and Long Beach – 490,166) – cities with about 15 percent of the state's population would be exempted from the 20 percent mandate and required to live under only a 5 percent cutback mandate (or possible 0 percent for San Francisco).

Moreover, this analysis just focused on publicly available information pertaining to the top 10 cities. There may be other, largely coastal, highly urbanized areas that fall under this carve-out, which – again – is based on DRAFT and flawed DWR numbers.

More carve outs in amended bill – 100 gpcd or under – NO additional conservation required.

We note the new amendment to completely exempt areas that use 100 gallons per capita daily or less. This is entirely skewed toward highly urbanized, highly dense areas with cooler climates. Moreover, the reality is that –for those types of areas/cities – 100 gallons per capita daily may

not actually reflect efficient water use – it is simply an artifact of density and climate.

We have not had time to explore public information that might point to additional likely candidates for this exemption (other than San Francisco, as noted above), but note that this new amendment exacerbates the fundamental flaw of the carve out approach and the increased gap between the stated goal of the bill and the reality of the way it has been crafted.

Other cities – like Sacramento, Fresno, Bakersfield and dozens of smaller areas – will NOT be eligible for any carve outs/mandate reductions under AB49, will have to conserve entire 20 percent and bear costs and will risk additional conservation burdens beyond 20 percent in the future, when the state confirms that we are way off the mark to achieve a 20 percent statewide conservation goal.

Based on our analysis of the effective 5 percent option (and our review of draft DWR region numbers), we believe that most of the other big cities will not qualify for the 5 percent option – due to issues of population density, climate, commercial use and other factors not adequately accounted for in DWR’s deeply flawed analysis.

Conclusion:

It is unconscionable and fundamentally bad public policy to establish an arbitrary conservation mandate for most of the state (including Northern and Central California and inland areas), while effectively protecting the largely coastal and/or Southern California proponents of AB49 from the same mandates and mandated costs. Moreover, as we have expressed before, we believe that AB 49 – even with the proposed amendments – poses great potential risk to water rights holders. Conservation, especially when measured on an arbitrary gallons per capita per day basis that does not properly consider factors such as density, climate and past conservation efforts, is not the same thing as water use efficiency. It is just a raw water grab. High levels of water use efficiency throughout the state should be our goal.

Given the larger water policy debate before the legislature, we consider this to be a highly disingenuous approach to conservation by the proponents of AB 49.

While some of the 49 supporters argue that they have already done much in the way of conservation, we want them to know that our area has been pursuing conservation strategies too.

However, every agency has its own water management tools and history and status and public policy must treat all of them in a fair and equitable manner to move the state toward achievement of the 20 percent goal statewide.

We ask that the Legislature NOT pass AB 49 or any other conservation legislation that includes such fundamental inequities and unfair impacts.

If you have any questions about our analysis, please contact Einar Maisch of the Placer County Water Agency at (530) 823 4882. For questions regarding specific concerns on AB 49 overall, please contact our legal counsel, Jan Goldsmith, at (916) 321-4500.

Rank by Population	City	CUWCC BMP reported 2006 Population	City Square Miles	2006 Population Density (Residents per square mile)	CUWCC BMP reported 2006 gross water use (acre feet)	Qualify for 5% Reduction Under AB 49 (instead of broader 20% reduction)	CUWCC BMP 2006 DATA (GPCD)	Draft DWR Target (based on hydrologic region) (apcd)	AB 49 Target (gpcd) (based on 5% reduction)	Total Savings (acre-feet)	gpcd cutback
1	Los Angeles	4002071	469.1	8,531	620,835	Yes	138.5	149	131.6	31,042	6.9
2	San Diego	1311162	324.3	4,043	230,687	No	157.1	149		11,852	8.0
3	San Jose	965600	178.2	5,419	149,157	No	137.9	131		7,466	6.9
4	San Francisco	799263	46.6	17,152	87,002	Yes	97.2	131	97.2	-	0
5	Long Beach	490166	50.4	9,726	74,501	Yes	135.7	149	128.9	3,725	6.8
6	Fresno	493285	104.4	4,725	195,622	No	354.0	188		91,742	165.6
7	Sacramento	430000	99.2	4,335	134,201	No	278.6	176		49,429	102.4
8	Oakland ¹	N/A	56.1	no data, part of EBMUD		No	N/A	131		-	
9	Santa Ana	351697	27.1	12,978	42,935	Yes	109.0	149	103.5	2,147	5.4
10	Anaheim	345410	48.9	7,064	72,798	No	188.2	149		15,149	39.1
11	Bakersfield ²	253009	113.1	2,237	81,760	No	288.5	188		28,480	100.2
total		9,441,663								241,031	
										36,914	

Notes: The data used in the table above represents a single year, not the 10-year baseline allowed in AB49. Agencies are allowed to select different end dates for baseline years making baseline comparisons difficult at this time. Therefore a recent representative year was selected.

¹Water service provided by EBMUD, separate data for Oakland not available

²Data from California Water Service Company - BAKERSFIELD

Under AB 49, four of the largest cities in California would only need to reduce water use by a total of 36,914 acre feet. To meet the Governor's 20% reduction, California as a whole must conserve about 1.74 million acre-feet. Thus, AB 49 would allow these cities, with 15.48% of California's total population, to contribute only 2.12% toward reducing water use. The remainder would be made up by the rest of California.

In addition, the exemption for communities with less than 100 gpcd will further shift the burden of meeting the statewide goal from coastal areas -- regardless of efficiency based on climate -- to inland areas.

CA population 2006	36,457,549		20x2020 Goal	1,740,000	
4 "Yes" Cities	5,643,197	15.48%	4 "Yes" Cities	36,914	2.12%
6 "No" Cities	4,288,632				