



July 14, 2014

via email: commentletters@waterboards.ca.gov



Street Address:
18700 Ward Street
Fountain Valley, California 92708

Mailing Address:
P.O. Box 20895
Fountain Valley, CA 92728-0895

(714) 963-3058
Fax: (714) 964-9389
www.mwdoc.com

- Larry D. Dick
President
- Wayne S. Osborne
Vice President
- Brett R. Barbre
Director
- Wayne A. Clark
Director
- Joan C. Finnegan
Director
- Susan Hinman
Director
- Jeffery M. Thomas
Director
- Robert J. Hunter
General Manager

MEMBER AGENCIES

- City of Brea
- City of Buena Park
- East Orange County Water District
- El Toro Water District
- Emerald Bay Service District
- City of Fountain Valley
- City of Garden Grove
- Golden State Water Co.
- City of Huntington Beach
- Irvine Ranch Water District
- Laguna Beach County Water District
- City of La Habra
- City of La Palma
- Mesa Water District
- Moulton Niguel Water District
- City of Newport Beach
- City of Orange
- Orange County Water District
- City of San Clemente
- City of San Juan Capistrano
- Santa Margarita Water District
- City of Seal Beach
- Serrano Water District
- South Coast Water District
- Trabuco Canyon Water District
- City of Tustin
- City of Westminster
- Yorba Linda Water District

The Honorable Felicia Marcus
Chair of the Board
Attn: Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Dear Chair Marcus,

Subject: Comment Letter – July 15 2014 Board Meeting – Item 10
Emergency Water Conservation Regulations

Thank you for the opportunity to provide comments on the proposed emergency water conservation regulations.

The Municipal Water District of Orange County (MWDOC) is a member agency of Metropolitan Water District of Southern California (MET) representing 28 member agencies in Orange County, is a leader in water use efficiency, and has already exceeded our 20 x 2020 goals. Orange County has hardened its demands through significant conservation efforts over the past 20 years.

MWDOC strongly supports Water Use Efficiency (WUE) and Conservation efforts by the SWRCB and the Governor. Our comments are intended to highlight areas where these efforts can be improved:

- MET, its member agencies, local agencies and its citizens and businesses have made large investments in water supply reliability and water use efficiency since 1990. These investments have allowed us to develop, conserve and manage water resources in Southern California in a comprehensive manner under MET’s Water Surplus and Drought Management Plan (WSDM). The current level of water use in the region today is similar to that in 1990 with many more millions of residents and jobs in Southern California today. We provide this as an opening comment to emphasize that “one size fits all” is not a workable mandate from the SWRCB. The existing system in Southern California has been used to manage droughts successfully in the past. The SWRCB should not supersede or compromise these regional management efforts within the MET service area.

- Within those regional management efforts, most retail agencies in Southern California already have water conservation ordinances that provide for much of what is being proposed by the SWRCB. These ordinances have been in place for years and are ready to be implemented again, in conjunction with the MET WSDM. Imposing a statewide mandate where provisions are already in place has the potential to create confusion. The SWRCB should provide for exemptions where existing plans and programs are in place.

- **Allow Innovation at the Local Level**
 - Efforts by the SWRCB should target only potable water use. The development and use of recycled supplies should not be subject to requests for reduced usage, but should instead target increased types of uses to offset the need for potable water.
 - Agencies with existing Allocation Based Rate Structures should be allowed to use those structures to manage supplies and conservation signals within their jurisdiction.

- **Section X.1 Contains Language that Needs Further Definition For Proper Implementation**
 - The prohibitions lack definition of terms and enforceable thresholds that would trigger fines for water customers up to a \$500 per day per violation. For example, as generally written, any amount of runoff from irrigation beyond landscape plantings or application of water to hard surfaces would be deemed an infraction. This should be clarified as runoff that is “deemed excessive” by way of entering streets and flowing into storm drains.
 - Two other terms needing specific definition are: “hard” surfaces should be clarified to be impermeable surfaces; and clarification on the type of shut-off valve as both manual and automatic methods are referred to in the proposed emergency conservation regulations.
 - An exemption for wash down of hard surfaces should be allowed for situations where the water is recovered and reused.
 - MWDOC agrees that all Californians need to make a serious effort towards water conservation and mandatory regulations during a severe drought are reasonable. However, "fines of up to \$500 for each day in which the violation occurs" is overly harsh. Studies have shown that the majority of people will change their behavior after being given a warning. MWDOC recommends a written warning for the first violation.

- **Section X.2 Contains Language that Needs Further Clarification**
 - Between paragraphs X.2 (b) and (c) it can be read that if an existing water supplier already has a mandatory level of conservation in place, it would supersede what is being asked for by the SWRCB. We would suggest that this interpretation be supported, to allow local agencies the flexibility to implement their existing water conservation ordinances as deemed appropriate, where they already exist.

- **Applicability to Wholesale Agencies.**
 - As an “Urban Water Supplier” MWDOC would appear to be covered under Sec. X.2 (d) monitoring reporting provision in regard to the sale and delivery of wholesale imported water to our member agencies. MWDOC intends to assist in the process, as needed. The SWRCB may be already getting all of the retail agency reports and additional reporting by MWDOC may be redundant and result in double counting of water.
 - Reporting on per capita consumption should only be used to compare for benchmarking purposes within a reporting agency, as per capita consumption can vary considerably from agency to agency based on water use sector composition.
 - Per capita reporting should only be required at the retail level, although MWDOC is ready to report at the regional level if and when necessary.

- There is a schedule issue in requiring compliance on August 1. Some utilities will require Board or City Council meetings to implement or modify current Plans, ordinances, penalties and enforcement. An additional two months should be provided for implementation without penalty.

- We recommend that the regulations allow flexibility with local agencies on how they can best achieve the conservation goals of the regulations as the cost to administer and enforce these prohibitions would be high.

- The SWRCB updated “Fact Sheet” states that urban water suppliers that violate mandatory actions could be subject to cease and desist orders for violating emergency regulations with fines up to \$10,000

Ms. Felicia Marcus

Page 4

July 14, 2014

per day per violation. This is a severe fine but it is not mentioned in the proposed rulemaking, digest, or proposed emergency regulations documents. We assume this authority is derived through waste discharge permit penalties and the nexus is urban runoff that flows into receiving waters. Clarification is needed on how this fine would be implemented and under what circumstances. This would seem more applicable to the MS4 permittee rather than each Urban Water Supplier; within an affected watershed.

MWDOC remains committed to water conservation efforts and encourages SWRCB to allow both regional and local flexibility when responding to drought and water shortages. Thank you again for considering our comments in the development for the emergency regulations. If you have any questions or concerns, please do not hesitate to contact me at (714) 593-5026.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Hunter". The signature is stylized and cursive, with a large initial "R" and "H".

Robert J. Hunter

General Manager