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April 13, 2015

Ms. Jessica Bean
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State Water Resources Control Board
1001 I Street, 24th Floor
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Submitted via e-mail

Subject: Input on Regulatory Concepts to implement the Governors April 1, 2015 Executive Order

The Municipal Water District of Orange County appreciates the opportunity to provide input to the State Water Resources Control Board (State Board) on implementation of the Governor's Executive Order B-29-15. We recognize and sympathize with the State Board that the Residential-GPCD metric is an imperfect approach to monitoring progress in reducing water use and that there is simply not sufficient time to put in place more appropriate measures such as Efficiency Targets, at this time. We must act now to address our current state of water supply emergency due to the intensifying drought conditions impacting California residents and businesses. Our comments are intended to address modifications that can make immediate improvements to the proposed framework. MWDOC provides the following comments for your consideration that are intended to improve upon the path we all are on:

1. Recognition of Indirect Potable Reuse (IPR) – Expanding the use of recycled water is a priority in the state of California as documented in the California Water Plan. IPR substitutes highly treated wastewater for other potable water sources. Orange County is a leader in recycled water use for both irrigation and dual plumbed buildings (purple pipe), and Indirect Potable Reuse. Not recognizing IPR undermines the state policy to encourage expanded use of recycled water.

The SWRCB should adjust gpcd for agencies receiving IPR through the Ground Water Replenishment System (GWRS) to promote equity and expanded use of recycled water. The methodology for calculating the IPR-Adjusted Production would be as follows:

(Total production) – (IPR Credit) = IPR-Adjusted Production

This adjustment should be made to the 2013 baseline months and each reporting month going forward.

2. Consider the following modifications to the percent tier reductions: Add additional tiers for a 15% and 30% reduction – The 10 percent increase between tiers imposes a higher than necessary reduction on some agencies in those tiers. Adding additional tiers targeting 15% and 30% reductions, while maintaining an overall state-wide 25 percent reduction, would be more equitable.
3. Consider an “Actions Based” compliance track – We understand the importance and emphasis on results. However, we suggest a parallel compliance approach. Give agencies the opportunity to develop a local plan that contains specific actions and enforcement measures to achieve the assigned water use reduction, thereby achieving compliance. Our assumption is that the requirements for this compliance approach would be fairly severe. Actions could include, but not be limited to, two day a week watering with no watering on Monday, Wednesday and Friday to allow easier enforcement. One day a week in winter. Enforcement to include staff patrolling with customer notification, complaint response, documented compliance or accelerating enforcement, fines as necessary. All actions and enforcement would be documented to the State Board on a monthly basis. An actions based compliance track would provide agencies the flexibility to design a customized plan to meet their local needs. Action based plans would be submitted to the State Board Executive Director for approval.
4. Consider refining how agencies are assigned to reduction tiers - Assign reduction tiers based on the per capita average for the entire year of 2013, not just September 2014. This will smooth out some of the inconsistencies from using just one month. There is a degree of inequity associated with using a one month baseline. With any single data point approach, individual events and actions can distort the data. For example, one area having a single large precipitation event. We suggest that the Board utilize the 2013 annual average R-GPCD as the basis for sorting utilities into the tiers.
5. Additional Guidance – there a number of area that could benefit from additional guidance from the State Board, these include:
 - a. R-GPCD metrics are not calculated consistently – potentially significant variation by water prurveyors on how they calculate per capita water use and population exists. For example, some agencies are using production and others are using sales data. Agencies should have the choice of using production or sales data, whichever is most appropriate for that agency. Guidance documentation should be developed to minimize this variation and improve consistency. Once this guidance is established, agencies should be given the opportunity to revise previously submitted data.
 - b. Growth in Customer Base – With the recovery from the recession, several agencies in Orange County are experiencing considerable growth due to development. The State Board should provide an allowance for agencies

to incorporate a growth adjustment in their population.

6. Revisit deadlines – The State Board should consider moving up the compliance deadline for installation of water meters to 2018 and implementation of the new groundwater requirements from 20 years to 10 years. Both these measures will expedite better water management for California.
7. The State Board should maintain the availability of the alternative compliance option for those agencies implementing budget-based tiered rates. This alternative option acknowledges progressive rate structures, however, agencies using budget-based-tiered rates will still need to meet their water savings goals.
8. Planning for the next drought –
 - a. The State Board and Department of Water Resources should assist agencies to develop water budgets or efficiency targets for each consumer. Efficiency targets allow a water agency to inform a customer about what constitutes an efficient level of use. Monitoring actual water use compared to an efficiency standard will allow water agencies to easily identify and focus on customers using water in excess of their efficiency target. Efficiency targets account for previous investments in water use efficiency. It is our strong belief that efficiency targets are a more appropriate mechanism to monitor drought response progress than the existing R-GPCD method.
 - b. R-GPCD reporting should be weather normalized – Temperature and precipitation or evapotranspiration data should be used to weather normalize water use data for reporting purposes. A preliminary analysis of water use in Orange County shows a November water savings increase from 3 percent (not weather normalized) to 13 percent when weather normalized. US Climate Data or the California Irrigation Management Information System are well established, broadly accessible data sets that can be used for this analysis. Several weather normalization methodologies exist, including methods from the California Urban Water Conservation Council, American Water Works Association, and California Public Utilities Commission. It is our opinion that weather normalizing the R-GPCD reporting would make the reporting results more accurate and meaningful.

We would have preferred a conservation approach where everyone has the same goal. We are one State, working together to manage a common, statewide resource. An approach has been taken which is based on only one of several possible metrics (e.g., per capita use). Other factors that could have been chosen include previous demand reduction performance, land use, precipitation and temperature. We believe that this approach emphasizes divisions rather than unified goals and actions. It would be our hope that a broader, comprehensive procedure be implemented in the coming months as we all diligently work for better stewardship of our common water resource.

Again, we appreciate the opportunity to provide input on implementation of the Governors Executive Order B-29-15. Should you have any questions regarding these comments, please contact me at (714) 593-5026.

Sincerely,



Robert J. Hunter

Cc: Larry D. Dick
Member Agencies