



April 21, 2015

Jessica Bean
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814-2828

Dear Ms. Bean:

Thank you for the second opportunity to comment on the Draft Emergency Regulation for Urban Water Conservation. This letter represents comments and ideas requested by the State Water Resources Control Board (SWRCB) by April 22, 2015. Our comments address the documents dated April 18, 2015 and include observations made by the Monterey Peninsula Water Management District's (MPWMD) Board of Directors at its April 20, 2015 meeting.

Comments/Questions on the Draft Emergency Regulation

1. A per capita minimum threshold should be established at 55 gallons per capita per day (GPCD).

The California Code of Regulations, Title 23, Section 697, suggests an allowance of 55 to 75 gallons per day per person for indoor water use. The SWRCB has traditionally used 55 GPCD for domestic use in considering water rights applications and the figure has appeared in SWRCB enforcement staff declarations, testimony, and cease and desist orders. As recently as a November 4, 2014 presentation to the SWRCB Board, your staff stated "*55 GPCD is the performance standard for indoor use.*" Further, the US Bureau of Reclamation utilizes 55 GPCD as its health and safety allocation for municipal and industrial purposes.

If the current use is at or below 55 GPCD, additional conservation should not be mandated by the SWRCB. If the SWRCB insists on a conservation standard for these high performing districts, we suggest something more on the order of 3% rather than the 8% proposed. Water suppliers/districts should be expected to continue their conservation efforts and focus on local enforcement efforts to ensure maximum compliance with locally developed conservation standards.

2. MPWMD would like to reiterate a point from its previous comment letter regarding local water supply and drought conditions: Our region is not dependent on Sierra snowpack, the Delta, or the Colorado River. We have a longstanding Water Conservation and Standby Rationing Plan that allows us to annually assess the physical supply of water relative to expected demand and make conservation and rationing decisions based on the

data. At this time, our physical supply is not constrained and we would not enter into a higher stage of rationing under our local Plan.

The draft regulation provides for a 4% conservation standard for areas that do not include groundwater or water imported from outside the hydrologic region and that received average annual precipitation. However, on the Monterey Peninsula, even with less than average precipitation, our local hydrologic units fill. During the past winter, the December and February rains brought our usable storage back to 100% and currently sits at 97% of long term average. We have a two year supply, and water runs out to sea. Therefore, we propose that the language in Section 865 (c) (2) be amended to include areas that determine local water supplies are sufficient to qualify for the lowest conservation standard of 4%.

3. The draft regulation prohibits irrigation with potable water on turf in public street median strips. Has there been any consideration of banning potable irrigation in general in the median strips if the irrigation is with non-efficient irrigation technology?
4. “Newly constructed homes” should be clarified. Does this requirement apply to homes that have not received a final building permit inspection as of the effective date of the ordinance?
5. Require all suppliers to achieve a 55 GPCD standard. Even a stratified level of application of the proposed conservation standard results in inequitable allowable per capita use. For example, a service area using 230 GPCD with a 35% reduction will allow 150 GPCD and would still be entitled to use 3 times as much water per person than a service area at or below 55 GPCD (such as the Monterey District of California American Water) with a 8% reduction to 50 GPCD.
6. We continue to support informal enforcement at the conclusion of the 9 month trial, rather than enforcement month-by-month. Suppliers who are deemed to have not made sufficient progress at the end of the term should develop and provide to the SWRCB an “Improvement Plan” which would be monitored for a period, before any CDO or civil liabilities should be considered.
7. Please clarify a baseline number of service connections for which this section would not apply. We believe it is 15 connections or less, but seek clarification.

Thank you in advance for reviewing these comments.

Sincerely yours,



David J. Stoldt
General Manager