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April 13, 2015

Jessica Bean
Engineering Geologist
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

(Delivered by e-mail to: Jessica.Bean@waterboards.ca.gov)

Subject: Comments on Mandatory Conservation Proposed Regulatory Framework
Released on April 7, 2015

Dear Ms. Bean:

Rincon del Diablo Municipal Water District (Rincon Water) appreciates this opportunity to comment on the State Water Resources Control Board (Water Board) staff's "Mandatory Conservation Proposed Regulatory Framework" (Regulatory Framework) and the draft table entitled "Urban Water Suppliers and Proposed Regulatory Framework Tiers to Achieve 25% Use Reduction" (Conservation Standard/Tiers Table) released on April 7, 2015.

Rincon Water understands the dire situation the State of California faces with this severe drought and its impacts across multiple spectrums related to health, safety, economy, and our way of life. Rincon Water has enthusiastically been promoting conservation and reduction in water use for many years, to include advocating and advancing the use of recycled water in place of potable demands. For instance, since 2008, Rincon Water has increased the use of recycled water to the point it accounts for approximately 33% of our overall total water usage per annum, thus offsetting the use of previous potable water demands. Since the SWRCB regulations of July 2014 (and before), Rincon Water has also been working with customers across all spectrums to reduce demand and institute conservation to thwart future drought impacts. This includes sponsoring and holding drought workshops, workshops how to install rain barrels, establishing drought tolerant yards, supporting customers in obtaining rebates through Metropolitan Water District (MWD) and the San Diego County Water Authority (SDCWA), conducting residential surveys/audits, including conservation information in bill inserts and on our web page, and presentations and outreach to schools and civic groups. Rincon Water has also been a signatory to the CUWCC since 1991 and following established BMPs.

Our customers have been very receptive, as illustrated by the State Board's own data that shows Rincon Water has saved **14%** overall from June 2014 to February 2015 as compared to same period of 2013. Yet, we are arbitrarily and capriciously being assigned a conservation standard of 35% as our goal to comply with the Governor's recent Executive Order. In the same vein, other water agencies and cities that have actually increased usage or only saved 1-2% over the same period are assigned a 10% goal because of an R-GPCD that is arbitrarily assigned and does not reflect a vast difference between locations, geography, and economics.

In response to the Proposed Regulatory Framework for Mandatory Conservation, the following additional items are provided for comment:

1. The current proposed methodology based on R-GPCD for September 2014 is arbitrary and pointless, and does not adequately represent the efforts of urban water agencies in reducing water use. It reflects a land-use bias and assumes high-density housing is already water efficient. In fact, it penalizes agencies who have been religiously reducing water use and demand over the last year. For instance, in Rincon Water's case, our R-GPCD has gone from the "reported" 182 for September 2014 to an R-GPCD of **95** in February 2015. That is a near 50% reduction in R-GPCD over a 6-month period, and during record heat and little to no rainfall! This is on top of the trend of reducing potable water use the District has been undertaking for over 15 years. These facts alone should exempt Rincon Water and similar agencies from the arbitrary proposed 35% mandated goal per the proposed regulatory framework. Additionally, given that ALL retail water agencies fall under SBX7-7, and a mandated 20% reduction by 2020, how do the current proposed mandates fit within the legislative aspects of SBX7-7? A good number of agencies have met or are meeting these legislated goals, so there should be credit provided to these agencies during this current process. The table below provides an example of the reduction in potable use for Rincon Water since July 2014, which is not fully taken into account for the current proposed regulations and mandates:

Rincon Water Conservation						
Year	Month	Water Production (AF)	Water Production (AF) 2013	Percent Residential	Increase/Decrease compared to 2013	R-GPCD
2014	June	687	707	74	-3%	184
	July	715	773	75	-8%	188
	August	644	782	74	-18%	167
	Sept	670	723	75	-7%	182
	Oct	596	612	72	-3%	151
	Nov	447	461	71	-3%	115
2015	Dec	249	419	72	-41%	63
	Jan	293	665	72	-56%	74
	Feb	348	280	70	24%	95

In fact, during these periods, the only significantly wet month was December, all months recorded above normal temperatures, a new 750 home development was being built, and several large businesses dependent on water were expanding in Rincon Water's service area, yet Rincon Water still reduced consumption.

2. The proposed methodology does not account for variances in geography, customer base, size of homes, socio-economic conditions, past efforts for developing alternate supply sources, etc. In fact, it once again penalizes urban agencies (especially in southern California) who have expended considerable resources (money) in developing drought plans and systems, such as desalinization, recycled water systems (plants and pipes), additional emergency storage, and securing additional supplies, as from the Colorado River. These actions were completed in order to minimize the impact from droughts, yet the proposed regulations lumps all agencies into the same basket. Rincon Water and the San Diego region have developed regional plans and approaches, drafted these into Urban Water Management Plans (UWMPs), and invested considerably in systems and conservation over the years. The proposed Regulations basically ignore everything the State has required in the past and the San Diego region has done to meet the UWMPs and drought hardening.
3. The State Board asks if there are other approaches to achieve a 25% statewide reduction in potable water use that would also impose a greater responsibility on water suppliers with higher per capita water use than those that use less. First, as mentioned earlier, the use of an arbitrary single month R-GPCD is not indicative of the efforts and reality water suppliers have undertaken to reduce usage. For instance, the City of East Palo Alto has an R-GPCD of 49.7 per the State data, yet has used 11% more water for the June 2014 to February 2015 period, yet per the proposed methodology, is in Tier 1 based on their R-GPCD. Question: If agencies use more water but have artificial GPCD, why do they get rewarded? In fact, agencies and cities that have not made at least a 5% reduction in water use over this 8 month period are the ones who should actually be mandated with higher percentage reductions! In regards to a follow-on question about how the State should look at the different tiers, Rincon Water recommends that the State should be looking at overall percent reduction amounts versus the single month R-GPCD, or at least a combination of overall percent consumption reduction and an averaged R-GPCD over the last 8 months.
4. Please define what you mean by the statement "...2013, but proposes flexibility in how to achieve this reduction in recognition of the level of conservation already achieved by many communities around the State." found in the first paragraph of the Mandatory Conservation Proposed Regulatory Framework document. In concert with the first bullet above, the proposed regulations focus on one sole

month as a baseline, and the State Board's proposed methodology completely contradicts this statement for not taking into account all the efforts made over the last year(s) by retail agencies. Additionally, it is not clear what is meant by "flexibility" in this sentence, since everything in the proposed regulations is "mandated" and allows no flexibility to urban water agencies to meet conservation and reduction goals. The State Board should be providing more tools and support to obtain the reductions, versus hammers and threats.

5. Throughout this entire emergency/expedited process, the State has been in a mandating mode, versus collaborating with representatives from ACWA, State Water Contractors, Water Authorities, and representative agencies to discuss how to meet the Governor's Executive Order. For instance, Rincon Water and agencies receiving water from the wholesalers of MWD/SDCWA are expecting some form of allocation (reduction) in supplies, to be effective on or about July 1, 2015. If wholesale water suppliers can ensure specific supply levels, as well as initiate certain restrictions, yet the proposed State mandates are greater (and based on faulty methodology), then what's the purpose of even having Drought Management and Urban Water Management Plans?

6. Additionally, the majority of urban retail agencies have been working diligently with customers and internal staff to reduce demands and lower the use of potable water (as evidenced by the data in the State spreadsheet showing overall percent reductions for the 8 month period compared to 2013). In fact, since all actions to date from the State Board have been voluntary in nature, and the fact that retail agencies have drought response plans and ordinances that dictate (mandate) specific actions/requirements as well as percent reduction in water usage for their customers, that the State should have retail agencies activate the appropriate level 2 or 3 of their drought response plan/ordinance that attains the required percent reduction. Further, and based on item 5 above, it is recommended that the State Board hold off on making these regulations (proposed mandated 10, 20, 25, or 35%) effective until the wholesale and retail agencies have determined what allocations (reductions) they will institute and how they will institute this, given location and geography. Agencies in the north and south parts of the state are not similar, and a one-size fits all cookie-cutter approach does not work and completely ignores what many agencies have done and resources expended to lessen the effects of the drought or find alternate sources. This one-size fits all approach is analogous to saying that all State or Federal Government agencies/departments should be exactly the same in size, resources, budget, and structure. We all know this wouldn't work, since there are too many differences in functions and tasks, which is similar to what urban retail agencies face with mixed demographics, location, and customer base, to name a few.

7. The proposed Regulations are placing a significant onus on retail urban water suppliers while completely ignoring the larger users of overall State water. Agriculture accounts for the majority usage, yet there are no additional restrictions being placed on Agriculture at this time. Rincon Water also requests that the State re-assess how water is managed overall and how this impacts the requirement to save 25% overall. For instance, a significant amount of water is released to accommodate various spawning runs of salmon and other environmental considerations to fish. This then becomes a single use of this water, wherein, all water released from storage should be done so with multiple benefits, ie, the release of Shasta Reservoir water for a single season salmon run should then be diverted back to storage for secondary use for agriculture or human consumption before flowing out to the ocean, lost forever.
8. The State Board is involved with expanded water reuse, to include future IPR and DPR, to which we commend the State Board for supporting. However, one item that could greatly reduce the use of potable water for irrigation is to authorize the use of recycled water on front lawns and landscapes, especially for those communities that have recycled water pipes already installed and providing recycled water to common areas. Children, adults, and pets already use common areas such as parks, sports fields and dog parks irrigated with recycled water, so there are no health issues that should be of concern. Proper engineering and construction standards for pipe separation would need to be followed, as currently in place.
9. In regards to the other Provisions in the rulemaking package, Rincon Water supports Ordering Provision 6 and 7. In fact, Rincon Water supports that all CalTrans medians should be either native vegetation or have recycled water for irrigation when recycled water is available or nearby. Additionally, Rincon Water supports continuance of defining and enhancing landscape ordinances and rules to continue to move common area landscaping, as well as home landscaping, to native vegetation and drought tolerant plants.
10. Per Ordering Provision 8, Rincon Water, and most agencies, already have tiered pricing structures that support conservation. We are adopting new drought rates in our next Rate Study (to be completed June 2015). It will be up to the Rincon Water Board of Directors to initiate when drought pricing will take effect, based on many variables. It is recommended that the State Board allow retail agencies to decide on their own, in accordance with their own policies and Ordinances, how and when drought rates will be implemented, as this is a separate Proposition 218 process.
11. Per Ordering Provision 5, Rincon Water supports reduction of excess and wasted water uses in businesses and is currently working with many of them through

audits and outreach to reduce wasteful use, thereby also saving them money. Rincon Water supports mandates that would restrict the use of ornamental lawns around business parks and warehouses, as well as mandates that cooling towers, fire suppression systems, and landscaping use recycled water to the maximum extent possible. Rincon Water services several commercial enterprises that are based on water and are in the process of expanding business, thus should the State Board provide exclusions to these businesses similar to the exclusion for agriculture? These businesses provide much needed jobs, tax revenue, support community projects, and improve the health of the local economy, thus will the State Board take responsibility for any negative impact to these businesses growth and well-being?

12. In regards to Small Water Suppliers, and based on the one-size fits all logic being employed in the proposed regulations, all small Water Suppliers (who are currently exempt) should abide by and follow **ALL** the mandated rules and regulations, past and future, every other urban retail or investor owned water utilities is being mandated to follow. This is only equitable.

13. In regards to Compliance, Rincon Water believes it is in the best interests of all parties that only in the true instances of failure to decrease water use (barring any unforeseen emergencies or matters of health and safety) should some form of assessment of a fine be levied. Though it is stated in the draft Regulatory Framework that tools will be included, there are no specific tools mentioned to assist agencies, but only "tools" to enforce regulations. The State should be providing actual tools and support in order to attain the requested reductions, versus using a hammer and disciplinary action approach. As also noted in item 6 above, retail agencies have ordinances already in place that their Board of Directors (or City Councils) can activate the appropriate level of "mandatory" reductions, in concert with any allocation reductions from their wholesale suppliers, to meet the goals as set forth by the Governor. The State Board may want to consider some form of "compliance enforcement" against those agencies or cities who do not activate an appropriate level of drought response and attain some reduction in use.

I can be reached at gthomas@rinconwater.org or 760-745-5522 for further comments.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Thomas", with a long horizontal flourish extending to the right.

Greg Thomas
General Manager