



COMMENT TO: Proposed Emergency Water Conservation Regulations

ISSUE: Mandatory metering at points of diversion by water agencies if reporting is to be accurate.

The SWB does not require and enforce the use of odometer type meters, which cannot be reset, at the point of diversion. This oversight will considerably reduce the effectiveness of any Conservation Regulations approved by SWB. Until SWB requires and enforces odometer type diversion meters there is no guarantee that reported water savings by agencies will be accurate. Concerned citizens in my district, the Occidental Community Service District (OCSD), do not trust that OCSD's diversion reports are accurate because there is no meter at the point of diversion. The first meter on the system is over five miles from the point of diversion. The two master meters for the two districts on the system can be reset. The old odometer style meters were replaced with reset style meters after a field-visit by SWB staff during which the old meters were read and recorded. Loosing the opportunity to use that meter reference reading and because the meters can be reset we now can't verify the diversions.

As a person who has followed very closely water issues in my community, Occidental, and my county, Sonoma, the rules and requirements of SWB are very frequently disregarded, as surface appearances may appear appropriate to some naive observers. It is important that SWB initiate the above meter requirement. Otherwise, the diversion and water saving reports will be tricked by many and the SWB regulations will be made less effective.

For example, consider the ongoing violations regarding SWB requirements in my district and county. These issues reveal a long-standing disregard for compliance with SWB permits and requirements.

- OCSD has a long history of disregarding water rights, as its diversions for decades exceeded by a large margin its water rights.
- In 2008 when it was diverting water from the Russian River without a permit, it issued letters that falsely claimed it had water rights, which resulted in CEQA documents being issued with false claims of water rights for a development.
- The development, which will increase the size of Occidental by about one-third, was permitted, as OCSD does not have full long-term water rights for it.
- In 2012 the State Department of Public Health issued a Compliance Order stopping any new building permits in Occidental but recently the county Permit and Resource Management Department approved a building permit and construction has started on a very large new home apparently in violation to the Order. We still don't have full long-term water rights.
- In 2008 SWB issued water permit # 21214 to OCSD, which required conservation water pricing by 2009. Rather than use its permit OCSD made a deal with the Sonoma County Water Agency (SCWA) to use its permitted water so that OCSD could avoid the conservation-pricing requirement on its permit. OCSD is moving into its sixth year of this avoidance of its permit requirements. The SWB Enforcement Division has been very lenient with OCSD by letting

them submit proposed rates by using the Option 2 requirement on OCSD's permit. The permit requires OCSD to submit under Option 1 if they failed to get approval under Option 2 within 60 days from the date of the permit, which was in 2008. The Enforcement Division continues to let them submit under Option 2 even after they have submitted nearly ten failed submissions over five years.

- For five years SCWA has worked at cross-purposes to SWB and OCSD's water permit requirements by providing its water to the OCSD board as OCSD fails to correct our unconstitutional and non-conservation rates.
- SCWA's above actions have caused it to be in violation of the 2006 Restructured Agreement for Water Supply with its main contractors, the Sonoma County Water Agency 2010 Urban Water Management Plan, the SCWA/CMRPD agreement, and five terms of the MOU it signed with California Urban Water Conservation Council (CUWCC).
- Our high services charges cause the smallest ten users to pay 18 times more for a gallon water than the big ten residential and commercial users, as the big ten use half of our water¹. This inequity causes our rates to be unconstitutional. Our rates have caused elderly people with health issues and limited resources, single mothers with children, and small businesses to subsidize the water use of the large commercial and residential users whose life styles, homes, and automobiles substantiate that they can pay the full cost of the water they use.
- The OCSD board and SCWA, who operates our sanitation treatment system, have received six Cease and Desist Orders starting in 1997 requiring them to stop discharging effluent into Dutch Bill creek, which feeds the Russian River at the point of our water source. They have failed to correct the problems for 17 years.

These flagrant compliance failures will continue until SWB starts to provide some teeth to their requirements which must than be followed up by swift, firm, and consistent enforcement. How will SWB effectively administer the states water resources without requiring realistic diversion monitoring, which can't be tricked? Additional water right enforcement is, also, necessary.

¹This is total cost including service charge and for 2006, which is the most current data available because our Public Records Act requests have not gotten OCSD to provide recent data. Rates are most likely even less equitable after the 2008 service charge increase.