



July 11, 2014

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Ms. Felicia Marcus, Chair and
Members of the State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Subject: 7/15/14 Board Meeting (Emergency Regulations for Water Conservation)

Dear Ms. Marcus and Members of the Board:

San Juan Water District (District) appreciates the opportunity to provide comments on proposed emergency regulations for water conservation on the "Prohibition of Activities and Mandatory Actions During Drought Emergency" issued by the State Water Resources Control Board (Water Board) on July 8, 2014. With the District's reliance on Folsom Dam, the District is acutely aware of the severity of the continued drought conditions in California and strongly supports decisive action by the state to address this drought emergency.

The District implemented our drought contingency plan to limit outdoor irrigation and other wasteful practices and would like to support the Board in their statewide efforts. The District's Board of Directors adopted a Stage 3 Water Warning on February 26th requiring the District to achieve a 25% reduction in water use through customer's efforts to use water efficiently. The District provides updates, changing conservation measures, and lake level information available at DryFolsomLake.com. The District is constantly reinforcing conservation information and the Governor's message through our WaterGram newsletter, website, 2014 Drought Committee of community volunteers, Facebook, etc. Compared to 2013, the District had a 53% reduction in March, 47% reduction in April, 34% reduction in May, and 18% reduction in June

We appreciate the opportunity to respond to the proposed rulemaking and recommend three amendments as follows:

1. Calculating monthly GPCD

The District strongly supports monthly reporting of total water production as the most equitable, consistent, and accurate way to monitor and limit outdoor irrigation and other wasteful practices. The District would be confident with aggregate monthly production data on a year-to-year basis as the main indicator of compliance with these proposed Emergency Regulations. However, the District strongly suggests the elimination of the monthly GPCD reporting requirement.

The method to calculate monthly GPCD in the proposed Emergency Regulation varies from the existing GPCD calculation already required by SB x7-7. The use of yet another calculation may lead to several unintended consequences associated with inconsistent or inaccurate population data resulting from seasonal populations and non-municipal water district boundaries. Further confusion may occur by the potential use of estimated (GPCD) versus actual (production) data to evaluate current and future drought actions and the use of an inclusive figure (industrial, institutional, residential, and commercial use) to evaluate response to actions that target residential water use.

Again, the District suggests the implementation of aggregate monthly production data on a year-to-year basis as the compliance indicator for these Emergency Regulations and the elimination of the proposed requirement for monthly GPCD reporting.

2. Use of the word “infraction” as a method of enforcement

Section X.1 (b) of the proposed regulations states that, “taking of any action prohibited in subdivision (a) of this section is an infraction...” According to both California Penal Code and Motor Vehicle Code, an “infraction” is defined as a criminal classification of an offense and therefore requires enforcement by a sworn peace officer.

The District has a long-standing, successful water waste patrol program implemented by water efficiency staff. After several notifications and many opportunities to eliminate an identified water waste condition the District terminates service until the correction is made and a reconnect fee is paid by the customer. The reconnect fee is progressive by violation (failure to correct or eliminate water waste condition).

To ensure that the District continues to use its current non-sworn staff and implement its successful program we recommend the following language be added to Section X.1(b):

“The taking of any action prohibited in subdivision (a) of this section is an infraction, punishable by a fine of up to \$500 for each day in which the violation occurs. Alternatively, violations of subdivision A may be punishable by an administrative fine or penalty as authorized by section 530694 of the government code.”

3. Confirmation of ability to perform

The District is concerned that interpretation of Section X.1 may preempt or limit a local agency’s ability to separately enforce their own restrictions by whatever means are authorized under the local agency’s own regulations. The District doubts this is the intent, but additional clarification would remove any speculation. The District recommends adding subdivision (c) to Section X.1. to read as follows:

(c) Nothing in this section shall affect or limit an urban water supplier’s authority, pursuant to any ordinance, resolution, or other regulation adopted by the urban water supplier, to enforce any water use restrictions or water conservation requirements adopted by the urban water supplier.

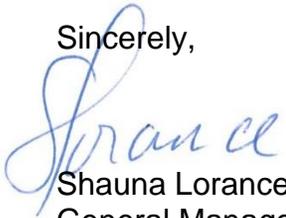
4. Applicability to Wholesale Water Suppliers

The Water Board indicated that it is interested in hearing comments on the applicability of the proposed regulations to wholesale water suppliers. Although wholesale water suppliers have a significant role in working with their retail customers to plan and implement water conservation programs and track progress on water conservation savings, this Emergency Regulation should be applicable only to the retail Urban Water Suppliers who have a direct authority and responsibility and authority and relationship with urban water users. Imposing a reporting role on wholesale suppliers would create a significant risk of double-counting and misreporting results.

As a wholesale water provider, the District requests amending the Emergency Regulations to exclude mandatory actions by wholesale water suppliers.

The District has gained great momentum in reducing water use and supports strengthening the State's ability to respond to ongoing drought conditions. We ask that you consider our recommendations and amend the proposed emergency water conservation regulations to incorporate the recommended changes.

Sincerely,



Shauna Lorance
General Manager
San Juan Water District