



# VALLEY CENTER MUNICIPAL WATER DISTRICT

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January 10, 2017

Ms. Felicia Marcus, Chair  
State Water Resources Control Board  
1001 "I" Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Public Comment  
Urban Water Conservation Workshop  
Deadline: 1/12/17 12 noon

Attention: Ms. Jeanine Townsend, Clerk of the Board



Subject: Letter of Comment, Urban Water Conservation Public Workshop,  
Wednesday, January 18, 2017

Dear Ms. Marcus;

In response to the Notice of Public Hearing to be held on Wednesday, January 18, 2017 for the State Water Resources Control Board (SWRCB) to receive input on extension or potential modification of the current Emergency Regulation for Statewide Urban Water Conservation, we would like to provide the following directed response to the questions posed on page three of the January 6, 2017 Public Notice, as follows:

**Question 1a.** *"What elements of the existing May, 2016 Emergency Regulation, if any, should be modified?"*

**Response** - It should **not** be modified, but rather it should be allowed to **expire**.

Any other action, given the current hydrologic conditions, would cause a loss of any remaining credibility the state, regional, or local water agencies may still have in the eyes of the people we all serve.

**Question 1b.** *"Should the State Water Board wait until the hydrology for the current water year is known (April or later) before proposing adjustments to the current method of calculating conservation standards?"*

**Response** - See the response to 1a above.

**Question 1c.** *"And, should the State Water Board allow suppliers to update or modify their conservation standards...?"*

**Response** - If the State Board does not follow the recommendations in the response to 1a and 1b and let the current order expire, then by all means, given what has and is transpiring in the 2016-2017 water year, water suppliers should be allowed to update their Self-Certification calculation if, as with the vast majority of water suppliers, they are not at "0%."

**Question 1d.** "...*(and if so, how)?*"

**Response** – Assuming that the Emergency Regulation is not allowed to expire as recommended in response to 1a and 1b, then water suppliers should certainly be able to update their Self-Certification calculation by the process contained in the current emergency regulation.

**Question 2.** "*Should the State Water Board account for regional differences in snow pack, precipitation, and lingering drought impacts differently than under the current emergency regulation, and if so, how?*"

**Response** - The current Self-Certification method already allows for regional differences in snow-pack, precipitation and lingering impacts of drought.

The very conservative Self-Certification method not only captures a snapshot of the immediate water supply condition, but it also reflects the results of long-term planning, investment, and preparation made by a water agency in diversifying and strengthening its respective water supply portfolios to stand up against three dry years with normal demands.

If a regional or local water agency can certify to the SWRCB's satisfaction that indeed the agency has an ample supply after three theoretical dry years against unfettered normal demand (which would not likely occur), or to the degree that agency is short and is taking appropriate actions to balance supply with demand, then the conclusion should be that SWRCB has done what it needs to do and let the regional and/or local water agency fulfill its legal obligation to manage and meet the water supply needs of its respective service area.

**Question 3a.** *Executive Order B-37-16 requires the Board to develop a proposal to achieve a mandatory reduction in potable water use that builds off the mandatory 25 percent reduction in previous Executive Orders and lessons learned through 2016. The Board, however, is not required to act on this proposal. Should the Board act now or later if conditions warrant to (adopt; implement?) a conservation standard structure like the one the Board adopted in February, 2016 to achieve a mandatory reduction in water use?*

**Response** – As stated in several responses above, the appropriate action now is to allow the Emergency Regulations to expire based upon the current hydrology. The

Governor, and/or the State Board can always act in the future if conditions warrant such action. It is hoped and recommended that the State Board would, in a future regulation, utilize the Self-Certification approach as opposed to the original method which left my agency with a 36% mandatory reduction in the face of having an almost 100% supply from its wholesale supplier available for use.

**Question 3b.** *Should the Board set a conservation floor, individually or cumulatively?*

**Response** – The short answer is no; that approach is unnecessary and unfounded.

Going forward, any mandatory conservation levels anywhere in the state should be established through the Self-Certification method, and that method only.

Mandatory conservation measures which negatively impact people, businesses and environment should be based on real water supply conditions and not on some notion that “we are all in this together” or the misguided concept that unnecessary, unfounded pain in VCMWD somehow helps ameliorate a real water supply shortage in some other community that is in no way connected to water use in Valley Center.

Communities with actual water shortages should take short-term actions (as VCMWD did in 1976-77, 1990-91, and 2009-2011) to balance supply and demand. Further, any regulation imposed by the state, emergency or long-term, should incentivize these communities to consider investment in measures to diversify and thus strengthen the drought resilience of the respective water supply portfolios.

**Water Shortage Contingency and Water Use Efficiency Regulations, Urban and Agricultural** - While not a stated topic for this workshop, we would hope the SWRCB and the DWR would see this positive change in our state’s hydrology as an opportunity to take more time to develop the long-term **Water Shortage Contingency and Water Use Efficiency** regulations and then implementing legislation. As reflected in the **Draft Framework Report**, EO agency staff and those of us who have been intimately in this process **know** that there are many major unanswered policy and implementation questions at issue which deserve the time for vetting in a proper and robust consensus based process rather than through rushed regulation and legislation.

If we are about to make a sound and long-lasting sea-change in the way we use and manage our precious water supplies, shouldn’t the process be afforded at least the level of care, thoughtfulness and discernment approaching the three-year SBX 7X development and implementation process?

***Therefore, it is proposed that the balance of 2017 be used to more thoughtfully and carefully develop all aspects of the Long-term Urban and Agricultural Water Shortage Contingency Planning and Water Use Efficiency regulations, with regulatory and legislative implementation to be accomplished in 2018.***

**In conclusion**, it is hoped that you find these responses helpful. At this time, we As always, we appreciate the opportunity to make input to the SWRCB and its staff on these important matters of current and future California water policy.

Sincerely;



Gary Arant  
General Manager

cc: The Honorable Jerry Brown, Governor  
The Honorable Joel Anderson, 35<sup>th</sup> Senatorial District  
The Honorable Marie Waldron, 75<sup>th</sup> Assembly District