

Thank you for the conference call opportunities last week which provided a further understanding of the direction for the emergency regulations. During this call, I offered several comments which were all prefaced with the introduction that I trust you fully understand and appreciate. Sierra County has a total population of just over 3000 people and its entire population receives water service through individual private wells or individual surface water diversions (creeks, rivers, springs) or communities or portions thereof are served by special districts, private water companies, mutual water companies, or private water companies regulated by the CPUC. It is a true mixture and is likely an example of what you will find in many of the more rural counties.

Urban water suppliers (3000 services or more) do not apply in Sierra County so many of the published reporting requirements do not apply to serving entities under this threshold. The emergency regulations are now proposing to apply to the small water systems and by State definition those are either systems that have 0 to 5 service connections, 5 to 15 service connections, or 15 to 2999 service connections or their water system is individual using wells or surface sources as may be occurring. As there is no way to enforce or monitor the individual property that may be served by an individual well or by the development of a surface diversion, spring enhancement, or other source....this leaves us with having to deal with those water suppliers that fall into one of the three categories that is used by the state to define permitting requirements and/or enforcement jurisdiction. Most of the service suppliers in Sierra County fall into the category of 15 to 2999 service connections.

The expectations for small water systems includes 20 to 25% reductions in consumption, limiting outdoor irrigation to 2 days per week OR other methods to achieve the stated target reduction. Reporting requirements are less than those for the urban water suppliers and would be expected one time after the effective date of the regulations. Small suppliers must have records to show how the reductions are being sought and implemented. The issue here is compliance jurisdiction and compliance assessment. You need to be very clear on the levels of compliance assessment and be clear on who or which agency is responsible for enforcement. Here are some examples that you need to define and be very clear regarding roles, responsibilities, and jurisdiction. You need to have consistent and accountable compliance inspections and enforcement tools being used. The following examples of water service in Sierra County clearly displays five or six different methods of water compliance and enforcement unless the SWRCB makes clear regulatory language vesting enforcement in a public body that is accountable and consistent. Leaving these questions to be determined later is a mistake:

- 1) A special district that has an all volunteer Board of Directors, has minimal staffing or not staff at all, and has volunteer labor and operations in place under the supervision of a water system operator (certified). Who is expected to enforce the regulations? What are the enforcement tools available to these small special districts (service connections from 50 to 200). Some have meters, most do not. These districts have no ordinances.
- 2) A private water company that is regulated by the CPUC or simply a private water company without CPUC regulatory oversight. How is enforcement expected to occur in such cases. Certainly the State is not giving one private individual (water system owner) the authority to inspect property, process alleged violations, impose and collect fines and take actions without having some public redress, appeal, or method of process. The CPUC in the case of systems having CPUC tariffs do not get involved in daily operations and are only concerned about compliance with adopted tariffs. Thus, enforcement by an individual is problematic and is leaving the individual service connection with no recourse or body to discuss concerns. There is no accountability and potential for abuse and inconsistencies in vesting enforcement with one individual.

- 3) A mutual water company which is typically in place for a small water system serving a subdivision (15 to 30 connections) and the Board of Directors is all volunteer, they do not meet unless they have to, and they have no regulations or rules other than the most basic of regulations that they attempt to enforce internally. Who is expected to enforce the proposed regulations here...no one within the mutual water company will take this on and they have no employees.
- 4) A privately owned system that serves 6 recreational cabins, 20 recreational cabins, a small recreational vehicle park, or a lodge and restaurant sitting at one of the high alpine lakes on US Forest Service land...a summer home tract on USFS lands ...there are just a few of the examples of water use that we have no guidance or direction on monitoring, enforcement, and compliance inspections.
- 5) Please consider that the 20 or 25% reduction should be able to transcend the entire monitoring and compliance responsibilities...in other words give credit for water saving through implementation of some measures so that outdoor irrigation or other water consumption can occur on three days rather than 2 days...if the reduction is attained through several measures, please build in the flexibility to have alternate plans with an overall goal being attained.

Thank you and we look forward to your reply.

Tim Beals