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April 22, 2015

Ms. Felicia Marcus, Chair  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

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

Subject: Comments on Revised Mandatory Conservation Proposed Regulatory Framework Released on April 18, 2015

Dear Ms. Marcus:

On behalf of the Board of Directors and ratepayers, Rincon del Diablo Municipal Water District (Rincon Water) appreciates this opportunity to comment on the State Water Resources Control Board (Water Board) staff's "Revised 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 18, 2015. We understand that this is a difficult task and appreciate the State Board's open dialogue with multiple agencies who may have contradictory perspectives. Rincon Water also appreciates the Water Board's efforts to accommodate earlier stakeholder recommendations by making several changes to the first iteration of proposed regulations.

As noted in our previous letter of April 13, 2015, Rincon Water customers have been very receptive to the call to conserve, as illustrated by the Water 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, based on the revised R-GPCD criteria of April 18<sup>th</sup>, we are again arbitrarily and capriciously being assigned a conservation standard of 32% as our standard to comply with.

In response to the Revised Proposed Regulatory Framework for Mandatory Conservation of April 18, 2015, the following additional items are provided for comment/inclusion:

1. **Flexibility in meeting conservation goals.** The revised methodology of assigning tiers based on R-GPCD for July - September 2014 is arbitrary and still does not adequately represent the efforts of urban water agencies in reducing water use. In fact, it still penalizes agencies who have been religiously reducing water use and demand over the last year(s), as well as those who developed sustainable local supplies. Several alternatives are being proffered that make it more equitable for all agencies include:
  - a. **Preferred Alternative to base agency conservation requirements on percent saved for Jul 2014 – Feb 2015 compared to same period of 2013.** This method would recognize and include the savings gained during the "Voluntary" reduction period of Jul 2014 to Feb 2015, and any agency that did not meet the

original request would need to conserve the difference between the Governor's mandated 25% and that earlier saved. An example would be an agency that attained 12% total savings over the Jul-Feb period would need to attain an additional 13% during this next 7-8 month period (those agencies who did not reduce or barely reduced would thus carry the heavier burden, which is more equitable and fair). This process would continue to build from earlier conservation efforts and still attain the quantity savings per the Governor's Executive Order. In addition, this re-aligns the process with each agency's UWMP, Drought Response Plans and appropriate Drought Ordinances, which is standardized and understood across the state. During the ACWA sponsored conference calls with the Water Board, the Water Board staff stated numerous times it was up to individual agencies to obtain the savings/reductions. Thus, by using this methodology it would allow agencies to use their existing ordinances, mandates and tools, and would be less confusing to the millions of customers. This also removes the one size fits all inequity of the R-GPCD criteria that does not take into account geography, location, climate, economics, housing density, etc. If deemed necessary, the State Board could use the R-GPCD as a quality assurance check against the percent reduction standards agencies are to attain.

- b. **A lesser preferred alternative is to use the Jan or Feb 2015 R-GPCD as basis of Tier rating and required percent reduction.** This alternative is similar to (a) above in that it is more reflective of past conservation efforts. The Jul-Sep 2014 data does not reflect the conservation attained over the entire period, as water agencies and customers were in the initial stages of meeting the 20% voluntary conservation goal, as evidenced by majority of agency data reported. For instance, in Rincon Water's case, our R-GPCD has gone from the average 179.2 for Jul-Sep 2014 (previously 182 for September 2014) to an R-GPCD of **95** in February 2015. That is a near 50% reduction in R-GPCD over a 7-month period, and during record heat and little to no rainfall. Rincon Water also reduced overall potable water usage **14%** during that period, on top of the trend of reducing potable water use the District has been undertaking for over 10 years (more than 33% reduction in potable water use in less than 10 years).
  - c. **Least preferred Alternative would be to use the average R-GPCD of the entire reporting period Jul 2014 – Feb 2015.** Similar to the Water Board's current revised methodology of only using Jul-Sep 2014 average, use the average of the entire reporting period. Though this does not represent the true conservation savings attained, it better reflects the conservation efforts of the agencies and customers as compared to the Jul-Sep 2014 period.
2. **Exempt all Commercial Agriculture from the Regulations.** According to the Governor's Executive Order, all commercial agriculture is to be exempt. Remove "20 percent" from Section 865, (e) of the Proposed Text of Emergency Regulations. This is an arbitrary number and does not conform to the Governor's Executive Order or Government Codes.
  3. **Delay Implementation of Final Regulations to July 1, 2015.** Recommend changing Section 865 (d) (1) to read "Beginning **July 1, 2015**, each urban water supplier...." instead of June 1, 2015, of the Proposed Text of Emergency Regulations. By delaying

the implementation of the regulations to this date, the State will allow water agencies and customers to adjust to and initiate appropriate actions and measures to meet the required standards and goals. In addition, Metropolitan Water District has implemented Level 3 – 15% allocation reductions, effective July 1, 2015, and our regional supplier, San Diego County Water Authority, is determining the impacts to retail suppliers. By delaying implementation to July 1, the Water Board will allow retail and wholesale agencies to understand all impacts to our entire customer base and proceed with clear guidance and direction. This will lessen the economic impacts on businesses still recovering from the recent Recession. This will also allow time for the Water Board to review all recommendations and draft regulatory guidelines that are clear and concise. Last, agencies will still continue to push and enforce water conservation, thus efforts will not be lost in meeting the goals of conserving 25% by February 2016.

4. **Recognize Regional and Local Efforts.** Considerable investment and creation of sustainable water supplies at the local and regional levels has been undertaken throughout San Diego and other regions. This has been accomplished based on lessons learned from previous droughts and water supply issues to improve supply reliability and diversity, as well as reduce reliance on imported water sources from the Sacramento-San Joaquin Delta. It is recommended that the State recognizes these investments and provide a credit to the agencies and ratepayers that have invested heavily in these alternative supply systems.
5. The proposed Regulations are placing a significant onus on retail urban water suppliers while completely ignoring the larger users of overall State water. Rincon Water requests that the State re-assess how water is managed and how this impacts the requirement to save 25% overall. For instance, a significant amount of water is released to accommodate environmental conditions, such as 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. Would multiple beneficial use of water not support the requirement “to prevent waste and unreasonable use of water” as defined in the Water Code?
6. The State Board is involved with expanded water reuse, to include future IPR and DPR, to which we commend the State Board for championing and being on the forefront in leadership. One item that could greatly reduce the use of potable water for irrigation is to immediately 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 reported health issues that should be of concern. Proper engineering and construction standards for pipe separation would need to be followed, as currently in place.

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. Rincon Water has also been a signatory to the CUWCC since 1991 and following established BMPs.

Rincon Water thanks the Water Board for consideration of our comments. We appreciate the hard work and effort being expended to meet the Governor's goals and balance appropriate regulations against the constraints of the drought. We look forward to working with your staff and fellow agencies to develop fair and equitable regulations that help the state weather this crisis. Please contact the undersigned at 760-745-5522 ext 606 or [gthomas@rinconwater.org](mailto:gthomas@rinconwater.org) for any further information.

Sincerely,



Greg Thomas  
General Manager

Cc: Rincon Water Board of Directors  
Maureen Stapleton, General Manager, SDCWA  
Governor Edmund G. Brown Jr  
Senator Dianne Feinstein  
Senator Barbara Boxer  
Congressman Duncan Hunter  
Assemblymember Marie Waldron  
State Senator Joel Anderson