

1. The draft revised section 865(f) is unclear on its face. Subsection (f)(1) provides two optional conservation actions for small water suppliers (that is, the two actions are separated by an “or”): (f)(1)(A) is a limitation on certain outdoor watering to no more than two days a week; (f)(1)(B) is another action intended to achieve a 25 percent reduction relative to the amount consumed in 2013. Then subsection (f)(2) provides two optional reporting requirements (that is, the requirements are separated by an “or”): (f)(2)(A) is a report of total potable water production for 2013 and 2015; (f)(2)(B) is a “confirmation” that certain outdoor watering is limited to no more than two days a week.
 - a. Is a small water supplier that takes action (f)(1)(A) required to report under (f)(2)(B)? Likewise, is a small water supplier that takes action under (f)(1)(B) required to report under (f)(2)(A)?
 - b. If the reporting requirements are supposed to match the conservation actions, then it would help if (A) and (B) in subsection (f)(2) were reversed from their current order.
2. The State Water Board’s interpretation of draft revised section 865(f)(2) is also unclear.
 - a. As noted above, subsection (f)(2) provides two optional reporting requirements for small water suppliers that are separated by an “or” at the end of subsection (f)(2)(A). But on the fourth page of the corresponding Fact Sheet issued by the Board, under “New Reporting Requirements,” the reporting requirement for small water suppliers is described as “a single report . . . that provides their water production from June-November 2015 and June-November 2013 [see (f)(2)(A)]. *In addition* [contrary to the “or” at the end of (f)(2)(A)], they must report on the number of days per week outdoor irrigation is allowed [presumably a reference to (f)(2)(B)].” That is, it’s not clear whether the State Water Board expects all small water supplier reports in December to include both matters.
 - b. Also, the interpretation of subsection (f)(2)(B) in the Fact Sheet is confusing. Subsection (f)(2)(B) says: “Confirmation that the distributor [“supplier”?] limited outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.” But the Fact Sheet describes a “report on the number of days per week outdoor irrigation is allowed.” That is, it’s not clear what the State Water Board expects small water suppliers to include in these reports.

Without clarification of these points, it is unclear what will be required of small water suppliers.

Peter Wall
Deputy County Counsel
Office of the Fresno County Counsel
2220 Tulare Street, Fifth Floor
Fresno, California 93721

Phone: (559) 600-3479
Fax: (559) 600-3480