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May 4, 2015

Honorable Felicia Marcus, Chair  
C/O Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

Submitted via e-mail

Subject: Comment Letter – Emergency Conservation Regulations

The Municipal Water District of Orange County (MWDOC) respectfully requests the State Water Resources Control Board reconsider and account for 1) Indirect Potable Reuse (IPR) 2) water use in Fuel Modification Zones (Fire), and 3) Regional Compliance in the Draft Regulations for Implementing 25% Conservation Standard.

According to the state’s Recycled Water Policy and the California Action Plan, the development of recycled water is a “valuable resource” in California. The state has established a goal to increase the use of recycled water, over 2002 levels, by at least one million acre-feet per year by 2020. This long-term sustainable supply option makes local sense and is drought resistant, reliable, and will minimize our carbon footprint. Orange County alone is recycling more than 134,000 AFY, contributing more than 13 percent of the state-wide goal. The investment in the IPR Groundwater Recovery System (GWRS) alone is more than \$621 million in capital costs.

The following provides an example of how traditional recycled water use (Purple-Pipe) and Indirect Potable Reuse (IPR) are treated differently in the Draft Regulations. In the scenario described below, two agencies decide to invest in the development of recycled water. Both agencies have a total water demand of 10,000 acre-feet per year. The table attempts to demonstrate how these two types of recycled water are treated differently in the mandatory reductions.

Traditional Purple-Pipe Recycled Water Total Water Demand = 10,000 afy	Indirect Potable Reuse Total Water Demand = 10,000 afy
<ul style="list-style-type: none"> <li>• One agency pursues the traditional Purple-Pipe approach to recycle 3,000 acre feet of water</li> <li>• Potable irrigation demand is reduced by 3,000 acre feet</li> <li>• This agency’s potable demand is reduced to 7,000 acre feet.</li> </ul>	<ul style="list-style-type: none"> <li>• The other agency pursues the IPR approach to recycle 3,000 acre feet of water</li> <li>• Municipal and industrial water supply is supplemented with 3,000 acre-feet of recycled water</li> <li>• Imported water use is reduced by 3,000 acre feet</li> <li>• This agency’s potable demand remains at 10,000 acre feet</li> </ul>



Both agencies reduce their demand for imported water by 3,000 acre feet; Purple-Pipe gets credited, but IPR does not. The Draft Regulations Implementing 25% Conservation Standard do not treat these agencies in a consistent manner for a similar investment. The Conservation Standard in effect nets out Purple-Pipe water recycling because total water production is reduced by the increment of recycled water produced. Conversely, IPR is not netted out because it is included in total potable water production. Both agencies invested in recycled water, both advance the state goals, and both should be treated similarly. In fact, IPR allows for water to be used for drinking water purposes, not just for irrigation or industrial use, and IPR water is actually used multiple times, not just once or twice.

To advance the stated goals of California and the Water Board, and to put IPR on equal footing to traditional recycled supplies, we request that water production be reduced by the proportionate amount of IPR being produced from the groundwater basin. Orange County agencies would still be assigned to an appropriate percent reduction tier. This change would recognize past investments in IPR and encourage continued investments in recycled water state-wide.

Orange County has significant interface between urban and open space areas that are subject to the Orange County Fire Authority Vegetation Management Guidelines (Guideline C-05, which are predicated on California Fire Code Title 24, Part 9, Chapter 49). These guidelines contain four fuel modification zones, two of which require irrigation *“to maintain healthy vegetation with high moisture content”* (Pages 8-9). *“Fuel Modification Zones are landscaping areas in which existing combustible vegetation is removed from strips of land and replaced with spaced and irrigation fire-resistant plants and further adjoining strips of land in which vegetation is partially removed. The zones provide an integral level of protection for structures from wildfires by slowing the speed and reducing the intensity of the fire”* (Page 2). Due to human safety and the protection of public and private property, we request the Water Board exempt irrigation water use in these Fuel Modification Zones from the Emergency Regulations. These suppliers must provide written certification to the Water Board to be able to subtract the water supplied to local fire authority designated Fuel Modification Zones from their total water production for baseline and conservation purposes.

Lastly, water agencies throughout Orange County support an option to join together as a group to meet the collective conservation standard. The group as a whole would achieve the same amount of water savings as they would individually and would benefit greatly by consistent messaging and implementation of water conservation programs across the broader geographic area. We believe the option of a group approach would address the following uncertainties:

- Geographic scope – Water agencies throughout Orange County have a long history of working cooperatively to develop, implement, and evaluate a comprehensive portfolio of water use efficiency programs. We have already formed the largest Regional Alliance to comply with SBx 7-7, the Water Conservation Act of 2009.
- Group Leadership – The Orange County group would be led by MWDOC, the regional wholesaler to 28 retail agencies throughout the county. MWDOC holds monthly water utility manager meetings, public information officer meetings, and water use efficiency coordinator meetings. These meetings are already being used to develop, coordinate, and implement regional drought response activities. More recently, these groups have combined into yet

another forum as a Drought Response Work Group.

- Compliance Assessment – Compliance would be monitored both individually and as a region. Retail water agencies would continue to submit monthly reporting as currently required. This would allow for agencies to monitor their individual performance against their individual goal as well as their performance against the regional goal. MWDOC would report quarterly as a region, utilizing the data reported to the State Board by each retail agency.
- Accountability – Agencies would be accountable at both the individual and regional levels. This would be assessed through both monthly reporting by individual agencies and through quarterly reporting as a region. Each of these quarterly reports will document progress toward meeting the group's water saving goal.
- Enforcement – If enforcement is necessary, it would be addressed at the regional level just as it is now in our Water Supply Allocation Plan. The region would then be responsible for choosing how to allocate enforcement to individual agencies within the region.

The Orange County group, under the leadership of the Municipal Water District of Orange County, has calculated a regional water savings target of 23%. A spreadsheet demonstrating this calculation is provided as Attachment A.

Water agencies throughout Orange County remain steadfastly committed to actively implementing water conservation and public information programs regardless of the source of water being used and regardless of drought conditions. Overall water demand in the county has dropped two percent from 1991 to 2014, while population has grown by more than 25 percent.

We appreciate the opportunity to provide input on implementation of the Governor's Executive Order B-29-15. Should you have any questions regarding these comments, please contact me at (714) 593-5026.

Sincerely,



Robert J. Hunter

Cc: Board of Directors  
MWDOC Member Agencies

Supplier Name	Total Water Production		Total Water Saved	Percent Saved	Tier	Conservation Standard	Sep-2014 R-GPCD	REVISED (4-18-15)				
	2013 (Jun - Feb)	2014/15 (Jun-14 - Feb-15)	(Jun-14 - Feb-15, compared to 2013, gallons)	(Jun-14 - Feb-15, compared to 2013, gallons)				Tier	Conservation Standard	Jul-Sep 2014 R-GPCD	Target Production	Required Savings (gal)
Seal Beach City of	905,215,264	856,337,550	48,877,714	5%	1	10%	45.3	2	8%	64.7	832,798,043	72,417,221
Santa Ana City of	9,729,076,397	9,323,684,636	405,391,760	4%	2	20%	77.1	3	12%	78.3	8,561,587,229	1,167,489,168
Westminster City of	3,064,371,990	2,956,971,359	107,400,630	4%	2	20%	88.2	5	20%	105.9	2,451,497,592	612,874,398
Fountain Valley City of	2,438,968,604	2,305,516,153	133,452,452	5%	2	20%	90.6	5	20%	100.2	1,951,174,883	487,793,721
Golden State Water Company West Orange	4,000,477,969	3,830,090,258	170,387,711	4%	2	20%	91.9	6	24%	121.4	3,040,363,256	960,114,713
Irvine Ranch Water District	15,406,744,246	15,015,266,341	391,477,904	3%	2	20%	92.3	4	16%	91.7	12,941,665,167	2,465,079,079
Mesa Water District	4,434,609,825	4,283,056,327	151,553,499	3%	2	20%	92.9	6	24%	116.8	3,370,303,467	1,064,306,358
Huntington Beach City of	7,506,541,568	7,116,888,432	389,653,136	5%	2	20%	100.9	5	20%	109.0	6,005,233,254	1,501,308,314
Anaheim City of	16,337,538,847	15,992,788,037	344,750,810	2%	2	20%	105.1	5	20%	108.6	13,070,031,078	3,267,507,769
Golden State Water Company Placentia	1,868,334,327	1,778,757,770	89,576,557	5%	3	25%	112.5	7	28%	137.8	1,345,200,715	523,133,612
Buena Park City of	3,777,921,445	3,441,805,698	336,115,747	9%	3	25%	113.1	6	24%	118.9	2,871,220,298	906,701,147
El Toro Water District	2,331,141,109	2,239,576,858	91,564,251	4%	3	25%	115.3	6	24%	119.9	1,771,667,243	559,473,866
San Clemente City of	2,270,663,084	2,331,434,375	-60,771,291	-3%	3	25%	116.6	7	28%	157.7	1,634,877,420	635,785,664
Moulton Niguel Water District	7,135,207,799	6,864,125,480	271,082,319	4%	3	25%	121.4	5	20%	99.1	5,708,166,239	1,427,041,560
Brea City of	2,826,761,129	2,727,376,444	99,384,685	4%	3	25%	123.7	6	24%	125.9	2,148,338,458	678,422,671
South Coast Water District	1,639,847,306	1,549,814,557	90,032,749	5%	3	25%	125.7	6	24%	121.7	1,246,283,953	393,563,353
La Palma City of	545,401,972	497,342,471	48,059,501	9%	3	25%	127.3	7	28%	136.3	392,689,420	152,712,552
San Juan Capistrano City of	2,040,416,466	1,962,283,810	78,132,655	4%	3	25%	131.8	7	28%	133.3	1,469,099,856	571,316,610
Laguna Beach County Water District	872,082,691	867,064,579	5,018,112	1%	3	25%	132.0	6	24%	121.0	662,782,845	209,299,846
Santa Margarita Water District	7,105,190,366	6,932,489,109	172,701,256	2%	3	25%	132.3	6	24%	126.8	5,399,944,678	1,705,245,688
Fullerton City of	7,215,373,767	6,969,105,034	246,268,733	3%	3	25%	135.0	7	28%	157.4	5,195,069,112	2,020,304,655
Garden Grove City of	6,584,316,860	6,185,605,054	398,711,806	6%	3	25%	138.3	7	28%	133.6	4,740,708,139	1,843,608,721
Orange City of	7,732,617,288	7,437,395,896	295,221,393	4%	3	25%	146.3	7	28%	148.7	5,567,484,447	2,165,132,841
Trabuco Canyon Water District	764,121,596	767,705,962	-3,584,366	0%	3	25%	152.4	8	32%	194.9	519,602,685	244,518,911
Tustin City of	2,984,049,613	2,895,189,929	88,859,684	3%	3	25%	162.0	7	28%	156.5	2,148,515,721	835,533,892
La Habra City of Public Works	2,397,728,848	2,535,032,864	-137,304,016	-6%	4	35%	167.3	7	28%	137.5	1,726,364,771	671,364,077
Newport Beach City of	4,220,349,478	3,924,557,845	295,791,633	7%	4	35%	206.6	8	32%	170.3	2,869,837,645	1,350,511,833
Yorba Linda Water District	5,380,523,933	5,128,021,662	252,502,271	5%	4	35%	221.3	9	36%	220.2	3,443,535,317	1,936,988,616
East Orange County Water District	247,060,552	225,554,358	21,506,194	9%	4	35%	271.6	9	36%	277.6	158,118,753	88,941,799
Serrano Water District	829,682,903	749,230,186	80,452,717	10%	4	35%	520.1	9	36%	539.0	530,997,058	298,685,845
Golden State Water Company Cowan Heights	703,676,157	691,163,462	12,512,695	2%	4	35%	556.5	9	36%	572.4	450,352,740	253,323,417
Statewide	1,626,751,431,372	1,478,173,631,488	148,577,799,883	9%								
<b>ORANGE COUNTY TOTALS</b>	<b>135,296,013,399</b>	<b>130,381,232,496</b>	<b>4,914,780,903</b>	<b>3.6%</b>							<b>104,225,511,485</b>	<b>31,070,501,914</b>

23.0%