



DIRECTORS

Richard E. Barrett  
Richard B. Bell  
Douglass S. Davert  
John Dulebohn  
William Vanderwerff

Lisa Ohlund  
General Manager

(5/5-6/15) Board Meeting- Item 6  
Emergency Conservation Regulation  
Deadline: 5/4/15 by 10:00 am

May 1, 2015



Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

RE: Comment Letter – Emergency Conservation Regulation  
Correction to Classification of East Orange County Water District

Dear Ms. Townsend:

In the State Water Resources Control Board's April 28, 2015 proposed Regulatory Framework Tiers spreadsheet, classifying suppliers in use reduction tiers, the East Orange County Water District is erroneously listed as an urban water supplier in Tier 9.

Only a small portion of the District's service area receives retail service from the District. In this area, we provide direct retail service to 1209 metered customers representing a population of 3,247 people. The total demand for this area for 2014 was 1,017 AF.

In the remainder of its service area, the District functions solely in a wholesale capacity. In the wholesale area, the District does not service individual user accounts; the only meters or accounts are those of the cities, district and utility (15 meters) that purchase water from the District for resale to ultimate users. There is also a clear geographic delineation of the areas in which the District functions solely as a wholesaler, because the wholesale areas are identified by the geographic service boundaries of the retailers who buy water from the District. This is depicted in the attached map (Exhibit B) of our service area.

Section 865(a)(4) of the SWRCB's draft regulations defines "urban water supplier" as a supplier meeting the definition set forth in Water Code section 10617. The section 10617 definition of "urban water supplier" is "a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers...." Based on the section 10617 definition's threshold of 3,000 customers in combination with its use of the phrasing "directly or indirectly" and "ultimate resale," the District is an urban water supplier for certain purposes of

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May 1, 2015

section 10617, taking into consideration its wholesale operation. However, the draft regulations' Section 865(a)(4) expressly excepts from the urban water supplier definition "suppliers when they are functioning solely in a wholesale capacity." Excluding the area and service connections for which the District functions solely as a wholesaler as required by the Section 865(a)(4), the District does not meet the 3,000 customer or 3,000 acre feet per year threshold to be an urban water supplier. As stated previously, in its retail service area, the District has 1209 retail customer service connections, with a 2014 supply of 1,017 AF.

The regulations demonstrate a consistent approach of assigning reductions to urban water suppliers and non-urban water supplier distributors by their service areas. The inclusion of the District within the Urban Water Supplier Framework requires a piecemeal reading of the urban water supplier definition inconsistent with this approach: first, disregarding the clearly stated wholesale-function exception in the definition to make the District an urban water supplier based on its wholesale operations, and then excluding the wholesale area for purposes of applying the urban water supplier compliance targets. To be consistent with the service-area approach, the District should be classified based on its retail service area.

In accordance with the text of the proposed regulations, the District should be deleted from the urban water supplier reduction table. Instead, the District should be governed by Section 865(f) of the draft regulations, setting the requirements for a distributor of a public water supply that is not an urban water supplier.

Sincerely,



Lisa Ohlund  
General Manager

Cc: Joan Arneson, Esq. Bowie, Arneson, Wiles & Giannone

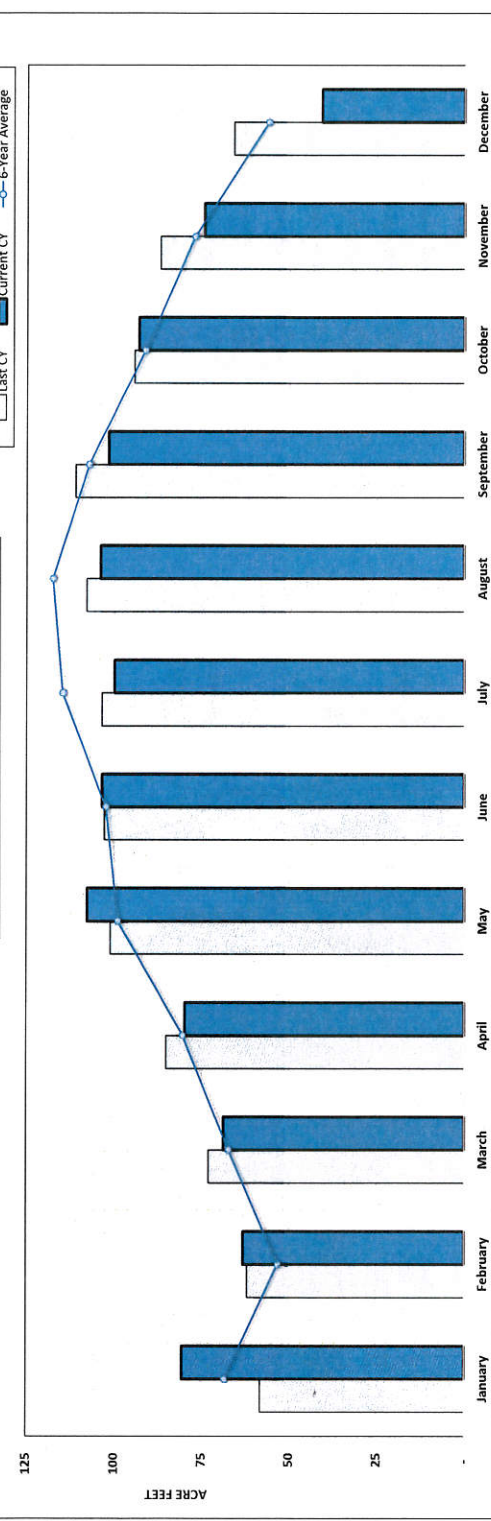
# Exhibit A East Orange County Retail Zone Water Usage Report

## 10 Year Monthly (Calendar Year)

Calendar Year	January	February	March	April	May	June	July	August	September	October	November	December	Total
2009	91	46	83	101	103	100	123	124	112	97	86	55	1,120
2010	52	35	59	74	96	110	112	118	109	76	73	49	962
2011	58	55	54	78	92	98	120	119	98	88	63	68	990
2012	71	58	67	65	95	100	114	118	107	99	75	42	1,010
2013	58	62	73	85	101	103	104	108	111	94	87	66	1,052
2014	81	63	69	80	108	103	116	119	108	94	80	56	1,076
<b>6 year Average</b>	<b>69</b>	<b>53</b>	<b>67</b>	<b>80</b>	<b>99</b>	<b>102</b>	<b>115</b>	<b>118</b>	<b>107</b>	<b>91</b>	<b>77</b>	<b>56</b>	<b>1,035</b>

<b>Total Water Usage 2014</b>	<b>81</b>	<b>63</b>	<b>69</b>	<b>80</b>	<b>108</b>	<b>103</b>	<b>100</b>	<b>104</b>	<b>102</b>	<b>93</b>	<b>74</b>	<b>41</b>	<b>1,017</b>
2014 VS 2013 Usage	+38%	+2%	-6%	-6%	+7%	+1%	-3%	-4%	-8%	-1%	-14%	-38%	-6%

2014 Water Usage VS 2013 Water Usage



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2013 Usage (AF)	58	62	73	85	101	103	104	108	111	94	87	66	1,052
2013 GPCD	189	223	237	286	329	345	337	351	373	307	292	215	291
2014 Usage (AF)	81	63	69	80	108	103	100	104	102	93	74	41	1,017
2014 GPCD	261	226	222	267	349	346	323	336	340	301	249	132	280
CY over CY change in GPCD	+72	+3	-15	-19	+20	+1	-13	-14	-33	-6	-43	-83	-11

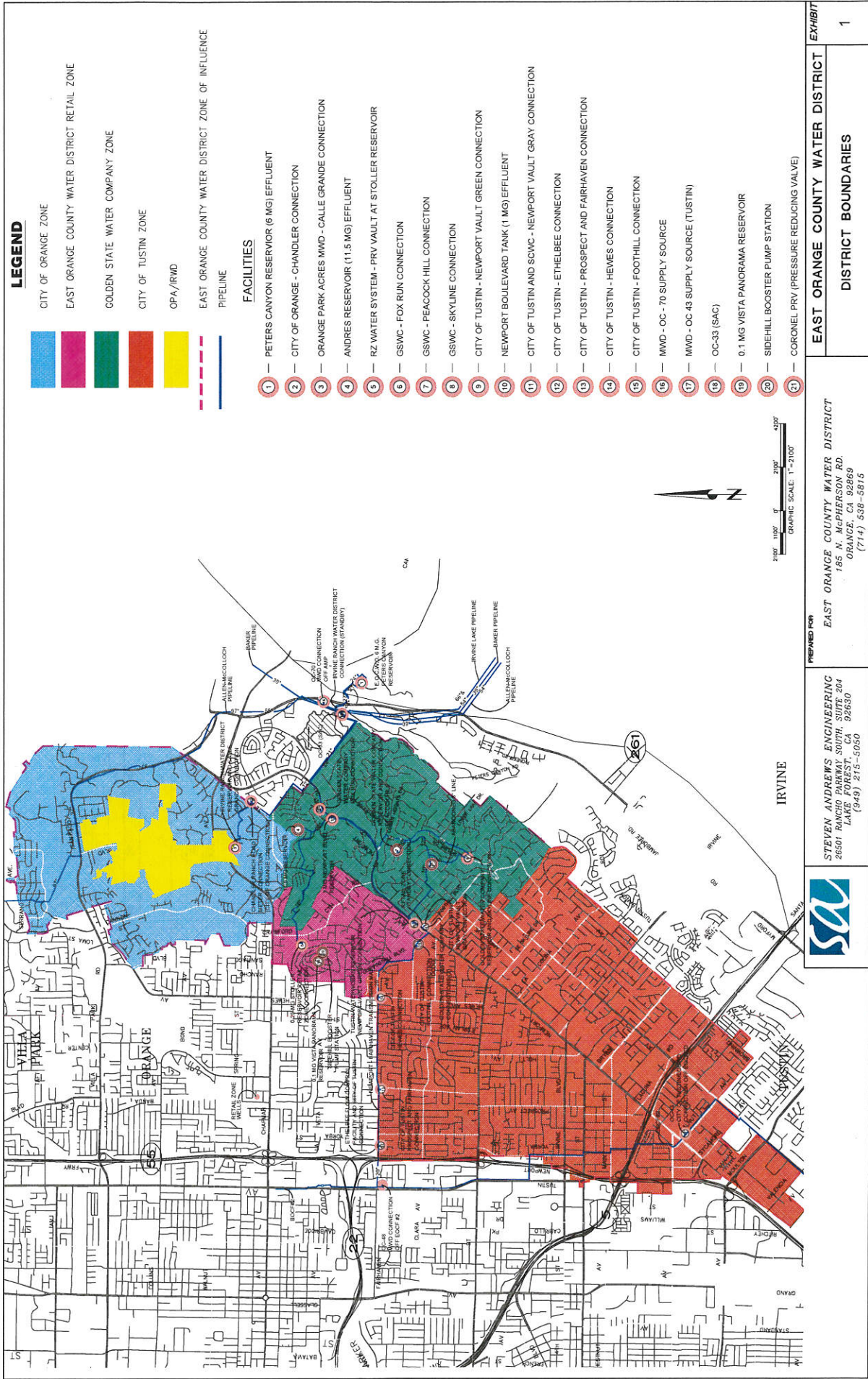
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2013-14 Usage (AF)	104	108	111	94	87	66	81	63	69	80	108	103	1,073
2013-14 GPCD	337	351	373	307	292	215	262	227	223	268	350	347	296
2014-15 Usage (AF)	100	104	102	93	74	41	59	53	72	-	-	-	-
2014-15 GPCD	323	336	340	301	249	132	190	191	234	-	-	-	-
FY over FY change in GPCD	-13	-14	-33	-6	-43	-83	-72	-36	+11	-	-	-	-

\*Cumulative through the end of the last month shown

\*GPCD = Total Monthly Production/ Population/days in the month



# Exhibit B



### LEGEND

- CITY OF ORANGE ZONE
- EAST ORANGE COUNTY WATER DISTRICT RETAIL ZONE
- GOLDEN STATE WATER COMPANY ZONE
- CITY OF TUSTIN ZONE
- OPA/RWD
- EAST ORANGE COUNTY WATER DISTRICT ZONE OF INFLUENCE
- PIPELINE

### FACILITIES

- 1 — PETERS CANYON RESERVOIR (6 MG) EFFLUENT
- 2 — CITY OF ORANGE - CHANDLER CONNECTION
- 3 — ORANGE PARK ACRES MWD - CALLE GRANDE CONNECTION
- 4 — ANDRES RESERVOIR (11.5 MG) EFFLUENT
- 5 — RZ WATER SYSTEM - PRV VAULT AT STOLLER RESERVOIR
- 6 — GSWC - FOX RUN CONNECTION
- 7 — GSWC - PEACOCK HILL CONNECTION
- 8 — GSWC - SKYLINE CONNECTION
- 9 — CITY OF TUSTIN - NEWPORT VAULT GREEN CONNECTION
- 10 — NEWPORT BOULEVARD TANK (1 MG) EFFLUENT
- 11 — CITY OF TUSTIN AND SCWC - NEWPORT VAULT GRAY CONNECTION
- 12 — CITY OF TUSTIN - ETHEL BEE CONNECTION
- 13 — CITY OF TUSTIN - PROSPECT AND FAIRHAVEN CONNECTION
- 14 — CITY OF TUSTIN - HEWES CONNECTION
- 15 — CITY OF TUSTIN - FOOHILL CONNECTION
- 16 — MWD - OC - 70 SUPPLY SOURCE
- 17 — MWD - OC 43 SUPPLY SOURCE (TUSTIN)
- 18 — OC-33 (SAC)
- 19 — 0.1 MG VISTA PANORAMA RESERVOIR
- 20 — SIDEHILL BOOSTER PUMP STATION
- 21 — CORONEL PRV (PRESSURE REDUCING VALVE)

<b>EAST ORANGE COUNTY WATER DISTRICT</b>	<b>EXHIBIT</b>
DISTRICT BOUNDARIES	1

PREPARED FOR  
**EAST ORANGE COUNTY WATER DISTRICT**  
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 LAKE FOREST, CA 92630  
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GRAPHIC SCALE: 1" = 2100'

