



VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

(2/17/15) Board Meeting- Item 5
Emergency Regs
Deadline: 2/12/15 by 12:00 noon

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February 9, 2015

Via Electronic Mail

Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814



Dear Members of the State Water Resources Control Board:

On February 17, 2015, the State Water Resources Control Board ("SWRCB") will be conducting a workshop on the issues of extending the Emergency Drought Declaration and what, if any, changes should be made to the mandatory drought response measures taken by water retailers.

Our agency would like to offer its perspectives and recommendations on these issues.

I. Extension of the Drought Emergency Declaration

Truly, California finds itself in an historic drought condition. It will take precipitation events of **Biblical** proportions between now and the end of spring to correct or even stabilize the situation. Without a doubt, extending the strength of a state-level mandate will certainly assist us at the local level to implement and enforce the types of measures needed to achieve our conservation requirements. As such, the Emergency Drought Declaration and Regulations should be extended.

II. Changes to the Mandatory Requirements – Cautionary Comments

While we have a few thoughts on what changes might be considered to the mandatory provisions, we would initially like to address the types of provisions suggested by the NGO Community which we would strongly advise **not be** implemented.

Data Reporting and Collection

We, and others in the water community, are aware of proposed mandatory provisions suggested by the NGO community for increased reporting on financial transactions, water loss, and system repair activity for example. Our basic concern is that these types of provisions will divert limited local financial and staff resources away from developing and implementing actual consumer education and conservation programs to develop data of questionable value in dealing with the immediate, short-term drought emergency.

Beyond the questionable intrinsic value of the data, the question must be asked: does the SWRCB have the staff resources to evaluate and make use of the data on a real-time basis?

Finally, much of the suggested data collection is already required for other state purposes, such as in the Urban Water Management Plans. Another example is that water main breaks or other

releases of sufficient volumes of domestic water are already reported to the RWQCB under the **Discharges of Water from Drinking Water Systems**. We would assume that data can readily be accessed by the SWRCB and does not need to be duplicated.

Recommendation: Prior to requiring any additional data reporting and collection, we would hope that the SWRCB fully evaluate:

1. How the data will assist in dealing with the short-term drought emergency;
2. Is the data already being collected for other state-mandated purposes; and
3. Will such data collection and reporting unnecessarily divert limited local resources away from real-time, on the ground water conservation programs?

Water Loss Reporting and Validation

It has also been recommended that water agencies be required to report water loss to the SWRCB and further, that there be an independent audit and validation process developed.

Water loss is already monitored by most water agencies and will now be required to report water loss in the UWMP's starting with the 2015 updates. As there are no mandated minimum water loss standards in place which take into consideration the wide variable involved with different types of water agencies (open source, open conveyance, open reservoirs, local treatment, variable evaporative loss, metered, unmetered retail connections, etc.), does this recommendation assume that there is an issue of accuracy of a water agency reporting their respective water loss factors which requires a new mandate? In regard to detailed reporting, the question arises as to who verifies the data in the UWMPs, or in a proposed independent water loss audit? Would that be the SWRCB, or DWR? We would strongly urge that the SWRCB not go down the path creating another "cottage industry" of approved consultants to do the audits and or certify accuracy and authenticity.

Finally, what effect will this have on the current drought emergency, other than again to divert local staff and financial resources away from actually doing things to deal with the drought emergency?

Recommendation: The SWRCB should rely on the UWMP requirements for water loss reporting, as well as the honesty and integrity of the state's water stewards and agencies and resist the suggestion that an entire new regime of leak reporting audits and verifications be established.

Mandatory Customer Leakage Notification

As with several other suggestions, the proposal to require leak notification to customers is already covered by existing law and is part of normal water agency business practice. Large leaks are typically discovered by the customer. At the price of water in San Diego County and largely Southern California, no metered customer lets a large leak go any longer than they have to. Significant leaks will be detected on the next water bill, which is when we detect abnormal water use and notify the customers. Slow but continuous leaks are harder to detect, both by the customer and the water agency. These are best addressed through the customer education process and enhanced outreach being conducted as part of our response to the drought.

Recommendation: It is hoped that the SWRCB will resist this type of suggestion when customer leak notification is already required by state law and is a common business practice of water agencies.

Using State Funding Opportunities to Incentivize Conservation and Efficiency Measures

It has been proposed that increased level water management and conservation performance by retail water agencies should be tied to receiving state monies. More appropriately however, this should be accomplished through strengthening requirements for agencies to participate in the Urban BMP, Agricultural BMP and UWMP programs, as well as compliance with water meter installation deadlines, etc., to receive state funding rather than through punitive measures for a minor or inadvertent post-project non-compliance audit finding.

Much of the Governor's Drought Emergency Funding and SRF money is being focused on wastewater recycling projects, which in many cases are being pursued by water and wastewater agencies on a voluntary basis. If compliance measures are so stringent, punitive and place the water/wastewater agency in such a high degree of risk associated with not meeting a future compliance evaluation, then these agencies might be dissuaded from pursuing SRF funding for wastewater reclamation projects.

Again, such a proposal will do nothing to deal with the current drought situation. Further, excessive levels of stringency in this approach might actually impede progress toward the long-term state goals of developing additional local alternative water supplies, an unanticipated consequence not even the NRDC could be comfortable with, I would suspect.

Recommendation: Strengthening the relationship between compliance with BMP, UWMP, and metering requirements and state funding could be an effective tool to achieve short and mid-term water conservation; *but not* to the degree that it dissuades agencies from seeking state funding for local water resource development important to meeting a regional and state long-term water supply management and diversification goals.

Building/Plumbing Code Enforcement by Retail Water Agencies

We are also aware of suggestions that retail water suppliers be required to develop and implement a local enforcement strategy to achieve the replacement of inefficient plumbing fixtures.

As with the suggested increased data collection and reporting proposals, it is unclear how this type of requirement helps to deal with the immediate emergency drought situation. Requiring plumbing upgrades is most appropriately and effectively done at the building permit stage for new construction, remodeling permitting and as a prerequisite for the close of escrow for transfers of residential and commercial property. Further, counties and cities which have rent and rental property control programs would be better positioned to use their general police powers to implement this through licensing or inspection programs.

A basic question is associated with this approach: Would water agencies also have to be prepared to perform building inspections and certifications, or provide financial assistance to facilitate low income or indigent tenants to make improvements, to fee owned units or a landlord's rental unit?

Finally, it seems that putting this responsibility on a new homeowner or tenant after they have purchased a home or signed a lease and moved in because the prior owner/landlord failed to upgrade plumbing would place the water agency in a precarious legal position. This is especially a concern in light of the growing awareness of limited access to drinking water in disadvantaged communities and the new “right to affordable drinking water” movement in California.

Recommendation: It would seem that the better approach would be to seek legislation which will stop the transfer of property until such upgrades and certifications can be acquired or give owners of rental property a specified period of time to make such required upgrades to continue to rent property.

III. Changes to the Mandatory Requirements – Things That Will Be Effective Now

It is hoped that the SWRCB consider changes to the mandatory requirements that will assist retail water agencies to deal effectively with the Drought Emergency in the short-term on a real-time basis, as follows:

1. Expand and Strengthen the Mandatory Water Use Prohibitions

Currently, Urban Water Suppliers having Mandatory Use Restriction Ordinances are only required by the Emergency Regulations to implement those ordinances. The SWRCB may want to consider requiring all urban suppliers to update those ordinances to insure that they all include certain provisions, including “days of the week watering,” and “hours of watering” for example.

2. Make State Drought Emergency Funds Available to Assist in Regional and Local Drought and Conservation Messaging; and

3. Make State Drought Emergency Funds Available to Assist Retail Water Agencies in Hiring Temporary Staff for Drought/Water Conservation Education and Program Implementation.

In the midst of a drought response, regional and local water agencies often find financial resources taxed by limited and declining revenues. Providing interim state funding for temporary enforcement program implementation staffing and media messaging would assist regional and local agencies to convey drought awareness and conservation messages in a similar fashion to what is currently being done with the “Save Our Water” Program through the Association of California Water Agencies and its member agencies.

Conclusion

As the drought deepens and the pressure on the SWRCB to “do something” increases, the Board should not lose focus of doing things that will actually help in the near and short-term, versus considering the various opportunistic heavy handed “command and control” proposals for:

- Diverting local water agency staff resources for increased data collection, reporting, and notification of questionable near-term value;

- Funding access restrictions will actually dissuade water and wastewater agencies from pursuing state funding for the development local alternative water resources; and
- Placing water agencies in the role of denying water service to leverage plumbing upgrade certification.

In sharp contrast, the SWRCB should act to retain the balance between encouraging and facilitating the efforts of local retail water suppliers to achieve required conservation levels and, at the same time, sustaining the public's good will and support for conservation. Ultimately, the public's cooperation and commitment will be the key to bringing us through the current drought; just as it was in 1976-1977, 1990-1991, and 2009-2011.

Sincerely,



Gary Arant
General Manager
Valley Center MWD

Member, Board of Directors
San Diego County Water Authority, and

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