



# LATE COMMENT

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May 13, 2016



Clerk to the State Water Board  
State Water Resources Control Board  
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(Delivered by e-mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov))

**Subject: Comment Letter – May 18, 2106 BOARD MEETING  
(Conservation Extended Emergency Regulation)**

Dear Chair Marcus and Commissioners of the State Water Resources Control Board:

On behalf of the Fallbrook Public Utility District (FPUD) Board of Directors and customers, thank you for the opportunity to submit these comments regarding the Board meeting on May 18, 2016 to discuss proposed adjustments to the Conservation Extended Emergency Regulations. We appreciate that the State Board incorporated previous recommendations from the water community into these Extended Regulations, and made this process as open and inclusive as practical.

With regard to the proposed Emergency Regulations, the following responses and/or recommendations are provided:

1. Given that the proposed regulations will have both the wholesale and retail agencies providing self-certification of water supplies, necessarily involving several tiers of wholesale suppliers and multiple sources of supply for wholesale agencies, we recommend amending Sec. 864.5(a)(2) wholesale supplier certification to June 15, 2016 and Sec. 864.5(b)(4)(e) retail agencies certification to June 22, 2016. This would allow all agencies adequate time to determine demand and supply, including time to work through parochial issues. Additionally, it is recommended that agencies that may not be able to certify by these June dates still have the opportunity to utilize the procedures proposed in new *Section 864.5, Self-Certification of Supply Reliability for Three Years of Additional Drought*, at a later date once information and data are developed. In the interim, they would continue to follow conservation mandates as set by section 865.
2. Adjust Potable Demand at the Retail Level to Account for Recycled Water Conversions - Retail agencies that have reduced their potable demand through conversions to recycled water, should be able to adjust their baseline demand accordingly.

3. Recommend that the Water Board **not** delete the requirements of the original Section 864 (a)(6) and sec 864(b), which is related to the hospitality industry, specifically water served at restaurants and eateries and for operators of hotels/motels and laundering linens. Though probably small impacts to overall water savings, this is a long term conservation ethos and practice that needs to be continued now and into the future.
4. We oppose imposition of a required minimum conservation as it undermines the purpose and integrity of the self-certification analysis and continues to discount the value of local investments that support local supply reliability.
5. Amend 864.5(a)(4)(b) to calculate the conservation standard based on the first year, rather than the third year to reflect immediate emergency conditions rather than highly conservative “worst case” conditions associated with third year hydrology.
6. Recommend including an option that would allow wholesalers to evaluate the sufficiency of available aggregate supplies to meet the aggregate demands of the urban water suppliers they serve. Assuming a wholesale water agency can demonstrate regional supply sufficiency, no additional analysis would be needed by its retail water agencies for their self-certification reporting. This would offer a more streamlined reporting option.

It should be further noted that a strong majority of water agencies, through their UWMPs and Drought Response Ordinances/Plans, have well established mechanisms that would allow these agencies to move in and out of drought restrictions, based on local water supply conditions. By adopting a drought response protocol that allows local and regional agencies to continue to utilize local/regional resources, develop additional drought resilient sources of supply, and coordinate regional requirements, while still promoting conservation ethics and practices, is highly recommended. Your proposed regulations afford this flexibility.

Regardless, FPUD will continue to promote efficient water use and implement the local supply and demand management programs, and we expect our customers will continue to maintain lower water demand levels in coming months, even as self-certification demonstrates adequate water supply reliability.

Please feel free to contact me at [bbrady@fpud.com](mailto:bbrady@fpud.com) or 760-728-1125 for any comments or questions regarding our comments.

Sincerely,



Brian J. Brady, P.E.  
General Manager