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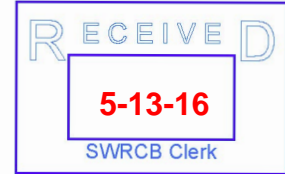
Greg Thomas

General Counsel

Redwine and Sherrill

May 13, 2016

Chair Felicia Marcus
c/o Jeanine Townsend, Clerk to the State Water Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



(Delivered by e-mail to: 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 Board of Directors and Rincon Water 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 (Extended 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. We definitely appreciate the Board's willingness to replace state-developed standards to locally-developed conservation standards based upon each agency's specific circumstances.

In regards to the proposed Extended Regulations, the following responses or recommendations are provided:

1. Given that the proposed regulations will have both the wholesale and retail agencies providing self-certification of supplies to meet demands, and given that this can be an intricate process based on several tiers of wholesale suppliers and multiple sources of supply for wholesale agencies, 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 to adequately determine demand and supply, and work through any intricacies regions may specifically be experiencing. 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 is developed. Till then, 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 “floor” of required minimum conservation as it undermines the purpose and reliability of the self-certification analysis and continues to discount the value of local investments that support local drought supply reliability. Agencies are still required to follow SBX7-7 and this provides an already well-established mandate to meet.
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 the 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 good majority of water agencies, through their UWMPs (currently being updated) and Drought Response Ordinances/Plans, have well established mechanisms that would allow these agencies to move in and out of drought conditions, 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 tolerant sources of supply, and coordinate regional requirements, while still promoting conservation ethics and practices, is highly recommended. Your proposed regulations seem to do this.

With that said, Rincon Water 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 general lower water demand levels in coming months, even as self-certification demonstrates adequate water supply reliability in the face of climate change.

Thank you for the opportunity to provide these comments for the May 18th Board meeting. Please feel free to contact me at gthomas@rinconwater.org or 760-745-5522 for any additional comments or clarifications to these comments.

Sincerely,



Greg Thomas
General Manager

Cc: Board of Directors, Rincon Water