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MEMBER AGENCY OF THE
METROPOLITAN WATER
DISTRICT
OF SOUTHERN CALIFORNIA

April 13, 2015

Delivered via email: Jessica.Bean@waterboards.ca.gov

Mr. Thomas Howard, Executive Director
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Proposed Regulatory Framework for Mandatory Conservation

Dear Mr. Howard:

Thank you for the opportunity to provide comments on the proposed regulatory framework for mandatory urban water conservation in California. Las Virgenes Municipal Water District (District) supports the Governor's Executive Order B-29-15, including the call for a mandatory 25% statewide reduction in urban water usage. Additionally, the District supports the State Water Resources Control Board in implementing the order, recognizing the inherent challenges to do so quickly and equitably.

The draft regulatory framework outlines a simple approach to achieve a 25% reduction in potable urban water usage. Unfortunately, the simple nature of the framework invariably results in concerns with the equity of its implementation. The District offers the following constructive suggestions and recommendations to minimize those concerns while promoting the broader, long-term water resource policy goals of the state. Among those goals is to encourage additional water recycling and support measures to achieve permanent potable water usage reductions.

- Recognize Significant Investments in Recycled Water. The framework could be significantly improved by recognizing significant investments, including those prior to 2013, in water recycling to reduce potable water demands. The District meets nearly 20% of its overall water demand with recycled water supplied to customers through approximately 68 miles of transmission and distribution pipelines. These investments are largely unrecognized in the use of residential per capita water demands for the purpose of establishing conservation standard "tiers" because recycled water is generally used for non-residential

irrigation purposes (i.e. parks, greenbelts, golf courses, common areas). Also, recycled water usage should be favorably considered when determining compliance with the required usage reductions, recognizing the effect of demand hardening.

- *Incorporate Climate Zone and Residential Housing Density Adjustments*: The District recommends refinement of the "model" used to establish the conservation standard "tiers" to recognize significant differences in climate zones and residential housing density throughout the state. Differences in evapotranspiration rates (ET_0) can be accounted for by using data from the CIMIS ET_0 Zone Map published by the Department of Water Resources. Residential housing density data can be drawn from information contained in water suppliers' 2010 Urban Water Management Plans. To assist in this process, the District is currently working in collaboration with several other agencies to add additional columns and reference data to the SWRCB spreadsheet. The refined spreadsheet will be provided submitted to the SWRCB by April 21, 2015.
- *Utilize a 9-Month Average GPCD for Placement in Conservation Tiers*: Due to the high variability in month-to-month water demands across the state, it is recommended that a 9-month average gpcd be used for placement of water suppliers in the conservation standard tiers. This would more equitably reflect hot and cool months across the state and recognize conservation achievements over a broader period.
- *Reduce the Difference between the Low and High Tiers*: It is recommended that the 25% "spread" between Tier 1 (10% reduction) and Tier 4 (35% reduction) be reduced. This could be accomplished by setting Tier 1 at 20%, which would be consistent with the Governor's initial call for conservation, and Tier 4 at 30%. Also, it would be advisable to provide more discrete gradation at the tier break points to soften the impact to water suppliers on the cusp of the various conservation standard tiers.
- *Favor Corrective Action Plans over Cease and Desist Orders with Penalties*: The District suggests that consideration be given to require corrective action plans from water suppliers that do not meet reduction requirements rather than issuing Cease and Desist Orders with Administrative Civil Liabilities. A corrective action plan submitted by a water supplier would identify the additional water usage reductions required and provide a list of actions intended to accomplish them. Also, it is recommended that compliance be based on cumulative 9-month reduction data rather than month-to-month results, which can fluctuate significantly.
- *Consider an Action-Based Compliance Alternative*: An action-based compliance alternative would be desirable to provide water suppliers with an option to enact specified conservation measures that are expected to result in the required water usage reductions. Water supplier opting to pursue this alternative would be deemed compliant upon enacting and enforcing the specified measures; however, those measures would be re-evaluated if conservation standards were not being met.

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- Minimize Impacts to Commercial and Industrial Customers: Given the importance of commercial and industrial customers to the state's economy, it is recommended that measures be considered to minimize the impact of water usage reduction on these customer groups. Mandatory water usage reductions for some of these customers could result in job loss and negative economic impact to the surrounding communities.
- Develop Potable Water Use Restriction for State-Owned Facilities: To set an example, it is recommended that potable water use restrictions be established for state-owned facilities.

Thank you for your consideration of these suggestions. The District is dedicated to do its part to stretch the state's limited water supplies to the fullest extent. If you have any questions about these comments, please contact me at (818) 251-2122 or dpedersen@lvmwd.com.

Sincerely,



David W. Pedersen, P.E.
General Manager

cc: Board of Directors