

VALLEY CENTER MUNICIPAL WATER DISTRICT

A Public Agency Organized July 12, 1954

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April 21, 2015

Ms. Felicia Marcus, Chair
State Water Resources Control Board
1001 "I" Street
Sacramento, CA 95814

[Sent via e-mail to Jessica.bean@waterboards.ca.gov](mailto:Jessica.bean@waterboards.ca.gov)

Subject: Comments - Draft Emergency Drought Regulations Issued on April 18, 2015

Dear Ms. Marcus;

This cover letter and the attached copy of Valley Center Municipal Water District (VCMWD) Resolution No. 2015-17 are being submitted as VCMWD's comments on the Draft Emergency Regulations issued on Saturday, April 18, 2015.

As a preliminary and over-arching comment, on behalf of our Board and community, please know that the enormity, critical nature and urgency of successfully completing the task before your Board is fully recognized here in Valley Center. Further the difference between the Framework released on April 7, and the Draft Regulations issued on April 18, 2015, is significant and clearly shows the SWRCB's commitment to making the regulations as reasonable, equitable and practical to implement as possible given the current circumstances. Two specific and important examples of the SWRCB's efforts at being responsive is the exemption of all commercial agriculture from the Emergency Regulations, as well as the provision for cumulative measurement of water conservation, rather than month-to-month comparisons.

So, it is in the spirit of continuing to evolve the Draft Regulations into the most fair and effective Final Regulations possible that our Board adopted and is submitting, attached, its Resolution No. 2015-17 as comment for your further consideration.

As you will determine from reading the attached resolution, we strongly recommend that the SWRCB seriously consider the following points in drafting the Final Regulations:


1. **Delay the Effective Date of the Final Regulations Until July 1, 2015** which will allow retail agencies a reasonable period of time to implement the final regulations and customers the time to respond to the new requirements;
2. **Recognize The Variables of Community Character, Composition, and Climate** as valid factors impacting relative water use levels;

3. **Acknowledge Regional and Local Efforts to Develop Alternative Water Supplies** which reduce demand on water supplies from the State Water Project, and base reductions on actual water supply limitations on a regional or sub-regional basis;
4. **Use Comparative Domestic Water Use Reported in February, 2015** as the metric to determine the mandatory conservation levels for retail water agencies, as this data is more reflective of relative conservation efforts than data covering the July-September 2014 period which started prior to the SWRCB adopting its mandatory water use provisions and while the Governor was still asking for a 20% voluntary conservation;
5. **Phase Required Conservation Levels Over a 60 to 90 Day Period** using progressive interim targets leading to the overall reduction requirement;
6. **Give Retail Agencies Maximum Flexibility In Meeting Reduction Quantities** in their respective service areas.

In closing, VCMWD would like to thank you for your responsiveness to our comments on the Framework and the opportunity to comment on the Draft Regulations. We look forward to further interaction with the SWRCB and staff over the next few weeks in the spirit of adopting the most equitable and effective Final Emergency Regulations possible to take California through the challenge of the current drought.

If you should have any specific questions about this letter or Resolution No. 2015-17, please feel free to contact our General Manager, Gary Arant at 760-735-4515, or email garant@valleyecentwater.org.

Sincerely;



Gary A. Broomell

President of the Board of Directors

Attch: Res. 2015-17

RESOLUTION NO. 2015-17

**RESOLUTION OF THE BOARD OF DIRECTORS OF
VALLEY CENTER MUNICIPAL WATER DISTRICT IN RESPONSE
TO THE PROPOSED STATE WATER RESOURCES CONTROL BOARD
DRAFT EMERGENCY DROUGHT REGULATIONS
ISSUED ON APRIL 18, 2015**

WHEREAS, in response Executive Order B-29-15 (Executive Order), directing the State Water Resources Control Board (SWRCB) to promulgate certain Emergency Drought Regulations, the SWRCB did issue, on April 18, 2015, the Draft Drought Emergency Regulations (Draft Regulations), impacting the Valley Center Municipal Water District (VCMWD) and well over 400 retail water agencies statewide, and

WHEREAS, in mandating water use reductions at the retail water agency level, irrespective of the actual local and regional water supply availability; the Draft Regulations effectively nullify the value of the billions of dollars invested by Metropolitan Water District (MWD) and the San Diego County Water Authority (SDCWA) and their respective member water agencies to increase supply diversity, reliability, and reduce dependence on imported supplies from the Sacramento-San Joaquin Delta through the development of conservation, surface and groundwater storage, wastewater recycling, indirect potable reuse, brackish groundwater desalination and seawater desalination;

WHEREAS, based upon the domestic gallons per day per capita (gpcd) reported in July 2014 - September of 2014, covering a period one month prior to imposition by the SWRCB of its first mandatory water use provisions, only one-month after the effective date of the mandatory use provisions and while Governor Brown was requesting **20% voluntary conservation**, the proposed regulatory framework would place the Valley Center Municipal Water District (District) in the Category 4 classification, now requiring a 36% mandatory reduction in water use based on usage in Calendar Year 2013; and

WHEREAS, the state basis in the framework for using the September 14, 2014 domestic gpcd was that it reflected the results of prior conservation efforts, and did not acknowledge the factors which are well recognized to impact relative domestic gpcd across the state of California, including:

- A. Variations in Community Character and Composition** - High density urban versus suburban/rural residential and multi-family dwelling versus large lot single family dwellings all have an effect on efficient water use;
- B. Climate** - North Coastal versus Southern Inland and all other variations of climate is recognized as a variable which will impact water demand.

- C. Early Supply Limitations** – Some communities relying on limited or even one single supply had to reduce water usage early because of actual supply limitations. In contrast, some regions and communities having invested in conservation, developing multiple import supplies – (SWP and Colorado River Aqueduct), alternative/local supply development (seawater and brackish groundwater desalination and recycling), did not face actual supply limitations.

WHEREAS, this approach totally ignores the outstanding conservation record of the District over the last 10 years, as follows:

- A. Since FY 2003-2004, when the District delivered just over 48,000 AF of water, deliveries have dropped **42%** to a little over 28,000 AF in 2013-2014. Deliveries are currently running at a pace to be under 23,000 AF in FY 2014-2015. This is an anticipated overall drop of **52%** in just a little over a decade;
- B. The District has not just **met, it has actually exceeded its 20% x 2020** conservation goal enacted in the 2009 water policy legislative package, and
- C. Since the SWRCB enacted its mandatory requirements in August of 2014, the District's Domestic gpcd has **dropped 66%**, from 288 gpcd in September, 2014 to 102 gpcd in March, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Valley Center Municipal Water District that in developing its final Mandatory Emergency Regulations (Regulations) set for adoption in May with an effective date of June 1, 2015, that the SWRCB give thoughtful consideration to the points raised in this resolution and comments provided by the District and other water purveyors in response the SWRCB Framework document.

BE IT FURTHER RESOLVED by the Board of Directors of the Valley Center Municipal Water District that the SWRCB give serious and thoughtful consideration to the following recommendations:

1. **Delay Effective Date of Regulations Until July 1, 2015** - Given the enormity to the potential social and economic impact of implementing the Regulations, endless complexity and variation of actual water supply availability, source and delivery across the state, the SWRCB give serious consideration to delay adopting the final Regulations until June with an effective date July 1, 2015, providing the SWRCB with ample opportunity to fully evaluate the volume of detailed and well-crafted input from regional and local water agencies, as well as providing a more reasonable time period for the water consuming public to absorb and adjust to the structural changes needed to achieve the significant levels of lifestyle and water use practices; and

2. **Consider Actual Water Supply Availability to Regions and Locals With the State in Setting Water Use Reduction Levels** - Communities and water users in various parts of California have made significant investments in developing local water resources to increase supply diversity and reliability as well as reduce reliance on distant imported water resources, such as those from the Sacramento-San Joaquin Delta. Regulations which effectively nullify the value of those investments sends a clear message that:
 - Those having made those investments wasted the money;
 - Those not having those investments will now benefit from investments made by others; and
 - Those evaluating investments in local supplies and supply reliability should stop.
3. **All Commercial Agriculture Should Be Exempted from the Regulations** – The final Regulations should exempt all California Commercial Agriculture across the entire state, including that found in San Diego County; and
4. **Domestic GPCD from July - September, 2014 Should Not be the Basis for Relative Mandatory Use Requirements** - Using the July 2014-September 2014 gpcd is inappropriate as those results came one month prior to the SWRCB imposing mandatory use restrictions, less than one month after the SWRCB mandatory regulations were in force, and while the Governor was *still* calling for 20% voluntary conservation, as the Regulations should:
 - a) Take into consideration the longer view of a water agency's conservation efforts and results prior to imposing a devastating level of mandatory reduction on a primarily agricultural community.
 - b) At minimum, use the February 2015 gpcd to place water agencies in the reduction categories, since February 2015 gpcd results actually reflect water and conservation efforts implemented after the SWRCB imposed its first mandatory regulations in late July, 2014.
5. **Regulations Should Be Phased In Over A Period of Time** – Implementation at the regional and local level will be much more effective, long-lasting, and better received by the water using public if it is phased in over a 60 to 90 day period.
6. **Water Agencies Should be Given Maximum Flexibility in Achieving the Required Water Usage Reductions Indicated by the SWRCB Regulations**

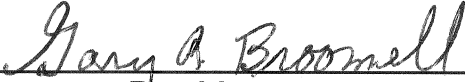
– The District supports the concept described in the Fact Sheet issued with the Draft Regulations indicating that it is the intent of the SWRCB to provide retail urban water agencies the flexibility in how to best meet the overall water demand reduction among customer classes based upon regional and local water supply, economic and regulatory conditions, and supports incorporating that concept into the final Emergency Drought Regulation to be considered by the SWRCB.

PASSED AND ADOPTED THIS 20th DAY OF APRIL, 2015 by the following vote:

Ayes: Directors Broomell, Polito, Aleshire, Stone and Haskell

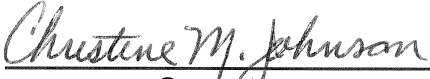
Nays: None

Abstentions: None



President

ATTEST:



Secretary