



VALLEY CENTER MUNICIPAL WATER DISTRICT

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May 1, 2015

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



Sent via e-mail to: comments@waterboards.ca.gov

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

Dear Ms. Marcus;

We would like to again thank and compliment the State Water Resources Control Board (SWRCB) for the changes made to the Draft Drought Emergency Regulations (Regulations) issued on April 18, 2015. The changes made from the Framework document were significant and clearly demonstrated the SWRCB's commitment to making the regulations as reasonable, equitable and practical to implement as possible given the current circumstances.

We trust that the SWRCB is still keeping an open mind and is still committed to, in the end, adopting the most effective regulations possible. On that basis, we must unfortunately say that we see little change in the Final Regulations reflecting any of the comments forwarded by this agency and other retail water providers which conveyed thoughtful, reasoned and water management-based implementation alternatives which would achieve the desired conservation results in a more equitable manner.

So, it is in the continued spirit of evolving the regulations into the most fair and effective Final Regulations possible that our agency is submitting this final comment letter for your further consideration.

In the strongest terms possible, we recommend that the SWRCB seriously consider the following points prior to adopting the Final Regulations:

- 1. Delay the Action on the Final Regulations Until Late May or Early June, 2015** – Delaying adoption will allow the SWRCB the time to more effectively analyze and consider the detailed input from literally hundreds of water agencies. While, as recently expressed by a SWRCB staff member, these regulations are only for a limited emergency period, in promulgating these regulations it must be remembered that these emergency regulations will have impacts well beyond the emergency. Another month of analysis may be a good investment of time in the long-term.

2. **Delay the Effective Date of Implementation Until July 1, 2015** – Irrespective of when the regulations are adopted, delaying the implementation date will allow retail agencies a reasonable period of time to implement the final regulations and communicate with customers. This would provide the public time to respond to and implement the new conservation requirements;
3. **Recognize the Variables of Community Character, Composition, and Climate** – As recommended by the Association of California Water Agencies (ACWA), representing 450 water agencies statewide, include these legitimate water demand factors in determining reasonable levels of water use and the assessed effectiveness of past conservation practices;
4. **Consider Retail Water Agencies Compliance with the 20%x2020 Requirements** – As recommended and demonstrated in a detailed manner by Eastern MWD and other water agencies, the final regulations should consider that many retail water agencies, such as Valley Center MWD, have already met and exceeded their 20%x2020 mid-point conservation goal and met and exceeded their end-point 20%x2020 goal;
5. **Acknowledge Regional and Local Investments in Developing New and Alternative Water Supplies** – As recommended by the San Diego County Water Authority, the final regulations should recognize the efforts and literally billions of dollars invested in developing new alternative supplies which have reduced demand on water supplies from the State Water Project, and base reductions on actual water supply limitations on a regional or sub-regional basis;
6. **Use Comparative Domestic Water Use Reported in February, 2015** – If the current regulatory framework is to be retained, then as previously recommended by this and other retail water agencies, the SWRCB should use the February, 2015 domestic gpcd as the metric to determine the mandatory conservation levels for retail water agencies.

This data is more reflective of relative conservation efforts post SWRCB adopting its mandatory water use provisions and the Governor ordering 25% mandatory conservation, than conservation efforts prior to and shortly after the SWRCB action in late July, and while the Governor was still asking for **20% voluntary conservation**;

7. **Phase Required Conservation Levels Over a 60 to 90 Day Period** – As recommended by several water agencies, using progressive interim targets leading to the overall reduction requirement will give a more receptive public a reasonable period of time to adjust to new mandatory use provisions and meet, as well as sustain, the conservation targets over a longer period of time;
8. **Give Retail Agencies Maximum Flexibility in Meeting Reduction Quantities** – As discussed in your Fact Sheet, and as repeatedly expressed by SWRCB staff during the April 21, 2015 webinar hosted by ACWA, provide retail water agencies the maximum

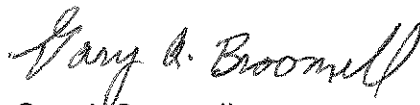
flexibility to meet the overall production reduction goal based upon regional and local conditions impacting their respective service areas.

In closing, VCMWD would like to thank you once again for your responsiveness to our comments on the Framework which were reflected in the Draft Regulations, and in advance for what will surely be your serious consideration of these and other similar comments by other water agencies.

Further, we would also ask that as we move forward over the next nine months that you monitor the effectiveness of whatever you finally adopt and continue to give consideration to the alternatives suggested by literally hundreds of water agencies statewide. While it has been recently said, "Hope is not a water resource contingency plan," we are all hoping for a different water supply situation by early 2016. However, on the chance we might find ourselves similarly situated by next February, succeeding regulations should be based upon a sober assessment of the implementation experience and continued thoughtful evaluation of the input received during this current regulatory process.

If you should have any specific questions about this letter, please feel free to contact our General Manager, Gary Arant at 760-735-4515, or email garant@valleycentwater.org.

Sincerely;



Gary A. Broomell

President of the Board of Directors