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May 1, 2015

Jeanine Townsend, Clerk to the 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 – Emergency Conservation Regulation

Dear Ms. Townsend:

On behalf of the Board of Directors and ratepayers, Rincon del Diablo Municipal Water District (Rincon Water) appreciates this opportunity to provide a third set of comments on the State Water Resources Control Board (Water Board) staff's "Revised Mandatory Conservation Proposed Regulatory Framework" (Regulatory Framework) and the draft table entitled "Urban Water Suppliers and Proposed Regulatory Framework Tiers to Achieve 25% Use Reduction" (Conservation Standard/Tiers Table) released on April 28, 2015.

Rincon Water also appreciates the Water Board's efforts to accommodate earlier stakeholder recommendations by making several changes to the first two iteration of proposed regulations, however, Rincon Water is very disappointed that the Water Board staff have not considered numerous recommendations to make the process easier, more equitable, and more supportable by the retail agencies that will need to execute the conservation programs. In that regard, the Water Board staff has disregarded the hundreds of years of professional experience and advice.

As noted in our previous letters of April 13th and 22nd, Rincon Water customers have been very receptive to the call to conserve, as illustrated by the Water Board's own data that shows Rincon Water has saved **14%** overall from June 2014 to February 2015 as compared to same period of 2013. Yet, based on the revised R-GPCD criteria of April 28th, we are again arbitrarily and capriciously being assigned a conservation standard of 32% as our standard to comply with.

In response to the latest Revised Proposed Regulatory Framework for Mandatory Conservation of April 28, 2015, the following items are provided for comment/inclusion:

1. **Flexibility in meeting conservation goals.** The revised methodology of assigning tiers based on R-GPCD for July - September 2014 remains arbitrary and still does not adequately represent the efforts of urban water agencies in reducing water use. In fact, it still penalizes agencies who have been religiously reducing water use and demand over the last year(s), as well as those who developed sustainable local supplies. **In response to your question of modifying the number of tiers, Rincon Water supports the two percent incremental change to brackets.** This will at least adjust the tiers to not overly penalize agencies with the lower GPCD in a larger block range.

We also continue to recommend that the Water Board consider alternative comparison metrics, such as those noted in our April 22 letter.

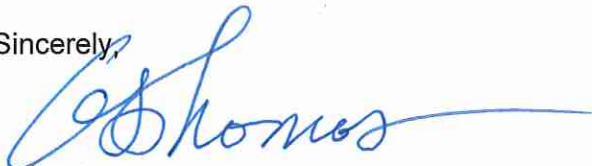
2. **Exempt all Commercial Agriculture from the Regulations.** The latest draft of regulations continues to penalize agencies that may not have more than 20% agriculture, even though the Governor's Executive Order stipulates all commercial agriculture is to be exempt. Commercial agriculture is commercial agriculture per Government Code 51201 (b), which states: "Agricultural use" means use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes. In concurrence with Farm Bureau San Diego County and other agencies, request that "20 percent" from Section 865, (e) of the Proposed Text of Emergency Regulations be removed, as it is an arbitrary value and violates Government Code definition.
3. **Delay Implementation of Final Regulations to July 1, 2015.** Recommend changing Section 865 (d) (1) to read "Beginning **July 1, 2015**, each urban water supplier..." instead of June 1, 2015, of the Proposed Text of Emergency Regulations. By delaying the implementation of the regulations to this date, the State will allow water agencies and customers to adjust to and initiate appropriate actions and measures to meet the required standards and goals. Given the drought is high on the public's mind, agencies will still continue to push and enforce water conservation, thus efforts will not be lost in meeting the goals of conserving 25% by February 2016.
4. **Recognize Regional and Local Efforts.** Considerable investment and creation of sustainable water supplies at the local and regional levels has been undertaken throughout San Diego and other regions. This has been accomplished based on lessons learned from previous droughts and water supply issues to improve supply reliability and diversity, as well as reduce reliance on imported water sources from the Sacramento-San Joaquin Delta. It is recommended that the State recognizes these investments and provide a credit to the agencies and ratepayers that have invested heavily in these alternative supply systems.
5. The proposed Regulations are placing a significant onus on retail urban water suppliers while completely ignoring the larger users of overall State water. Rincon Water requests that the State re-assess how water is managed and how this impacts the requirement to save 25% overall. For instance, a significant amount of water is released to accommodate environmental conditions, such as various spawning runs of salmon and other environmental considerations to fish. This then becomes a single use of this water, wherein, all water released from storage should be done so with multiple benefits, ie, the release of Shasta Reservoir water for a single season salmon run should then be diverted back to storage for secondary use for agriculture or human consumption before flowing out to the ocean, lost forever. Would multiple beneficial use of water not support the requirement "to prevent waste and unreasonable use of water" as defined in the Water Code?
6. The State Board is involved with expanded water reuse, to include future IPR and DPR, to which we commend the State Board for championing and being on the forefront in leadership. One item that could greatly reduce the use of potable water for irrigation is to immediately authorize (or work with the appropriate agencies) the use of recycled water on front lawns and landscapes, especially for those communities that have recycled water pipes already installed and providing recycled water to common areas. Children, adults, and pets already use common areas such as parks, sports fields and dog parks irrigated with recycled water, so there are no reported health issues that

should be of concern. Proper engineering and construction standards for pipe separation would need to be followed, as currently in place.

Rincon Water understands the dire situation the State of California faces with this severe drought and its impacts across multiple spectrums related to health, safety, economy, and our way of life. Rincon Water has enthusiastically been promoting conservation and reduction in water use for many years, to include advocating and advancing the use of recycled water in place of potable demands. Rincon Water has also been a signatory to the CUWCC since 1991 and following established BMPs.

Rincon Water thanks the Water Board for consideration of our comments. We appreciate the hard work and effort being expended to meet the Governor's goals and balance appropriate regulations against the constraints of the drought. We look forward to working with your staff and fellow agencies to develop fair and equitable regulations that help the state weather this crisis. Please contact the undersigned at 760-745-5522 ext 606 or gthomas@rinconwater.org for any further information.

Sincerely,



Greg Thomas
General Manager

Cc: Rincon Water Board of Directors
Maureen Stapleton, General Manager, SDCWA
Governor Edmund G. Brown Jr
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Duncan Hunter
Assemblymember Marie Waldron
State Senator Joel Anderson