

**AGENDA**  
**Borrego Water District Board of Directors**  
**Special Meeting**  
**May 17, 2016 9:00 a.m.**  
**806 Palm Canyon Drive**  
**Borrego Springs, CA 92004**

**I. OPENING PROCEDURES**

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda
- E. Comments from Directors and Requests for Future Agenda Items
- F. Comments from the Public and Requests for Future Agenda Items (comments will be limited to 3 minutes)

**II. CURRENT BUSINESS MATTERS**

- A. Consideration and possible approval of proposed fee increases and changes (2-4)
- B. Discussion of proposed emergency regulations on Urban Water Conservation (5-21)
- C. Review of power cost savings from solar array at Waste Water Treatment Plant (22-24)
- D. Discussion and report by the personnel committee concerning their activities to secure a replacement General Manger
- E. Discussion of potential agenda items for May 25<sup>th</sup> board meeting

**III. CLOSED SESSION (10:00 am)**

Conference with Legal Counsel – Anticipated Litigation

- A. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. One potential case.

**IV. CLOSING PROCEDURE**

The next Regular Meeting of the Board of Directors is scheduled for May 25, 2016 at the Borrego Water District

Teleconference site available:


7815 Rush Rose Drive #302  
Carlsbad, CA 92009

160 Valenica Rd.  
Summerland, CA 93067



# BORREGO WATER DISTRICT

May 25, 2016

MEMO TO: Board of Directors  
FROM:  Kim Pitman, Administration Manager  
SUBJECT: Consideration of Proposed BWD Fee Increases/changes

The District fee increases/changes proposal, which was previously brought before the Board for consideration, was submitted to Raftelis so they could incorporate it into the BWD Rate Study.

Once the first draft of the rate study had been discussed, it became apparent that the rates had not been incorporated. We talked with Raftelis and they said these rate increases/changes should be approved by the Board, they do not have to be approved through the 218 process.

So, again I have attached the spreadsheet with various District fee comparisons and suggested proposed increases/changes in fees for Borrego Water District.

Thank you for your consideration in this matter.

	A	B	C
1			
2			
3	FEEES	<b>PROPOSED BWD</b>	<b>BWD</b>
4		<b>FEE INCREASE/CHANGE</b>	<b>CURRENT FEES</b>
6	Late fees	<b>20 days/10% min \$15</b>	<b>20 days/5% min \$10</b>
7	New Account Set-up/Transfer	\$ <b>10.00</b>	\$ -
8	48 notice /Red tag	\$ <b>10.00</b>	\$ -
9	Disconnect/lock Meter	\$ <b>25.00</b>	\$ -
10	Unlock /reconnect meter	\$ <b>25.00</b>	\$ -
11	Will serve/Water availability form	\$ <b>25.00</b>	
12	Preliminary Water/Sewer Application (deposit)	\$ -	\$ -
13	Construction Meter Security Deposit	\$ <b>1,200.00</b>	\$ <b>800.00</b>
14	Construction Meter installation/relocation	\$ <b>25.00</b>	\$ -
15	After Hours turn on/off service fee	\$ <b>50.00</b>	\$ -
16	Returned check charge	\$ <b>25.00</b>	\$ <b>15.00</b>
17	Inactive/standby meter charge		\$ -
18	pull/reinstall meter	<b>same as new</b>	<b>same as new</b>
19	Backflow Inspection Fee	\$ <b>50.00</b>	\$ <b>50.00</b>
20			
21			
22			
23			

	A	D	E	F	G	H	I	J	K	L	M	N	O
1													
2													
3	FEEES	Ramona WD 760-789-1330	Valley Center Ag-70%/res-20%	Bighorn Desert View	Joshua Basin	Fallbrook	Rincon	29 Palms	Idyllwild	High Desert (Yucca Valley)	Atascadero	Rainbow	Vallecitos
4													
6	Late fees	20 days/10%	20 days/10%	20 days/5% min \$5	20 days/1.5% mo+1 time 10% penalty		26 days after mailing 10%	26 days after mailing 10%		30 days/10% min \$10	\$5 on 6th day of the month	5% 1st mo/1.5% on	21 days/10%
7	New Account Set-up/Transfer	\$ 20.00	\$ 10.00	\$ 35.00	\$ 25.00	\$ 50.00	\$ 14.00	\$ 25.00	\$ 25.00	\$ 25.00		\$ 40.00	\$ 10.00
8	48 notice /Red tag	\$ 10.00		\$ 10.00	\$ 10.00		\$ 44.00					\$ 50.00	\$ 25.00
9	Disconnect/lock Meter	\$ 50.00	\$ 45.00				\$ 44.00		\$ 50.00	\$ 40.00	\$ 50.00	\$ 50.00	\$ 150.00
10	Unlock/reconnect meter	\$ 50.00	\$ 35	\$ 40.00	\$ 25.00		\$ 44.00	\$ 30.00	\$ 50.00	\$ 20.00	\$ 50.00	\$ 50.00	\$ 150.00
11	Will serve/Water availability form	\$ 100.00			\$ 0.25					\$ 40.00		\$ 30.00	
12	Preliminary Water/Sewer Application (deposit)	\$ 100.00		\$ 100.00	\$ 100.00								
13	Construction Meter Security Deposit	\$ 1,200.00			\$ 1,145.00		\$ 2,250.00	\$ 650.00		cost of meter	\$ 910.00		
14	Construction Meter installation/relocation	\$20/\$52.50 mo			\$ 30.00	\$111/\$159.95 mo	\$ 31.00				\$ 65.00		
15	After Hours turn on/off service fee	\$ 5.00	\$ 35.00	\$ 50.00	\$ 85.00	\$ 50.00	\$ 100.00	\$ 35.00		\$ 80.00	\$ 100.00	\$ 75.00	\$ 75.00
16	Returned check charge	\$ 15.00		\$25/\$35	\$ 20.00		\$ 36.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 20.00	\$ 30.00	
17	Inactive/standby meter charge	\$			\$	\$ 50.00					\$ 10.00		
18	pull/reinstall meter	same as new			\$ 40.00		\$ 90.00			\$ 20.00	\$ 450.00		
19	Backflow Inspection Fee		\$ 45.00	\$	\$ 25.00								\$2.50 Month
20													
21													



# Fact Sheet

## Staff Proposal for Extended Emergency Regulation for Urban Water Conservation

### Summary

A staff statewide water conservation proposal was released for public comment today that would amend the Feb. 2 emergency water conservation regulations, due to improved water supply conditions around most of the state.

Significant proposed changes include replacing the state developed standards with locally developed conservation standards based upon each agency's specific circumstances. The proposed regulation would require individual urban water suppliers to self-certify the level of available water supplies they have assuming three additional dry years, and the level of conservation necessary to assure adequate supply over that time.

This self-certification would include information provided by regional water distribution agencies (wholesale suppliers) about how regional supplies would fare during three additional dry years. Both urban water suppliers and wholesale suppliers would be required to report the underlying basis for their assertions, and urban water suppliers would be required to continue reporting their conservation levels.

Per the proposal, urban water suppliers will be required to reduce potable water use in a percentage equal to their projected shortfall in the event of three more dry years. In other words, if an individual water district projects it would, under the specified assumptions, have a 10 percent shortfall after the next three years at the current rate of use, their mandatory conservation standard would be 10 percent.

The staff recommendation keeps in place the monthly reporting requirements and specific prohibitions against certain water uses. Those prohibitions include watering down a sidewalk with a hose instead of using a broom or a brush, or overwatering a landscape to where water is running off the lawn, over a sidewalk and into the gutter. As directed by Governor Brown's [Executive Order B-36-15](#), these requirements and prohibitions will also become permanent. Prohibitions against [home owners associations](#) taking action against homeowners during a declared drought remain as well.

The [proposed regulatory package](#) and [technical fact sheet](#) are the result of review of many meetings, written and oral comments from a public workshop on [April 20](#) to receive input on conservation needs through the summer and fall, and lessons learned since the Water Board first adopted drought emergency water conservation regulations.

The workshop was conducted to solicit ideas for adjustments to the current emergency regulations given changes in water supply, storage, and snowpack as compared to last

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



STATE WATER RESOURCES CONTROL BOARD

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year's historic statewide deficiencies. This staff proposal will be considered by the Board for comment and adoption on May 18. **The new conservation standards would take effect for June 2016 and remain in effect until the end of January 2017.**

## **Improved Water Supply and Conditions; and Conservation – Reason for Change**

Winter 2016 saw improved hydrologic conditions in parts of California. More rain and snow fell in Northern California as compared to Central and Southern California; yet, due to California's water storage and conveyance systems, concerns over supply reliability have eased compared to last year throughout urban California. Consequently, the unprecedented mandatory state-driven conservation standards in place over the last ten months can transition to conservation standards based on supply reliability considerations at the local level. However, conservation standards are still needed in case this winter was a short reprieve in a longer drought.

Over the last several months the Board has been monitoring state hydrology, water supply conditions, including local supply reliability, and the conservation levels achieved by the State's 411 urban water suppliers. Hydrologic conditions in parts of California – particularly northern California – have markedly improved relative to 2014 and 2015. Many reservoirs are above historic averages for late spring, and water allocations are up in most cases for the State Water Project.

In addition, the water production reports submitted to the State Water Board have shown that the majority of urban water suppliers have successfully responded to mandatory conservation expectations over the last 20 months. Public awareness of drought conditions and the public's extraordinary response this past ten months should lead to continuing conservation.

Should severe drought conditions return, the Board stands ready to return to stronger conservation mandates if the approach proposed here does not prove successful.

Proposed changes to the drought emergency water conservation regulation would allow suppliers to define an individualized conservation standard on their specific water supply and demand conditions. Each water supplier would be required to evaluate its supply portfolio and self-certify the accuracy of its information while also providing the underlying information and assumptions; the State Water Board would assign each supplier a mandatory conservation standard equal to the percentage deficiency the supplier identifies in its supply under specified assumptions. Additionally, certain statewide requirements on small suppliers and businesses would be lifted.

## **Governor and Board Actions Achieved Historic Conservation Statewide**

In his April 1, 2015 Executive Order, Governor Brown mandated a 25 percent water use reduction by users of urban water supplies across California.

In May 2015, the State Water Board adopted an emergency regulation requiring a cumulative 25 percent reduction in overall potable urban water use over the following 9 months. The May 2015 Emergency Regulation uses a sliding scale for setting conservation standards, so that communities that have already reduced their residential gallons per capita per day (R-GPCD) through past conservation had lower mandates than those that had not made such gains since the last major drought. Conservation tiers for urban water suppliers were set between eight percent and 36 percent, based on residential per capita water use for the months of July - September 2014.

During this time, statewide water conservation was unprecedented. In the last 10 months alone, the state realized nearly a 24 percent savings in water use as compared to same period 2013, resulting in some 1.30 million acre-feet of water conserved throughout California, enough to supply 6.5 million people with water for an entire year.

On Feb. 2, 2016, based on Governor Brown's November 2015 Executive Order, the State Water Board approved an updated and extended emergency regulation that continued mandatory reductions through October.

The February 2016 Emergency Regulation responded to calls for continuing the conservation structure that has spurred savings, while providing greater consideration of some localized factors that influence water needs around the state: climate differences, population growth and significant investments in new local, drought-resilient water supplies such as potable wastewater reuse and desalination. Under the extended regulation, many water suppliers have somewhat lower water conservation standards, although statewide water conservation is expected to continue at high levels.

On May 9, Governor Brown issued a new Executive Order directing actions aimed at using water wisely, reducing water waste, and improving water use efficiency. The Executive Order, in part, directs the State Water Board to extend the emergency regulations for urban water conservation through the end of January 2017. These revised regulations are set for consideration May 18.

*(This fact sheet was last updated May 9, 2016)*

## PROPOSED TEXT OF EMERGENCY REGULATION

### Article 22.5. Drought Emergency Water Conservation.

#### Sec. 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) On April 1, 2015, the Governor issued an Executive Order that, in part, directs the State Board to impose restrictions on water suppliers to achieve a statewide 25 percent reduction in potable urban usage through February, 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or microspray systems;

(4) On November 13, 2015, the Governor issued an Executive Order that directs the State Board to, if drought conditions persist through January 2016, extend until October 31, 2016 restrictions to achieve a statewide reduction in potable usage;

(5) On May 9, 2016, the Governor issued an Executive Order that directs the State Board to adjust and extend its emergency water conservation regulations through the end of January 2017 in recognition of the differing water supply conditions for many communities;

~~(5)~~ The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist; and

~~(6)~~ The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to prevent waste and unreasonable use of water and to further promote conservation.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, and 275, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 864. End-User Requirements in Promotion of Water Conservation.

(a) To prevent the waste and unreasonable use of water and to promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:



(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks;

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system;

(5) The application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall;

~~(6) The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased;~~

~~(7) The irrigation with potable water of ornamental turf on public street medians;~~  
and

~~(8) The irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.~~

~~(b) To promote water conservation, operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each guestroom using clear and easily understood language.~~

~~(e) Immediately upon this subdivision taking effect, all commercial, industrial and institutional properties that use a water supply, any portion of which is from a source other than a water supplier subject to section 864.5 or 865 of this article, shall target water use reductions commensurate with those required of the nearest urban water supplier under section 864.5 or, if applicable, section 865, shall either:~~

~~—— (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water to no more than two days per week; or~~

~~—— (2) Reduce potable water usage supplied by sources other than a water supplier by 25 percent for the months of June 2015 through October 2016 as compared to the amount used from those sources for the same months in 2013.~~

~~(d) The taking of any action prohibited in subdivision (a) or (e), or the failure to take any action required in subdivision (b) or (c), is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs. The fine for the infraction is in addition to, and does not supersede or limit, any other remedies, civil or criminal.~~

~~(e)(1) To prevent the waste and unreasonable use of water and to promote water conservation, any homeowners' association or community service organization or similar entity is prohibited from:~~

~~(A) Taking or threatening to take any action to enforce any provision of the governing documents or architectural or landscaping guidelines or policies of a common interest development where that provision is void or unenforceable under section 4735, subdivision (a) of the Civil Code; or~~

(B) Imposing or threatening to impose a fine, assessment, or other monetary penalty against any owner of a separate interest for reducing or eliminating the watering of vegetation or lawns during a declared drought emergency, as described in section 4735, subdivision (c) of the Civil Code.

(2) As used in this subdivision:

(A) "Architectural or landscaping guidelines or policies" includes any formal or informal rules other than the governing documents of a common interest development.

(B) "Homeowners' association" means an "association" as defined in section 4080 of the Civil Code.

(C) "Common interest development" has the same meaning as in section 4100 of the Civil Code.

(D) "Community service organization or similar entity" has the same meaning as in section 4110 of the Civil Code.

(E) "Governing documents" has the same meaning as in section 4150 of the Civil Code.

(F) "Separate interest" has the same meaning as in section 4185 of the Civil Code.

(3) If a disciplinary proceeding or other proceeding to enforce a rule in violation of subdivision (ed)(1) is initiated, each day the proceeding remains pending shall constitute a separate violation of this regulation.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 4080, 4100, 4110, 4150, 4185, and 4735, Civil Code; Sections 102, 104, 105, 275, 350, and 10617, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

Sec. 864.5. Self-Certification of Supply Reliability for Three Additional Years of Drought.

(a) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's May 9, 2016 Executive Order, each urban water supplier shall:

(1) Identify and report on a form provided by the Board, no later than June 15, 2016, the conservation standard that the supplier will be required to meet under this section;

(2) Identify and report on a form provided by the Board, no later than June 15, 2016, the data relied upon by the supplier to determine the conservation standard reported pursuant to this subdivision including, but not limited to identification of each source of supply the supplier intends to rely on and the quantity of water available under that source of supply given the assumptions of this section;

(3) Certify, no later than June 15, 2016, that the conservation standard reported pursuant to this subdivision is based on the information and assumptions identified in this section; and

(4) Beginning June 1, 2016, reduce its total potable water production by the percentage identified as its conservation standard in this section each month, compared to the amount used in the same month in 2013.

(b) Each urban water supplier's conservation standard pursuant to this section shall be the percentage by which the supplier's total potable water supply is insufficient to meet the total potable water demand in the third year after this section takes effect under the following assumptions:

(1) The next three years' precipitation is the same as it was in water years 2013-2015;

(2) The supplier's total potable water demand for each of the next three years will be the supplier's average annual total potable water production for the years 2013 and 2014;

(3) The supplier's total potable water supply shall include only water sources of supply available to the supplier that could be used for potable drinking water purposes;

(4) Each urban water supplier's conservation standard shall be calculated as a percentage and rounded to the nearest whole percentage point.

(c) Beginning June 1, 2016, each urban water supplier shall comply with the conservation standard it identifies and reports pursuant to subdivision (a).

(d) Compliance with the conservation standard reported pursuant to subdivision (a) shall be measured monthly and assessed on a cumulative basis through January 2017.

(e) Each urban water wholesaler shall calculate, to the best of its ability, and no later than June 8, 2016, the volume of water that it expects it would deliver to each urban water supplier in each of the next three years under the assumptions identified in subdivision (b), and post that calculation, and the underlying analysis, to a publicly-accessible webpage.

(f) Submitting any information pursuant to this subdivision that the person who submits the information knows or should have known is materially false is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(g) Any urban water supplier that does not comply with this section shall comply with the applicable conservation standard identified in section 865.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

## Sec. 865. Mandatory Actions by Water Suppliers.

(a) As used in this section:

(1) "Distributor of a public water supply" has the same meaning as under section 350 of the Water Code, except it does not refer to such distributors when they are functioning solely in a wholesale capacity, but does apply to distributors when they are functioning in a retail capacity.

(2) "R-GPCD" means residential gallons per capita per day.

(3) "Total potable water production" means all potable water that enters into a water supplier's distribution system, excluding water placed into storage and not withdrawn for use during the reporting period, or water exported outside the supplier's service area.

(4) "Urban water supplier" means a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(5) "Urban water wholesaler" means a wholesaler of water to more than one urban water supplier.

(6) "Water year" means the period from October 1 through the following September 30. Where a water year is designated by year number, the designation is by the calendar year number in which the water year ends.

(b) In furtherance of the promotion of water conservation each urban water supplier shall:

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control.

(2) Prepare and submit to the State Water Resources Control Board by the 15th of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. The monitoring report shall specify the population served by the urban water supplier, the percentage of water produced that is used for the residential sector, descriptive statistics on water conservation compliance and enforcement efforts, the number of days that outdoor irrigation is allowed, and monthly commercial, industrial and institutional sector use. The monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves.

(c)(1) To prevent the waste and unreasonable use of water and to meet the requirements of the Governor's ~~November 13, 2015~~ May 9, 2016 Executive Order, each urban water supplier that does not submit a self-certification in compliance with section 864.5 shall reduce its total potable water production by the percentage identified as its conservation standard in this ~~subdivision~~ section. Each urban water supplier's conservation standard considers its service area's relative per capita water usage.

~~(2) Each urban water supplier whose source of supply does not include groundwater or water imported from outside the hydrologic region in which the water supplier is located, and that has a minimum of four years' reserved supply available, may submit to the Executive Director for approval a request that, in lieu of the reduction that would otherwise be required under paragraphs (3) through (10), the urban water supplier shall reduce its total potable water production by 4 percent for each month as compared to the amount used in the same month in 2013. Any such request shall be accompanied by information showing that the supplier's sources of supply do not include groundwater or water imported from outside the hydrologic region and that the supplier has a minimum of four years' reserved supply available.~~

(32) Each urban water supplier whose average July-September 2014 R-GPCD was less than 65 shall reduce its total potable water production by 8 percent for each month as compared to the amount used in the same month in 2013.

(43) Each urban water supplier whose average July-September 2014 R-GPCD was 65 or more but less than 80 shall reduce its total potable water production by 12 percent for each month as compared to the amount used in the same month in 2013.

(54) Each urban water supplier whose average July-September 2014 R-GPCD was 80 or more but less than 95 shall reduce its total potable water production by 16 percent for each month as compared to the amount used in the same month in 2013.

(65) Each urban water supplier whose average July-September 2014 R-GPCD was 95 or more but less than 110 shall reduce its total potable water production by 20 percent for each month as compared to the amount used in the same month in 2013.

(76) Each urban water supplier whose average July-September 2014 R-GPCD was 110 or more but less than 130 shall reduce its total potable water production by 24 percent for each month as compared to the amount used in the same month in 2013.

(87) Each urban water supplier whose average July-September 2014 R-GPCD was 130 or more but less than 170 shall reduce its total potable water production by 28 percent for each month as compared to the amount used in the same month in 2013.

(98) Each urban water supplier whose average July-September 2014 R-GPCD was 170 or more but less than 215 shall reduce its total potable water production by 32 percent for each month as compared to the amount used in the same month in 2013.

(109) Each urban water supplier whose average July-September 2014 R-GPCD was 215 or more shall reduce its total potable water production by 36 percent for each month as compared to the amount used in the same month in 2013.

(d)(1) Beginning June 1, 2015, each urban water supplier that does not submit a self-certification in compliance with section 864.5 shall comply with the conservation standard specified in subdivision (c), with any modifications to the conservation standard pursuant to subdivision (f) applying beginning March 1, 2016.

(2) Compliance with the requirements of this subdivision shall be measured monthly and assessed on a cumulative basis through ~~October 2016~~ January 2017.

(e)(1) Each urban water supplier that provides potable water for commercial agricultural use meeting the definition of Government Code section 51201, subdivision (b), may subtract the amount of water provided for commercial agricultural use from its potable water production total, provided that any urban water supplier that subtracts any water provided for commercial agricultural use from its total potable water production shall:

(A) Impose reductions determined locally appropriate by the urban water supplier, after considering the applicable urban water supplier conservation standard specified in subdivision (c), for commercial agricultural users meeting the definition of Government Code section 51201, subdivision (b) served by the supplier;

(B) Report its total potable water production pursuant to subdivision (b)(2) of this section, the total amount of water supplied for commercial agricultural use, and shall identify the reduction imposed on its commercial agricultural users and each recipient of potable water for commercial agricultural use;

(C) Certify that the agricultural uses it serves meet the definition of Government Code section 51201, subdivision (b); and

(D) Comply with the Agricultural Water Management Plan requirement of paragraph 12 of the April 1, 2015 Executive Order for all commercial agricultural water served by the supplier that is subtracted from its total potable water production.

(2) Submitting any information pursuant to subdivision (e)(1)(B) or (C) of this section that is found to be materially false by the Board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(f) In consideration of the differences in climate affecting different parts of the state, growth experienced by urban areas and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply, an urban water supplier's conservation standard identified in subdivision (c) shall be reduced by an amount, not to exceed eight (8) percentage points total, as follows:

(1) For an urban water supplier whose service area evapotranspiration (ET<sub>o</sub>) for the months of July through September exceeds the statewide average evapotranspiration, as determined by the Board, for the same months by five (5) percent or more, the supplier's conservation standard identified in subdivision (c) shall be reduced:

(A) By two (2) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by five (5) percent or more but less than ten (10) percent;

(B) By three (3) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by ten (10) percent or more but less than twenty (20) percent;

(C) By four (4) percentage points if the supplier's service area evapotranspiration exceeds the statewide average by twenty (20) percent or more.

(D) Statewide average evapotranspiration is calculated as the arithmetic mean of all urban water suppliers' service area default evapotranspiration values for the months of July through September. Default service area evapotranspiration will be based on the California Irrigation Management System (CIMIS) ET<sub>o</sub> Zones Map zone for which the supplier's service area has the greatest area of overlap. In lieu of applying its default service area evapotranspiration, a supplier may use specific data from CIMIS stations within its service area that have at least a five-year period of record, or a three year continuous period of record, to identify a more specifically-applicable evapotranspiration for its service area. If no CIMIS station exists within the supplier's service area, a weather station of comparable accuracy, meeting the preceding period of record requirements, may be used. To qualify for the in-lieu climate adjustment, the supplier shall submit the following data to the Board by March 15, 2016 for each station: station ID; station location; and monthly average evapotranspiration, in inches per month, for July, August, and September for either the five-year period of record or the three-year continuous period of record.

(2) To account for water efficient growth experienced in the state since 2013, urban water suppliers' conservation standards shall be reduced by the product of the percentage change in potable water production since 2013 and the percentage reduction in potable water use required pursuant to subdivision (c), rounded to the nearest whole percentage point. Change in potable water production since 2013 shall be calculated as the sum of the following:

(A) The number of additional permanent residents served since January 1, 2013, multiplied by the average residential water use per person for that supplier's service area during the months of February through October, 2015, in gallons; and

(B) The number of new commercial, industrial and institutional connections since January 1, 2013, multiplied by the average commercial, industrial and institutional water use per connection for that supplier's service area during the months of February through October, 2015, in gallons.

(C) To qualify for the growth credit the supplier shall submit to the Board the following data by March 15, 2016: the number of additional permanent residents served since January 1, 2013 and the number of new commercial, industrial and institutional connections since January 1, 2013.

(3) For an urban water supplier that supplies, contracts for, or otherwise financially invests in, water from a new local, drought-resilient source of supply, the use of which does not reduce the water available to another legal user of water or the environment, the conservation standard identified in subdivision (c) shall be reduced:

(A) By one (1) percentage point if the supplier's qualifying source of supply is one (1) percent or more but less than two (2) percent of the supplier's total potable water production;

(B) By two (2) percentage points if the supplier's qualifying source of supply is two (2) percent or more but less than three (3) percent of the supplier's total potable water production;

(C) By three (3) percentage points if the supplier's qualifying source of supply is three (3) percent or more but less than four (4) percent of the supplier's total potable water production;

(D) By four (4) percentage points if the supplier's qualifying source of supply is four (4) percent or more but less than five (5) percent of the supplier's total potable water production;

(E) By five (5) percentage points if the supplier's qualifying source of supply is five (5) percent or more but less than six (6) percent of the supplier's total potable water production;

(F) By six (6) percentage points if the supplier's qualifying source of supply is six (6) percent or more but less than seven (7) percent of the supplier's total potable water production;

(G) By seven (7) percentage points if the supplier's qualifying source of supply is seven (7) percent or more but less than eight (8) percent of the supplier's total potable water production;

(H) By eight (8) percentage points if the supplier's qualifying source of supply is eight (8) percent or more of the supplier's total potable water production.

(I) To qualify for this reduction the supplier must certify, and provide documentation to the Board upon request demonstrating, the percent of its total potable water production that comes from a local, drought-resilient source of supply developed after 2013, the supplier's investment in that local, drought-resilient source of supply, and that the use of that supply does not reduce the water available to another legal user of water or the environment. To qualify for this reduction an urban water supplier shall submit the required certification to the Board by March 15, 2016.

(J) Certifications that do not meet the requirements of subdivision (f)(3)(I), including certifications for which documentation does not support that the source of supply is a local, drought-resilient source of supply, the use of which does not reduce the water available to another legal user of water or the environment, will be rejected. Submitting a certification or supporting documentation pursuant to subdivision (f)(3)(I) that is found to be materially false by the Board is a violation of this regulation, punishable by civil liability of up to five hundred dollars (\$500) for each day in which the violation occurs. Every day that the error goes uncorrected constitutes a separate violation. Civil liability for the violation is in addition to, and does not supersede or limit, any other remedies, civil or criminal.

(4) No urban water supplier's conservation standard pursuant to this section shall drop below eight (8) percent as a consequence of the reductions identified in this subdivision. ~~No reduction pursuant to this subdivision shall be applied to any urban water supplier whose conservation standard is four (4) percent based on subdivision (e)(2).~~

~~(g)(1)~~ To prevent waste and unreasonable use of water and to promote water conservation, each distributor of a public water supply that is not an urban water supplier shall ~~take one or more of the following actions:~~

(1) Provide prompt notice to a customer whenever the supplier obtains information that indicates that a leak may exist within the end-user's exclusive control; and

~~——— (A) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or~~

~~——— (B) Reduce by 25 percent its total potable water production relative to the amount produced in 2013.~~

~~(2) Each distributor of a public water supply that is not an urban water supplier shall submit~~ Submit a report by September-December 15, 2016, on a form provided by the Board, that either confirms compliance with subdivision (g)(1)(A) or identifies total potable water production, by month, from December, 2015 through August-November, 2016, and total potable water production, by month, for the same months in 2013, and any actions taken by the supplier to encourage or require its customers to conserve water.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 102, 104, 105, 275, 350, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

#### Sec. 866. Additional Conservation Tools.

(a)(1) To prevent the waste and unreasonable use of water and to promote conservation, when a water supplier does not meet its conservation standard required by section 864.5 or section 865 the Executive Director, or the Executive Director's designee, may issue conservation orders requiring additional actions by the supplier to come into compliance with its conservation standard.



(2) A decision or order issued under this article by the Board or an officer or employee of the Board is subject to reconsideration under article 2 (commencing with section 1122) of chapter 4 of part 1 of division 2 of the Water Code.

(b) The Executive Director, or his designee, may issue an informational order requiring water suppliers, or commercial, industrial or institutional properties that receive any portion of their supply from a source other than a water supplier subject to section 864.5 or 865, to submit additional information relating to water production, water use or water conservation. The failure to provide the information requested within 30 days or any additional time extension granted is a violation subject to civil liability of up to \$500 per day for each day the violation continues pursuant to Water Code section 1846.

(c) Orders issued under previous versions of this ~~subdivision~~section shall remain in effect and shall be enforceable as if adopted under this version. Changes in the requirements of this article do not operate to void or excuse compliance with orders issued before those requirements were changed.

Authority: Section 1058.5, Water Code.

References: Article X, Section 2, California Constitution; Sections 100, 102, 104, 105, 174, 186, 187, 275, 350, 1051, 1122, 1123, 1825, 1846, 10617 and 10632, Water Code; *Light v. State Water Resources Control Board* (2014) 226 Cal.App.4th 1463.

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**Subject:** State Water Board Staff Proposes Adjustments to Emergency Conservation Regulation; Governor Issues Executive Order on Long-Term Conservation

**From:** "ACWA" <acwabox@acwa.com>

**Date:** Mon, May 09, 2016 5:44 pm

**To:** jerry@borregowd.org

May 9, 2016

[www.acwa.com](http://www.acwa.com) | [Trouble viewing - View online](#)

## State Water Board Staff Proposes Adjustments to Emergency Conservation Regulation; Governor Issues Executive Order on Long-Term Conservation

The State Water Resources Control Board released a staff proposal today to modify the existing emergency water conservation regulation to reflect improved conditions and allow for more local decision making. The proposal was released in conjunction with an executive order issued by Gov. Jerry Brown outlining long-term water conservation measures aimed at achieving a top priority in the California Water Action Plan – making conservation a way of life.

### State Water Board Proposal

The State Water Board's staff proposal would replace the existing state-imposed mandatory conservation standards with locally developed standards based on local conditions and supply availability. It would require local urban water agencies to self-certify their water supply availability assuming three additional dry years and customer demands based on 2013 and 2014 averages. Local agencies would determine the combination of conservation, alternative supplies and other strategies needed to assure adequate supply over that time.

The proposal also would require both urban water suppliers and wholesale suppliers to report the underlying basis for their water supply assessments and require urban water suppliers to continue reporting

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conservation levels on a monthly basis.

If approved by the State Water Board on May 18, the amended regulation would take effect June 1 and remain in effect through January 2017.

The proposal reflects extensive comments and input from ACWA and water agencies at an April 20 workshop in Sacramento, where ACWA staff and local water managers from throughout California advocated for increased local control of conservation efforts based on local supplies and an adjustment to the existing emergency conservation regulation due to improved conditions in some areas. ACWA's April 14 comment letter submitted as part of that workshop is [here](#).

*Contact:  
Dave Bolland  
Special Projects Manager  
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In a call with reporters, State Water Board Chair Felicia Marcus said that winter rains have provided somewhat of a "reprieve" to drought conditions in some parts of the state. To reflect these less severe conditions, and to acknowledge varying water supplies throughout California, State Water Board staff is proposing altering the current emergency water conservation regulation to make it less of a "blunt instrument," said Marcus.

Local water agencies would be required to file their supply assessments and targets with the state. The state would then monitor to see that those targets are met.

"They get more local control, and we get more transparency," said Marcus.

The [proposed regulatory package](#) and a [fact sheet](#) on the proposed changes to the emergency water conservation regulation are available on the State Water Board's website.

## **Governor's Executive Order on Long-Term Conservation**

The governor's executive order, B-37-16, directs the California Department of Water Resources to work with the State Water Resources Control Board to develop new water use targets as part of a permanent framework for urban water agencies. The targets will build on existing law requiring the state to achieve a 20% reduction in urban water use by 2020.

While the new targets will be tailored to local conditions, the order directs DWR to consider indoor residential per capita water use, local outdoor irrigation needs and climate, commercial, industrial and institutional water use and water lost through leaks and issue a proposed draft framework by Jan. 10, 2017.

Additionally, the order:

- Directs DWR to take actions to minimize water system leaks statewide;

- Directs DWR to strengthen standards for local Water Shortage Contingency Plans, including common statewide standards and requirements that plans assume droughts lasting at least five years, as well as more frequent and severe periods of drought;
- Directs DWR to work with the California Department of Food and Agriculture to update and require Agricultural Water Management Plans by water suppliers with more than 10,000 irrigated acres of land;
- Continues current bans on wasteful water use such as hosing off sidewalks, driveways and other hard surfaces; and
- Directs the State Water Board to develop a new proposal for mandatory water use reductions in 2017 should the drought persist.

DWR Director Mark Cowin said strengthening water shortage contingency plans as proposed would create a "playbook" tailored to local agencies to deal with future shortages.

"At the end of the day, we want all communities to be better prepared for the long term, to think ahead to what they will do if we are faced with water shortages in the future. Details remain to be worked out, but the goal is to come up with enforceable standards that reflect the value of water in California," Cowin said.

Marcus called the executive order a welcome development.

"We didn't get the Godzilla of El Niño winter storms, but we did get the Godzilla of all wakeup calls," she said. "It's what will happen in future years with climate change. We learned a lot about how to do it (this year). The governor's executive order gives us a roadmap and appropriate direction to use water more efficiently and plan for longer, more frequent droughts than the shorter cycles of the past."

The full text of the executive order can be found [here](#).

## Next Steps and Questions

ACWA Executive Director Timothy Quinn called today's developments promising and expressed appreciation and support for the governor's executive order and State Water Board proposal.

"It's clear that the Brown Administration and the State Water Board have been listening and learning – as we all have – during this drought and the constructive policy discussion this year," Quinn said. "We applaud the decision to move discretion for drought management back to local agencies."

ACWA will continue to work closely with DWR and the State Water Board to develop an effective framework for implementing the outlined policy goals.

ACWA member agencies with questions may contact ACWA Special

Projects Manager Dave Bolland at (916) 441-4545 or [daveb@acwa.com](mailto:daveb@acwa.com).

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## COST SAVINGS FROM SOLAR ARRAY AT WASTEWATER TREATMENT PLANT

2015	2016	SAVINGS
<b>Jan-15</b> \$ 1,689.58	<b>Jan-16</b> \$ 21.87	\$ (1,667.71)
KW USED 11200	KW USED -3440	
<b>Feb-15</b> \$ 1,854.50	<b>Feb-16</b> \$ 21.87	\$ (1,832.63)
KW USED 12320	KW USED -2640	
<b>Mar-15</b> \$ 1,521.28	<b>Mar-16</b> \$ 21.87	\$ (1,499.41)
KW USED 10080	KW USED -7040	
<b>Apr-15</b> \$ 1,830.82		
KW USED 10480		
<b>May-15</b> \$ 387.78		
KW USED 10080		
<b>Jun-15</b> \$ 2,208.61		
KW USED 11680		
<b>Jul-15</b> \$ 1,954.01		
KW USED 10320		
<b>Aug-15</b> \$ 2,208.61		
KW USED 11680		
<b>Sep-15</b> \$ 1,954.01		
KW USED 10320		
<b>Oct-15</b> \$ 1,943.86		
KW USED 10960		
<b>Nov-15</b> \$ 1,842.38		
KW USED 11040		
<b>Dec-15</b> \$ 263.60		
KW USED 1520		



# Farm the Sun

Plants

Borrego Water District WRT

Graphics

**Elkor Meter** ✓

▼ **Daily Overview**

16-04-29 11:15:00 am

String Overview		Total Yield		Inverter Efficiency $\eta$	
Inverter	AC	DC	Inverter Efficiency $\eta$	String 1 AC	
<b>INV1</b>	212.64 kWh	212.70 kWh	>98 %	String 1 AC	
Elkor Meter	100 %				
33306					
<b>Sum</b>	<b>212.64 kWh</b>	<b>212.70 kWh</b>	<b>Ø &gt;98 %</b>		

**Current**

Feed-In Power Pdc 80.28 kW  
 Generator Power Pdc 80.28 kW  
 Inverter Efficiency  $\eta$  >98 %  
 Status Power, DATA ①  
 Error ①

**Day**

Yield 212.64 kWh ①  
 Specific Yield 2.13 kWh/kWp  
 Actual Value 47.25 %  
 CO<sub>2</sub> emissions avoided in total 44.84 tons

Print | TXT | CSV

Yield

KWP

Values

24h

Solar

✕



# Farm the Sun

## Plants

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