

99-59

WALNUT VALLEY WATER DISTRICT



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March 5, 1999

Mr. Steve Ritchie
Chief Deputy Director
CALFED BAY-DELTA PROGRAM
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: Urban MOU Conservation Compliance Certification Comments

Dear Mr. Ritchie:

The purpose of this letter is to express our District's position and concerns regarding the stakeholders' proposals. The Walnut Valley Water District supplies water to approximately 100,000 residents living in the eastern portion of Los Angeles County and is firmly committed to water conservation. We are entirely dependent on imported supplies for our domestic system, and a portion of the potable water we deliver to our consumers comes from the Bay-Delta via the California Aqueduct.

Due to our link to the Bay-Delta, we have a vested interest on how these proposals will affect our consumers and us. My staff attended your Urban MOU Compliance Certification Workshop in Orange County and found it helpful in educating us on the two proposals. We hope this letter will adequately explain our concerns and that our comments will be considered in this important matter.

Participation in the CUWCC

The decision to join the CUWCC should be left to each urban water supplier. However, water suppliers subject to MOU certification should not be denied membership into the CUWCC.

Wholesaler Water Supplier Compliance

As to not jeopardize regional water supplies, we agree with the CUWA/EWC proposal that wholesalers should have separate and distinct compliance requirements. However, wholesalers should only be allowed to assume responsibility for BMP implementation in their service area if requested and agreed to by their member agencies. Regarding the five options listed by this proposal, we fully support the cost sharing and regional MOU accountability options listed. We adamantly disagree, however, with the Rate Structure Assurance option, for the language appears vague on how it will affect retail agencies that are in compliance. As it is worded, a per-acre-foot surcharge would not only be directed to non-compliant agencies, but would also improperly penalize compliant retail agencies such that compliant agencies would end up subsidizing non-compliant agencies. This is not acceptable. This option should be deleted or rewritten so those compliant retail agencies are not penalized.

MOU Compliance Standard (Calculation of Environmental Benefits)

An agency's certification should not be denied based on the value it places on its environmental benefits/costs of the cost effectiveness exemption calculation. These values are subjective and are subject to many interpretations. It is noted however, that an agency should at least adhere to the cost-effectiveness guidelines developed by CUWCC in order to provide a good faith effort in calculating environmental benefits/costs. Certification should be granted on the fact that the calculation was included and not based on the value determined by the calculation because of its ambiguities. If criteria for calculating environmental benefits/cost become more objective and approved by the governing body, then and only then should they be included in determining certification.

MOU Compliance Designations

The CUWA/EWC proposal provides discrete well-defined compliance procedures. This proposal is preferred over the KCWA/BVCSD proposal because it provides each agency with equal opportunities and deadlines to maintain compliance.

MOU Certification Decision-Making

The MOU certification committee should be organized through the CUWCC. We support option 2 of the KCWA/BVCSD proposal, which describes a nine-member certification committee, comprised of three Group 1 and three Group 2 members elected by the CUWCC Plenary, and three members-at-large elected by the six representatives.

Appealing CUWCC Certification Decisions

Walnut Valley Water District does **not** support a provision for Group 1, Group 2, nor any other group to appeal or revoke an agency's certification after it has been approved by the CUWCC certification panel. Appeals would only slow conservation efforts and cause the council to be inundated with unsubstantiated cases. The review period before the certification panel, which is equally represented by each group, provides sufficient time for questions and concerns to be addressed about an agency's certification. **We firmly believe that there should not be a provision to appeal or revoke the decision of the certification committee once an agency receives a full compliance designation.**

CALFED Enforcement Action

The CUWA/EWC proposal on enforcement actions is preferred because it provides discrete and specific enforcement guidelines.

Thank you for considering our concerns in your formulation of an impartial procedure to certify water supplier compliance with the Urban MOU.

Very truly yours,

WALNUT VALLEY WATER DISTRICT


Karen Powers
General Manager