

WALNUT VALLEY WATER DISTRICT
271 South Brea Canyon Road
Walnut, California 91789

SPECIAL BOARD MEETING
THURSDAY, NOVEMBER 15, 2018 – 4:00 P.M.
AGENDA

NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in any Board meeting, please contact the General Manager's office at least 4 hours prior to a Board meeting to inform the District of your needs and to determine if accommodation is feasible.

Each item on the agenda shall be deemed to include any appropriate motion, resolution, or ordinance, to take action on any item.

Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review during regular business hours at the District office, located at 271 S. Brea Canyon Road, Walnut, California.

1. Flag Salute
2. Roll Call: Mr. Ebenkamp_____ Mr. Hilden_____ Ms. Kwong_____ Ms. Lee_____ Dr. Wu_____
3. Public Comment President Ebenkamp
The Presiding Officer may impose reasonable limitations on public comments to assure an orderly and timely meeting.
 - A. **Agenda Items** - Any person desiring to address the Board of Directors on any Agenda item may do so at the time the item is considered on the Agenda by requesting the privilege of doing so at this time and stating the Agenda item to be addressed. At the time the item is discussed, those requesting to speak will be called to do so.
 - B. **Non-Agenda Items** - At this time the public shall have an opportunity to comment on any non-agenda item relevant to the jurisdiction of the District. Reasonable time limits on each topic and on each speaker are imposed in accordance with Board policy.
4. State Legislative Update – SB 998 – Water Shutoff Protection Act
 - (1) Discussion
 - (2) Action Taken
5. AB 1668 and SB 606 – Long Term Water Efficiency and Drought Planning
 - (1) Discussion
 - (2) Action Taken
6. Review of Emergency Response Training on October 17 and 18, 2018 (verbal report)
 - (1) Discussion
 - (2) Action Taken
7. Public Comment on Closed Session
8. Adjourn to Closed Session
9. Closed Session
 - A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION [§54956.9(d)(4)]
Initiation of Litigation – One Potential Case
10. Reconvene in Open Session
 - A. Report of Action, if any, Taken in Closed Session

Adjournment

WVWD – Staff Report



TO: Board of Directors
FROM: General Manager
SUBMITTED BY: Director of Administrative Services
DATE: November 15, 2018
SUBJECT: State Legislative Update – SB 998 – Water Shutoff Protection Act

Action/Discussion Fiscal Impact Resolution Information Only

Recommendation

For information only.

Background

On September 28, 2018, Governor Brown signed into law SB 998, the Water Shutoff Protection Act, which changes the requirements and procedures relative to the discontinuation of residential water service for non-payment beginning February 1, 2020.

SB 998 requires every urban and community water system with more than 200 water service connections to have a written policy on the discontinuation of residential water service for non-payment. That policy must be available on the water supplier's website. The policy must be in five languages, in addition to English, listed in Civil Code Section 1632 (Spanish, Chinese, Korean, Vietnamese and Tagalog) and in any other language spoken by at least 10% of the people residing the system's service area.

SB 998 sets forth the specific provisions and requirements for water service discontinuation, which includes a 60-day waiting period before service can be discontinued. The water supplier will also be required to contact, by telephone or in writing, the customer named on the account at least seven (7) business days before discontinuing service. If notice is given by telephone, the system must: (a) offer to provide the customer the system's written policy on discontinuation of water service; and (b) offer to discuss options to avoid discontinuing water service, including alternative payment schedules, deferred payments, minimum payments, amortization and bill review and appeal. The new law also includes required processes if the water supplier is unable to contact the customer as well as a specific mandates for a customer appeals process.

SB 998 also offers opportunities for payment arrangements, provisions for low-income customers and very specified conditions and/or circumstances which a water supplier will be prohibited from discontinuing water service for non-payment.

SB 998 also mandates that water suppliers must report annually on its website and to the State Water Resources Control Board the number of service discontinuations for inability to pay. The State Water Resources Control Board (State Board) must post that information on its website. Community water systems subject to all of the requirements set forth above who fail to comply with the requirements of this new law will be subject to enforcement by the State Board and the California Attorney General.

District staff will be working with Legal Counsel in the coming months on the development of the new required policy and incorporating those provisions in the District's Rules and Regulations to ensure full compliance with the new law.

WVWD – Staff Report



TO: Board of Directors
FROM: General Manager
SUBMITTED BY: Director of Administrative Services
DATE: November 15, 2018
SUBJECT: AB 1668 and SB 606 – Long Term Water Efficiency and Drought Planning

Action/Discussion Fiscal Impact Resolution Information Only

Recommendation

For information only.

Background

In May of this year, Governor Brown signed into law two water use efficiency bills, AB 1668 and SB 606. These bills were intended to implement the Brown Administration's April 2017 water conservation policy framework known as "Making Water Conservation a California Way of Life." To aid in understanding these new mandatory long-term water efficiency and drought planning laws, a draft reference document known as the "Primer" was developed by the California Department of Water Resources (DWR) with the State Water Resources Control Board (State Board) and the Department of Food and Agriculture. The Primer is meant to summarize the authorities, requirements, and schedules resulting from the legislation. As outlined in the Primer, the primary goals of AB 1668 and SB 606 are:

- Use Water More Wisely
- Eliminate Water Waste
- Strengthen Local Drought Resilience
- Improve Agricultural Water Efficiency and Drought Planning

Attached for review and reference are a few of the excerpts from the Primer, including the primary objectives for the four the major areas listed above and the corresponding milestones for each of the primary goals, which are scheduled to begin in 2019 and continue until 2027 and beyond.



Making Water Conservation a California Way of Life – Major Areas of Coverage in SB 606 and AB 1668 of 2018

Primary Goals	Major Areas of Coverage in SB 606(SB) and AB 1668 (AB)
Use Water More Wisely	<ul style="list-style-type: none"> • Water budget-based method for quantifying urban water use objectives • Urban retail water use efficiency standards adoption and water use objectives • Urban retail water use objective implementation, reporting, and enforcement • Expanded civil liability for water waste
Eliminate Water Waste	<ul style="list-style-type: none"> • Affirmation for continued implementation of existing requirements enacted by SB 555 of 2015 for setting urban retail water loss standard, methodology, reporting, and enforcement • Recommendations to Legislature on expanding water loss reporting requirements for urban wholesale water suppliers
Strengthen Local Drought Resilience	<ul style="list-style-type: none"> • Emergency declaration based on local water shortage • Urban water shortage contingency planning, methodology, reporting, and enforcement • Amendments to existing urban water management reporting and enforcement • Countywide drought and water shortage contingency planning for small water suppliers and rural communities
Improve Agricultural Water Use Efficiency and Drought Planning	<ul style="list-style-type: none"> • Water budget-based method for quantifying agricultural water use efficiency • Amendments to existing agricultural water delivery reporting and requirements • Drought resiliency and response planning, and requirements for agricultural water use



Milestone Schedule: Use Water More Wisely

2020 Jan 1 – DWR updates model water-efficient landscape ordinance and submits to Building Standards Commission for consideration.
Dec 31 – Urban water use targets cumulatively result in a 20-percent reduction from the baseline daily per capita water use.

2021 Jan 1 – DWR/State Water Board submit recommendation on indoor residential water use standard to Legislature.
Jan 1 – DWR provides residential irrigable land areas to urban water retailers.
Jul. 1 – Urban water suppliers submit UWMPs to DWR within 30 days of adoption.
Oct 1 – DWR recommends standards for outdoor residential use, landscape irrigation, and unique urban water use variances.
Oct 1 – DWR develops guidelines and methodologies for calculating urban water use objectives.
Oct 1 – DWR recommends performance measures for CII water use.

2022 May 30 – State Water Board identifies long-term standards for efficient use of water and proposed standards' effects.
Jun 30 – State Water Board adopts long-term standards for efficient use of water and related methodology and guidance
Jun 30 – State Water Board adopts performance measures for CII water use.
Jul 1 – DWR submits UWMPs report to Legislature.

2023 Jan 1 – DWR updates model water-efficient landscape ordinance and submits to Building Standards Commission for consideration.
Nov 1 – Urban water suppliers submit annual water use report to DWR on urban water use objective, actual urban water use, implementation of CII water use performance measures, and progress towards urban water use objective.
Nov 1 forward -- State Water Board may issue informational order to urban retail water supplier.

2024 Jan 1 – Urban water suppliers adopt and submit to DWR supplement to adopted 2020 UWMPs on water demand management measures to be implemented.

Jan 10 – Legislative Analyst reports to Legislature and public on evaluation of implementation of water use efficiency standards and water use reporting.

Nov 1 – Urban water suppliers submit annual water use report to DWR.

Nov 1 forward -- State Water Board may issue a written notice (warning) to urban retail water supplier that is not meeting its water use objective.

2025 Jul 1 forward – State Water Board may issue conservation order to urban retail water supplier.

Nov 1 – Urban water suppliers submit annual water use report to DWR.

2026 Jan 1 – DWR updates model water-efficient landscape ordinance and submits to Building Standards Commission for consideration.

Jul 1 – Urban water suppliers submit UWMPs to DWR within 30 days of adoption.

Nov 1 – Urban water suppliers submit annual water use report to DWR.

2027 Jan 1 – Urban water suppliers achieve water use objective.

Jul 1 – DWR submits UWMPs report to Legislature.

Nov 1 – Urban water suppliers submit annual water use report to DWR.

*Throughout this document, a milestone schedule for implementation by primary goal required by SB 606 and AB 1668 was compiled for easy reference (shown in blue). For completeness, other relevant requirements are also included (shown in dark grey). In all milestone schedules, only the lead agency is noted for each item. See **Appendix A** for details on additional coordination and collaboration requirements.*

03 Eliminate Water Waste

To eliminate water waste, the 2017 Framework included a recommendation to continue implementing CWC §10608.34 (enacted by SB 555 of 2015) to minimize urban retail water loss. The 2017 Framework concluded that no additional authorities were needed for these actions, and SB 606 and AB 1668 require one new study by DWR and a directive for continued implementation of existing requirements.

AFFIRMING EXISTING REQUIREMENTS FOR WATER LOSS STANDARD AND REPORTING

Both SB 606 and AB 1668 affirm the directive for water loss standard adoption and implementation to follow the existing requirements and process set forth in CWC §10608.34 (CWC §10631(d)(3)(A) ^{SB} and §10609.12 ^{AB}). CWC §10608.34 requires the State Water Board to adopt standards for urban retail water loss no earlier than January 1, 2019, and no later than July 1, 2020. It also contains reporting requirements. Consequently, SB 606 requires each urban retail water supplier, by July 1, 2021, to adopt and submit to DWR its 2020 UWMP with additional information related to compliance with adopted water loss standards (CWC §10631(d)(3)(C) ^{SB}).

The existing schedule requirement for water loss standard adoption in 2020 will automatically satisfy the AB 1668 schedule requirement for the State Water Board to adopt long-term urban retail water use efficiency standards and performance measures (CII only) by June 30, 2022 (CWC §10609.2 ^{AB}).

FEASIBILITY STUDY FOR EXTENDING WATER LOSS REPORTING REQUIREMENTS

SB 606 requires that DWR, in coordination with the State Water Board, investigate the feasibility of extending the water loss reporting requirement to urban wholesale water suppliers. Targeted urban wholesale water suppliers include private and public entities that provide more than 3,000 acre-feet of water annually for potable municipal purposes at a wholesale level. The legislation requires DWR to make a recommendation to the Legislature by January 1, 2020 (CWC §10608.35 ^{SB}).



Milestone Schedule: Eliminate Water Waste

2020	Jan 1 – DWR submits to Legislature recommendation on feasibility of developing and enacting water loss reporting requirements for urban wholesale water suppliers. July 1 – State Water Board adopts rules requiring urban retail water suppliers to meet performance standards for the volume of water loss.
2021	July 1 – Water Suppliers adopt their 2020 UWMPs and show if they have met adopted water loss standard.
2022	June 30 – State Water Board adopts long-term standards for volume of water loss (satisfied by meeting existing requirement for adopting water loss standard in 2020).

No change in implementation schedule and milestones as defined in CWC §10608.34 and subsequent regulations adopted by DWR.



Milestone Schedule: Strengthen Local Drought Resilience

2019	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>	2024	<p>Jan 1 – Urban water suppliers adopt and submit to DWR supplement to adopted 2020 UWMPs on water demand management measures to be implemented.</p> <p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>
2020	<p>Jan 1 – DWR identifies small water suppliers and rural communities at risk of drought and water shortage vulnerability, and makes notifications.</p> <p>Jan 1 – DWR proposes development and implementation of countywide drought and WSCPs for small water suppliers and rural communities to Governor and Legislature.</p> <p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p>	2025	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>
2021	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Jul 1 – Urban water suppliers submit UWMP update with DRA and WSCP to DWR within 30 days of adoption.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>	2026	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Jul 1 – Urban water suppliers submit UWMP update with DRA and WSCP to DWR within 30 days of adoption.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>
2022	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Jul 1 – DWR submits UWMPs/WSCPs status report to Legislature.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>	2027	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Jul 1 – DWR submits to Legislature UWMPs/WSCPs status progress report.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>
2023	<p>Jun 1 – Urban water suppliers submit annual water shortage assessment report to DWR.</p> <p>Sep 30 – DWR submits annual report to State Water Board.</p>		

Note: The annual water supply and demand assessment is the basis for the urban water supplier's annual water shortage assessment report. The legislation uses different wording for the assessment and report title.

05 Improve Agricultural Water Use Efficiency and Drought Planning

Agricultural communities were severely impacted in the recent drought, resulting in unsustainable groundwater use in some areas. Based on recommendations in the 2017 Framework, AB 1668 provides new authorities to add requirements for improving agricultural water use efficiency and drought planning by requiring a water budget-based approach to water management that is consistent with SGMA implementation, and by requesting the addition of a drought plan as part of an agricultural water supplier’s agricultural water management plan (AWMP).

The schedule for an agricultural water supplier to complete, adopt, and submit its AWMP was changed to April 1 in years ending 6 and 1. Agricultural water suppliers that are subject to AWMP and other reporting requirements are those providing water to more than 10,000 irrigated acres (excluding acreage irrigated with recycled water). However, as stated in CWC §10853, an agricultural water supplier that provides water to less than 25,000 irrigated acres, excluding recycled water, shall not be subject to the requirements unless sufficient funding has specifically been provided to that water supplier for the purpose of compliance with AWMP requirements.

AGRICULTURAL WATER MANAGEMENT PLANS

As part of its AWMP, AB 1668 requires an agricultural water supplier to:

- Develop an **annual water budget** based on the quantification of all inflow and outflow components for the agricultural water supplier’s service area. DWR is to provide tools and resources to assist agricultural water suppliers in developing and quantifying the components necessary to develop a water budget (CWC §10826(c) **AB**).
- Identify water management objectives based on the water budget and develops, prioritizes, and implements actions to meet those objectives and reduce water loss (CWC §10826(f) **AB**).
- Quantify the efficiency of agricultural water use in the service area using one of four methods published in DWR’s 2012 report to the Legislature entitled “A Proposed Methodology for Quantifying Efficiency of Agricultural Water Use” (CWC §10826(h) **AB**).
- Include a drought plan for periods of limited water supply that contains resilience planning and drought response planning components describing actions by the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions (CWC §10826.2 **AB**).



Milestone Schedule: Improve Agricultural Water Use Efficiency and Drought Planning

2019	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR.
2020	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR.
2021	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR. Apr 1 – Agricultural water suppliers update AWMPs and submit no later than 30 days after adoption. Dec 31 - DWR submits status report on efficient water management practices to Legislature.
2022	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR. Apr 30 – DWR submits status report on AWMPs to Legislature.
2023	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR.
2024	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR.
2025	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR.
2026	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR. Apr 1 – Agricultural water suppliers update AWMPs and submit no later than 30 days after adoption. Dec 31 – DWR submits status report on efficient water management practices to Legislature.
2027	Apr 1 – Agricultural water suppliers submit annual farm-gate delivery data to DWR. Apr 30 – DWR submits status report on AWMPs to Legislature.