


TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: FEBRUARY 8, 2008



DISCUSS EMERGENCY WATER SHORTAGE REGULATIONS

ITEM

Discuss feedback from public regarding Emergency Water Shortage Regulations, recommend edits, and consider authorizing SAIC to compute historic Fall groundwater storage volumes [PROVIDE POLICY GUIDANCE].

BACKGROUND

Your Honorable Board received community feedback on the draft Emergency Water Shortage Regulations (attached) at your January 30, 2008 Workshop. Following is a listing of themes that staff heard as a summary of the workshop input (staff does not agree with some of the themes, but they are presented as heard):

A. REWORK REGULATIONS

1. Wait for others to agree to EWS Regulations before implementation
2. Wait until knowledge of Basin Hydrology is improved (concern that SAIC Reports were not scientific and data points were cherry-picked)
3. Reduce/revise punitive/excessive enforcement measures
4. Eliminate prohibition on outside watering
5. Provide Education to help customers save water – Target big users first
6. Develop Alternate Trigger Points

B. STOP ISSUING INTENT-TO-SERVE LETTERS

C. MONITOR GROUNDWATER STORAGE MORE OFTEN

1. Spend the \$10,000 to evaluate Fall results

D. STOP SPENDING MONEY ON REPORTS

E. ELIMINATE ALLEGED USE OF SCARE TACTICS

Attached is a proposal from SAIC to assemble the available Fall groundwater level measurements back to 1975 and to interpret those results so that a history of groundwater in storage above sea level could be produced.

Staff attended the NMMA Technical Group Meeting on February 7, 2008. The Technical Group discussed the trigger mechanisms developed by SAIC and the additional information that they would want to have before they could develop alternate trigger mechanisms. The consensus of the group is that a finite element model would be necessary for their analysis.

RECOMMENDATION

Following is staff's response to each of the themes set forth above:

A. REWORK REGULATIONS

1. Wait for others to agree to EWS Regulations before implementation

RESPONSE: The intent of the regulations are to preserve the maximum amount of groundwater under the Nipomo Mesa when empirical data show that there either exists or there is a threat of a water shortage that affects the District's ability to supply its customers with potable water. Your Honorable Board directed staff to prepare regulations so that you would be in a position to respond to the April 2008 calculation of groundwater in storage above sea level. Staff continues to believe that the sea water intrusion threat to the basin is real and that all purveyors and pumpers should be proactive in protecting the basin. Staff believes that not having Emergency Water Shortage Regulations prior to a drought is like driving a car in hilly country without emergency brakes.

It is not clear when the NMMA Technical Group will propose triggers and programs for all purveyors or when the Court would sanction such a proposal. Based on the 2/7 Technical Group meeting, it is apparent that substantial additional research will be required before adequate data is available to prepare a model and development of such a model is an expensive and time consuming effort.

At this time, there is no program under development to regulate the use of private pumpers, nor is it clear that such restrictions are possible. Since private pumpers constitute over 60% of the groundwater production on the Mesa, then waiting for all other pumpers to reduce demand means no program.

2. Wait until knowledge of Basin Hydrology is improved (concern that SAIC Reports were not scientific and data points were cherry-picked)

RESPONSE: Staff believes that sufficient scientific study has been done to support adoption of the regulations as proposed. As pointed out at the Workshop, SAIC's findings are consistent with numerous other scientific studies. Staff strongly disagrees with the allegation that results were cherry-picked.

Even though sufficient research has been done to set the stage, should the Board wish to add a Fall trigger in addition to the spring trigger set forth in the current regulations, additional effort would be needed to quantify the storage volumes back to 1975.

3. Reduce/revise punitive/excessive enforcement measures

RESPONSE: The selection of enforcement measures is a policy determination. Staff can implement a program with the measures set forth in the draft or with fewer measures. The Board may wish to delete select enforcement measures, delete Stage 4 or revise the triggers so that the stages occur at lower storage values (See A6).

4. Eliminate prohibition on outside watering

RESPONSE: If NCSD is in an Extreme Water Supply Emergency, the primary use of water should be directed towards health and safety.

5. Provide education to help customers save water – Target big users first

RESPONSE: Staff is committed to providing the customers with the knowledge to save water and strongly encourages the adoption of the Water Conservation Plan to guide our efforts (See Agenda Item E-4).

6. Develop Alternate Trigger Points

RESPONSE: SAIC recommended the currently proposed pattern of 100,000 AF; 90,000 AF; 80,000 AF and 70,000 AF to provide a 10,000 AF buffer above the presumed danger level of 60,000 AF. The Board could opt to reduce each range by 10,000 AF but such a change would leave no buffer.

As stated several times during the Workshop, the 32 years of Fall historic storage data are not normally distributed and the use of bell shaped curve Standard Deviations would not be scientifically valid.

B. STOP ISSUING INTENT-TO-SERVE LETTERS

RESPONSE: Your Honorable Board voted to not institute such a moratorium at your January 9, 2008 Board Meeting.

C. MONITOR GROUNDWATER STORAGE MORE OFTEN

1. Spend the \$10,000 to evaluate Fall results

RESPONSE: Staff supports the development of the fall groundwater storage level historic record. Staff believes that this data will assist NCSD in better understanding the annual cycle of spring high to Fall low. Such data could also be used for a second set of triggers if it is sufficiently robust.

Staff does not believe that it is practical or necessary to take well depth levels on a quarterly basis.

D. STOP SPENDING MONEY ON REPORTS

RESPONSE: Staff believes that it is prudent to spend the minimum amount necessary to provide the documentation necessary to defend the Board's actions. Staff does not support the use of District funds to pay for peer review of scientific studies done by competent professionals.

E. ELIMINATE ALLEGED USE OF SCARE TACTICS

RESPONSE: Staff believes in sharing all available information with the public, even if that information is not pleasant.

Staff recommends that your Honorable Board review the public feedback received at the Workshop and provide policy direction regarding revisions to the Water Shortage Regulations. Should your Board determine that additional edits are appropriate, staff requests that your Honorable Board agree on the change concepts and direct staff to report back with revised language.

Staff further recommends that the Board authorize execution of an agreement with SAIC to develop the historic record of Fall Groundwater Storage above sea level on a time and materials basis with a not to exceed expenditure limit of \$10,000.

ATTACHMENTS

- Draft Emergency Water Shortage Regulations
- SAIC Proposal

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Nipomo Community Services District Draft Ordinance
Chapter 3.24
Emergency Water Shortage Regulations

3.24.010 Purpose

It is the purpose and intent of this Chapter to provide rules, regulations and procedures by which the Nipomo Community Services District ("District") Board of Directors can restrict water use upon a determination that there exists, or there is a threat of, a water shortage that affects the District's ability to supply its customers with potable water. The rules, regulations and procedures of this Chapter are in addition to water conservation measures that are adopted by the Board of Directors to avoid water shortage conditions and or conservation measures adopted by the County of San Luis Obispo in response to certification of Severity Level III for the Nipomo Mesa Water Conservation Area.

3.24.020 Findings

- A. The District has been pumping from the underlying groundwater basin since 1965. In 2006 the District's wells extracted approximately 3,000 plus acre feet and supplied approximately 4,000 connections. The District's boundaries are largely within the Nipomo Mesa Water Conservation Area (NMWCA) as referenced in San Luis Obispo County Ordinance 3090.
- B. The District's current water supply is groundwater extracted primarily from the NMWCA. A small proportion of District's water is pumped from groundwater in the Nipomo Valley.
- C. The primary source of recharge of the NMWCA is deep percolation of rainwater, with contributions from agricultural and urban return flows, and sub-surface inflows within the Santa Maria Basin. The dependence on deep percolation as the major source of recharge makes the groundwater supply within the NMWCA vulnerable during prolonged periods of low rainfall.
- D. Since July 1997 the Santa Maria Groundwater Basin has been the subject of ongoing litigation between nearly eight hundred parties (800), including the District, with competitive claims to pump groundwater. (Superior Court of the State of California, County of Santa Clara, Case No. 770214).

- E. As part of the Groundwater Adjudication referenced in Finding D, above, a majority of parties, including the District, ConocoPhillips, the Woodlands Mutual Water Company, Golden State Water Company and Rural Water Company have entered into a Stipulation, imposing a physical solution to establish a legal and practical means of assuring the Nipomo Mesa Management Area's (NMMA) long-term sustainability (herein "Stipulation"). The NMMA's boundaries are substantially similar to the boundaries referred to herein as the NMWCA. The Stipulation contemplates the formation of a NMMA Technical Group to develop a monitoring program for the NMMA. Additionally, the NMMA Technical Group will develop, for Court approval, criteria for declaring Potentially Severe Water Shortage Conditions and Severe Water Shortage Conditions.
- F. In November 2004, the County Board of Supervisors received a Resource Capacity Study ("RCS") prepared by the San Luis Obispo County Planning Department for the NMWCA. The RCS reached the same conclusions as other groundwater reports that pumping from the NMWCA exceeds safe yield and recommended a Severity Level III be adopted pursuant to the County's Resource Management System. The RCS concluded that in 2003 the Nipomo Mesa water demand exceeded safe yield by 2,602 AFY and further concluded that the deficit would increase to 4,020 AFY by the year 2010.
- G. On August 22, 2007, Science Applications International Corporation ("SAIC") issued Technical Memorandum regarding Groundwater in Storage Above Sea Level for the Nipomo Mesa Management Area as of Spring, 2007. That Memorandum summarizes the decline in groundwater storage in the NMWCA from Spring of 2000 through Spring of 2007. The Technical Memorandum concluded that between Spring of 2000 and Spring of 2007, the groundwater in storage declined by 15,000 AF, with 14,000 AF decline between Spring of 2006, and Spring of 2007.
- H. On June 26, 2007, the County, at the recommendation of the Planning Commission, certified a Severity Level III for water resources of the NMWCA pursuant to the County's Resource Management System. Under the County system, Level III indicates an "Unavoidable Resource Deficiency," defined as follows: "This is the most critical level of concern. Level III occurs when the capacity (maximum safe yield) of a resource has been met or exceeded. At Level III there is a deficiency of sufficient magnitude that drastic actions may be needed to protect public health and safety".
- I. The San Luis Obispo County Public Works Department measures groundwater surface elevations in monitoring wells located within the NMWCA in the Spring and Fall of each year ("DPW Reports").

- J. Science Applications International Corporation (SAIC), using the DPW Reports and other data, has developed a method of calculating groundwater in storage above mean sea level within the NMWCA.
- K. SAIC Reports have been presented to the District Board of Directors, with the most recent report dated January 6, 2008. The January 6, 2008, SAIC Report provides a historical analysis of the water demand and groundwater in storage of the NMMA. The January 6, 2008,, SAIC Report recommends the use of groundwater in storage to establish trigger points to implement water shortage regulations.
- L. Using groundwater in storage above mean sea level within the NMMA provides a logical method of establishing the threat or existence of water shortages and the adoption of regulations to conserve the water resource.
- M. This Chapter is adopted to conserve a public water supply for the protection of the health, welfare and safety of the residents of the Nipomo Community Services District.

3.24.025 Authority

The District's authority includes, but is not limited, to Government Code §61100 (A) and §§ 71640 et seq. of the Water Code.

3.24.030 Definitions

AF means acre feet of water.

Base Year means the calendar year immediately prior to the District Board of Directors declaring an initial Water Conservation Stage.

CCF means 100 cubic feet of water or one unit.

Customer means the owner of property that receives District water service.

GWS means groundwater in storage above mean sea level, as reported to the District.

Irrigation Use means and includes all uses other than residential use and commercial use and includes water supplied to parks, recreational facilities such as golf courses, landscaping, and water supplied to schools to irrigate turf.

K means one thousand (1,000)

Mixed Use SM means and includes buildings designed and used for both residential and commercial use that are served by a single water meter.

Multi-family Residential means (A): a building(s) or portion thereof designed and used as residence for two or more families living independently of each other under a common roof. Such uses shall include but are not limited to: duplexes, triplexes, apartments, planned unit developments, condominiums and townhouses, and (B) mobile homes used as residential units within mobile home parks. Multi-family Residential does not include secondary units.

Non-Residential Use means all uses other than residential uses, including commercial use, agricultural use, institutional use (eg. . schools, churches, libraries, etc.) Mixed Use SM and irrigation use, that receive District water.

Owner means one who has title to the property being served, or is legally authorized to represent the title owner.

Person includes a natural person, joint venture, joint stock company, partnership, association, club, company corporation, business, trust organizer, or the manager, lessee, agent, servant officer, or employee of any of them.

SF means square feet.

Single Family Residence or SFR means a stand-alone building not connected to another dwelling, and designed for residential occupancy by one family regardless of zoning of the property. A single family residence may, or may not, have a secondary unit.

3.24.035 Santa Maria Groundwater Adjudication

With reference to the adjudication of the Santa Maria Groundwater Basin and the formation of the NMMA Technical Group, the following are incorporated into the most appropriate stage referenced in Section 3.24.040 by reference:

- A. The Court- approved criteria for declaring a Potentially Severe Water Shortage Condition and Severe Water Shortage Condition.
- B. The conservation measures recommended by the NMMA Technical Group to address Potentially Severe Water Shortage Conditions.
- C. Water conservation programs approved by the Court for Severe Water Shortage Conditions.

3.24.040 Trigger Points

Water Shortage Conservation Stages I – IV shall be triggered by the following conditions when the GWS is at or below the relevant Trigger Condition:

Stage I Conservation – Water Watch

Trigger Condition: The GWS is less than 100,000 AF but greater than the Stage II Trigger Point.

Stage II Conservation – Water Warning

Trigger Condition: The GWS is less than 90,000 AF but greater than the Stage III Trigger Point.

Stage III Conservation – Water Emergency

Trigger Condition: The GWS is less than 80,000 AF but greater than the Stage IV Trigger Point.

Stage IV Conservation – Extreme Water Emergency

Trigger Condition: The GWS is less than 70,000 AF.

3.24.050 Stage Implementation

The General Manager shall monitor the groundwater in storage above mean sea level and the demand for water and shall report in writing to the Board, on or before June 1 of each year, the appropriate water conservation stage, if any, referenced in Sections 3.24.040, above. The Board shall, no later than four weeks after receipt of such report, consider the General Manager's report at a public hearing. Notice of the time and place of the public hearing shall be published one time at least seven days prior to the date of the hearing in a newspaper of general circulation within the District. If the Board concurs that any such events have occurred, it shall immediately adopt a resolution implementing a water conservation stage referenced in Section 3.24.060.

3.24.060 Water Shortage Conservation Stages.

A. Stage I Conservation – Water Watch.

1. Upon a determination by the Board of Directors that a Stage I condition exists, the following recommendations shall take effect:
 - (a) All outdoor irrigation of vegetation should occur only after 8 p.m. and before 9 a.m.
 - (b) The use of potable water to wash sidewalks, walkways, driveways, parking lots, open ground and other hard-surface areas by direct application is discouraged.
 - (c) The use of non-drinking water fountains, except for those using recirculated water, is discouraged.
 - (d) Use of potable water which results in run-off in gutters or streets is discouraged.

2. In addition to those measures stated above, the Board of Directors by resolution and/or ordinance may adopt additional water conservation measures.
3. The General Manager shall provide notice to all District customers, regarding the Board of Directors declaration of Water Watch condition and activation of Stage I Water Conservation Program. Such notice shall be mailed within fourteen (14) days of the Board's action.

B. Stage II Conservation – Water Warning.

1. Upon a determination by the Board of Directors that the a Stage II condition exists, the following measures and prohibitions shall take effect, with the goal of achieving a **ten percent (10%)** reduction in water consumption:
 - (a) The water conservation recommendations referenced in Stage 1 shall be mandatory and constitute prohibitions.
 - (b) Water deliveries for residential uses shall be limited as follows:
 1. 24 ccf of water bi-monthly or 295 gallons per day per multi-family residential unit.
 2. 27 ccf of water bi-monthly or 329 gallons per day per single family residential unit on lots <4500 sf.
 3. 36 ccf of water bi-monthly or 442 gallons per day per single family residential unit on lots 4.5k – 10k sf.
 4. 64 ccf of water bi-monthly or 787 gallons per day on single family residential lots >10k sf.
 - (c) Non-Residential Uses shall be limited to ninety percent (90%) of their water consumption for the same billing cycle during the Base Year.
 - (d) A surcharge of **two hundred percent (200%)** will be levied on all water use in excess of the maximum water use allotment referenced in subparagraphs (b) and (c) above and shall be assessed to the account of the Customer .
 - (e) Use of water from fire hydrants shall be limited to fire suppression and/or other activities immediately necessary to maintain health, safety and welfare of residents within the boundaries of the Nipomo Community Services District.

- (f) The use of District potable water, including fire hydrant water, for dust control and compaction for construction projects shall be prohibited.
 - (g) The washing of automobiles, golf carts, pickup trucks, horse trailers, boats and other types of mobile equipment not occurring upon the immediate premises of a commercial car wash and/or commercial service station that use recirculated water shall be prohibited. Emergency service vehicles are subject to Section 3.24.100.
 - (h) Restaurants shall not serve water to their customers except upon specific request.
 - (i) Applications for Intent-to-Serve Letters shall be received and placed on a waiting list, but further processing shall be suspended.
 - (j) Water main flushing shall only occur in emergency situations as declared by the District General Manager.
 - (k) All swimming pools and spas shall be covered when not in use.
 - (l) Water transfers, through emergency interties, to adjoining water purveyors will only be allowed upon written proof, to the satisfaction of the General Manager, of the existence of a water delivery emergency.
2. The General Manager is authorized and directed to pursue a vigorous public information program about water supply conditions and the need to reduce water consumption by such means deemed appropriate by the General Manager.
 3. The District will meet with other water purveyors, public school districts, park agencies, and golf courses, that use water sources other than District supplied water, to seek voluntary reduction in irrigation of decorative landscape and reduce irrigation of turf and play areas.
 4. In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

C. Stage III Conservation – Water Emergency.

1. Upon a determination of the Board of Directors, that Stage III conditions exist, the following measures and prohibitions shall take effect, with a goal of achieving a **thirty-five percent (35%)** reduction in water consumption:
 - (a) The water conservation measures and prohibitions referenced in Stage 2 , above.
 - (b) Water deliveries for residential uses shall be limited as follows:
 1. 17 ccf of water bi-monthly or 214 gallons per day per multi-family residential unit.
 2. 19 ccf of water bi-monthly or 238 gallons per day per single family residential units <4500 sf.
 3. 26 ccf of water bi-monthly or 319 gallons per day per single family residential units 4.5k – 10k sf.
 4. 46 ccf of water bi-monthly or 569 gallons per day per single family residential units >10k sf.
 - (c) Non-Residential Uses shall be limited to **sixty-five percent (65%)** of their water consumption for the same billing cycle during the Base Year.
 - (d) A surcharge of **four hundred percent (400%)** will be levied on all water use in excess of the maximum water use allotment reflected in subparagraphs (a) and (b) above, and shall be assessed to the account of the Customer.
 - (e) Will-Serve Letters shall be suspended and the setting of new water meters shall be prohibited.
2. In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

D. Stage IV Conservation – Extreme Water Emergency

1. Upon a determination of the Board of Directors that Stage IV conditions exist, the following measures and prohibition measures shall be take effect, with the goal of achieving a **fifty percent (50%)** reduction in water consumption:

- (a) Water conservation measures and prohibitions referenced in Stages 2 and 3, above.
 - (b) Water deliveries for residential uses shall be limited as follows:
 - 1. 14 ccf per of water bi-monthly or 170 gallons per day per multi-family residential unit.
 - 2. 15 ccf of water bi-monthly or 183 gallons per day per single family residential unit <4500 sf lot.
 - 3. 20 ccf of water bi-monthly or 246 gallons per day per single family residential unit 4.5k -10k sf lot.
 - 4. 36 ccf of water bi-monthly or 437 gallons per day per single family residential unit >10k sf lot.
 - (c) Non-Residential Uses shall be limited to **fifty per cent (50%)** of the water consumption for the same billing cycle during the Base Year.
 - (d) A surcharge of **five hundred percent (500%)** will be levied on all water use in excess of the maximum water use allotment reflected in subparagraph a and b above and shall be assessed to the account of the Customer.
 - (e) The use of potable water to irrigate grass, lawns, ground cover, shrubbery, crops, vegetation, and ornamental trees, etc. shall be prohibited; and all irrigation meters within the District shall be locked.
2. In addition to those measures stated above, the Board of Directors, by resolution and/or ordinance, may adopt additional water conservation measures on an urgency basis.

3.24.070 Termination of Stages

The Board of Directors may terminate water conservation stages based upon a finding that the groundwater storage above mean sea level within the NMWCA is at or above 100,000 AF or the Board of Directors may reduce a water conservation stage to a lower level by Resolution based on a finding that the GWS is capable of providing sufficient water at a reduced water conservation stage to meet the demands and requirements of the District's water customers.

3.24.080 Calculations

A. When Multi-Family units are served by a single water meter, the total volume of metered water shall be divided by the number of units to determine compliance with conservation stages.

B. Limitations of water use referenced in 3.24.060 B(1)(b), C (1)(b) and D (1)(b) shall be based on the gross square footage of the relevant parcels.

C. The surcharge calculations for exceeding water allotments referenced in 3.24.060 B(1)(b), C(1)(b) and D(1)(b) shall be based on the standard charge for water use over the limitation times the surcharge. For example, if a multifamily residential unit used 27 ccf of water during a bi-monthly period instead of the 17 ccf maximum water allotment referenced in 3.24.060 C(1)(b)(1), then the excess use over the allotment would be 10 ccf and if the standard cost per ccf was \$1, the surcharge for the multi-family unit in addition to the normal bill would be \$40 (10 ccf times \$1 times 4).

3.24.090 Enforcement

A. In addition to the water surcharges referenced in Section 3.24.060, the following applies to customers violating the water allotment provisions of this Chapter commencing with Stage II:

1. **First Violation.** A Notice of Violation shall be both mailed to the customer by first class mail, return receipt requested, and posted by door hanger on the affected property.
2. **Second Violation.** A Notice of Violation shall be sent to the customer by certified mail, return receipt requested, and by door hanger, with an explanation of the gravity of the situation and the penalties for future violations. A delinquent bill, including the appropriate surcharge, shall be increased by a penalty of ten percent (10%).
3. **Third Violation.** Water service will be discontinued and the water meter will be locked, or if necessary, removed from the premises of the violator. The District will send notice via certified mail at least seventy-two (72) hours prior to discontinuance of service and will attempt to contact an adult person at the premises by telephone or personal contact at least twenty-four (24) hours prior to discontinuance of service.

The meter will be reinstalled on conditions set by the District and after the payment of District reconnection charges and the payment of all other charges, surcharges and penalties owing.

B. Violation of Conservation Measures Other Than Water Allotment.

1. First Violation. A Notice of Violation shall be both mailed to the customer or person other than the customer, (i.e. tenant), by first class mail, return receipt requested, and posted by door hanger on the affected property.
2. Successive Violations. The second violation and each and every violation thereafter shall be subject to the provisions of Section 3.24.080 C, below.

C. Violations Unlawful.

1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of any of the provisions or failure to comply with any of the requirements shall constitute a misdemeanor punishable by a fine not exceeding six hundred dollars (\$600) or by imprisonment in the County Jail for a period not exceeding thirty (30) days or by both such fine and imprisonment.
2. Notwithstanding subparagraph 1, above, any misdemeanor violation or failure to comply may, in the discretion of District Legal Counsel, be initially charged and subsequently prosecuted as an infraction. Each and every infraction or violation is punishable by a fine not exceeding fifty dollars (\$50) for the first violation; a fine not exceeding one hundred dollars (\$100) for the second violation of this Chapter within one year; and a fine not exceeding two hundred fifty dollars (\$250) for the third violation of this Chapter within one year.
3. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued, or permitted by such person and shall be punishable accordingly.

D. Injunctive Relief

The District may petition the Superior Court for the issuance of a permanent or temporary injunction, or both, as may be appropriate, in restraining any person or customer from the continued violation of this Chapter.

E. Enforcement Officer.

1. The General Manager, or designee, shall be the Code Enforcement Officer primarily charged with enforcement of this Chapter.
2. For new construction, the General Manager has the authority to establish monthly Base Year water consumption for Non-Residential Use.

F. Collections.

1. Charges, surcharges and penalties authorized by this Chapter shall constitute a lien on the property, and the District Manager is authorized to record a certificate declaring the amount of the charges, surcharges and penalties due pursuant to Government Code § 61115(c).
2. The Board of Directors may order that the charges, surcharges and penalties be collected on the tax roll in the same manner as property taxes pursuant to the procedures of Government Code §61115(b).

G. Remedies Cumulative

The remedies available to the District to enforce this Chapter are cumulative and may be pursued consecutively by the District. The District's use of any one of the remedies and/or legal actions prescribed herein shall not bar the use of any other remedies provided in this Chapter, or other District ordinances or by law for the purpose of enforcing the provisions hereof.

3.24.090 Appeals

A. Water Allotment Appeals.

1. The General Manager may, in his/her discretion, grant exceptions to the water delivery limitations referenced in Section 3.24.060, if he/she finds based on a certification by a California-licensed physician or other California-licensed health care provider that the water delivery limitations would cause undue hardship or emergency medical conditions. The application for an exception shall be on a District form provided by the General Manager.
2. In determining whether or not to grant the exception and the terms and conditions of the exception, the General Manager shall consider the water conservation measures currently implemented by the applicant, (eg. low flush toilets, aerated shower fixtures,

landscape conservation, etc.) and the appropriate water conservation stage that should be applied to the applicant.

B. Lot Size Appeals

The General Manager will consider appeals based on the District's determination of lot size for the purposes of imposing water delivery limitations. Said appeals shall be in writing and shall include proof of gross lot size based on square footage.

C. Change in Commercial Use

When commercial use is changed, (eg. when an office building is converted to restaurant use), the General Manager may consider appeals to adjust the Base Year for the purposes of compliance with the water use limitations. Requests shall be in writing and shall contain an engineer's or architect's water use calculation of the new use. The General Manager shall consider other similar existing uses in considering whether or not an adjustment is warranted.

D. Applicable to All Appeals

1. The terms of any exception or determination shall be set forth in writing and may contain conditions. The General Manager's determination shall be kept on file with the District and a copy will be furnished to the applicant. All exceptions granted shall be reported to the Board of Directors at a regularly scheduled meeting.
2. An applicant may appeal the General Manager's decision to the Board of Directors. A request for appeal must be submitted to the District in writing not more than ten (10) days after the General Manager's decision. The Board of Directors shall consider the appeal within thirty (30) days of receipt of the request for appeal.

3.24.100 Exceptions

A. Public safety departments, such as fire departments and police departments, are exempt from the requirements of this Chapter, provided that said departments first lodge with the General Manager a water conservation plan.

B. Commercial car washes that provide proof of the use of recycled water, to the satisfaction of the General Manager, are exempt from the requirements of this Chapter.

Bruce Buel

From: Newton, Bradley E. [BRADLEY.E.NEWTON@saic.com]
Sent: Monday, January 28, 2008 10:17 AM
To: Bruce Buel
Cc: Beeby, Robert G.
Subject: Cost Estimate - Fall GWS from 1975-2007

Bruce,

The cost to compute fall GWS from 1975 through 2006 is under \$10K. This is much less than the previous similar analysis because the foundational work (inputting data, preparing the spreadsheets, developing the process) is complete and you can capitalize on your investment.

Would you like me to prepare a TO request under General Consultation to cover this work?

Sincerely,
Brad

Brad Newton, PhD, PG
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