



# Yorba Linda Water District

*Independent, Reliable and Trusted  
Service for More Than 100 Years*

January 27, 2016

Kathy Frevert ([kathy.frevert@waterboards.ca.gov](mailto:kathy.frevert@waterboards.ca.gov))  
State Water Resources Control Board  
1001 I St 24th Floor  
Sacramento CA 95814

RE: Comments on Proposed Regulatory Framework

Dear Ms. Frevert:

The Yorba Linda Water District (YLWD) values the opportunity to submit comments to the State Water Resources Control Board regarding the Proposed Regulatory Framework for the Extended Emergency Regulation for Statewide Urban Water Conservation. We also appreciate the State Board's efforts to adapt the regulations to attempt to provide equity for water providers.

It is imperative for YLWD that credits to achieve equity (without a cap) are offered as this drought and the State Drought Emergency regulations have put our agency in financial and legal peril. At the time of this correspondence, YLWD is facing a writ of mandate that could require the District to roll back Article 31007 required water rates that have been adopted by the Prop 218 process. Should the court rule against us and our rates be suspended or repealed, the District will be in default of bond and debt obligations and YLWD could become insolvent.

This is a direct result of our compliance with the mandated 36% reduction in water sales, as ordered by the State Board.

We know that this was not the intention of the State Board. We understand that the current regulations were adopted in short order and there simply was not the time to implement a "perfect" set of rules. For this reason, we implore the State to intercede on YLWD's behalf with any legal support and/or financial protection. The pushback from a small but motivated and well-funded segment of the community could result in the demise of YLWD, in spite of our 106 year history of providing trusted and reliable service.



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While other agencies will undoubtedly face similar challenges, the State Board may be able to mitigate these issues moving forward, while still achieving gains in conservation. While the proposed framework does provide some relief in the ways of credits for Indirect Potable Reuse (IPR), and takes into account climate and population growth, with a cap on these credits, the proposed regulations do not go far enough to provide equity to water suppliers like YLWD who are eligible for credits in all of these categories.

In addition, we continue to urge the State Board to strongly consider accommodations for agencies like ours that have perpetual wildfire dangers. Wildfires occur almost annually here as we share a border with the Chino Hills State Park. Irrigation of these Urban-Wildland "Zone B" areas is not a waste of water and is mandated by law, as the Orange County Fire Authority requires property owners to maintain defensible space. The rain from this year's El Nino will likely lead to a greater wildfire risk this summer should the drought conditions return into fire season. As previously stated, YLWD by contract sends all wastewater to GWRS which is returned as potable water. Purple pipe water is not available to YLWD residents for wildfire prevention or any other use.

We thank you again for the opportunity to provide input on the next phase of these regulations that are extremely critical to the future of our District. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Marc Marcantonio".

Marc Marcantonio  
General Manager

CC: YLWD Ratepayers

Orange County Water District, PO Box 8300, Fountain Valley CA 92728  
Municipal Water District of Orange County, PO Box 20895, Fountain Valley CA 92728

The Honorable:

Senator Bob Huff, California State Capitol, Rm 4090, Sacramento CA 95814  
Assembly Member Ling Ling Chang, PO Box 942849, Rm 3149, Sacramento CA 94249