

WATER ADVISORY COMMITTEE OF ORANGE COUNTY

**Policy Statement Concerning
Consideration by the State Water Resources Control Board
of Possible Interim Water Rights Actions
June/July, 1992**

Gentlemen, I am Phil Anthony, Chairman of the Water Advisory Committee of Orange County. WACO, as we pronounce the acronym, is an alliance of Orange County water agencies which concerns itself with issues of broad concern to the water community. WACO has been participating continuously in the Bay/Delta Proceedings since their beginning in 1986. Today's statement is intended to continue our practice of supporting, and amplifying certain features, of the issues presented to you by the Metropolitan Water District.

Governor Wilson's Water Policy

We enthusiastically support the Governor in his forthright steps to break the impasse of recent years in solving California's water problems. We understand that the policy statement is a skeleton, which we all must work together to build upon. While these hearings on interim actions are disruptive to the schedule of the basic Bay/Delta Proceedings, we concur that the decline in public trust resources during the drought warrants efforts to find additional protective measures.

We continue to believe that true protection of most of the uses of the water from the Bay/Delta watershed can be accomplished only with facilities that separate municipal water from Delta channel waters, and provide better distribution of Sacramento River water throughout the Delta for the best utilization by public trust resources. As stated in the Governor's policy, arranging for such facilities can occur only if representatives of urban, agriculture, and public trust resources find mutual benefits from the steps that are taken.

Prior WACO Testimony

WACO testified formally at two prior hearings of the Bay/Delta Proceedings. For ease of reference, that information is summarized as follows.

Phase I Hearings, August, 1987 - Our principal points concerning Orange County were: a) additional imported water is needed; b) efficient water use management and conservation efforts have already reduced demand upon water supplies; c) Orange County is the state-wide leader in water reclamation and reuse; d) the Orange County economy depends upon a reliable imported water supply; e) high quality imported water

is needed for long-term utilization of groundwater resources and reclaimed water supplies; and f) consideration of water use efficiency is a necessary ingredient in the balancing of uses of Bay/Delta water.

Revised Draft Water Quality Control Plan, August, 1990 - Our principal points were: a) the Plan should call for moving the point of diversion of drinking water supplies farther upriver out of the Delta; b) there is a lack of consideration of balancing in various parts of the Draft Plan; and c) the Plan of Implementation should include discussion of alternative facility solutions, including the SWC proposal to form a workgroup to study operational criteria for an isolated transfer facility.

Recent Accomplishments in Orange County

Efforts to cause efficient water use have continued in the Orange County area and, indeed, have reached new levels of accomplishment. Following is a summary of the most notable achievements.

- The Green Acres Project has been put into operation. It polishes treated wastewater from a central sanitation facility and initially delivers recycled water through a regional distribution pipeline serving three communities in the northwesterly part of Orange County. About 7,500 acre-feet per year of potable water is freed by the Project for other uses. The second phase, now in final design, will serve two additional communities and free another 7,500 acre-feet per year.
- The first instance of many planned dual plumbing projects in high-rise commercial buildings has been put into operation to use recycled water for flushing toilets.
- Through the assistance of the water quality control system, the supply for one of Orange County's seawater barriers has been converted to 100% use of recycled water.
- Several instances of wellhead treatment for specific contaminants have been placed in operation, resulting in the renewal of supply from these facilities.
- Several projects are underway, with partial funding by the Metropolitan Water District, to desalt brackish groundwater. One, in particular, is now in final design for installing a well field and treatment facilities, which would allow groundwater contaminated with volatile organic compounds (TCE, et al), high dissolved solids content, and excessive selenium to be introduced directly into the potable water delivery system of the Irvine Ranch Water District.
- With the urging and significant financial support of Joan Irvine Smith, a group of WACO agencies has formed the National Water Resources Institute. The Institute provides partial funding for basic and applied research in the fields of water and wastewater. To date, seven projects have been funded to the extent of \$2.3 million.

- A management plan has been adopted for the San Juan Basin Groundwater Basin. A combined conjunctive use and desalting project is in an advanced planning stage.
- A agency has been formed, called the South Orange County Reclamation Authority. Its purpose is to streamline the process of obtaining permits for installation of recycled water systems, and implement coordination of recycled water systems amongst the several water purveying agencies.
- A major, new surface water replenishment facility has been placed into operation. The Santiago Creek Recharge Project provides a large storage facility and an infiltration capacity of about 25,000 acre-feet per year. It was constructed at a cost of about \$25 million. The Project is unique because it transports water from the Santa Ana River mainstem up into one the River's tributaries where its infiltration will especially benefit a heavily pumped portion of the groundwater basin.
- Under a program coordinated by OCWD, the conjunctive use capacity of the Orange County Groundwater Basin is being increased through the construction of new withdrawal wells. So far, about \$10 million has been spent and another \$10 million is planned.

Key Issues of This Hearing

According to the Notice of Public Hearing, the subjects being considered are whether reasonable use is being made of the Bay/Delta water supply, and what better ways can be found to protect public trust resources on an interim basis. We believe that the projects and activities described above show a pattern of water use efficiency in Orange County which exceeds the contemporary standard of reasonable use.

An important basis of this consideration by the SWRCB, of interim water rights actions, is that improvements to protect public trust resources can be accomplished without the need for an environmental assessment. It is WACO's position that an action, which might be taken by the Board, that specifically reduced the amount or quality of State Water Project water delivered for Orange County's benefit would cause an adverse environmental affect, and thus could not fall within the limitations controlling this consideration of interim water rights actions. WACO's position in this regard is discussed in correspondence to the SWRCB dated May 7, 1992. With the above qualification in mind, here are WACO's opinions about some of the key issues raised by the Hearing Notice.

Facilities and habitat improvements - A considerable range of possible improvements have been suggested. We think those with the most potential include: a) screening and/or improvement of existing screens on surface water intakes along the Sacramento River and in the Delta; b) restoring gravel spawning beds; c) improving fish bypass facilities at locations along the Sacramento River which now have barriers to fish passage; d) revision of discharge requirements to the Sacramento River to prevent the

return of agricultural water and treated community wastewater with elevated temperature during critical, cold water habitat periods; and e) a significant effort to reduce poaching in the Bay/Delta estuary, especially the suspected organized collection and marketing of illegally taken striped bass.

Best Management Practices - WACO believes that the wide acceptance of the BMP water conservation program warrants the SWRCB mandating the program for all M&I users of water from the Bay/Delta watershed. Furthermore, we believe that agricultural conservation standards should be derived and mandated by the Board as a condition of continued full-scale diversions or exports from waters of the Bay/Delta watershed. WACO, also, believes it is timely for a more authoritative, statewide effort to prepare for substituting non-potable water for safe, regulated use in the urban environment. To that end, WACO urges that the SWRCB seek and/or vigorously support legislation which would mandate the preparation of a non-potable water element in the General Plans of local planning agencies, specifically to require during new construction or redevelopment: a) the placing of non-potable water distribution pipelines in streets and rights-of-way; b) the installation of landscape irrigation systems (for industrial, commercial, institutional and residential uses) separated from potable in-building systems; and c) the installation of separated non-potable systems for toilet flushing in non-residential, commercial and institutional buildings. We understand that AB 2627 (Baker) carries many of the above features, and we recommend your Board support that bill. Other bills being considered this year which bear upon the use of non-potable water are: AB 2731 (Kelley), AB 3012 (Frazee), and AJR 69 (Kelley).

Racanelli Parties - WACO believes it is equitable for the SWRCB to include all Racanelli parties in its consideration of interim water rights actions. The intent of the interim actions proceedings is to protect the public trust resources. All parties have contributed to the reduction in river flows supporting these resources, therefore all parties should share the burden of the remedial measures. Your Board proposes to limit the Racanelli Parties, for the purpose of sharing in the remedial responsibility, to those storing at least 100,000 acre feet or diverting more than 100 cfs. We understand that this limitation was chosen to relieve the administrative burden, because there are literally thousands of parties who otherwise fit the Racanelli Party definition. WACO concurs that the storage limitation level is reasonable, in that the impact of operational decisions of smaller storage facilities are not likely to be recognizable in the Delta. However, with regard to the flow diversions, WACO believes the SWRCB should include as well those diversions of smaller size which have the potential to directly impact the public trust resources, such as fish entrainment in diversion facilities. While administratively reaching all of the smaller diversions might be difficult, that approach would provide the means for the Board to deal with cases of flagrant abuse.

Implementing Interim Actions - WACO understands that to meet the goal of these interim actions without exceeding the limitations imposed by the CEQA Act, a number of expensive improvements must be undertaken. In line with our support of the

Governor's Water Policy and the intent of these hearings, WACO supports the imposition of a relatively nominal monetary assessment upon the Racanelli Parties to assist in the implementation of the interim action improvements. We believe the monetary assessment should be: a) applied as unit amounts to diversion and storage practices of the parties; b) applied to urban and agricultural parties in equal unit amounts; c) should not exceed \$2 per annual average acre-foot of diversion during the most recent three years of record, and for reservoir storage, should not exceed \$1,000 per 1,000 acre-feet of active storage capacity minus the amount of assessments made on diversions dependent upon the reservoir operation; d) the collected assessments should be placed in a trust fund from which expenditures would be legally permitted only for the purposes of the interim actions taken by the Board; e) funds should be collected by some unit of the Resources Agency; and f) funds should be allocated by the SWRCB to DWR, DFG, and others as appropriate, to administer design, construct, and operate SWRCB-approved projects.

Long-Term Solutions - WACO recognizes that long-term solutions to the needs of public trust resources in the Delta, as well as to the needs of urban water agencies for reliable, safe drinking water, will require a continuing search amongst the parties to find acceptable approaches with mutual benefits. All solutions should continue to be examined, but an isolated transfer facility should not be precluded from consideration. These possible interim actions should be linked to progress on significant facilities to improve Delta water transfer to the South Delta export facilities.

Integrity of the Santa Ana River Water Supply

As the Board is well aware, there are millions of people dependent upon the integrity of the Santa Ana River water delivery and reuse system. In 1991, the assessed valuation of the Santa Ana River watershed area was about one-quarter trillion dollars. In the arid Southern California environment, utilization of the River's benefits has to be planned very carefully and monitored closely. The contribution to the watershed of the river of reasonably good quality water from the Sacramento River is an important part of maintaining the integrity of the river reuse system. Any diminution of quantity or quality of supply from the State Water Project would have a significant environmental impact.

Closing

In closing, I would like to reiterate the thanks of WACO and the people in Orange County for Board's conscientious effort to find the best and most equitable solution to the difficult problems of the Bay/Delta Estuary.