

From: [Brandon Nakagawa](#)
To: [SGWP](#)
Subject: Counties with Stressed Basins PSP Comments
Date: Monday, October 05, 2015 5:11:35 PM

San Joaquin County asks DWR to consider allowing the applicant to be County or County Flood Control and Water Conservation District. The authorities granted to Counties through the Flood Control and Water Conservation Districts are similar to those of SGMA with respect to assessments and fees. Specifically, the San Joaquin County Flood Control and Water Conservation District, established in Appendix 79 of the Water Code, allows for assessment and fees within incorporated cities which is a unique power granted to Counties. The Board of Supervisors of San Joaquin County is also the governing body of the San Joaquin County Flood Control and Water Conservation District. For contracting purposes, the 50% cost share for the grant would come from a countywide fee established through the authorities granted under the Flood Control and Water Conservation District which would be the logical entity entering into an agreement for grant funds with DWR in this case.

San Joaquin County is also concerned that the PSP strictly requires acceptance by DWR of an Urban Water Supplier's 2010 UWMP for eligibility. The County Department of Public Works currently administers 30 individual small water systems—each of which are below the 3,000 connection or 3,000 acre-foot threshold to constitute the provider as an urban water supplier—on a temporary basis until customers of the individual systems petition to establish a locally-elected board. San Joaquin County has long held the position that because none of the individual small water systems meet the threshold, and that the threshold is only met when the customers and volumes served are aggregated across all systems, that the County is not an urban water supplier for the purpose of the Urban Water Management Planning Act. The stated policy for requiring UWMPs is “to actively pursue the efficient use of available supplies” while permitting “levels of water management planning commensurate with the number of customers served and the volume of water supplied.” The County is precluded from pursuing many of the demand management efficiencies referred to in the Act due to the distinct nature of the individual small water systems. For example, California law does not allow aggregation across all systems administered by the County for the purpose of determining the cost of services provided, and thus financial constraints require the County to consider each system independently which limits the County's ability to seek efficiencies through economies of scale. The County requests that DWR consider this reality and the purpose and intent of the UWMP Act to determine that the County is not an urban water supplier and the associated PSP eligibility criterion regarding Urban Water Management Compliance is inapplicable to the County. Otherwise, the County requests that the PSP eligibility criteria be revised for Urban Water Management Compliance to allow Counties not currently covered by a 2010 UWMP verified by DWR but seeking compliance through the 2015 UWMP process to be eligible under the PSP. Any grant issued would be conditioned upon DWR verification of the 2015 UWMP and grant reimbursements withheld until that time. In its efforts to comply, San Joaquin County is currently pursuing a consultant to develop a 2015 UWMP for submission to DWR prior to the statutory deadline.

In addition, San Joaquin County has long held the position that since none of the individual water districts served by the County Department of Public Works meet the 3000 connections or 3000

acre-feet threshold, but do so only when counting all 30 individual water systems in aggregate, that the County is not an urban water supplier for the purposes of the Urban Water Management Planning Act. California Law does not allow for the treatment of individual systems to be lumped for the purposes of determining the cost of service, therefore aggregation of connections is not an acceptable method of determining if San Joaquin County is an urban water supplier. The PSP strictly requires acceptance by DWR of an Urban Water Supplier's 2010 UWMP for eligibility. The County requests that DWR allow County's seeking to become UWMP compliant to be eligible for this PSP. Should a County receive a grant, grant reimbursements would be held until the 2015 UWMP is accepted by DWR. San Joaquin County is currently pursuing a consultant to develop a 2015 UWMP for submission prior to the statutory deadline to DWR.

Respectfully,

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