



CITY OF FULLERTON

Engineering Department

September 15, 2009

The Honorable Kim Dunning
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Re: The Orange County Grand Jury report "Paper Water – Does Orange County Have a Reliable Future?" City of Fullerton's Response

To the Honorable Kim Dunning:

The City of Fullerton wishes to thank the 2008-2009 Orange County Grand Jury for its report entitled "Paper Water – Does Orange County Have a Reliable Future?" We believe your report has helped to raise awareness of the many challenging water supply issues within the State of California that affect the residents of Orange County.

In accordance with your report, the City of Fullerton was requested to respond to Findings F.1 (a, b), F.2 (a, b), F.3 (a, b, c), and F.4 (a, b) and Recommendations R.1, R.2, R.3, and R.4, the City response is provided below:

Grand Jury Finding F.1: There is inadequate coordination between local land use planning agencies and local water supply agencies, resulting in a process that fails to fully engage the issues.

(A) Water agencies have tended to avoid interfering with or participating in growth-management decisions.

(B) Cities and the County have not tended to critically evaluate the limitations of the water agencies' supply projections.

Response to Finding F.1.a: *The City of Fullerton disagrees with this finding.* The Planning Department closely coordinates all of its land use planning activities with the City's Water Management Division. These entities collaborate closely with respect to land use planning issues, ensuring that all supply issues are proactively identified and addressed at the front end of the decision-making process. (West Coyote Hills, Fullerton Transportation Center, etc.).

Response to Finding F.1.b: *The City of Fullerton disagrees with this finding.* Fullerton's water supply projections are critically evaluated on a regular basis. Much of this analysis takes place during the environmental review process required for many development projects under the California Environmental Quality Act (CEQA). Per the CEQA, nearly all significant development projects are subject to an environmental analysis that, among other things,

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assesses a project's impact upon the local water supply system. In addition, per SB 610, the State requires the preparation of a comprehensive Water Supply Assessment (WSA) in conjunction with all large-scale development projects. WSAs examine whether available water supplies are sufficient to serve the demand generated by the project, as well as the region's reasonably foreseeable cumulative demand, over the next 20 years. Since the enactment of SB 610 in 2002, two WSAs have been prepared under the direction of the Fullerton Water Division. Both of these WSAs represent a critical, updated analysis of the City's water supply projections.

Additionally, water agencies are required to prepare an Urban Water Management Plan (UWMP) every 5 years which must include supply analyses for normal years, single dry years and multiple dry years. The UWMP must also include drought response measures for potential shortages. The UWMP process also represents an opportunity to critically evaluate the City's water supply projections on a regular basis. The City's next UWMP will be completed in 2010.

Grand Jury Finding F.2: California's looming water supply crisis receives very little, if any, expressed concern from the public in comparison to the numerous other environmental issues presented during development project reviews.

(A) Orange County's citizens and interest groups do not appear to grasp the seriousness of the water supply situation or the complexity and urgency of the necessary solutions.

(B) Several recent, substantial water supply awareness efforts are underway (e.g. the Orange County Water Summit) that show promise but appear targeted to audiences that are already informed.

Response to Finding F.2.a: *The City of Fullerton agrees with this finding.* In general, it seems public awareness of water supply issues is lower in comparison to other environmental issues; However, Fullerton has been working aggressively to increase this awareness. Specific information on Fullerton's outreach efforts is provided in response to Finding F.2.b.

Response to Finding F.2.b: *The City of Fullerton disagrees partially with this finding.* Fullerton has an outreach program designed to communicate directly to our citizens and businesses about water supply challenges and the importance of using water wisely.

In July 2009, the City Council entered Phase one of Fullerton's Water Supply Shortage Conservation Plan (WSSCP). The WSSCP encourages all customers to reduce their water use through voluntary conservation measures, which increase the public's awareness and to encourage adoption of water-saving habits.

The success of these actions and the regional water conservation campaign is demonstrated by the response from our customers. In comparing the water use in the month of July 2008 to the month of July 2009, Fullerton residents and businesses saved over 80 million gallons of water, enough to serve 400 homes for a year.

Highlights of the City's outreach campaign are as follows:

- Articles in the "Focus on Fullerton" provide information on challenges to Southern California's water supply and conservation-related news and resources to all Fullerton customers on a monthly basis.
- Door hangers are used as a friendly reminder to customers to eliminate water waste.

- The Water Watch Dog hotline is designated for reporting water waste and receiving information on water conservation.

As a City, we are also setting an important example to the public on efficient use of water through water use efficiency retrofits at public facilities, waterless urinals and low flush toilets, installation of artificial turf, and smart irrigation controllers at parks, which have reduced the water use in city facilities by ten percent over the last six months.

Grand Jury Finding F.3: LAFCO is the agency charged with facilitation constructive changes in governmental structure to promote efficient delivery of services. To this end, LAFCO is conducting a governance study of Municipal Water District of Orange County (MWDOC) which is the designated representative for nearly all of the Orange County retail water agencies, acting on their behalf with their surface water supplier Metropolitan.

(A) There are a number of points of governance disagreement between MWDOC and several of its member agencies. This is creating an impediment to the on-going effectiveness of these agencies in critical areas of Orange County's water supply management.

(B) The current disagreement is a distraction from the greater good of the agencies working toward Orange County's water future.

(C) The stakeholders in LAFCO's study failed to meet their March 11, 2009 deadline for LAFCO's public hearing on this matter. Continued delays are unacceptable.

Response to Finding F.3: *The City of Fullerton is not a member of MWDOC; therefore a response is not applicable.*

Grand Jury Finding F.4: Orange County is uniquely fortunate to have a vast, high-quality, well-managed groundwater basin serving its north geographical area. However, in its south reaches, it has an equally large, high-growth area with virtually no available groundwater resources.

(A) The difference in groundwater availability creates a "haves versus have-nots" situation that is conducive to inherent conflicts.

(B) The difference in groundwater availability provides opportunities for responsible participants to develop and construct long-term solutions which will benefit the entire county.

Response to Finding F.4.a: *The City of Fullerton disagrees partially with this finding.*

The availability of water from the Orange County Water District (OCWD) groundwater basin is controlled via legislative and water rights law. Although; the water situation is different for the basin and non-basin areas, the water agencies in both areas have worked together to enhance supply reliability for the entire county. More specific information on these joint efforts is provided in response to Finding F.4.b.

Response to Finding F.4.b: *The City of Fullerton disagrees partially with this finding.*

Water agencies throughout Orange County have worked well together to develop solutions for improving supply reliability for the benefit of the entire county. Some examples of this collaboration with OCWD and water agencies include:

- *OCWD Storage Agreement* – OCWD has entered into a storage agreement with the Metropolitan Water District of Southern California (MWD) to allow them to store up to 66,000 acre-feet (AF) of imported water in the groundwater basin for the benefit of south Orange County and all of MWD's service area. This agreement allows MWD to withdraw as much as 20,000 AF of water out of storage in any one year.
- *Emergency Services Program* – In February 2006, the Emergency Services Program Agreement was developed with OCWD that allows emergency water supplies from the groundwater basin to be exchanged with south Orange County. This program is currently being used to allow conveyance of water to south Orange County during emergency situations.

Grand Jury Recommendation R.1: Each Orange County municipal planning agency, in cooperation with its respective water supply agency, should prepare for adoption by its city council, a dedicated Water Element to its General Plan in conjunction with a future update, not to exceed June 30, 2010. This document should include detailed implementation measures based on objective-based policies that match realistic projections of the county's future water supplies. These objectives, policies and implementation measures should address imported supply constraints, including catastrophic outages and incorporate the realistic availability and timing of "new" water sources such as desalination, contaminated groundwater reclamation and surface water recycling. (Findings F1 a & b, and F2 a & b)

Response to Recommendation R.1: *The City of Fullerton is already implementing this recommendation.* The land use/water supply relationship is already adequately addressed in the City's General Plan via the Community Health and Safety Element that was adopted in September 1996. The City of Fullerton is currently in the process of updating its General Plan. It is anticipated that the update will be completed by midyear 2010. The update includes organizing the General Plan into four master elements, each comprised of sub-elements; it is the intention of the City and the Fullerton community to have a high degree of integration and alignment between the various master elements and sub-elements of the updated General plan. A sub-element entitled "Water" will be included within "The Fullerton Natural Environment" master element of the updated General Plan. This sub-element builds upon the existing General Plan water policy contained within the Community Health and Safety Element. Through the General Plan update process, the City will continue its ongoing efforts to ensure that the supply assumptions, goals and policies remain current and reflect any significant changes to the water supply picture.

Additionally, water agencies, like Fullerton complete an UWMP every 5 years in which responses must include supply analyses for normal years, single dry years, multiple dry years, and must also include drought response measures for up to a 50% level of shortage. Fullerton's UWMP – in concert with MWD's UWMP, Integrated Resources Plan, and Water Supply Outlook – address many of the issues raised by the Grand Jury.

Grand Jury Recommendation R.2: Each Orange County retail and wholesale water agency should affirm its responsibility to develop new, additional, innovative public outreach programs, beyond water conservation and rationing programs, to expose the larger issues surrounding water supply constraints facing Orange County. The objective should be to connect the public with the problem. The outreach effort should entail a water emergency exercise that simulates a complete, sudden break in imported water deliveries. The exercise should be aimed directly at the public and enlist wide-spread public participation on a recurring basis beginning by June 30, 2010. This recommendation may be satisfied by a multi-agency exercise but the inability to

coordinate such an event should not preclude the individual agency's responsibility. (Findings F2 a & b)

Response to Recommendation R.2: *The City of Fullerton is already implementing this recommendation.* Fullerton recently constructed a California Friendly Demonstration Garden at the Fullerton City Hall to showcase the latest in planting and irrigation to increase the public understanding and awareness of outdoor water use. Water consumption figures will be provided on Fullerton's web site to illustrate the water savings that can be achieved.

The Water Emergency Response Organization of Orange County (WEROC) was established to coordinate regional emergency planning among water and wastewater agencies in Orange County and to conduct disaster type events like the one recommended. The City has already implemented this recommendation through our participation in the Golden Guardian exercise in 2008, where a complete sudden break in imported supplies to Orange County was simulated. Orange County's water and wastewater utilities participated in this exercise. This type of exercise or variations of it are repeated periodically.

WEROC has expanded its preparedness efforts regarding water supply by initiating a new partnership with the Orange County Health Care Agency to enhance public education of "water preparedness" through the 2009 Point of Dispensing exercises. The purpose of the exercises is for water and wastewater agencies to practice their procedures and communications systems to ensure that restoration of service will be in as short a period as possible. These exercises are not for general consumers.

In regards to engaging the public in water emergency exercises that simulate a water supply failure, the City has a Community Emergency Response Team (CERT) that promotes the ongoing training and participation of public volunteers by providing many educational opportunities to better prepare for and respond to disasters. This program is sponsored by the Fullerton Fire Department.

Grand Jury Recommendation R.3: Each MWDOC member agency should reaffirm to LAFCO that it will assign the resources necessary to expediently resolve regional governance issues. While the subject study is being facilitated by LAFCO, the options are with the agencies to decide what is best for all. Once conclusions are reached, the parties need to agree quickly and, hopefully, unanimously to adopt a course of action. (Findings F3 a, b & c)

Response to Recommendation R.3: *The City of Fullerton is not a member of MWDOC; therefore a response is not applicable.*

Grand Jury Recommendation R.4: Each Orange County retail and wholesale water agency should affirm its commitment to a fair-share financial responsibility in completing the emergency water supply network for the entire county. The entire county should be prepared together for any conditions of drought, natural or human-caused disaster, or any other catastrophic disruption. WEROC should commence meetings of all parties, to facilitate consensus on an equitable funding/financing agreement. (Finding F4 a & b)

Response to Recommendation R.4: *The City of Fullerton is already implementing this recommendation.* The City has already implemented this recommendation by participating in WEROC's emergency planning and preparedness activities that impact the water and wastewater agencies within the county.

We also believe there was confusion in the Grand Jury Report between a catastrophic impact of a Delta Failure, which is more of a long term water supply issue, and therefore different than a WEROC test exercise type of system failure event. Much work is underway on resolution of the Delta issues, but not through WEROC. WEROC does conduct test exercises in Orange County of the type noted by the Grand Jury, but WEROC's purpose and the focus of their emergency planning is to improve "system reliability", the ability to continue meeting demands when parts of the water system have suffered outages. This system reliability is distinguished from "supply" reliability, which has to do with having supplies to deliver through the system.

With respect to regional system reliability, Orange County has been successful in requesting MWD to improve the reliability of the Diemer Filtration Plant in Yorba Linda. MWD is in the process of making substantial investments to protect the plant from being damaged by seismic events. The Diemer Plant treats most of the imported drinking water in Orange County.

Moreover, Fullerton's Fire and Police Departments are dedicated to providing disaster preparedness education and information to the City, its residents, and businesses. The City's comprehensive Emergency Management Program includes all elements necessary to respond quickly and effectively to major emergencies. These elements include an Emergency Operations Plan, Emergency Operations Center, Public Safety Officers, Public Education Programs and trained volunteers (CERT program).

Should you have any questions regarding these responses, please contact David Schickling, Water System Manager, at (714) 738-6382 or DavidS@ci.fullerton.ca.us.

Sincerely,



Don Bankhead
Mayor
City of Fullerton