

**POSITION #2:** Criteria for the “Public Health and Safety” as the term will be used in the M&I Shortage Policy.

**BACKGROUND:**

- C The Central Valley Project Improvement Act, Administrative Proposal for Urban Water Supply Reliability dated June 9, 1997 (Urban Reliability Policy) addressed Reclamation’s draft M&I Water Shortage Policy dated February 19, 1994. The Administrative Proposal identified two minimum levels of water supply for M&I Contractors. One level will show the minimum level of reliability to be 75 percent of historic use adjusted for growth and adjusted for quantities of water associated with the implementation of any extraordinary water conservation action and/or practice. ***The second level will reflect a public health and safety level.***
  
- C Subsection 353 and 354 of the California Water Code discuss the priorities when there is a water shortage emergency. Subsection 354 provides, “After allocating and setting aside the amount of water which in the opinion of the governing body will be necessary to supply water needed for domestic use, sanitation, and fire protection, the regulations may establish priorities in the use of water for other purposes and provide for the allocation, distribution, and delivery of water for such other purposes, without discrimination between consumers using water for the same purpose or purposes.”
  
- C The suggested of priorities of water use by the California Department of Water Resources are as follows:
  - (1) Health and Safety - interior residential and fire fighting
  - (2) Commercial, Industrial and Governmental - maintain jobs and economic base
  - (3) Existing Landscaping - maintain existing landscaping (especially trees and shrubs that are established and would take years to replace)
  - (4) Permitted New Demand - projects with permits
  - (5) Un-permitted New Demand - projects without permits
  
- C On October 12, 1995, California State Senate Bill 1011 (California Act) was signed into law. The California Act highlighted the concerns of the urban contractors by emphasizing the critical importance of urban water supply reliability and addressed the need for urban suppliers to prepare a water shortage contingency analysis detailing specific actions they must take during water shortages.
  
- C The State currently requires districts with over 3,000 connectors prepare an urban water management plan which is updated every five years. An element of this plan, is a water shortage contingency plan that has been adopted as a local ordinance or a resolution.
  
- C Reclamation requires M&I contractors to submit their water shortage allocation policies as part of their water management plans. Reclamation requires that Contractors with contracts which deliver more than 2,000 acre-feet of water, to submit its water shortage allocation policies.

**ISSUES:**

- C ***How are Ag and M&I shortages currently allocated?***

Currently the Central Valley Project’s general shortage policy allocates available water supplies as follows, *unless otherwise dictated by contractual language*: agricultural water supplies are shorted down to 75 percent of their contractual water supply, before M&I water supplies begin taking shortages. Then agricultural and M&I shortages ratchet down percentage by percentage until M&I water reaches 75 percent of its historic use and agricultural water is at 50 percent of its contractual water supply.

When the M&I’s 75% reliability sets in, M&I will remain at 75% of its historic use, and agricultural water will continue to be shorted until agricultural water supplies reach 25 percent of their contract water supply. At this point CVP water supply availability, public health and safety levels, hardship water for agricultural demands, etc. will need to be evaluated. When agricultural water supplies

have been reduced to 25 percent, M&I water supplies may be further shorted. Under the current operations, agricultural and M&I supplies ratchet down percent by percent equally. Some CVP Divisions, such as the American River Division, may experience shortages sooner than other Divisions because of the limited availability of CVP water supplies that can serve those areas.

Defining this any further will harm flexibility to operate the project with the many complex variables that have to be considered on a daily basis. See attached "Current Water Allocation" Table.

**C *How much impact does M&I water supplies have on the total Central Valley Project (Project) water supply? What is the significance of the reduction to 75%, to public health and safety levels?***

The Administrative Proposal states the "Actual M&I deliveries in 1994 were approximately 336,000 acre-feet (19 percent) of the total Project water deliveries of approximately 1,759,000 acre-feet. Projected M&I demand in the year 2022 is approximately 683,000 acre-feet, which translates into 18 percent of the projected total deliveries of 3,859,000 acre-feet." This indicates that the build-out in M&I deliveries in 2022 is approximately 700,000 of M&I water deliveries.

**C *What is the criteria used to trigger the public health and safety level?***

With Reclamation's current water allocation process, when agricultural is approaching 25% of its contract water supply, M&I Contractors will be shorted below 75% of historic use. When there is minimal allocation to agricultural except possibly to sustain trees and vines, M&I is approaching 50% of its historic use allocation. Public health and safety is when there is a severely low water supply with the sharing of water supplies for purposes of interior residential, sanitation, and fire protection.

Currently, CVP Contractors submit their water shortage allocation policies as part of their water management plans.

In addition, the Contractors should submit to Reclamation a copy of their urban water management plans required by the State which includes their water shortage contingency plans. The Contractors should also include their public health and safety levels if not included in their water shortage contingency plans. This should be submitted following finalization of the M&I Shortage Policy.

**C *What is the criteria for public health and safety levels?***

Reclamation does not have specific criteria for public health and safety levels during a period of such severe water shortage. In times of such severe water shortage, Reclamation will work with the Contractors, the California State Department of Health Services and other appropriate State agencies to determine public health and safety levels. Currently, Reclamation considers the public health and safety level to be based on interior residential use, sanitation, and fire protection. Reclamation estimates on the average interior residential use would be at 50 gallons per capita per day (gpcd).

**C *What is the process Reclamation will use to implement a reduction to the public health and safety level?***

*The 1999 Standard Criteria for Evaluating Water Management Plans, Section 1.H* requires the Contractor to attach a copy of the Contractor's agricultural and/or urban water shortage policies, describe how reduced water supplies, including hardship water are allocated, describe the Contractor's policies that address wasteful use of water and describe enforcement methods. Reclamation intends to expand this section to require the Contractor provide a copy of their urban water management plan required by California State Act of October 12, 1995 and include the Contractor's estimated public health and safety levels.

If public health and safety levels are not included in their present plan, the M&I Contractor should submit an analysis of its public health and safety levels following finalization of Reclamation's M&I Shortage Policy. This water shortage contingency plan along with the public health and safety levels should be updated every 5 years with the Water Conservation Plans.

Reclamation intends to remain flexible. Reclamation will work with the Contractor, the California Department of Health Services and other State agencies to determine public health and safety levels of water allocation.

Formal notification of water supply availability begins February 15 each year. Reclamation usually informally announces water availability in potentially dry water years sooner, such as January. However, in years of severe water supply conditions, Reclamation will notify the M&I Contractors regarding available water supplies as soon as information is known.

C ***Should the same definitions and calculations be used for implementation of the 3406(b)(2) and refuge water supply provisions?***

Neither water allocations to Refuges or for fish and wildlife activities would be allowed to jeopardize public health and safety. Water allocations to Refuges would be reduced to allow M&I public health and safety allocations to continue. Water allocated for fish and wildlife activities pursuant to PL 102-575 will also fall below 600,000 acre-feet in order to meet M&I public health and safety water allocations.

**ADMINISTRATION POSITION:**

- C Reclamation considers public health and safety levels to include interior residential use, sanitation, and fire protection.
- C The public and health levels for residential use should be identified in a water management plan and updated every five years.
- C Reclamation will work with the Contractors, the State Department of Health Services and other State agencies in determining water allocations for public health and safety levels during such times of severe water shortage.

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Current Water Allocation	
Agriculture	M&I
100%	100%
95%	
90%	
85%	
80%	
75%	100%
70%	95%
65%	90%
60%	85%
55%	80%
50%	75%
45%	
40%	
35%	
30%	
25%*,**	75%
20%*	70%
15%*	65%
10%*	60%
05%*	55%*
00%*	50%*
	45%*
	40%*
	35%*
	30%*
	25%*

\* This is what is in the models.

\*\* There may be an allocation of hardship water provided only for survival of tress and vines.