


Las Virgenes Municipal Water District Flow Restriction Devices for Drought Response



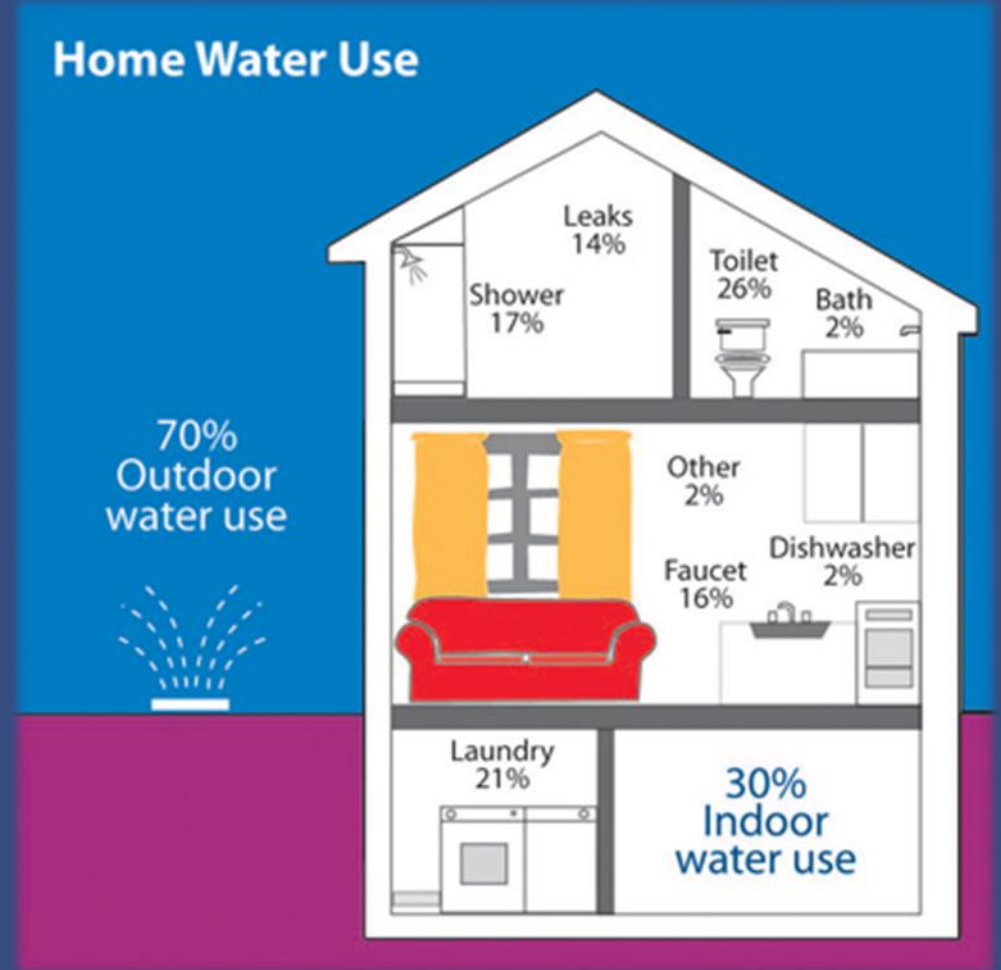
**Beverly Hills Public Works Commission
January 12, 2023**

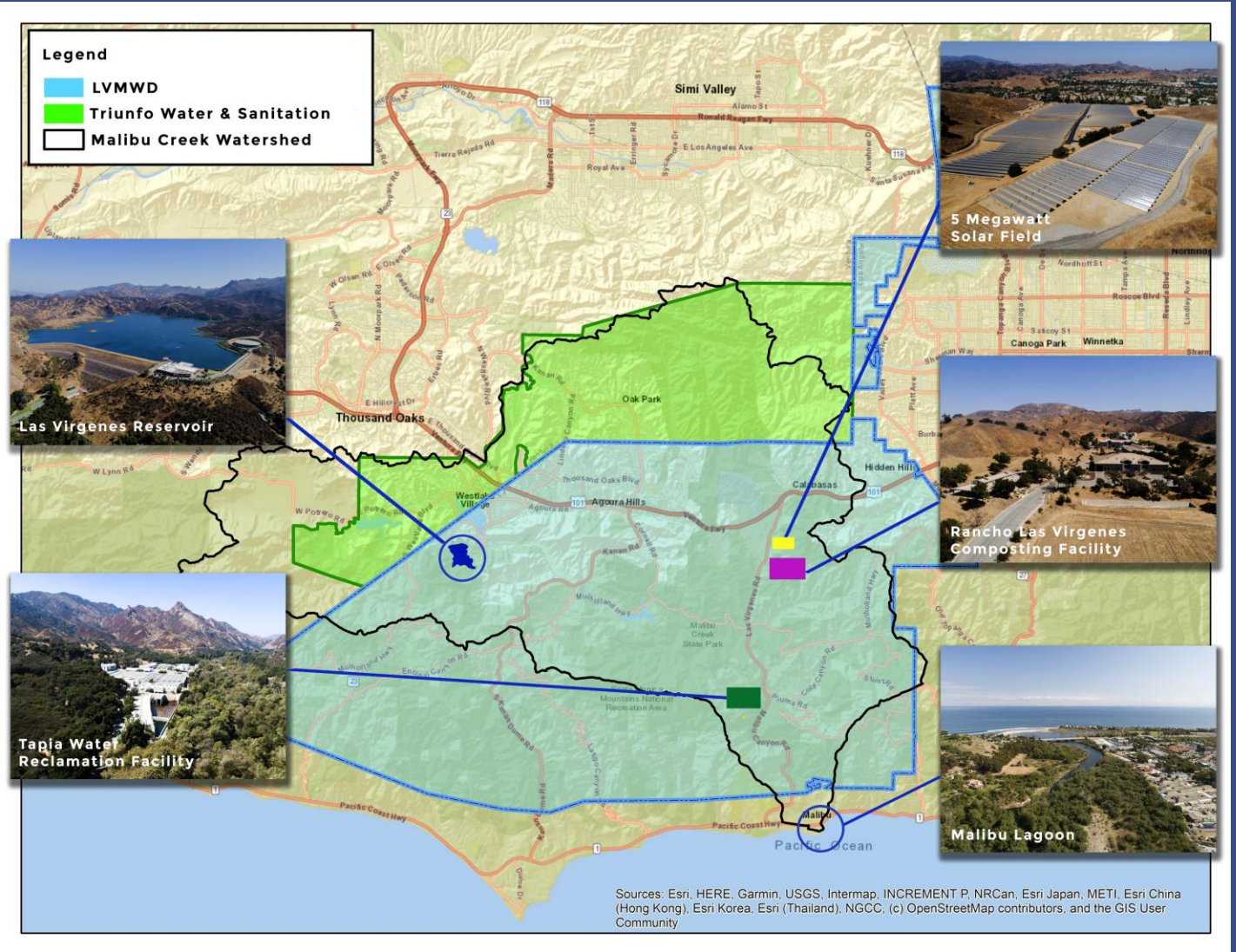
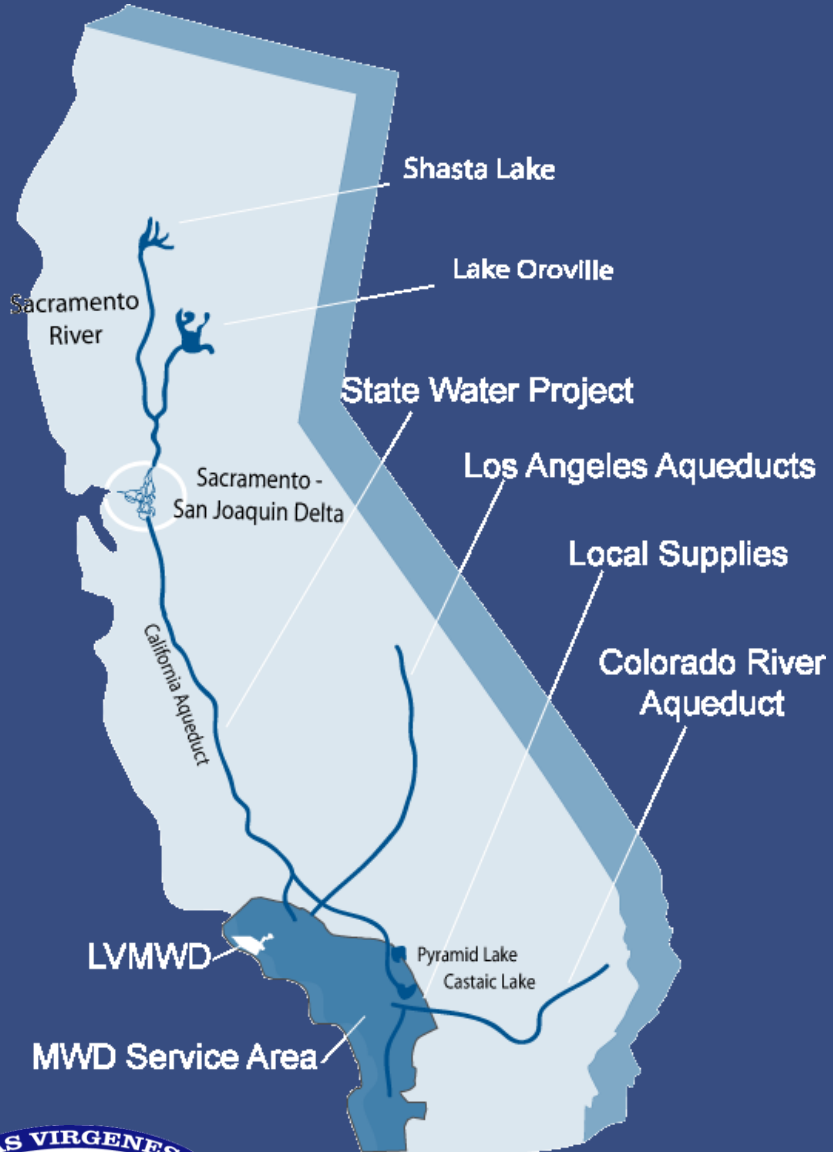
Joe McDermott, P.E., Director of Engineering and External Affairs



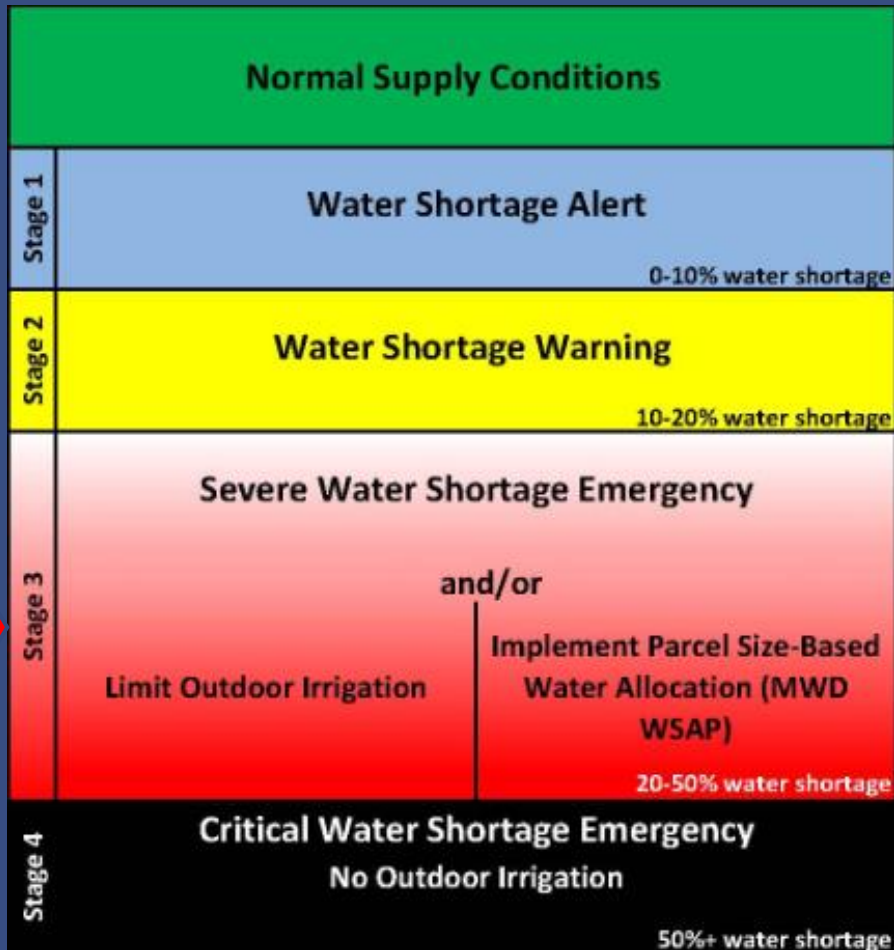
About Las Virgenes MWD

- Retailer: Water, Wastewater, Recycled Water, Compost
- MWD Member Agency / SWP Dependent
- ~70,000 residents
- Hidden Hills, Calabasas, Westlake Village, Agoura Hills, Unincorporated Los Angeles County
- 21,000+ water service connections (mostly SFR)
- High gpcds (194 average / 303 high in 2021)
- Individualized water budgets





State, Regional and Local Actions



- **June 15, 2021 – District declared a Stage 1 Water Shortage Alert. Messaging to customers begins**
- July 8, 2021 - Governor issued EO N-10-21 calling for 15 percent voluntary reductions
- **July 20, 2021 – District declared a Stage 2 Water Shortage Warning and called for 15% voluntary reduction in water use**
- August 17, 2021 – MWD issued Water Supply Alert
- **November 2, 2021 – District Board Declared local drought emergency and Stage 3 - Water Shortage Emergency**



State, Regional and Local Actions (cont.)

- **November 16, 2021 – District Board modifies penalty structure for exceedances during droughts**
(USE OF FLOW RESTRICTORS APPROVED)
- March 18, 2022 – CADWR announces reduction in SWP allocation from 15% to 5%
- March 28, 2022 – Governor Newsom issued N-7-22, calling for intensified efforts to “further conserve water”
- **April 5, 2022 – Board reduces outdoor water budgets to 50%, effective May 1st**
- April 26, 2022 – MWD adopts Emergency Water Conservation Program (one day per week watering)
- **June 1, 2022 – Current Restrictions Effective**



Why Flow Restrictors?

- **State of Emergency and finite water supplies – conservation mandates**
- **\$\$ penalties do not always do the trick**
- **Equity/fairness**
- **Worked during Covid for non-pays**
- **We've done everything....last resort!**



Considerations

- Impacts to households/businesses
- Legal opinion/liability
- Modification of the LVMWD Code – penalty structure
- Developing an Implementation Plan
 - Who, what, where, when, why, how
- Execution and modification of the Plan



Impacts to Service

RESTRICTED (note: this is the maximum flow. All valves were fully opened)

<u>SIZE HOLE</u>	<u>TEST</u>	<u>TIME TO FILL</u>	<u>FLOW RATE</u>
5/64"	7.48 gal	6min24sec	1.15 gallons per minute maximum flow
1/16"	7.48 gal	8min47sec	.83 gallons per minute maximum flow

NOT RESTRICTED (note: these are standard “bench” flow tests)

<u>SIZE METER</u>	<u>TEST</u>	<u>TIME TO FILL</u>	<u>FLOW RATE</u>
3/4"	7.48 gal	2min24sec	3 gallons per minute med flow test
3/4"	7.48 gal	20seconds	22 gallons per minute high flow test



Impacts to Service (Cont.)

Please be advised that a water flow restriction device will limit water supply to basic essential needs only. The restricted water supply will not be sufficient for most non-essential services, including your landscape irrigation system and certain appliances. It is your responsibility to ensure and/or prevent any damage to your property and/or appliances once a flow restriction device is installed. Additionally, **fire suppression systems may not function as intended.**



Legal Opinion

- District's position is that the use of flow restriction devices is a "last resort"
- Customers have many opportunities to avoid and warnings
- \$\$ penalties alone do not work (in our case)
- State of Emergency (local and state conservation mandates) provides protection from liability/inverse condemnation




Penalties

- **1st penalty:** A warning only
- **2nd penalty:** An extra charge of \$2.50 per unit of water (748 gallons) over 150% of water budget
- **3rd penalty:** An extra charge of \$5.00 per unit....
- **Customers are also subject to the installation of a flow restriction device**
- **4th penalty:** \$7.50 per unit.....
- **5th and subsequent penalties:** \$10.00 per unit....



Warnings, Warnings and More Warnings

- Press releases / ads
- Website content
- Social media
- Mailers / bill stuffers
- Monthly water bills
- 2nd exceedance letters
- 4th exceedance letters
- Door tags / hangars
- Robo call (Message) to customers getting door tags



Dedicated to Providing High-Quality Water Service in a Cost-Effective and Environmentally Sensitive Manner

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HEADQUARTERS
4232 Las Virgenes Road
Calaabas, CA 91302
(818) 251-2100
Fax (818) 251-2109

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(818) 251-2370
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Fax (818) 251-2349

www.LVMWD.com

MEMBER AGENCY OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Glen D. Peterson
MWD Representative

Date

Resident Name

Address

City, State, Zip

Re: Notice of Second Exceedance and the Potential Installation of a Flow Restriction Device on Water Service – Account # xxxxxxxxxxxxxxxxxxxxxx

Dear Customer,

Warning. The above referenced account is subject to penalties and the potential installation of a flow restriction device. On November 2, 2021, Las Virgenes Municipal Water District (LVMWD) escalated its Water Shortage Contingency Plan to Stage 3 – Water Shortage Emergency and declared a State of Emergency due to water shortage from drought conditions. Effective December 1, 2021, outdoor water budgets on residential accounts were reduced 25%. Due to worsening drought and water supply conditions, LVMWD subsequently reduced outdoor watering budgets for all residential customers by 50% effective the first billing cycle after May 1st, 2022.

All customers received either an e-mail or a letter in the mail in late November, notifying them of the situation. We have also been posting information about the drought and mandatory conservation measures on our website at LVMWD.com and on various social media platforms, mailing and e-mailing other notices, and placing ads and press releases in the newspaper. Customers have also been notified on their bills whether they have been exceeding their allotments and assessed penalties.


During Stage 3 – Water Shortage Emergency, water budgets for outdoor watering were reduced by 25% effective December 1, 2021 and were reduced again by 50% effective May 1, 2022. Customers are expected to adhere to the water use reductions and water conservation measures that are in place due to this emergency. Customers that use more than 150% of their water budgets are subject to these penalties and enforcement actions.

Summary of Penalties (Section 3-4.202 and 7-1.112 of the LVMWD Administrative Code)

- **1st penalty:** A warning will be provided (provided on the bill).
- **2nd penalty:** An extra charge of \$2.50 per unit of water (748 gallons) over 150% of water budget.
- **3rd penalty:** An extra charge of \$5.00 per unit of water over 150% of budget. Customers that receive a 3rd or subsequent penalties are also subject to the installation of a flow restriction device.
- **4th penalty:** An extra charge of \$7.50 per unit of water over 150% of budget.
- **5th and subsequent penalties:** An extra charge of \$10.00 per unit of water over 150% of budget. (see reverse)

Opportunities to Avoid

- Request a free on site water use survey
- Sign and submit a “Commitment Form”
- Reduce water use (stay w/in 150% of water budget)
- Appeal (w/in 15 days of a penalty notice)

 **Request for Water Use Survey & Commitment to the Efficient Use of Water**

I, the undersigned:

1. Am requesting a free water use survey in order to find more ways that I can reduce water use on my property. Upon submission of a signed Request for Water Use Survey & Commitment to the Efficient Use of Water, I understand that the District will endeavor to schedule me for a survey at my property to be conducted within the next thirty (30) days. If due to a high volume of requests for surveys, I am not scheduled and/or the District is unable to conduct the survey, I understand that I will still receive four (4) additional monthly exceedances as described in #8 below, but only if I fulfill the other requirements described on this form.
2. Have been informed of and/or am aware of the current drought and water supply conditions that prompted the declaration of a local State of Emergency due to a severe water shortage that warrants a significant reduction in my water use, specifically outdoor watering of landscapes. Website access for information at: <https://www.lvmwd.com/droughtresponse>
3. Am aware that my outdoor water budget for my property was reduced by 25 percent (drought factor of 0.75) effective December 1, 2021 and to 50 percent (drought factor of 0.5) effective May 1, 2022 and that I need to significantly reduce my outdoor watering by at least an equal or greater amount that will allow me to stay within my adjusted water budget. I understand that I may need to continue adjusting the number of days each week, including one day maximum effective June 1, and the amount of time that my irrigation system is turned on in order to avoid future monetary penalties, including the installation of a flow restriction device.
4. Have reviewed the Water Efficiency Checklist provided by the District or available on the District's website and understand the options available to me to use water more efficiently that will help me to stay within my water budget each month.
5. Agree to install a weather-based irrigation control device through the District's Rachio™ incentive program at the time of the survey (if I don't already have one) or install a similar type of device outside of the District's incentive program within the next sixty (60) calendar days that will help me to reduce my outdoor water use and to make adjustments to the programming of the device as needed to account for the latest drought factor or other restrictions that are adopted by the District (i.e. one-day a week watering). Website access for information at: <https://www.lvmwd.com/Rachio>
6. Agree to register for the WaterSmart Portal and to utilize the portal, if I have not already, in order to help me to reduce my water use and to stay within my water budget. Website access for information at: <https://www.lvmwd.com/watersmart>
7. Understand that I can go to resources readily available by the District to monitor the drought and water supply conditions, for updated information on adjustments to water budgets and other restrictions, and the latest information concerning penalties and appeals for exceedances. Website access at: <https://www.lvmwd.com/waterbudgets> & <https://www.lvmwd.com/droughtresponse>.
8. Acknowledge that if I submit this form and fulfill the above requirements*, I can incur four (4) more monthly exceedances beyond what is permitted by the LVMWD Code, one-time only during activation of Stage 3 of the Water Shortage Contingency Plan, before being subject to the installation of a flow restriction device but will still incur monetary penalties. I understand that the first installation would be for at least 14 calendar days and up to 30 calendar days and that future installations would be for progressively longer periods of time (3 months and 6 months), should they occur.
9. Understand that I must, at a minimum, demonstrate each month after submitting this form, significant improvement in the efficiency of my water use and show progress towards staying within my budget in order for the District to honor the granting of the additional exceedances as described herein to avoid the installation of a flow restriction device.
10. Acknowledge that should the District activate Stage 4 – Critical Water Shortage, I am not to use any water to irrigate on my property or for other outdoor purposes except as what may be permitted by law at the time that Stage 4 is activated.

Property Address or Account Number: _____

Contact Phone Number: _____ E-Mail: _____

Printed First and Last Name of Account Holder: _____

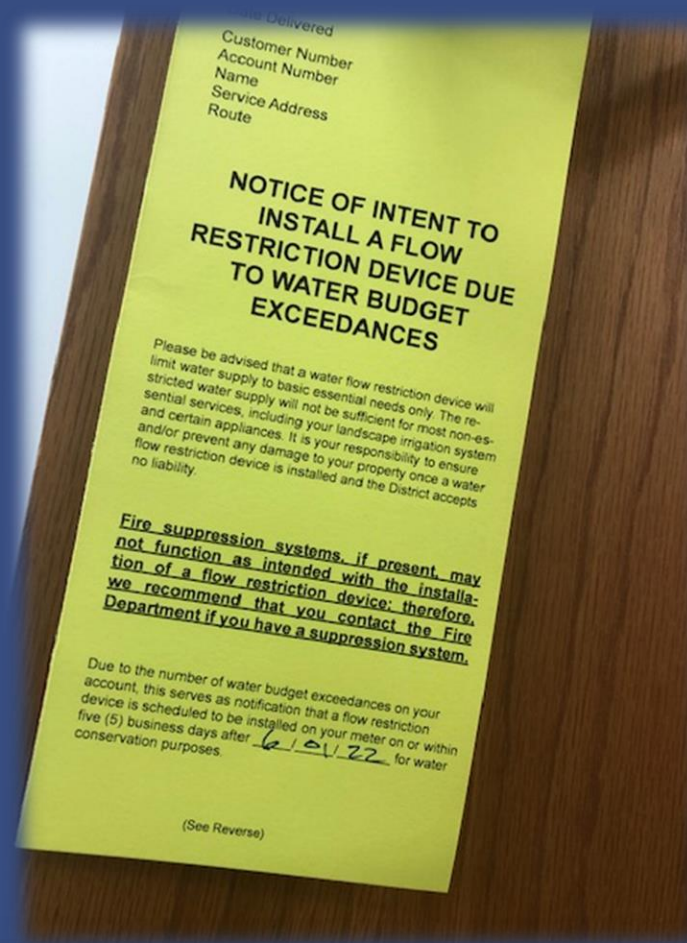
Signature _____ Date _____

*submit completed form to 4232 Las Virgenes Road, Calabasas CA 91302 or e-mail to Commitmentform@lvmwd.com



Door Tagging

- Fire Suppression Systems May Not Function
- District accepts no liability for any damages
- Start date and “window” for installation
- Door tag fees
- Installation/removal costs
- Hefty fines for tampering
- Last and final opportunity to avoid an installation
- Contact info to bypass the busy front office phones



Once installed, the device will remain in place for no less than 14 calendar days and up to 30 calendar days the first time it is installed, 90 calendar days the second time, and 180 calendar days the third and subsequent times that it is installed. Noticing/door tag, flow restrictor installation/removal fees will also be applied to your account.

Noticing door tag fee:	\$100.00
Installation/removal fee (each)	\$100.00

Other penalties may apply in accordance with 7-1.114 of the LVMWD Administrative Code:

Broken meter seal or lock:	\$200.00
Illegal water consumption / Unauthorized removal of the device:	\$2,500 min.

You may be eligible to defer this or future installations and be allowed additional exceedances if you sign and submit the Request for Water Use Survey & Commitment to the Efficient Use of Water Form located at the website below prior to the earliest date scheduled for the installation. Conditions apply.

If you believe this notice is in error, please call (818) 251-2113.

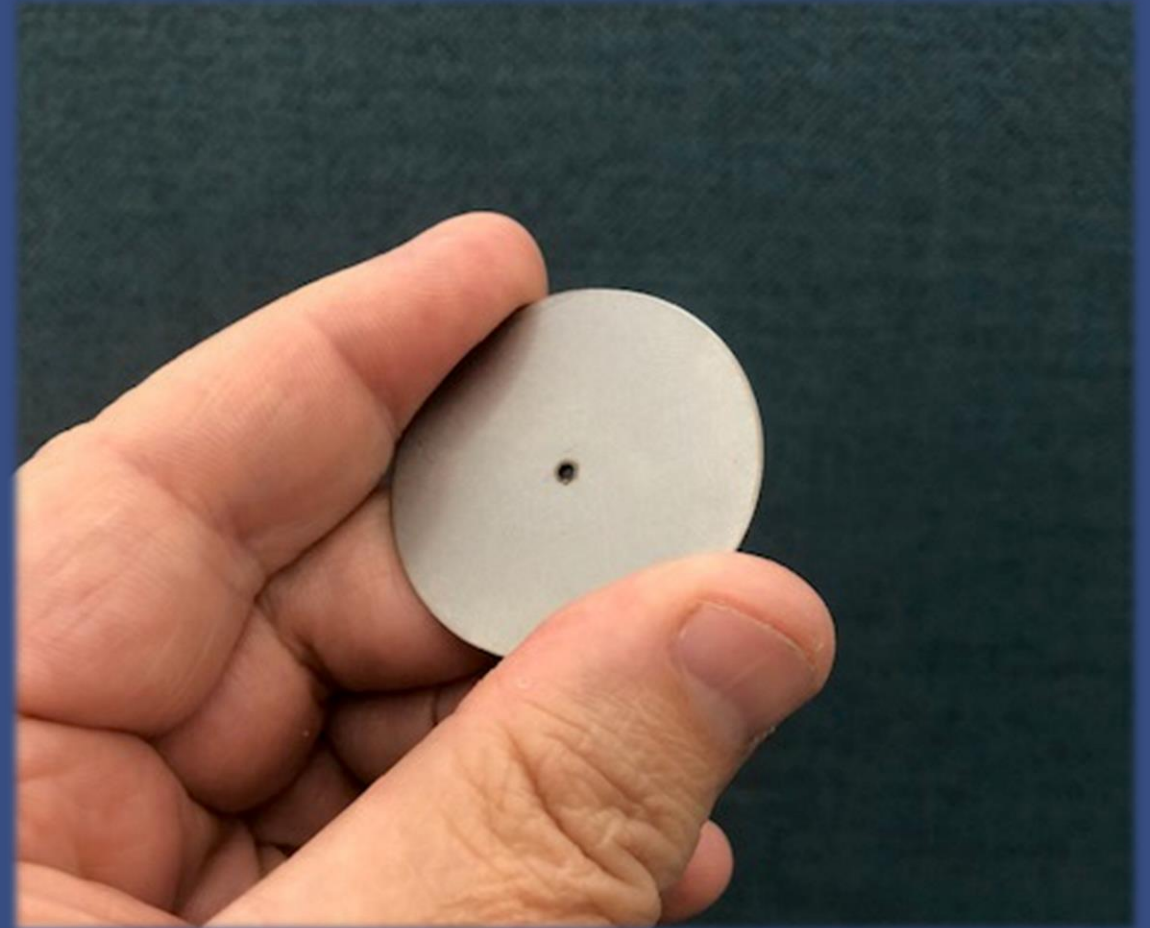
For information on ways to reduce your water use, options to help preserve your landscape, and how to defer or avoid future flow restriction device installations, please visit www.lvmwd.com/droughtresponse

LAS VIRGENES MUNICIPAL WATER DISTRICT 4232 LAS VIRGENES ROAD, CALABASAS, CALIFORNIA 91302
Office Hours: Mon. - Fri. 8 a.m. - 5 p.m.



Flow Restriction Device Durations

- 1st Occurrence: Device stays in 2-4 weeks
- 2nd Occurrence: Device stays in 3 months (yikes!)
- 3rd & more: 6 months (double yikes!)



Statistics (as of December 1, 2022)

- 4th exceedance notices: 3,499 (16.7%)
- Door tags for flow restriction: 500
- Total flow restriction devices installed: 205
- Flow restriction devices installed a 2nd time (90 days): 16
- No lawsuits / TROs (yet)



- **District-wide conservation**
 - 37% average (June 1. – Dec. 1 2022)
 - 41% in November 2022
- **GPCD Reduction**
 - 249 average (June 1. – Dec. 1 2021)
 - 149 average (June 1. – Dec. 1 2022)
- ~83% of customers have not had 4 or more exceedances since January 2022
- ~60% of customers within budget in recent months (fluctuates)
- No penalties by MWD and outdoor watering ban delayed



Lessons Learned / Do's and Don'ts

Do:

- Get the support of your elected officials
- Get your own legal opinion / work with legal council
- Limit the # of devices / prioritize to keep the Program manageable with available resources
- Give lots of warnings/ opportunities to reduce water use
- Have an administrative appeal process in place
- Coordinate/communicate to local Fire Department / Code Enforcement
- Adjust the size of restriction holes if indoor water flows are inadequate
- Get ready for PRRs / Media Inquiries



Lessons Learned / Do's and Don'ts

Do Not:

- Set installation targets that are not manageable / exceed available resources (you do not have to install them all to have an impact)
- Overcomplicate Program roll-out and on-going implementation
- “Abuse” the Program (use with caution and as a last resort)
- Give preferential treatment to any customer (be consistent)
- Cave to the threat of lawsuits (stick to your guns)



Contact Information

Joe McDermott, P.E.

818-251-2130

jmcdermott@lvmwd.com

