

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

BCPUD

BOX 390

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MEMORANDUM

TO: Board of BCPUD Directors

FROM: Georgia Woods, General Manager

RE: *Review of Limited Water Use Permit and Consideration of Amendment of LWUP Resolution (No. 553) at Future Board Meeting*

DATE: October 22, 2025

This memo accompanies the agenda item regarding the Limited Water Use Permit (LWUP) Resolution. At the Board's request, staff has reviewed the current resolution and policy framework to identify areas for improvement, particularly in relation to enforcement and recurring exceedances.

1. Repeated LWUP Exceedances

The Board asked staff to examine how we might better manage situations where customers repeatedly exceed their LWUP limits. Based on preliminary data:

- **129** customers currently hold LWUPs
- **72** customers exceeded their LWUP Maximum Quarterly Allowance (MQA) over a 3-year period (2022-2025)
- **21** of those customers repeatedly exceeded their MQA:

Number of Exceedances per Customer over 3-year period	Number of Customers
1 Exceedance	51
2 Exceedances	12
3 Exceedances	7
4 Exceedances	2

This pattern suggests that some customers may not be taking the LWUP restrictions seriously, and that the current policy lacks sufficient enforcement mechanisms.

2. Enforcement Options

The Board and staff have raised the question: *How can we enforce LWUP limits more effectively?* Potential enforcement measures include:

- **Penalties for Exceedances:** Instituting a financial penalty for exceeding LWUP limits could deter repeat violations.
- **Legality of Penalties:** Penalties could be legally defensible if tied to the administrative costs of managing overages—such as repeated meter reads, correspondence, and Board communications. These costs are roughly equivalent to \$200 per exceedance.
- **Flume Device Incentive:** If penalties are implemented, the Board could consider a framework that allows forgiveness of the penalty if the customer purchases a Flume device to monitor usage and prevent future overages.

3. Resolution Gaps and Policy Clarifications

Staff has identified several areas where the LWUP Resolution lacks clarity or specificity:

- **Undefined Usage Limit:** The resolution does not currently specify what the LWUP usage limit is. This creates ambiguity for both staff and customers.
- **Triggering Events for LWUP Requirement:** The resolution does not clearly define which county permitting actions should trigger an LWUP. For example:
 - **Property sales:** Staff recommends that the Board consider whether the sale of property should trigger an LWUP.
 - **Lot Mergers:** Staff recommends that the Board consider whether merging of lots should trigger an LWUP.
 - **Rationale:**
 - Irrigation is a primary driver of water use.
 - We do not allow irrigation on parcels not served by a meter.
 - Merging lots increases the irrigable area served by a single meter, likely increasing water demand.

4. Equity and Consistency and Long-Term Overhaul of the LWUP Policy

An additional concern raised by both staff and the Board is the overall fairness of the Limited Water Use Permit (LWUP) framework. Currently, not all customers are subject to LWUPs, and among those who are, the assigned usage limits vary widely. Some customers are granted relatively high limits, while others are restricted to much lower thresholds. This inconsistency can appear arbitrary and inequitable—particularly when similar property types or water use patterns are treated differently.

This disparity raises important questions about the criteria used to establish LWUP thresholds and the process by which permits are issued. Without a standardized methodology or clearly defined parameters, the current system lacks transparency and predictability.

Staff recommends that the Board consider developing a clear and consistent framework for LWUP issuance and limit-setting. This could include:

- **Establishing baseline usage tiers** based on property characteristics, with the Resolution specifying a standard limit.

- **Clarifying which county permitting actions** (e.g., lot mergers, new construction, accessory dwelling units) should automatically trigger an LWUP review.
- **Adopting policy changes** that promote more uniform application of LWUPs across similar customer profiles.

A more equitable and clearly defined LWUP policy would reinforce the District's commitment to fair and sustainable water management. However, it is important to note that administering LWUPs requires substantial staff time, including monitoring usage, communicating with customers, and reporting to the Board.

While staff believes that expanding LWUP coverage would improve fairness and reduce arbitrariness, extending LWUPs to the entire customer base would be difficult, if not impossible, to manage under current staffing and infrastructure. For this reason, it may be prudent to tie a major overhaul of the LWUP Resolution and policy to the future implementation of Automated Meter Reading (AMR). AMR will likely enable more efficient monitoring and enforcement, and provide a natural opportunity to revise and standardize LWUP policies District-wide.