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April 22, 2015

Felicia Marcus, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

VIA EMAIL: [jessica.bean@waterboards.ca.gov](mailto:jessica.bean@waterboards.ca.gov)

Chair Marcus,

Olivenhain Municipal Water District is a public agency in northern San Diego County that provides 80,000 customers with water, wastewater, recycled water, hydroelectric, and recreational services. OMWD currently purchases all of its potable water supply from the San Diego County Water Authority, which in turn is a member agency of Metropolitan Water District of Southern California, a State Water Contractor.

Thank you again for the opportunity to provide comment on the SWRCB's proposed action in response to the governor's Executive Order issued April 1, 2015. Though the recommendations in our April 13 letter were largely unincorporated into the draft regulations, OMWD wishes to again express its serious concern as to the implications at the local level of the SWRCB's proposed actions, and to introduce important points for the SWRCB's consideration.

Foremost among these points is that responsible agencies throughout the state have been heeding the call for extraordinary conservation upon declaration by the governor of a statewide drought emergency. The governor was Arnold Schwarzenegger, and the year was 2009. That drought conditions have largely continued to this day should not reset the clock on conservation efforts; the 2013 baseline ignores the significant investments and returns in reducing per capita water use prior to 2013. Keeping the 2013 baseline and adding additional tiers by no means accurately reflects past conservation; rather, it blatantly ignores quantifiable reductions in per capita water use over the last several years that have been submitted to *and accepted by the state* in individual agencies' Urban Water Management Plans. Again, by failing to account for this conservation, the proposed regulations punish those who have conserved and rewards communities that did not make such early and sustained commitments to



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Felicia Marcus, Chair

April 22, 2015

Page 2 of 3

conservation. **Please consider using an average from 2009 to 2014 (five-year average) as the base comparison to give a small credit to reflect past conservation.**

The SWRCB unfortunately determined that though recycled water, desalinated water, and other supplies are “key to a more sustainable water future,” they are not worthy of consideration during the drought emergency in which California finds itself. OMWD understands that alternative water supply sources such as recycling and desalination are water supplies that need to be managed judiciously, but the fact remains that while some local agencies have invested heavily in alternative supplies, there are other localities in the state that have invested so little in water supply that they have only recently begun to meter their customers’ potable water use. A credit for the development of local supplies in the statewide mandate should be considered versus agencies that rely entirely on imported supply.

OMWD ratepayers trusted my agency and our wholesaler, San Diego County Water Authority, to invest their dollars in local supply development so as to increase their water reliability. Ignoring the fact that we have developed local supply, at an increased cost to our ratepayers, sends a message to ratepayers that their trust, and the development of these projects, was for naught. If the regulations in their current form are to be achieved in my service area, customers will be called on to conserve almost **31 percent** more than the supply that is actually available this year when local supplies such as desalination, recycled, and other local supplies are factored into the 15% cut from Metropolitan Water District. **Please give some type of credit for local supply development that reduces reliance on imported supplies. We pay more for these supplies to increase reliability. We suggest a 50 percent credit for the development of local supplies to reflect an agency’s genuine efforts to comply with and achieve the California Water Action Plan and sustainable water management.**

It is unclear how the SWRCB determined that only some agricultural use is beneficial and will be exempt from the total water use subject to the SWRCB’s conservation standard. The 20 percent agricultural threshold appears arbitrary. If agricultural use is deemed a beneficial use, all agricultural water use should be considered as such and should be exempted. Farmers across the street from each other will be treated differently based on the current regulations, merely because they have a different water provider. All agriculture should be exempt, not just agriculture that falls within an agency that serves 20 percent or more agricultural deliveries. **Please remove the requirement that the urban water agency has to serve 20 percent or more agricultural water to apply for the exemption. Any urban agricultural water should be exempted. A farmer is a farmer no matter where their farm is located.**

Felicia Marcus, Chair  
April 22, 2015  
Page 3 of 3

**Additionally, please allow agencies to come together as a region to collectively achieve a conservation target. A suggestion would be to permit agencies to form a region similar to the process for SB X7-7 region formation and/or via a regional wholesaler.**

Please also note that many local water agencies have no jurisdiction over properties that they do not serve and are thus unable to enforce the proposed 25 percent reduction required of properties not served by a water supplier. The enforcing party should be specified.

Finally, the restrictions on outdoor water use will exacerbate fire hazards in communities already at risk for wildfires. OMWD would like the SWRCB to consider including wildfire and fire-wise landscape education when developing drought outreach materials.

Thank you for consideration of these comments. We appreciate the hard work and efforts by the State Water Resources Control Board and your staff. A recent webinar held with ACWA was very informative and helpful. Thank you. OMWD understands the need for conservation and looks forward to implementing a fair and equitable plan that ultimately benefits all of California. If you or your staff should need any additional information regarding our assessment of the proposed framework responsive to the governor's Executive Order, please contact the undersigned at 760-753-6466.

Sincerely,



Kimberly A. Thorner  
General Manager

cc: Olivenhain Municipal Water District Board of Directors  
Maureen Stapleton, San Diego County Water Authority