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December 14, 2016

California Department of Water Resources
Attn: Marty Berbach, Senior Environmental Scientist
Water Use Efficiency
901 P Street
Sacramento, CA 95814

State Water Resources Control Board
Attn: Jeanine Townsend, Clerk of the Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: WUE@water.ca.gov; commentletters@waterboards.ca.gov

Re: Public Review Draft Report - Recommendations to Implement Executive Order B-37-16

Dear Mr. Berbach and Ms. Townsend,

On behalf of Olivenhain Municipal Water District, thank you for the opportunity to provide the Department of Water Resources and the State Water Resources Control Board with input on the Public Review Draft Report with recommendations to implement Executive Order B-37-16. OMWD provides 84,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

To revisit some of the concerns initially introduced by OMWD in correspondence, testimonies at public workshops, and in meetings with SWRCB staff, it is disconcerting to learn that the draft report assigns water suppliers with allotted water use targets and **sets statewide standards for water use irrespective of local water supply conditions**. Additionally, the fact that the importance of drought-resilient and sustainable supplies is discredited in the draft report is especially concerning as water supplies invested in by our ratepayers will necessarily be underutilized. The draft report acknowledges that conservation and drought protection are two focus areas of California's Water Action Plan, and while that's true, they are by no means the only elements. To draft a framework for statewide drought response that doesn't consider other equally important elements of the Water Action Plan—namely, those pertaining to water supplies—is pure folly.



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Due to these concerns, we are compelled to advocate once again on behalf of our ratepayers for the development of reasonable and fair regulations. We strongly encourage the Executive Order Agencies to reconsider the following:

1. **Base any water use targets imposed upon local water agencies on individual agency supply and demand, similar to the stress-test approach used to identify conservation standards during the current emergency regulations.** Assigning reduction standards based on customer usage or water use targets that are irrespective of actual supply conditions hinder urban water suppliers from pursuing drought-resilient supplies, and contradict the 2016 Water Action Plan Update's objectives to "increase the use of recycled water" and "streamline permitting for local water reuse or enhancement projects."
2. **Avoid mandated reductions on recycled water.** The Governor's Executive Order states agencies need to "strengthen local drought resilience" and recycled water is one of the best tools to accomplish this. Plants like OMWD's 4S Ranch Water Reclamation Facility were planned according to input, to utilize every drop of water, and not require an ocean outfall. Impacts to wastewater plants could be devastating. Many agencies invested in recycled water development not only to provide for local supply, but to also reduce ocean discharge and comply with the terms of SB x7-7. Changing course now, after years of planning and development of recycled water, would not only strand past recycled water investments, it could have the unintended consequences of increasing ocean discharge and hampering future water agency investment in recycled water projects. What incentive would a local agency have to invest in drought-resilient supplies when they would be subject to restrictions that would not allow them to make use of their investment? **Limiting recycled water use will likely result in an increase in ocean discharge of water that has beneficial use.**
3. Conduct a research study on the impact to the quality of life in California that an imposed water use target might have. Our customers have done a tremendous job conserving water during the declared emergency, both exceeding our state mandated reduction and continuing their conservation efforts when there was no shortage in supply. The recommended 55 gallons per capita per day is an arbitrary and highly restrictive limit that would not allow for enough water for an individual to soak in a bathtub, even if they used no other water that day. The Environmental Protection Agency estimates that a bath uses about 70 gallons. **Dictating how often individuals can bathe is not appropriate in times or locales where there is no supply shortage.**
4. Conduct an economic study before assigning water use targets across the wide array of commercial, institutional, and industrial sites across California and consider exorbitant financial impacts to businesses if required to install dedicated irrigation meters. CII customers will determine the feasibility of maintaining current landscapes, but the proposal in the report may **result in the loss of jobs** as businesses determine how to absorb additional costs associated with meeting arbitrary water use targets.
5. Recognize that **unfunded state mandates** put undue burden on water agencies and increase costs to ratepayers. New reporting requirements proposed in this draft report include monthly conservation reports, annual validated water loss reports, annual CII performance measure reports, annual water budget forecasts, expanded Urban Water Management Plans, and expanded Agricultural Water Management Plans. The majority

of agencies do not have the resources to accommodate additional requirements. Ratepayers will ultimately pay for additional staffing costs required to comply with new reporting requirements.

6. **Consider additional options for agency compliance as SB x7-7 allowed.** Allowing only one option for compliance by meeting an assigned water use target and following a statewide standard Water Shortage Contingency Plan will not “enable water suppliers to customize their water management strategies and plan implementation to regional and local conditions” by accounting for their unique characteristics. Water agencies are best suited to determine actual supply and demand conditions, understand customer water-use patterns, and implement procedures, contingency plans, and efficiency programs to govern water use in their respective service areas effectively.
7. Allow local water suppliers to retain the authority, as currently established in California Water Code section 350, to determine the conditions that justify declaring a water shortage emergency.
8. **Allow agricultural water suppliers to satisfy the planning requirements by submitting regional Agricultural Water Management Plans.**

If you or your staff should need any additional details pertaining to this assessment of the draft report with recommendations for implementing Executive Order B-37-16, please do not hesitate to contact me at 760-753-6466.

Regards,



Kimberly A. Thorner
General Manager

CC: Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown, Jr.
Assemblywoman Marie Waldron
Assemblyman Rocky Chavez
Assemblyman Brian Maienschein
Assemblyman Todd Gloria
Senator Pat Bates
Senator Joel Anderson
Senator Toni Atkins
Mark Muir, Board Chairman, San Diego County Water Authority
Tom Howard, Executive Director, State Water Resources Control Board
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board
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