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March 29, 2023

State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

VIA EMAIL: orpp-waterconservation@waterboards.ca.gov

Re: Comment Letter – Board Workshop on Making Water Conservation a California Way of Life

Dear Clerk of the Board,

On behalf of Olivenhain Municipal Water District, thank you for the opportunity to provide the State Water Resources Control Board with input on the proposed Regulatory Framework for Making Conservation a California Way of Life. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD is a strong proponent of water conservation, evident through its numerous programs and policies. However, we have several concerns regarding the proposed Regulatory Framework.

It is concerning that SWRCB proposes to dismiss Department of Water Resources' recommendation to automatically include a 20 percent Irrigable Not Irrigated buffer. The inclusion of the 20 percent INI buffer was a direct result of years of extensive analysis, workshop collaboration, and thorough discussion with hundreds of subject matter experts representing both policymakers and water retail agencies. Arbitrarily dismissing DWR's recommendation is neither warranted nor defensible.

Furthermore, SWRCB's proposal to include the INI buffer only if a supplier is able to demonstrate that those areas have come under irrigation is not only overly burdensome but also fundamentally flawed. If an INI area is irrigated, it is no longer INI, in which case it should be classified as Irrigable Irrigated landscape, and should be appropriately assigned a landscape efficiency factor of 80 percent. OMWD strongly encourages SWRCB to reconsider including the automatic 20 percent INI buffer as recommended by DWR.

Additionally, Water Code Section 10609.6 establishes that standards for residential outdoor use shall apply to irrigable lands. Excluding irrigable land unless it comes under irrigation is in contrast with existing law. DWR's recommendation to include 20 percent of INI land was a notable attempt at developing a standard that was equitable for the different water suppliers across the state; however, even DWR's recommendation failed to apply to all irrigable land. Rather than exclude irrigable land that is not irrigated, effectively applying the standard to irrigated land only, OMWD encourages a standard that applies to all irrigable land in compliance with state law.

OMWD is also concerned about the timelines for reporting compliance, and state agencies' unwillingness to accommodate extensions to the originally proposed deadline for water retail agencies.




As a reminder, AB 1668 and SB 606 established that DWR was required to provide its recommendations by October 1, 2021, and SWRCB was required to adopt the proposed water use efficiency standards by June 30, 2022. SWRCB just made its draft recommendations available in March 2023, and retail water agencies will need to comply with the new Regulatory Framework by January 2024. This significant delay presents an incredible burden on water retail agencies who will be required to comply with the still-unknown regulations in a very compressed timeline. The timelines set forth by AB 1668 allowed for 16 months following adoption of the standards for a supplier to calculate its water use objective. OMWD requests an extension for retail agencies commensurate with the delays generated by state agencies, 16 months after the date the standards are adopted by SWRCB.

Finally, the extremely abbreviated timeframe allowed by SWRCB to provide comments to the updated proposed Regulatory Framework is very much insufficient. SWRCB made the draft framework available for review the evening of March 15 and noted that it would accept comments until March 24, later extended to March 30—this allowed only 11 business days to weigh the impacts of recommendations that were 16 months behind schedule. Analyzing the changed components of the proposed Regulatory Framework and determining the updated objectives for a water retail agency requires thorough and detailed analysis. A week's notice of the upcoming workshop is inadequate and hinders public engagement and stakeholder participation. As such, OMWD is requesting for additional time and workshops so that staff can properly analyze the potential impacts to our customers and provide SWRCB with more comprehensive feedback that might be incorporated into the final regulations.

We appreciate your consideration of our concerns. If you or your staff should need any additional details pertaining to this assessment, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,



Kimberly A. Thorner
General Manager