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2554 SWEETWATER SPRINGS BOULEVARD, SPRING VALLEY, CALIFORNIA 91978-2004  
TELEPHONE: 670-2222, AREA CODE 619 [www.otaywater.gov](http://www.otaywater.gov)



To: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Subject: Comments on Proposed Changes to Emergency Conservation Regulations**

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

Dear Ms. Townsend:

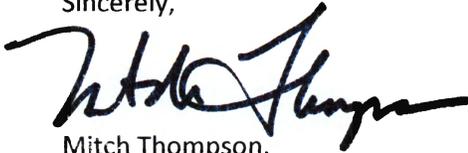
As President of the Board of Directors of the Otay Water District ("Otay"), I want to first and foremost thank you for the opportunity to submit comments regarding potential changes to the Emergency Regulation for Statewide Urban Water Conservation to the State Water Resources Control Board, following up on prior comments submitted by my predecessor and colleague, Jose Lopez, to prior proposed changes. We again appreciate the Board's efforts to address statewide issues during drought conditions by encouraging increased water conservation through the current "Emergency Regulation". In particular, we greatly appreciate the efforts to address prior concerns regarding the one-size-fits-all nature of the regulations by proposing reductions of up to 8% to take into account variations in climate and investments in drought-resistant or drought-proof supplies, and we thank you for such consideration. However, the proposed changes nonetheless fail to adequately take into account the extraordinary efforts to reduce water usage by agencies in Southern California, such as Otay, while continuing to provide a disincentive for new water supply projects. Modifications to the Emergency Regulation to further avoid such unintended consequences, including, not sufficiently rewarding or accounting for agencies who took great steps to reduce usage and develop alternative supplies, even prior to the regulations, would thus be more equitable and beneficial to all while still ultimately fulfilling the goals of the regulations.

As was the case originally with the Emergency Regulation's focus on achieving the state's water reduction standards solely through conservation, the proposed revision to the Emergency Regulation does not adequately allow regional or local water agencies to realize the benefits of their investments in water supply reliability – investments in self-reliance that are consistent with Governor Brown's Water Action Plan and which often require considerable risk, time and expense. For example, here in San Diego County, water agencies, both individually and collectively, through the San Diego County Water Authority ("CWA") have made billions of dollars in investments in developing a portfolio of sustainable water supplies specifically designed to make our region less vulnerable to droughts and devastating water supply cutbacks. Accordingly, the proposed regulations should factor all such investments and the resulting relative supply situation of each region into its calculations, as opposed to limiting the analysis to post-2013 supply development. While the proposed 8% credit is an improvement, it does not nearly account for, or encapsulate, the San Diego region's years of efforts in both decreasing usage by conservation, increasing storage capacity, and developing alternative supplies which have put the region in a drastically [different] enhanced supply situation than many other parts of the state. While the recent drought may have led to dire supply situations in other parts of the state, a statewide

drought declaration and approach to it in a state like California with our highly variable situation of water supply, climate, etc. is not workable, just as a declaration of emergency for an earthquake in San Francisco and the resulting remediation would not extend to or apply to the situation in San Diego. We thus urge you to revisit the issue and acknowledge the valiant efforts and achievements of this region to improve its water use and supply situation long prior to 2013 and, as a result, improving the situation far beyond the region by acquiring less water from the Metropolitan Water District and thus taking pressure off of the Bay Delta.

In summary, the proposed revisions to the regulation are commendable and are certainly a step in the right direction, but it remains critical to maximize the water reliability benefits of drought-resilient and sustainable water supplies by acknowledging such efforts and taking them into account, both before and after 2013 when promulgating new revisions to Emergency Regulations. A more narrowly-tailored approach, perhaps county by county, may be an appropriate solution. Thank you for your time and efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mitch Thompson,  
President, Board of Directors  
Otay Water District