

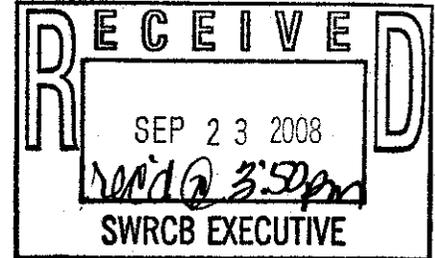


...Dedicated to Community Service

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September 23, 2008

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



Subject: Proposal to Mandate Water Conservation Best Management Practices for Urban Water Agencies

Dear Chair Doduc and Members of the Board:

Thank you for giving us the opportunity to comment on the State Water Resource Control Board's (SWRCB) discussion of mandating the urban water conservation Best Management Practices (BMPs).

The Otay Water District (District) is one of the original signatories to the Memorandum of Understanding (MOU) regarding Urban Water Conservation and has been actively implementing the water conservation Best Management Practices (BMPs) since they were created in the early 1990s.

The District has the following comments with regard to the upcoming workshop to discuss the development of a mandatory urban water conservation program:

- We understand that your Board is concerned over a report that less than 10% of the reporting agencies were in compliance with BMPs 1 (residential survey), 2 (showerhead retrofit), 5 (large landscape), 9 (commercial conservation programs) and 14 (residential toilets) back in 2002. Rather than looking back to require that agencies implement these flawed BMPs, we suggest that water agencies be given a chance to implement the soon-to-be revised BMPs. Many of these BMPs are sorely out of date, and in the case of BMP 2, require an agency to distribute low flow showerheads when they have been the federal standard since 1994.

- All five of the BMPs highlighted as minimally implemented in the 2006 CALFED report were examined some time ago by the various BMP subcommittees and found to have flaws. For example, the residential subcommittee of the California Urban Water Conservation Council (CUWCC) has been working since 1998 to revise BMP 1. The draft revisions are now more flexible, but there is no recognition that the performance standards ~~may have~~ been arbitrarily set too high.

• There may be other reasons that make it difficult for an agency to comply with the BMP implementation schedule and agencies should not be penalized for making a good faith effort. For example, over half of the District's service area was built after 1992, limiting the water savings opportunities outlined in BMP 9 and 14, since there are fewer pre-1992 commercial and residential toilets to retrofit.

- We suggest that you do not penalize those agencies making a good faith effort to implement the BMPs, especially those showing progress toward meeting their BMP targets. We encourage the State Water Resources Control Board to give the BMP revision process a chance and provide the agencies time to implement the BMPs. If the BMP revisions are approved in December, it will allow the necessary flexibility for agencies to implement.

We appreciate the opportunity to provide comments on the State Water Board's proposal. If you have any questions regarding this letter, please contact William Granger at 619-670-2290.

Sincerely,



Mark Watton
General Manager

cc: Board of Directors