



Public Utilities

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December 13, 2017

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

SUBMITTED VIA EMAIL

Subject: Comments on the Proposed Prohibited Water Uses Regulatory Action

Dear Ms. Townsend:

The City of San Luis Obispo (City) appreciates the opportunity to provide the State Water Resources Control Board (State Water Board) with comments related to the proposed regulatory actions regarding prohibited water uses. The opportunity to comment helps identify ambiguities in the regulation and provides valuable insight into issues that may deter the ability to comply with the regulation. More importantly, improvements to the regulation will lead to better conservation of our water resources.

While the City supports the permanent prohibition on wasteful water use, the proposed regulation is unclear regarding as to if how it relates to the use of recycled water. After listening to the November 21, 2017 State Water Board meeting, it became clear that the State Water Board intends for these prohibitions apply to recycled water though the regulation is unclear in this regard. Added clarity regarding the State Water Board's intent to treat recycled water and potable water equally would help clear up this ambiguity.

While the City supports the conservation of all water resources, flexibility in the use of recycled water is one of the major driving factors for growth of recycled water use across the state and within the City. Unlike surface water reservoirs and groundwater, without an active groundwater recharge program, recycled water cannot be stored in any significant quantity beyond on-site storage tanks. The inability for many agencies to store this resource may lessen the need for such strict conservation regulations. Given the current underutilization of recycled water resources across the state, the City recommends removal of recycled water from the proposed prohibitions. Instead of a one-size fits all approach, the City recommends allowing local jurisdictions more control of how recycled water resources are utilized. Flexibility will ultimately lead to an increased use of this resource and will result in a decrease in the demand for potable water. Local regulation of this resource will also ensure that a jurisdiction's specific scenarios and operational constraints are considered when regulating the use of this resource.

In addition, the City requests further clarification on the following prohibition:

(G) The irrigation of turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk, except where the turf serves a community or neighborhood function;

The term “community or neighborhood function” is not defined in the regulation and this language will likely be subject to a wide degree of interpretation from jurisdiction to jurisdiction. Clarification of what may be considered a “community or neighborhood function” would aid in compliance with the proposed prohibition. An example of a definition for a community or neighborhood function may be “An existing function utilized by the community and providing value to the community, such as a dog walking area, pocket park, or community gathering location.

Additionally, the removal of turf and the installation of new irrigation systems and landscaping on publicly owned street medians is an action that would require significant time and financial resources. In order to plan accordingly for these changes, if left as part of the code, the City requests that an adoption period be added to the regulation for this specific prohibition to allow for adequate financial planning and remediation efforts. Since this specific prohibition was not part of required emergency regulations during the drought, most Cities have not had adequate time to plan for the required remediation efforts and financial investments.

The City applauds the work the State Board has conducted to ensure adequate water resources for existing and future Californians and fully supports the permanent prohibitions on wasteful water use with the above changes integrated. Thank you for your consideration.

Sincerely,



Carrie Mattingly, Utilities Director

C: San Luis Obispo City Council

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