



City of Arts & Innovation



VIA EMAIL: commentletters@waterboards.ca.gov

December 26, 2017

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

SUBJECT: "COMMENT LETTER – PROHIBITING WASTEFUL WATER USE PRACTICES"

Dear Ms. Townsend:

Riverside Public Utilities (RPU) appreciates the opportunity to provide comments on the State Water Resources Control Board's (State Water Board) proposed draft regulation to permanently prohibit certain wasteful water uses. The proposal is intended, in part, to replace the emergency drought response regulation which expired on November 25, 2017.

RPU and other urban water agencies across California have institutionalized water conservation practices and promoted the prudent use of water resources long before the recent drought, and continue to do so long after the drought ended. Most of California's urban water suppliers have already prohibited or restricted many of the "wasteful water uses" that were included in the emergency drought response regulation and now proposed for permanent statewide prohibition. Therefore, as the State Water Board's own analysis suggests, potential additional annual water savings associated with the State Water Board proposed prohibitions would be effectively inconsequential, thus statewide action would be redundant and gratuitous.

While some of the proposed prohibitions are practical and are already locally implemented and generally supported by Californians, RPU has concerns regarding some of the more prescriptive measures included in the staff proposal. We recommend that some of the proposed prohibitions be revised and others be eliminated, as provided below and in other comment letters being submitted separately by stakeholder organizations and urban water agencies.

PROPOSED PROHIBITIONS

RPU respectfully requests the following amendments for the proposed prohibitions (or functionally equivalent amendments as proposed by others), based on the need to preserve local discretion to administer the measures to address local conditions:

- **"Apply potable water directly to driveways and sidewalks"...***unless necessary to address a health and safety need.* This amendment provides needed local flexibility to make necessary management decisions and eliminates a too narrow constraint posed by the term "immediate" in the staff proposal.

- **“Apply water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-tenth of one inch of rain”.** This amendment restores needed local flexibility to balance highly localized and variable rainfall patterns, site-specific landscape irrigation needs, and the technical limitations of rain sensors and irrigation controllers. This amendment is also in keeping with the wording of the previous emergency drought prohibition, which was effectively administered by local water suppliers.
- RPU respectfully recommends the regulations be amended to substantially reflect the State Water Board’s emergency regulations issued in February 2017 by including the word “potable” in Article 2 §963 (b)(1) and (b)(2). These proposed regulations, which staff has inferred as minor in scope, are not the appropriate vehicle to determine the value and best use of potable and recycled water. RPU contends that the Legislature is the appropriate place for this discussion and respectfully directs the State Water Board to the California Water Commission’s recent adoption of validated water loss audit reporting, which only applies to potable water, as a reference point on this contentious subject.

RPU opposes the following proposed prohibitions as being unnecessarily burdensome and/or too prescriptive. The effectiveness and details associated with these provisions are best left to the knowledge and expertise of local water suppliers, based on local needs and conditions:

- **“Serve drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.”** This prohibition will have an infinitesimal impact on water conservation and is unduly prescriptive. However, we believe this to be an effective emergency drought awareness message and would be included by many local agencies to help drive the conservation message and incentivize the public to conserve more.
- **“Irrigate 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.”** Irrigation of turf with potable or recycled water in any landscape context in California is not now, nor should it be considered per se a “wasteful” use of water. Landscaping and maintenance decisions associated with medians and adjacent parkways are subject to widely varying local conditions and considerations. Local entities must exercise final judgment in determining “existing community or neighborhood function”, as suggested by the staff proposal. As such, the specific cost implications and site-specific considerations associated with landscaping and irrigation of medians and parkways (including use of recycled water and irrigation methods to keep trees alive) renders imposition of a general statewide prohibition of this type unduly burdensome and too prescriptive.

Additionally, RPU shares a broader concern with many urban water agencies regarding the State Water Board’s intention to use its general authority to prevent “waste and unreasonable use” as a means to categorically prohibit certain water use practices without consideration of specific water use circumstances as required by law.

RPU appreciates your thoughtful consideration of these comments as well as those of other urban water agencies in California. We look forward to working with the State Water Board on this and other matters of importance regarding the stewardship of our shared natural resources.

Sincerely,



Girish Balachandran
General Manager