



CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

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December 22, 2017

Sent via ELECTRONIC MAIL to: commentletters@waterboards.ca.gov



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,

The California Municipal Utilities Association (CMUA), representing 40 public water agencies that serve over 70 percent of Californians, appreciates the opportunity to comment on the development of the regulation which would prohibit wasteful water use practices. CMUA would like to thank the State Water Resources Control Board (Board) for the opportunity to offer constructive comments to improve this draft regulation.

CMUA is supportive of several of the proposed prohibitions on the wasteful use of potable water including the elimination of runoff, requiring a shut-off nozzle be affixed to a hose when used to wash vehicles and the application of potable water directly to driveways and sidewalks.

CMUA has several concerns with sections of the draft regulation and the accompanying documents, including: expanding the regulation to prohibit the irrigation of turf using potable water or recycled water and the costs associated with its replacement, the environmental benefits of turf, the measurable rainfall standard and how the draft regulation interact with the Model Water Efficient Landscape Ordinance (MWELO).

The Proposed Regulation Are Not the Appropriate Vehicle for the Potable and Recycled Water Discussion

CMUA believes the draft regulation, which staff has inferred as minor in scope, would constitute a huge shift in state policy regarding potable and recycled water. CMUA contends that the Legislature is the appropriate place for a discussion regarding the value and best use of potable and recycled water as evidenced by the California Water Commission's recent adoption of validated water loss audit reporting, which only applies to potable water. CMUA recommends amending the draft regulation to mirror the Board's emergency regulation from earlier this year by including the word "potable" in paragraphs (b)(1) and (b)(2).

Prohibition of Turf Would Not Achieve Appreciable Results

With new efficiency standards currently being crafted in the Legislature, CMUA believes it would be more appropriate for paragraph (G) to focus on the efficiency of potable water use in these areas rather than the type of material being irrigated. In addition to focusing on efficiency of use, the inclusion of language allowing for the grandfathering of existing spaces would allow these spaces to be responsibly converted at the appropriate, fiscally prudent time. Section 492 of MWELD provides a potential template for such language.

If the Board does move forward with an outright prohibition of turf, without a grandfathering component, CMUA recommends the following changes:

“The irrigation of turf-only ~~or~~ public street medians...”

By limiting the regulation to turf-only areas it avoids jeopardizing other vegetation and creates a simple, consistent message for municipalities and parties maintaining the property.

“...or publicly owned ~~or~~ and maintained landscaped areas...”

Changing the “or” to an “and” reflects current practices in many municipalities where the city may own the land, but it is maintained by commercial or residential parties. For example, in a CMUA member city of half a million people, these spaces account for almost 42,000,000 square feet of turf, or the equivalent of around 725 football fields that is owned by the city and maintained by residents. The language as proposed would lead to costly disputes between the municipality and managing parties over these spaces. CMUA recommends that the Economic and Fiscal Analysis be amended to reflect the potential costs associated with legal disputes and replacement of turf.

“...between the street and sidewalk not irrigated with recycled water,”

The addition of recycled water language recognizes the existing and ongoing investment of urban retail water suppliers in providing recycled water for beneficial uses.

“...except where the turf services a community, ~~or~~ neighborhood or environmental function; and”

Including the word “environmental” to the list of functions recognizes that turf used as part of bioswales and stormwater management projects are not included in this prohibition.

Measurable Rainfall Standard Does Not Reflect Industry Standards

CMUA recommends revising Section 963(b)(1)(E) to include language regarding municipality discretion when determining prohibiting irrigation within 48 hours of a significant rainfall. If the Board wishes to include a specific measurement, CMUA supports changing the measurement

from one-tenth to one-eighth of an inch and including language recommending the best available technology. For example, current weather based/smart irrigation technology measures rainfall at one-eighth of an inch.

Harmonizing with the Model Water Efficiency Landscape Ordinance

CMUA strongly recommends that the Board work with Department of Water Resources staff to ensure that the draft regulation integrates fully with the 2015 MWELO standards.

CMUA appreciates the opportunity to comment on the draft regulation and looks forward to working with the Board on this important issue. Please do not hesitate to contact me at 916-326-5806 or jyoung@cmua.org should you have any questions or need additional information.

A handwritten signature in blue ink that reads "Jonathan Young". The signature is cursive and stylized.

Jonathan Young
Regulatory Advocate
California Municipal Utilities Association

Cc: Honorable Members of the State Water Resources Control Board
Eileen Sobeck, Executive Director, State Water Resources Control Board
Max Gomberg, Climate and Conservation Program Manager, State Water Resources Control Board