

James Cioffi, President
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(11/21/17) Public Workshop
Prohibiting Wasteful Water Use Practices
Deadline: 12/26/17 by 12 noon

Mark S. Krause, General Manager-Chief Engineer

Best, Best & Krieger, General Counsel

Krieger & Stewart, Consulting Engineers



December 13, 2017

The Honorable Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Comments on Prohibiting Wasteful Water Use Practices

Dear Chair Marcus:

Desert Water Agency (DWA) is responding to the State Water Resources Control Board (State Water Board) invitation to comment on proposed regulations relating to permanent prohibitions on wasteful water practices. We appreciate the involvement that water agencies had in the regulatory process during the drought emergency period. Agency involvement led to more appropriate policies that recognized local conditions. We are hopeful that as the State Water Board considers these permanent prohibitions on certain water uses, water agency and other stakeholder input will help guide decision-making.

Regulatory authority

DWA agrees that several of the proposed prohibitions amount to wasteful and unreasonable water use. Our own ordinances prohibit nearly all of the items on the list and we applaud the State Water Board for taking steps to permanently prohibit these truly wasteful uses – like runoff and washing a car without a shutoff nozzle. Some uses – like the watering of turf in medians and parkways should be left to the discretion of local communities. Additionally, DWA is concerned about the implementation of some of these prohibitions for a variety of reasons.

Technology

DWA currently prohibits watering after measurable rainfall, but defines measurable rain as 1/4 inch within a 24-hour period. Rain sensors on the market are able to detect 1/8 of an inch of rain. We have thousands of smart controllers that we have installed with rain sensors throughout our community. We have always communicated that these devices will work to shut off water during/after rain, as needed. Since these devices are the best way for Californians to ensure they are not watering during or after rain, it makes sense to adhere to the device limitations at this time. We respectfully request that the State Water Board adopt a prohibition on turf and ornamental irrigation for 48 hours during and after 1/8 inch of rain.

Exceptions

Desert Water Agency supports the health and safety exception for washing down hardscape. In our region we have very fine sand and silt that cannot be swept with a normal broom. Desert Water Agency's ordinance allows for residents to use water brooms, pressure washers and buckets, rather than hosing down sidewalks and driveways. The State Water Board should consider allowing some of these options to allow people flexibility in cleaning hardscape.

Additionally, the State Water Board should consider supply when prohibiting watering turf in parkways and medians. Perhaps, the State Water Board could allow communities with a healthy supply an exception to this prohibition. These communities likely have more turf to be removed and will benefit least from its removal.

Cost burden on users and agencies

During the drought, DWA suffered significant economic impacts from reduced water use. In January of 2017, DWA implemented a five-year rate increase program. Part of this effort was aimed at recouping more of our fixed costs from our monthly fixed (or meter) charge in order to be more drought resilient in the future. Unfortunately, this had the effect of increasing bills for the lowest use customers. Continuing to suppress water use in areas like parkways and medians will unnecessarily reduce water use and may have the unintended consequence of increasing the financial burden on efficient and/or low-use customers as DWA would be required to shift more of the rate structure to cover fixed costs.

Additionally, the SWRCB analysis suggests that water agencies will be able to pass the lost revenue costs on to customers after year 1 but that assumption does not account of the cost and time needed for rate studies and required Proposition 218 outreach (mailing thousands of notices, holding public meetings, etc.). Due to those factors, the rate increase notification process is only done at Desert Water Agency at five-plus year intervals. To do it again before the end of the five-year period would saddle the agency, and thus its customers, with added costs.

The State Water Board's analysis indicates that only a relatively small amount of water (12,489 acre-feet or less than 1% of statewide water use) will be saved by all of the listed these prohibitions. The State Water Board's analysis should include statewide figures on water savings and costs specific to the median and parkway prohibition. Collecting this information would be a lengthy process and likely require a commitment State Water Board staff resources, but it may reveal that the savings would not merit the cost of removal and investment in new methods of irrigation; i.e., conversion from sprinkler to drip irrigation technology.

Time for implementation

If the State Water Board adopts a permanent prohibition on watering turf within medians and parkways, time will be needed to budget for and complete turf removal throughout communities. The costs will fall on municipalities and homeowners associations that do not have financial capacity needed to design and complete such projects. Just leaving the areas to dry out while planning and budgeting takes place is not a sound option in an area like the Coachella Valley that is notoriously windy. Not allowing extensive time for implementation could affect air quality.

Agencies will also suffer additional lost revenues. During the drought, many agencies used reserves extensively. The use of reserves to address the reduced revenue from these prohibitions may not be feasible or advisable for some agencies.

Clarification on 'community or neighborhood functions' that allow for turf to remain in place in medians and parkways would be helpful.

The other prohibitions contemplated under the proposed regulations can be implemented immediately.



Enforcement

Like many other water agencies throughout the state, DWA does not have staff members that are solely dedicated to enforcement of its ordinances. DWA respectfully requests that the SRWCB maintain responsibility for its prohibitions rather than asking water agencies to police and then levying warnings and fines at the water agency level. The SWRCB should not hold local water agencies responsible, or fine them, for the violations of the water users within its boundaries. SWRCB could follow up directly with municipalities and organizations found to be violating the prohibitions.

DWA will continue to enforce its own ordinances using the limited staff time available to field personnel who witness violations. In order for DWA to adequately enforce these new prohibitions at the local level, the agency would need to hire additional staff or reallocate staff time from other personnel who are fixing leaks, replacing inaccurate meters, conducting high bill investigations and implementing conservation programs. We do not have staff that are trained in procedure and ticketing.

Thank you for reviewing our comments, and for your work to make water use more efficient in our great state.

Sincerely,

A handwritten signature in blue ink that reads "Mark S. Krause".

Mark S. Krause
General Manager-Chief Engineer

Cc:

The Honorable Steven Moore, Vice Chair, State Water Resources Control Board
The Honorable Dorene D'Adamo, Member, State Water Resources Control Board
The Honorable E. Joaquin Esquivel, Member, State Water Resources Control Board
The Honorable Tam Doduc, Member, State Water Resources Control Board
Ms. Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown Jr.
Mr. Tom Howard, Executive Director, State Water Resources Control Board
Mr. Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board
Mr. Gary B. Bardini, Deputy Director, Integrated Water Management, Department of Water Resources
Mr. Kamyar Guivetchi, Manager, Statewide Integrated Water Management, Department of Water Resources