



December 22 2017

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Subject: Comments on Prohibiting Wasteful Water Use Practices

Dear Chair Marcus and Members of the Board:

The Bay Area Water Supply and Conservation Agency (BAWSCA) appreciates the opportunity to provide comments on the proposed regulation to permanently prohibit certain wasteful water uses. BAWSCA provides regional water reliability planning and conservation programming for the benefit of its 26 member agencies that deliver water to over 1.7 million residents and 40,000 commercial, industrial and institutional accounts in Alameda, San Mateo and Santa Clara counties.

BAWSCA's member agencies have demonstrated a long-term commitment to making conservation a California way of life. Many of the water use prohibitions included in the proposed regulation have already been implemented locally on a permanent basis by individual BAWSCA member agencies.

BAWSCA suggests the following changes to the prohibition on irrigating turf on public street medians and parkways:

- **Remove the reference to “landscaped area between the street and sidewalk”.** These landscaped areas are often owned by the City, but maintained and irrigated by the nearest property occupant. Further complicating this issue, these areas are often irrigated on the same landscape system that irrigates the landscaping in front of the business or residence.
- **Specify that the prohibition is applicable to potable water only.** Many water suppliers have made significant investments in recycled water in order to reduce the impacts of drought on their communities. A key incentive for customers to convert to recycled water for landscape irrigation has been the ability to avoid cutbacks during droughts. The proposed restriction would result in stranded investments and provide no benefit for local areas that do not have a shortage of recycled water. In fact, the prohibition may result in more treated wastewater being discharged rather than put to beneficial use. Thus, the proposed regulation could disincentivize development of recycled water and result in the discharge of recycled water while public areas go unirrigated. Additionally, some communities have replaced hardscape with turf to prevent stormwater runoff and promote recharge, and have invested in recycled water systems to irrigate these landscapes. Prohibiting the irrigation of these areas with recycled water would penalize these communities and force immediate and costly landscape conversions.

BAWSCA suggests the following changes to the prohibition on irrigating within 48 hours of measurable rainfall:

- **Consider a general guideline for measurable rainfall rather than a specific quantity.** While the draft regulation defines measurable precipitation as 1/10th-inch, most irrigation rain sensors are not designed to measure such low levels of rainfall. In addition, micro-climates within individual agencies' service areas often receive varying amounts of rainfall, and there are not sufficient local weather stations to capture all variations. These factors pose significant challenges to local implementation of a 1/10th measurable rainfall requirement. A general guideline, rather than a specific number, would provide a more feasible mechanism for enforcing this prohibition.
- **Include an exemption for newly seeded turf that serves a neighborhood or community function.** Newly seeded turf requires frequent watering to germinate, and a light rain followed by 48 hours of no irrigation would not provide sufficient water to meet this need.
- **Specify that the prohibition is applicable to potable water only.** Recycled water salinity levels may require more frequent irrigation of landscapes, therefore the restriction on irrigating within 48 hours of rainfall may adversely impact landscape health.

In addition to the technical comments provided above, BAWSCA also intends to submit a second letter, jointly with the San Francisco Public Utilities Commission, regarding the application of the Reasonable Use Doctrine to declare certain water uses and practices per se "wasteful and unreasonable use" by means of a permanent statewide regulation.

Thank you for your consideration of these comments. If you have any questions, please contact me at NSandkulla@BAWSCA.org or (650) 349-3000.

Sincerely,



Nicole Sandkulla
CEO/General Manager

cc: BAWSCA Board Members
BAWSCA Water Management Representatives
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