

Regional Water Authority
Building Alliances in Northern California

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VIA EMAIL: commentletters@waterboards.ca.gov

February 12, 2018

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



RE: Regional Water Authority's Comments regarding the Revised Draft Permanent Prohibitions Against Wasteful and Unreasonable Water Uses

Dear Ms. Townsend:

The Regional Water Authority (RWA) appreciates this opportunity to provide comments on the State Water Resources Control Board's (SWRCB) revised draft Permanent Prohibitions Against Wasteful and Unreasonable Water Uses dated January 31, 2018 (Draft Regulation). RWA is a joint powers authority that represents 21 water suppliers in the greater Sacramento region. Collectively, RWA's members provide reliable water supplies to approximately two million residents and thousands of businesses.

As noted in our December 21, 2017 letter on the initial Draft Regulation, RWA and Sacramento region water suppliers have demonstrated a long-term commitment to achieving lasting improvements in water use efficiency. Many water providers in the Sacramento region have also adopted ordinances and implemented actions consistent with the Draft Regulation as an element of locally-driven, comprehensive approaches to advancing water use efficiency, and RWA is supportive of practices and actions consistent with many of the Draft Regulation's provisions.

We are supportive of the following revisions to the Draft Regulation that are consistent with comments included in RWA's December 21 letter:

- Modifying the description of "measurable rainfall" from one-tenth of one inch to one-fourth of one inch in section 963(b)(1)(E). As revised, the Draft Regulation now accounts for actions taken by Californians to prevent unnecessary irrigation when precipitation levels are sufficient to maintain plant health, such as the use of commercially-available smart irrigation controllers which are triggered at one-eighth of one inch of rain. Consistent with the intent of the prohibition, RWA believes that the description of "measurable rainfall" could be further improved by allowing the entities and individuals responsible for implementation of the final prohibition to determine the level of rainfall that constitutes "measurable" based on local conditions.

- Modifying the proposed prohibition on the irrigation of turf in section 963(b)(1)(G) to include a number of important exceptions and clarifications, including: an exception for community or neighborhood functions that include, but are not limited to, recreational uses, and civic or community uses; an exception for the incidental irrigation of turf when the primary purpose of irrigation is the irrigation of trees; and, clarifying that the prohibition applies to publicly owned and maintained landscape areas between the street and sidewalk.

In the interest of ensuring that the final prohibitions are crafted in a manner that accounts for other important implementation issues, RWA encourages the SWRCB to further refine the language of several elements of the Draft Regulation as follows:

- Clarifying language should be added to the draft prohibition on the application of water directly to driveways and sidewalks to exempt “cleaning or maintenance that cannot be readily accomplished by another method.” While we support the exemption for cleaning necessary to maintain health and safety currently included in section 963(b)(2)(A), this provision should be modified to also recognize an exemption for the efficient use of water to clean and maintain paved areas in cases where there are no other readily-available effective methods to do so. In some cases, the efficient use of water is necessary to address conditions that may not pose a health or safety risk but which impact a meaningful community interest, such addressing conditions of extreme griminess to maintain thriving commercial corridors or the preservation of communities’ other aesthetic values.
- The draft prohibition on the irrigation of turf on public street medians and publicly owned and maintained landscape areas between the street and sidewalk in section 963(b)(1)(G) should be modified to only apply to the irrigation of turf on new or retrofitted landscape areas. Alternatively, the final prohibition proposed should be modified to provide an exception where it is not cost effective to retrofit the area relative to the amount of water saved.

Finally, as the SWRCB considers whether and how these and the other draft prohibitions should be made permanent, it is critical to note that the prohibitions would apply to specified “practices” and “actions” for all Californians. (§963, §963(b)(1).) The violation of any final prohibition by an individual or entity should not be interpreted as the waste and unreasonable use of water by a water supplier which serves them. Additionally, while many water providers in the Sacramento region have already adopted ordinances and implemented actions consistent with the Draft Prohibitions as an element of locally-driven, comprehensive approaches to advancing water use efficiency, RWA would oppose any requirements that would shift sole responsibility for implementation of any final SWRCB prohibitions to local water suppliers.

We appreciate your consideration of these comments regarding the Draft Regulation. If you or your staff have any questions, please contact me at (916) 967-7692 or jwoodling@rwah2o.org.

Sincerely,



John Woodling

Executive Director

cc: Mr. Max Gomberg, Office of Research, Planning and Performance, SWRCB
Ms. Charlotte Ely, Office of Research, Planning and Performance, SWRCB
Ms. Kathy Frevert, Office of Research, Planning and Performance, SWRCB