



THE CITY OF SAN DIEGO

February 14, 2018



Sent via email to: commentletters@waterboards.ca.gov

The Honorable Felicia Marcus, Chair
and Members of the State Water Resources Control Board
c/o Ms. Jeanine Townsend, Clerk of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Subject: Comment Letter – Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

Dear Chair Marcus and Members of the Board:

The City of San Diego (San Diego) is pleased to have this opportunity to provide comments on the State Water Resources Control Board's (State Board) revised proposed regulation prohibiting wasteful water-use practices (proposed regulation).

San Diego has long been a promoter of "Wasting No Water: All Ways and Always" and has already adopted permanent prohibitions on certain types of water use that align closely with the proposed regulation¹. As such we are generally satisfied with the proposed design elements of the proposed regulation.

However, we must express concern regarding the underlying authorities by which the proposed regulation is based. We are concerned that the State Board's general authority to prevent "waste and unreasonable use" is being used to categorically prohibit certain water use practices without consideration of specific water use circumstances as required by law. Also, we are specifically concerned about the authority of the State Board's proposed use of the Reasonable Use Doctrine to declare it "wasteful and unreasonable" to irrigate center median and roadside turf with recycled water. Reasonable use determinations for irrigation should be made on a case-by-case basis after considering all relevant fact-specific evidence.

We thank the State Board for its leadership in developing reasonable statewide standards for water-use efficiency but strongly recommend that the State Board avoid basing the authority for implementing this policy on regulatory authorities when adjudicatory approaches are required.

Sincerely,

Cathleen C. Pieroni
External Water Policy Program Manager

¹ See: www.sandiego.gov/water/conservation/drought/prohibitions

