



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA



Office of the General Manager

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February 14, 2018

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

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

Dear Chair Marcus and Members of the Board:

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to provide input on changes to the proposed regulations prohibiting wasteful water use practices. As the regional wholesale water supplier for nineteen million Californians residing in the six-county Southern California service area, Metropolitan and its member agencies have been leaders in promoting and investing in water conservation and water use efficiency. We support the Governor's framework and pending legislation, SB 606 (Skinner/Hertzberg) and AB 1668 (Friedman), for "Making Water Conservation a California Way of Life" and the State Water Resources Control Board's (SWRCB) effort in proposing regulations to prohibit wasteful water use practices.

As part of the continuing process, Metropolitan requests that the Board make the following changes to the proposed regulations:

- Remove the determination that the uses specified in Section 963 of the proposed regulation are a waste and unreasonable use of water under Article X, section 2 of the California Constitution.

Metropolitan joined a coalition of water suppliers, including Association of California Water Agencies (ACWA) and State Water Contractors, in a comment letter addressing this issue. As set forth in that letter, Metropolitan concurs that declaring certain practices as waste and unreasonable use is contrary to the current state policy of encouraging water conservation without impacting water rights. Metropolitan also agrees that the SWRCB's authority to

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determine waste and unreasonable use of water under Article X, section 2 of the California Constitution is an adjudicative act that requires due process of law.

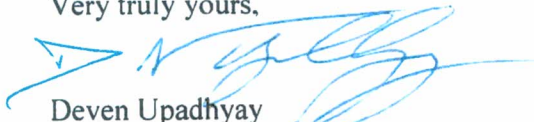
Several of the comment letters previously submitted, including letters by East Bay Municipal Utility District and San Francisco Public Utilities Commission, proposed minor modifications to the legal framework that would not affect the substance or objectives of the conservation measures in the regulation. Therefore, Metropolitan requests that SWRCB direct staff to work with us and other water agencies to develop a legal framework for the regulations.

- Remove parkways from the prohibition on turf irrigation or provide grants to cities and public agencies to convert turf parkways to California Friendly landscape.

Many cities and communities have installed turf parkways for a variety of reasons. We are concerned that many of these entities may not have the financial means to convert the turf parkways to California Friendly landscape. Metropolitan suggests removing parkways from the proposed regulations or, as an alternative, provide grants to pay for the conversion of parkways to drought tolerant landscapes along with adequate time for cities and communities to implement this transformation.

Thank you for your consideration of these comments and your continued leadership on this issue.

Very truly yours,



Deven Upadhyay
Assistant General Manager and Chief Operating Officer