



1391 Engineer Street • Vista, California 92081-8840
Phone (760) 597-3100 • Fax: (760) 598-8757
www.vidwater.org

Board of Directors

Paul E. Dorey, *President*
Jo MacKenzie
Marty Miller
Patrick H. Sanchez
Richard L. Vásquez

Administrative Staff

Eldon L. Boone
General Manager / Treasurer
Brett L. Hodgkiss
Assistant General Manager
Lisa R. Soto
Board Secretary
Joel D. Kuperberg
General Counsel

February 12, 2018

Public Comment
Changes to Prohibiting Wasteful Water Use Practices
Deadline: 2/14/18 by 12 noon

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



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

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

Dear Chair Marcus and Members of the Board:

The Vista Irrigation District (District) appreciates that the State Water Resources Control Board (State Board) revised the proposed regulation in response to comments submitted by the San Diego County Water Authority (Water Authority) and its member agencies as well as those provided by other water suppliers. The District would also like to provide comments on the January 31, 2018 version of the proposed regulation prohibiting wasteful water use practices. The District's comments reflect its commitment and support of advancing water use efficiency through flexible approaches, practical implementation, acknowledgement of local rules and regulations and cost-effective programs.

The District's comments are as follows:

1. Defining "measurable rainfall" in Section 963(b)(1)(E) as at least one-fourth of one inch of rain makes it difficult for the general public to determine if the amount of local rainfall reached or exceeded the threshold that triggers the proposed prohibition. A region can have multiple microclimates that result in varying amounts of rainfall within a region. The District recommends excluding a specific metric to define "measurable rainfall" thus allowing local water suppliers to more effectively engage in public outreach with regard to the proposed prohibition and more practically implement it locally.

2. Under Section 963(b)(1)(G) of the proposed regulation, the irrigation of turf on publicly owned and maintained street medians and parkways would be prohibited as of January 1, 2025. The District is concerned that the State Board's analysis of the fiscal impacts of the proposed regulation fails to acknowledge and identify the significant fiscal impacts on local governments; this is especially true with regard local governments that administer landscape maintenance districts (LMDs). LMDs are areas that receive a special benefit of landscape improvements above and beyond services that the local government typically provides; these areas can include turf in street medians and parkways.

Revenues collected by a local government through an LMD assessment, which is subject to Proposition 218, on a resident's property tax bill pay for landscape maintenance, water, and capital projects. Notably, many LMDs are on a fixed budget year-to-year, making it very difficult, or even impossible, to do capital projects within the LMD. As a result, many local governments do not have the financial resources to convert their street medians and parkways to water-smart landscaping and will simply stop watering under the proposed prohibition. Providing financial assistance to local governments will allow for well-planned landscape retrofits.

3. The District is concerned that Section 963(b)(1)(F) links a proposed prohibition on water use to the declaration of a state of emergency by the Governor regardless of local water supply conditions. Because the proposed regulation imposes a prohibition that is tied to a condition of urgency that bears no relationship to local water supply conditions, the District recommends that the proposed prohibition to “serve drinking water other than upon request” be removed from the proposed regulation. It is recommended that this prohibition be implemented by water suppliers as a local water shortage emergency measure/communication tool.
4. In December 14, 2017 letter from the Water Authority and its member agencies, the State Board was asked to please provide its rationale as to why it has jurisdiction to enact the proposed regulation. The State Board did not provide any analysis of this issue. The District shares some of the jurisdictional concerns raised by the San Francisco Public Utilities Commission and the Bay Area Water Supply and Conservation Agency in their joint letter to the State Board dated December 22, 2017. The District is concerned that the State Board is unilaterally attempting to expand its jurisdictional boundaries in both this matter and others before it.

Thank you for the opportunity to comment on the changes to the proposed regulation prohibiting wasteful water use practices.

Sincerely,



Eldon Boone
General Manager