



February 14, 2018

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814-0100
commentletters@waterboards.ca.gov



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

Dear Ms. Townsend:

The City of Hayward (City or Hayward) appreciates the opportunity to comment on the State Water Resources Control Board's (SWRCB) changes to the proposed regulation to prohibit certain wasteful water use practices. The City is supportive of the SWRCB's efforts to encourage conservation and maximize beneficial uses of potable water supplies. Hayward provides water service to about 150,000 residents and over 8,700 businesses and other non-residential customers. California State University East Bay, Chabot College and Life Chiropractic College are among the educational institutions served by the City.

On December 21, 2017, the City submitted a comment letter on the proposed regulation to prohibit certain wasteful water use practices. While the City appreciates the SWRCB's efforts to respond to public comment, Hayward remains concerned with the SWRCB's proposed regulation to prohibit the use of recycled water for irrigating turf on public medians and parkways. This proposed action is inconsistent with the Governor's Executive Order B-37-16, which prohibited practices that waste **potable** water, and assumes that irrigation of certain landscaped areas with recycled water constitutes a "waste or unreasonable use" of water.

Hayward is one of the lowest water users per capita in the State of California and during the recent drought, Hayward's residential per capita use dropped below 50 gallons per capita per day for both outdoor and indoor water use. The City is committed to investing substantially in recycled water to improve overall water supply reliability and further conserve potable water supplies. The first phase of the City's recycled water project is expected to go into construction in early 2018 and will cost over \$20 million. The SWRCB's change to the proposed regulation to grandfather in irrigation of turf on medians and parkways by a recycled water system installed prior to 2018 does not address the City's concerns.



Along with Hayward's demonstrated commitment to water use efficiency, the City is also committed to improving the appearance of the community, in part, through additional landscaping in public places and maintenance of existing landscape irrigation. Having flexibility at the local level to maintain existing turf and utilize recycled water for irrigation of turf in public areas, including medians, is important to our continued effort to make Hayward a greener and more livable community.

The source of supply for Hayward's recycled water project is treated wastewater from Hayward's Water Pollution Control Facility that would otherwise be discharged to San Francisco Bay. The SWRCB's proposed prohibition on the use of recycled water for irrigation would diminish Hayward's investments in recycled water and provide no water supply benefit since there is no shortage of supply for the City's recycled water project. In addition, restricting the use of recycled water runs counter to the SWRCB's efforts to maximize beneficial uses of recycled water and the Regional Water Quality Control Board's interest in reducing the volume of treated wastewater and associated residual pollutants discharged to San Francisco Bay.

Hayward respectfully requests that the SWRCB revise Article 2, Section 963(b)(1)(G) of the proposed regulation on wasteful water use practices to be consistent with the Governor's Executive Order B-37-16 that prohibited practices that waste **potable** water. As an alternative, we suggest revising Article 2, Section 963(b)(1)(G)(iii) to remove the condition that the exemption for use of recycled water only applies to systems installed prior to January 1, 2018, so that the language is clear that use of recycled water is not considered to be a "waste or unreasonable use" of water that would be prohibited under the proposed regulation.

We appreciate your consideration of our comments. Please feel free to contact Jan Lee, Water Resources Manager, at (510) 583-4701 or at jan.lee@hayward-ca.gov with any questions.

Sincerely,



Alex Ameri
Director of Utilities & Environmental Services

cc: Jan Lee, Water Resources Manager