



I submit the following suggested changes and comments *as a private citizen* on Agenda Item No. 10 and request that these changes be made prior to adoption of these Emergency Regulations:

Sec. X.1 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation and prevent the wasting of water, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of water to outdoor landscapes in a manner that causes runoff such that water flows off of the property where water is being applied, including onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

[**Comment:** People should be able to use water on their own property, and if it stays on their own property and runs off of the exact area being watered onto an area not being watered at that time, that should not be a violation. What should be targeted is when water is allowed to run off lawns in volumes that can reach storm drains and is wasted. These nuisance flows can cause non-stormwater runoff problems in addition to wasting water. The other section's requirements for urban water suppliers to implement their Water Shortage Contingency Plans at a level that triggers mandatory restrictions on outdoor water use will address the general conservation and wasting of water.]

~~(2) The use of a hose to wash an automobile, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;~~

[**Comment:** Remove. This presumes that someone washing a car does not turn off the water when not actively washing that car or that, if the water is left on, it is not placed into a planter to water plants. The first item (a)(1) above – not allowing water to run off the property – should be the controlling factor. This proposal represents unnecessary micromanagement, not at a level appropriate for the State Water Resources Control Board, which should be focused on large volumes of water being saved or wasted, not a gallon here and there.]

~~(3) The application of water to any hard surface, including but not limited to driveways, sidewalks, and asphalt;~~

[**Comment:** Remove. This requirement is overbroad and impossible to comply with or police. For example, this would make a child getting out of a swimming pool and letting water fall onto the pool deck be subject to a \$500 infraction. Also, a sprinkler that cannot exactly maintain the lines of the lawn and gets a few drops of water on the sidewalk or driveway would be similarly subject to this infraction. The amount of water theoretically

saved by these measures is not worth the effort. Focus should be on better long term conservation measures like requiring covers on swimming pools that evaporate 100s of gallons of water every day, enclosing water canals conveying water in tunnels or pipes to prevent evaporation, or encouraging (or even providing funding for) the removal of grass, replacing it with lower water landscaping or artificial grass. These efforts would pay far more dividends and keep the State Water Board from becoming a “Water Cop.”]

(4) The use of potable water in a fountain or other decorative water feature that holds 50 gallons or more, except where the water is part of a recirculating system.

[**Comment:** There should be a size restriction included. If not, this would arguably include bird baths, which could be considered to be a “decorative water feature” and are designed to provide water for wildlife when water is otherwise scarce. This demonstrates another issue with micromanaging water use down to this level.]

(b) The taking of any action prohibited in subdivision (a) of this section is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

[**Comment:** Will each of these penalties be subject to the Water Code requirements for filing a petition for review? The State Water Board is unable to keep up with the petitions being filed now and this would potentially flood the Board with hundreds of new petitions. This unintended consequence must be considered.]

Melissa Thorme