



December 26, 2017

Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
By e-mail: commentletters@waterboards.ca.gov



RE: Comment Letter – Prohibiting Wasteful Water Use Practices

Dear Ms. Townsend:

OC Public Works-Environmental Resources appreciates the opportunity to provide comments on the proposed regulation to permanently prohibit certain wasteful water uses. While the overall intent of the regulation is laudable, the following comments point to a number of areas requiring clarification or reconsideration:

1. Section 963(a)(1) to (4) - Terms used in Article 2

The defined terms listed as (2) to (4) do not appear in the text of Article 2, therefore the reason for their inclusion is unclear.

2. Section 963(b)(1)(C) - Application of potable water directly to driveways and sidewalks

Increasingly, urban development is incorporating low impact development controls that retain water on-site for beneficial purposes. The requirement should therefore be revised to recognize that prohibition occurs only with an offsite discharge similar to 963b)(1)(A): “The application of potable water directly to driveways and sidewalks such that water flows onto adjacent property, roadways, parking lots, or structures.”

3. Section 963(b)(1)(E) - The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-tenth of one inch of rain

In selecting a definition of “measurable” rainfall the Initial Statement of Reasons cites the stormwater regulations in 40 CFR 122.26 as the source of the at least one-tenth of one inch measurable storm event threshold, while subsequently discussing the reasons why these stormwater regulations were not selected as the implementing mechanism for the current regulation. Given that the current regulation is focused on conservation rather than water quality and is applicable throughout the varied climatic conditions of the State, it is entirely

July 10, 2017
Ms. Jeanine Townsend

probable that a measurable rainfall different than one-tenth of an inch is appropriate in certain areas and for certain applications. The regulation should therefore provide greater flexibility to allow a local or regional determination of what constitutes a measurable amount of rainfall rather than prescribing a threshold of at least one-tenth of an inch in the proposed regulation.

Similarly, given that rainfall can be highly varied and there can be long distances between gauges (there are only 3 listed CIMIS station in Orange County), local agencies should have the flexibility to make a local determination of how the measurable rainfall is determined, for example through an averaging of multiple rain gauges or the use of gauge adjusted radar rainfall products.

4. Section 963(b)(1)(G) – The irrigation of turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk

The proposed regulation appears likely to create an immediate compliance issue for many public agencies due to the extensive amount of likely impacted areas. Public agencies with a local landscape ordinance (at least as effective as the State's Model Water Efficient Landscape Ordinance, which requires a Maximum Applied Water Allowance) should be exempted from the regulation and others should be allowed time until planned capital improvement project (CIP) or major maintenance take place to come into compliance.

The exemptions (currently for community or neighborhood function) should also be expanded to include:

- Turf already retrofitted to use recycled water
- Turf irrigation that directly supports trees
- Turf that is part of vegetation in a stormwater quality control measure

5. Additional consideration

Certain existing wasteful water uses support downstream habitat and provide an important beneficial use. To the extent that downstream capture is exercised (e.g. though a regional diversion or infiltration area) local flexibility should be given to defer site specific water wastage controls in these situations in lieu of a regional approach.

If you have any questions, please contact me at (714) 955-0630.

Very truly yours,



Chris Crompton, Manager
Water Quality Compliance

Cc: Orange County Permittees