



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies



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December 26, 2017

Via Electronic Mail Only

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

RE: Comment Letter – Waste and Unreasonable Water Uses Regulations

Dear Ms. Townsend:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the draft Waste and Unreasonable Water Uses Regulations (Draft Regulations). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments on the Draft Regulations' provisions that would prevent the use of recycled water in certain landscape applications.

On May 9, 2016, Governor Brown signed Executive Order B-37-16, which directed the State Water Resources Control Board to develop permanent regulations preventing the waste of *potable* water. The Draft Regulations, however, exceed this direction from the Governor and extend some irrigation prohibitions not only to irrigation with potable water, but also to other reclaimed water sources, such as recycled water. For instance, section 963(b)(1)(G) provides: "The irrigation of turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk, except where the turf

serves a community or neighborhood function.” This provision is not limited to irrigation only with potable water, but would extend to recycled water.

Many of CVCWA’s members have made significant investments in recycled water irrigation capabilities to meet landscape irrigation demand on publicly owned lands without using potable water supplies. Much of this was done in response to the recent drought conditions throughout the state. Prohibiting irrigation with recycled water on publicly owned lands along streets strands assets that cities and special districts have established in order to use water more wisely and efficiently. In short, the prohibition of irrigation, regardless of the source of the water, on publicly owned lands along streets punishes cities and special districts that took steps during the drought to reduce their usage of potable water in irrigation. Additionally, this prohibition could have the unintended consequence of preventing irrigation on these lands without any corresponding savings in potable water supplies where municipalities have already transitioned to using recycled water.

Accordingly, CVCWA requests that the Draft Regulations be revised to limit the prohibition such that only irrigation with potable water is prohibited. This would enable CVCWA’s members to continue using recycled water in landscape irrigation and would better reflect the directives of Executive Order B-37-16.

CVCWA further requests modification of section 963(b)(1)(A) to include a provision that unintentional incidental runoff from landscape irrigation is permissible. Practically speaking, it is very difficult to ensure that zero runoff occurs. Recognizing the inability to prevent any and all runoff, short of ceasing irrigation entirely, would ensure that the Draft Regulations are reasonable and workable for public agencies. This would also preserve opportunities for communities to utilize recycled water supplies in outdoor irrigation applications.

During the recent drought, some CVCWA members began using recycled water to replace potable water in many municipal services, including dust control, wash water, and the activities listed in section 963(b)(2) of the Draft Regulations. In fact, some municipalities provided stations where members of the public could obtain recycled water for these purposes. Some of these activities are not related to an immediate health and safety need or permit condition, but do serve public purposes. CVCWA requests that the Draft Regulations be revised to reflect that the use of recycled water, rather than potable water, is permissible in a wider range of activities than is captured in section 963(b)(2) in order to preserve additional uses of recycled water.

Finally, CVCWA appreciates that the Draft Regulations include a specific rainfall amount of one-tenth of an inch in section 963(b)(1)(E)’s prohibition of the irrigation of turf and landscapes after rain events. However, we remain concerned with the practical hurdles

associated with anticipating a rainfall event of that amount, particularly in the summer when unpredictable cloudbursts can occur.

CVCWA appreciates the opportunity to provide these comments on the Draft Regulations. If you have any questions, or if CVCWA can be of further assistance, please contact me at (530) 268-1338, or eoofficer@cvcwa.org.

Sincerely,



Debbie Webster,
Executive Officer