



December 22, 2017



Via email to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

**Subject: Comment Letter-Prohibiting Wasteful Water Use Practices**

Honorable Board Members:

Thank you for the opportunity to comment on the proposed regulations on waste and unreasonable use. Eastern Municipal Water District (EMWD) supports the adoption of water waste restrictions to eliminate inefficient water use practices and maximize the beneficial use of water. We strongly promote a culture of water use efficiency and have a long history of restricting practices similar to those proposed. These prohibitions are valuable for educating our customers and encouraging conservation. For EMWD, enforcement is accomplished through warning letters and fines and we find that most often violations are unintentional. Customers typically appreciate information provided on how to improve efficiency and take corrective action.

Although prohibitions supplement our other conservation efforts, the most effective resource we have to increase water use efficiency and meet long-term conservation goals is our allocation based tiered rate structure. While restrictions are important, providing a reasonable water budget for each customer without excessive, prescriptive requirements has resulted in significant and sustained water savings since 2009. As the State moves forward in implementing multiple measures to increase conservation, we strongly support the proposed approach of

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adopting limited prohibitions for statewide application and encouraging additional water use efficiency through long term targets.

With that in mind, we offer these comments and suggested revisions to the following proposed restrictions:

1. Article 2, Section 963, (b) (1) (E): We request that *measurable rainfall* be replaced with *effective precipitation*. Effective precipitation is defined by the Model Water Efficient Landscape Ordinance (MWELo) as “the portion of total precipitation which becomes available for plant growth” (California Code of Regulations, Title 23, Division 2, Chapter 2.7, Section 491(n)). There can be several factors that impact the effectiveness of rainfall including soil types. MWELo only considered 25 percent of rainfall annually as effective (California Code of Regulations, Title 23, Division 2, Chapter 2.7, Section 494(a)).

Rainfall as low as one-tenth of one inch, may not be sufficient to keep plants healthy. Average daily plant water consumption is between 0.1 and 0.3 inches of rainfall or irrigation. Higher plant consumption occurs in warmer months and climates. The determination of effective precipitation should be left to the discernment of the local jurisdiction.

2. Article 2, Section 963, (b) (1) (F): We support the continued restrictions on drinking water as an indication of “Conservation as a California Way of Life.” Education and outreach campaigns could use these new permanent restrictions to encourage a new long-term way of thinking about water efficiency in California.
3. Article 2, Section 963, (b) (1) (G): EMWD supports the effort to reduce the irrigation of turf in parkways and medians. We are working with our customers to reduce the amount of turf irrigated primarily for aesthetic purposes within our service area and our efforts include:
  - Prohibiting the installation of new turf in without a functional purpose;
  - Offering funding programs targeting the retrofit of turf areas by public agencies in high visibility areas (to date our non-residential customers have replaced more than 3.2 million square-feet of turf); and
  - Revising our outdoor water budgets to encourage greater efficiency in dedicated landscape accounts.

Our experience indicates that there is generally a willingness by public agencies to replace turf with water efficient landscapes and, most often, it is a lack of funding and resources that prevents a turf conversion project from moving forward. As part of our drought response, EMWD lowered outdoor water budgets for tiered accounts by 70 percent and implemented strict restrictions on the irrigation of turf. We found that some customers had the resources to take advantage of turf retrofit rebates and replaced turf with well designed, aesthetically pleasing, water efficient landscapes. These landscapes serve as a great example to the community of the benefits of water use efficiency and conservation. Other customers, with limited resources, turned off or severely limited irrigation to all landscape. Concerned with unintended consequences, EMWD staff provided technical assistance and guidance to help preserve trees and other landscapes. In some cases, the irrigation of trees resulted in the irrigation of turf.

A preliminary analysis of landscape areas within EMWD shows a small percentage of medians and parkways have only turf. More than half of landscaping in publicly maintained medians and parkways is made up of trees, shrub and non-turf ground covering; the remaining landscape is a mix of turf and trees and shrubs. Based on our experience and analysis, we believe there is a need to offer on-going education and resources to our customers as we improve the water efficiency of landscape over time in lieu of prohibition.

We also work extensively with our customers to convert the potable irrigation of landscape to recycled water whenever feasible. This was especially true during the drought when EMWD offered financing and incentives to reduce dependence on potable water. One of the greatest barriers to converting to recycled water is the cost of on-site irrigation system retrofit. Requiring landscape retrofit would be an additional cost and could limit the expansion of recycled water use. The use of recycled water is inherently efficient; not only is the water reused, but Title 22 prohibits the runoff and ponding of recycled water requiring efficient landscape irrigation. Additional conservation restrictions should not be applied to recycled water use.

Based on our experience in increasing landscape efficiency we request the following revisions to the turf restrictions:

- Prohibit the installation of new turf in medians and in the area between the sidewalks and curb. MWELD currently restricts the use of turf on slopes greater

than 25 percent and prohibits high water use plants in medians (California Code of Regulations, Title 23, Division 2, Chapter 2.7, Section 492.6 (a)(1)(D and E)). A new prohibition on turf in medians and parkways will support and expand on these provisions in MWELD and result in future water efficiency;

- Apply the restrictions on irrigating turf to potable water use only. Recycled water irrigation should be exempt from these prohibitions; and
- Allow an exemption to the turf irrigation restrictions for public agencies that can demonstrate that turf retrofit is not locally cost effective. This would especially be applicable when turf is irrigated along with trees, plants or other landscaping, and extensive irrigation retrofit is required.

Thank you again for considering our comments. EMWD would be pleased to provide you additional information about our programs or to provide clarification if you have any questions. Please contact me at (951) 928-3777 extension 4307 or [lovstede@emwd.org](mailto:lovstede@emwd.org) if you need additional detail. We look forward to working with you to implement the proposed regulations on waste and unreasonable use and all of the components of the “Making Conservation a California Way of Life” framework in the near future.

Sincerely,



Elizabeth Lovsted, P.E.

Director of Water Supply Planning

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