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(11/21/17) Public Workshop
Prohibiting Wasteful Water Use Practices
Deadline: 12/26/17 by 12 noon

COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

GRACE ROBINSON HYDE
Chief Engineer and General Manager

December 22, 2017

Ms. Felicia Marcus, Chair & Members
State Water Resources Control Board
1001 I Street, 24th floor
Sacramento, CA 95814
Attention: Jeanine Townsend, Clerk to the Board



Dear Chair Marcus and Board Members:

Comment Letter – Prohibiting Wasteful Water Use Practices

The Sanitation Districts of Los Angeles County (Sanitation Districts) serve the wastewater collection and treatment needs of approximately 5.6 million residents in the Los Angeles Basin, Santa Clarita Valley, and Antelope Valley. The Sanitation Districts have a long history of water recycling, encompassing over fifty years. Currently, nearly 870 individual sites served by approximately three dozen water purveyors use over 100,000 acre-feet per year of tertiary treated recycled water for non-potable applications such as urban landscape irrigation, agriculture, industrial process water, and other uses, as well as for groundwater replenishment. The Sanitation Districts operate one of the largest water recycling programs in the nation. The Sanitation Districts are also authorized to manage and treat stormwater and dry weather urban runoff in Los Angeles County.

For the most part, the Sanitation Districts support nearly all of the proposed prohibitions on wasteful water practices contained in the subject regulation. Indeed, water conservation measures that have already been implemented have had a measurable impact on wastewater generation in the Sanitation Districts' service area. From its peak in 1998 and despite population growth, wastewater flows in the Sanitation Districts' Los Angeles Basin service area dropped nearly 28%, from a daily average of 506 million gallons per day (MGD) to 351 MGD, due to various indoor conservation measures adopted by our residents.

However, despite this general support for the proposed regulation, the Sanitation Districts have a major concern regarding the subject regulation's proposed provisions. Section 963(b)(1)(G) of the proposed regulation includes the following prohibition: "*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.*" In and of itself, this section would not pose a problem for the Sanitation Districts' water recycling program if it was limited to potable water only. However, this section does not include language limiting the prohibition to potable water only, and thus appears to be a prohibition of all water types, including recycled water and captured stormwater and runoff, for irrigation of street medians and landscaped areas between the street and sidewalk.

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The Sanitation Districts strongly recommend that the prohibition on irrigation of turf in medians and landscaped areas between the street and sidewalk be specifically directed at potable water use only. The rationale for this recommendation is as follows:

- Recycled water distribution systems (i.e., “purple pipe” systems) were specifically designed and constructed (at significant cost) to supply recycled water to a variety of sites that were using domestic water supplies for uses that did not require potable quality water, thus conserving drinking water for higher and better uses. These sites include street medians and publicly owned or maintained parkways, which are referenced in the proposed regulations.
- Purple pipe systems are generally designed to use the least amount of pipeline to reach the largest available recycled water users (e.g., large parks, golf courses, cemeteries, schools, etc.). Since the pipeline routes are normally in public right-of-ways, the street medians (and any publicly owned parkways) along these routes became natural customers for the recycled water. In the Sanitation Districts service area, there were 105 street median sites (excluding CalTrans freeway sites) using a total of 0.81 MGD (91 acre-feet) during 2016. Although this is a significant number of sites, their cumulative usage represents less than 5% of the total landscape irrigation usage in our system during that year. And while not an especially large volume of water, the revenue and meter charges (another sunk cost) from street median customers are important sources of financial support for the recycled water purveyors. It should be noted that many of these purple pipe systems have received State funding for their development.
- In its “Notice of Public Workshop & Notice of Opportunity for Public Comment,” the State Board has noted that there may be other issues associated with this proposed prohibition. Dust resulting from dead turf and the potential loss of trees due to lack of irrigation could significantly impact the aesthetics and “quality of life” for local municipalities that rely on recycled water for street median and parkway irrigation.
- The proposed regulations do not define the phrase “except where the turf serves a community or neighborhood function” and therefore it is unknown how that qualifier will be interpreted. This provision could either make the prohibition unenforceable – because any jurisdiction could claim the turf is serving a community function (otherwise the community would likely not have spent financial and other resources on implementation) – or it will allow the State to supersede the judgment of local jurisdictions about the function served by local green spaces in the community or in a neighborhood. Thus, this phrase is vague and interpreting it will be subjective at best, so the intent of it should be clarified.
- Most areas in the State using recycled water have greater quantities available than they can beneficially utilize. When that is the case, prohibiting recycled water use for medians and parkways would essentially result in that recycled water volume being discharged into a local waterway and potentially lost to the ocean. Thus, recycled water would be wasted, landscape sites would be unnecessarily cut off from their irrigation supply, plant material would be lost, and local public aesthetics would be needlessly degraded, all for no discernable water conservation benefit.
- And while highly unlikely, the potential prohibition of the use of recycled water or captured stormwater and runoff for street median and public parkway irrigation leaves open the possibility that this prohibition could be expanded in the future to other similar uses, such as CalTrans rights of way, or even to public turf areas such as parks, school playgrounds, cemeteries and golf courses, if such outdoor irrigation were to be considered “non-essential.” Aside from the community benefits these green spaces provide, including rainwater infiltration as well as recreational and aesthetic benefits, such prohibitions could seriously impact the financial viability of purple pipe systems and could lead to significant economic losses by the owner/operators of these systems.

- The proposed prohibition is inconsistent with other State policies to conserve water and encourage the use of, or replacement of recycled water with, recycled water (e.g., Water Code Division 7, Chapters 7, 7.3 and 7.5 and the State Board's Water Recycling Policy).

The Sanitation Districts' other comment on the proposed regulations is a minor one. Section 955(a) uses the term "reclaimed water". Assembly Bill 1247 (Setencich), which was enacted in 1995, substituted the term "recycled water" for "reclaimed water" throughout California law.

The Sanitation Districts thank you for the opportunity to comment on the proposed regulation. If you have any questions, please direct them to me at (562) 908-4288, extension 2836 or by email at erikabensch@lacsdsd.org.

Very truly yours,



Erika Bensch
Supervising Engineer
Reuse and Compliance Section

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