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December 22, 2017

The Honorable Felicia Marcus, Chair  
c/o Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

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



**RE: Proposed Prevention of Waste and Unreasonable Use Regulation—Comment Letter**

Dear Chair Marcus:

The League of California Cities® appreciates the opportunity to comment on the Draft Permanent Water Conservation Regulation, which seeks to continue and expand upon emergency drought response regulation that expired in November. The League supports comprehensive water conservation solutions and supported common-sense water use restrictions put in place in 2015, during the most recent drought.

The League further believes water conservation efforts must have the flexibility to adjust to widely varying local circumstances. We urge the Board to eliminate Article 2, Section 963(b)(1)(G), the prohibition of “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.” Section 963(b)(1)(G) proposes a major expansion from previous rules by adding the areas between the sidewalk and street (“parkways” or “verges”) and eliminating the ability to irrigate these areas using recycled water.

Rather than mandating costly turf removal, we would support an incentive-based program for the replacement of turf in publicly owned spaces. Cities already employ water efficient landscaping by complying with the state’s Model Water Efficient Landscape Ordinance (MWELo) or a locally enacted ordinance.

The term “turf” also merits further definition for clarity and to ensure the regulation does not affect irrigation of trees in medians and parkways. The urban tree canopy provides a number of benefits locally and statewide, including assisting with meeting the state’s climate change goals. We urge clarification to ensure trees remain protected.

The proposed restriction could result in a need to retrofit irrigation systems in which local governments have already invested. Retrofitting is a costly and burdensome proposition that would have varying fiscal impacts on already constrained city budgets. Additionally, in some cities, maintenance of publicly owned parkways is delegated to businesses and residential property owners. Requiring cities to enforce this provision complicates implementation of such a measure.

Eliminating the ability to use recycled water to irrigate medians and parkways is problematic as well, particularly for those communities with existing recycled water irrigation systems. In response to the historic drought, many of our cities took the initiative to install recycled water infrastructure in order to reduce their use of potable water for landscaping. By prohibiting both potable and recycled water, this action would penalize cities who were proactive combating wasteful potable water use. The League asks that the Board take into consideration the significant investments made towards recycled water.

We urge you to eliminate the Article 2, Section 963(b)(1)(G) of the proposed regulation. Thank you for considering our comments. If you have any questions, please contact me at (916) 658-8250.

Sincerely,



Erin Evans-Fudem  
Legislative Representative  
League of California Cities

cc: Members, State Water Resources Control Board