



December 13, 2017

Chair Felicia Marcus
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000



Attention: Jeanine Townsend, Clerk to the Board
Sent via email commentletters@waterboards.ca.gov

Dear Chair Marcus:

On behalf of WaterReuse California (WRCA), we thank you for the opportunity to submit comments on the draft "Waste and Unreasonable Water Uses" regulations. WRCA, whose mission is to maximize the beneficial use of recycled water in the state, represents the vast majority of agencies and associated business that provide recycled water in California.

During the most recent drought, the State Water Resources Control Board (Water Board) adopted emergency regulations that were intended to prevent the waste of potable water supplies. As the focus was saving potable water during the drought, the Water Board appropriately limited the application of these regulations to potable water. Now, as the Water Board seeks to make these prohibitions permanent, we ask that the application not be extended to recycled water, recognizing that the Governor's Executive Order B-37-16 specifically states, "The Water Board shall permanently prohibit practices that waste **potable** water...."

As currently proposed, the draft regulations are purposefully vague with respect to their application to uses of non-potable water such as recycled water or captured stormwater. Although we recognize some of the provisions could be considered "universal", others warrant recognition of the water source and its relative availability prior to rendering a broad determination on waste and unreasonable use.

Of particular concern is the prohibition on irrigating "turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalks, except where the turf serves as a community or neighborhood function." As written, this provision would extend to irrigation of these areas with recycled water, which in itself does not constitute a "waste or unreasonable use." Waste and unreasonable use of recycled water would involve runoff, which is already strictly prohibited under State Water Reclamation Requirements and Title 22 regulations.

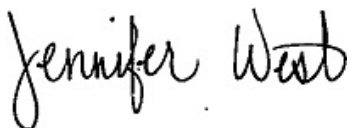
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Importantly, in order to reduce the impacts of drought on their communities, many cities and water agencies have invested millions of dollars in purple pipe systems over the past 25-30 years so they could shift demands from potable to recycled water. The proposed restrictions would result in stranded investments and provide no benefit for local areas that do not have a shortage of recycled water. In other words, restricting the use of recycled water might just result in more treated wastewater being discharged rather than put to beneficial use. Thus, this proposed regulation could have perverse unintended consequences, whereby public areas could go unirrigated without achieving water savings. In areas where recycled water is in short supply, agencies should be allowed to resolve issues with competing uses at the local level, since local circumstances may differ significantly.

Additionally, some communities have replaced hardscape with turf to prevent stormwater runoff and promote recharge and invested in recycled water systems to irrigate these landscapes. Prohibiting the irrigation of these areas with recycled water would unduly penalize these agencies and force immediate and costly landscape conversions.

For these reasons, we ask that you modify the draft regulations so that the application does not extend to recycled water, recognizing the content of Executive Order No. B-37-16. Please feel free to contact me at (916) 496-1470 if you have any questions or would like to discuss the WRCA position.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer West".

Jennifer West
Managing Director