



## San Diego County Water Authority

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December 14, 2017

The Honorable Felicia Marcus, Chair  
and Members of the State Water Resources Control Board

c/o Ms. Jeanine Townsend, Clerk of the Board

State Water Resources Control Board

P.O. Box 100

Sacramento, CA 95812-2000

#### MEMBER AGENCIES

Carlsbad  
Municipal Water District

City of Del Mar

City of Escondido

City of National City

City of Oceanside

City of Poway

City of San Diego

Fallbrook  
Public Utility District

Helix Water District

Lakeside Water District

Olivenhain  
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Santa Fe Irrigation District

South Bay Irrigation District

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Valley Center  
Municipal Water District

Vista Irrigation District

Yuima  
Municipal Water District

#### OTHER REPRESENTATIVE

County of San Diego

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

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

Dear Chair Marcus and Members of the Board:

The undersigned water agencies in the San Diego region are pleased to provide the following comments on the proposed regulation prohibiting wasteful water use practices. First, and foremost, we support long-term water use efficiency as an integral part of a diverse portfolio of water management strategies to ensure a reliable water supply for California. In the San Diego region, we have been “Making Conservation a California Way of Life” for over 25 years, with potable per capita use decreasing by over 40 percent since the early 1990s. We are committed to furthering this effort into the future.

The following comments on the proposed prohibitions reflect our commitment to advancing water use efficiency through flexible approaches, practical implementation, acknowledging local ordinances and cost-effective programs. It should also be noted that any rate setting assumptions used in the economic and fiscal impacts analysis of the proposed prohibitions must recognize cost of service principles. Our comments are as follows:

- 1. Exclude the specific metric that defines reasonable rainfall as “at least one tenth of one inch of rain.”**

We support a general guideline for measurable rainfall rather than a specific quantity. Using a specific metric will make it more difficult for agencies to implement, primarily because rainfall amounts can vary significantly within a community due to micro-climates. Excluding the specific metric and providing the general guidelines of “measurable” will allow for more practical implementation locally.

**2. Remove prohibition to “serve drinking water other than upon request” in eating or drinking establishments.**

Many local ordinances and municipal codes from throughout the state currently prohibit the serving of drinking water other than upon request. However, the State Water Board should exclude the drinking water only upon request requirement on a statewide basis and allow water agencies to reserve it as a local water shortage emergency measure/communication tool to “ratchet up” shortfall urgency if that is deemed in the best interest of the water supplier. Depending on local conditions, it may be helpful to keep a few arrows in a drought emergency quiver, and this measure provides a good public visual and call to action during an emergency. Furthermore, serving drinking water at eating or drinking establishments is: a) not a waste, but rather a beneficial use; b) by nature, difficult to enforce; c) supportive of water agency messaging to “drink from the tap”; and d) a healthy and cost-effective beverage alternative. We support the requirement that hotels/motels provide guests the option of choosing not to have towels and linens laundered daily. This is a good, common business practice that most hotels/motels already practice.

**3. The prohibition against irrigation of turf in medians and parkways must take into account the cost impact to public entities and potential tree mortality.**

The State Water Board’s economic analysis associated with implementation of the proposed regulation states that there is no cost imposed on local agencies, with the exception of urban water agencies. The analysis fails to acknowledge and identify the cost impact to local municipalities who own and maintain the public median strips and parkways that will need to be retrofitted. The prohibition will place a significant financial burden on cities. This is especially true with cities that administer landscape maintenance districts (LMDs).

LMDs are areas within a city that receive a special benefit of landscape improvements above and beyond services that the city typically provides. These areas usually encompass medians and large sections of right-of-way that are between the street and the sidewalk that often have mixed turf and trees. Revenues collected by a city (as an assessment on a resident’s property tax bill) pay for landscape maintenance, water, and capital projects within LMDs, which are also subject to Proposition 218. Notably, many LMDs are on a fixed budget year-to-year and do not have a consumer price index built into the annual assessment. These factors make it very difficult or even impossible to do capital projects within the LMD, such as the conversion of turf to drought tolerant landscaping or the installation of drip irrigation. Additionally, many of these same turf areas have significant amounts of trees that do not easily adapt to drip irrigation.

Based on the cost impacts and potential tree mortality, we provide the following specific comments on the proposal to prohibit irrigation of ornamental turf in medians and parkways:

**a) Remove parkways from the proposed prohibition of turf irrigation.**

These landscaped areas are often maintained by private businesses or homeowners, even though the property is owned by the local municipality. Further complicating the issue,

these landscape areas are often irrigated on the same system as the landscaping in front of the business or residence. They are also often used by residents when walking their dogs or jogging through the community.

**b) Exclude turf medians and parkways that contain trees.**

This approach will avoid the unintended consequences of tree mortality for communities that cannot financially afford the irrigation and landscape retrofitting costs and must shut off irrigation systems to comply.

**c) Provide grant funding to assist public entities with conversions and phase-in implementation to allow entities time to plan, budget, and allocate resources.**

For this regulation to be successful, it must result in conversions from turf grass to well-maintained, California-friendly landscaping, to provide examples to citizens throughout the state that “water-wise” can be beautiful. On the other hand, if this regulation results in medians with dead turf and trees, it will likely have the opposite effect. Many cities and counties do not have the financial resources to convert their medians, and as a result, they will simply stop watering. Providing the resources and time to public entities will allow for well-planned landscape transformations.

**d) Allow irrigation of existing turf medians and parkways with recycled water.**

Water agencies have made significant investments to transition from using potable water to recycled water for these areas. This investment has allowed communities to become more regionally sustainable and reduce reliance on the Bay-Delta, consistent with the Governor’s Water Action Plan. These past investments must be acknowledged and the final regulation allow agencies to continue utilizing recycled water on existing turf medians and parkways. The regulation could contain a prohibition that any new or renovated median to be irrigated with recycled water cannot be planted with turf.

**e) The State Water Board should coordinate with land use planning agencies, such as California State Association of Counties and League of California Cities, and directly with cities and counties to solicit their input.**

As mentioned above, the permanent regulation will impact most cities and counties in the state of California and the State Water Board must reach out to these municipalities and solicit their input.

**4. Allow an exemption to the prohibition of the application of potable water directly to sidewalks in instances where the sidewalk bisects a turf area in an existing public park.**

The proposed regulation should take into consideration that many public parks include large turf areas that are bisected by sidewalks and irrigated by water-efficient commercial-grade rotors. In many instances, those sidewalks were added years after the park was constructed and after the irrigation system was installed. Because it can be cost prohibitive to modify the

existing irrigation system in these instances, it is recommended that an exemption be allowed to the prohibition of the application of potable water directly to sidewalks in instances where the sidewalk bisects a turf area in an existing public park.

**5. Health and safety exemptions should be clearly specified within the prohibition.**

Section 963(b)(2)(A) of the proposed regulation mentions that water use is not prohibited “to the extent necessary to address an immediate health and safety need.” We request that this language be included within the list of prohibitions to clarify the health and safety exemptions upfront. The list of prohibitions will be widely distributed and is the text that media outlets are likely to highlight. In addition, we request removing the word “immediate” from this sentence to provide local agencies with more flexibility in how they address health and safety needs that may be unique to their service areas.

Finally, we ask that additional analysis be provided that supports the State Water Board’s jurisdiction regarding its proposed regulation in Article 2, Section 963.

Thank you for the opportunity to comment of the proposed regulation on water use prohibitions.

Sincerely,



Maureen A. Stapleton  
General Manager  
San Diego County Water  
Authority



Wendy Chambers  
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Carlsbad M.W.D.



Christopher W. McKinney  
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Carlos Lugo  
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Brett Sanders  
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Lakeside Water District



Cari Dale  
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City of Oceanside



Kim Thorner  
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Olivenhain M.W.D.



Mark Watton  
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Otay Water District



Allen Carlisle  
CEO/General Manager  
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Tina White  
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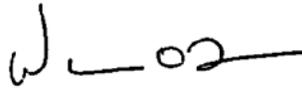
Tom Kennedy  
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Santa Fe Irrigation District



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