



VIA EMAIL: commentletters@waterboards.ca.gov

December 21, 2017



The Honorable Felicia Marcus, Chair
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Re: Comment Letter – Prohibiting Wasteful Water Use Practices

Dear Chair Marcus:

Irvine Ranch Water District (IRWD) appreciates the opportunity to comment on the proposed regulations regarding “Conservation and the Prevention of Waste and Unreasonable Use” (Proposed Regulations). The District has thoughtfully reviewed the Proposed Regulations with our experience in implementing local water waste prohibitions in mind. As the State Water Resources Control Board (State Board) is aware, IRWD has had a longstanding commitment to long-term water efficiency and minimizing water waste.

For nearly three decades, the District has implemented innovative water efficiency programs in our service area aimed at increasing water use efficiency and minimize water waste. We have had permanent water waste prohibitions, a number of which are similar to the prohibitions included in the Proposed Regulations, in place within our service area since 1992. Because IRWD understands the importance of preserving California’s water supplies, which requires that Californians embrace the ethic of water use efficiency, the District supports the inclusion of the following in the Proposed Regulations:

- The application of water to outdoor landscapes in a manner that causes non-incident runoff;
- The use of a hose to wash an automobile that is not equipped with a shut-off nozzle;
- The application of potable water to driveways and sidewalks, except where necessary to address health and safety needs;
- The use of potable water in non-recirculating ornamental or decorative water features; and
- The requirement for hotels and motels to provide guests with the option to have towels and linens laundered less than daily.

With respect to the other practices included in the Proposed Regulations, we ask that the regulations be modified to reflect the following comments:

- 1. IRWD requests that the irrigation of turf in medians and parkways with recycled water not be permanently prohibited by the Proposed Regulations.***

The development of alternative, drought-proof supplies is an important component of the state obtaining long-term water sustainability. The Proposed Regulations should recognize investments in drought

resilient supplies, including investments in recycled water, as was the case in the emergency conservation regulations. Those emergency regulations did not prohibit the irrigation of turf within medians or parkways with recycled water. It is unclear from the analysis accompanying the Proposed Regulations why it is now thought to be necessary and an elimination of waste to include such a prohibition in the permanent regulations. Without an understanding of the thought behind this aspect of the proposal, it seems to be an unnecessary action to take during non-drought conditions provided that it was not required during the worst drought in California's history.

Recycled water should not be included in the Proposed Regulations because it is not subject to reductions during drought or as a result of long-term climate change in the same way as potable supplies. Day-in and day-out, regardless of hydrologic conditions, sewage continues to be produced and treated. Recycling the water within it for irrigation use provides cost-effective environmental benefits.

During the drought, urban landscapes and trees in medians and parkways irrigated with recycled water across California remained healthy without a negative impact to potable supplies. For example, over 80 percent of medians and parkways within IRWD's service area are irrigated with recycled water. The irrigation of those landscapes during the drought prevented the development of heat islands even though potable irrigation was drastically curtailed. These benefits should continue into the future.

Additionally, and perhaps more importantly, recycled water is already heavily regulated so that it is used efficiently. Compliance with the conditions of Non-Point Discharge Elimination System permits and other permits ensures the recycled water is not wasted. The State Board should continue to recognize the value of investments in recycled water, and consider the fact that recycled water is not impacted by droughts and climate in the same way as potable water. IRWD respectfully requests the Proposed Regulations be revised to only address potable water use.

- 2. The prohibition on application of water to irrigate turf and landscapes during and within 48 hours after a measureable rainfall of one-tenth of one inch should be modified so not list a specific volume limitation or at the very least be modified to include a higher a volume of rainfall, which would be recognized by most irrigation systems.***

IRWD concurs that irrigating during and after rainfall is a wasteful use. Rainfall can have significant variation in intensity and volume throughout a service area. In some areas of California, the proposed one tenth of an inch of rainfall would be insufficient precipitation to support the landscape requirements without supplemental irrigation. Additionally, many weather-based irrigation systems and automatic rain shut-off devices do not recognize rainfall at the level included in the Proposed Regulations. Given the variability of rainfall and irrigation requirements, local agencies should be given the flexibility to determine what constitutes measureable rainfall and a specific number should not be included in the Proposed Regulations.

- 3. IRWD also recommends that cost impacts to cities and other public agencies and incidental runoff be examined as possible revisions to the Proposed Regulations.***

IRWD recommends that the State Board consider two additional issues regarding the irrigation-related prohibitions:

- **Costs to Public Agencies-** The potential cost to cities and other public agencies to convert existing medians and parkways to non-turf plant material could be substantial. This cost to retrofit existing landscapes was not considered in the *Economic and Fiscal Impacts of the*

Proposed Regulation to Permanently Prohibit Certain Wasteful Water Use Practices (November 1, 2017). IRWD requests that the analysis be revised to consider public agency costs to retrofit existing landscapes and the economic impact associated with the Proposed Regulations.

- Incidental Runoff- Incidental runoff is an unintended small amount of runoff from an irrigation site, such as unintended, minimal over-spray from sprinklers that escapes the irrigation site. Incidental runoff is not runoff due to the intentional or negligent overflow or over application of water to the site. As has been recognized in other State Board actions, including within the Recycled Water Policy, IRWD recommends that the Proposed Regulations recognize that incidental runoff is not what is being targeted by the prohibition in Section 963(b)(1)(A).

4. IRWD recommends that the proposed prohibition on the service of drinking water at dining and eating establishments other than upon request be removed from the Proposed Regulations, and instead remain a valuable public messaging tool to capture the public's attention during shortages.

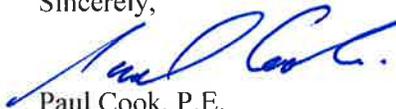
The proposed prohibition on serving drinking water at drinking and dining establishments, other than upon request, is not something water suppliers typically include in permanent prohibitions because the amount of water savings from this type of measure is minimal. Instead, most water suppliers view the prohibition as an important public messaging tool reserved for use during actual shortages. It is an important drought response strategy to draw public attention to the necessity of implementing conservation measures during times of shortages.

Because of the increasing number of media channels and level of messaging the public is exposed to, it has become increasingly difficult to capture the public's attention and to have it respond to key messages. By changing the normal expectation of automatically being served water in restaurants during a water shortage, the public takes immediate note of the shortage and begins to respond.

For these reasons and given the very limited water savings associated with this specific prohibition, IRWD recommends that it not be included in the permanent regulation. Reserving this tool for times of shortage means that water suppliers and the state will not have to rely solely on media channels and messaging to grab the public's attention during the next drought. Instead this valuable messaging tool would be preserved for use by water suppliers during shortages when it is critical to capture the public's attention.

Thank you again for considering our comments on the Proposed Regulations. IRWD remains committed to increased water use efficiency across California and to advancing thoughtful discussion on how best to achieve those efficiencies. Please do not hesitate to contact me at (949) 453-5590, or Fiona Sanchez at (949) 453-5325, if we can be of assistance to you or your staff as the State Board considers comments on the Proposed Regulations.

Sincerely,



Paul Cook, P.E.
General Manager