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Satisfying our Community's  
Water Needs*

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

December 19, 2017

Delivered by e-mail to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)



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

Subject: Comment Letter – Prohibiting Wasteful Water Use Practices

Dear Chair Marcus and Members of the Board:

Mesa Water District (Mesa Water®) provides potable and recycled water service within the City of Costa Mesa, parts of the City of Newport Beach, and some unincorporated areas of Orange County, including the John Wayne Airport. We are able to serve 100% of our customers' water demand with local groundwater and recycled water, due to local investments in conservation and water use efficiency, sustainable groundwater management, and the award-winning Mesa Water Reliability Facility.

During the recent drought, Mesa Water® surpassed its State-mandated conservation standard of 20% with 21.2% cumulative savings, without changes to our uniform volumetric rate structure or unplanned rate increases. Permanent and drought-related water use requirements were in place, in addition to the successful *Mesa Water Saver* campaign for promoting water conservation awareness to our customers.

Mesa Water supports long-term policies that result in a highly efficient and resilient water future for our service area and statewide. We also support local water agencies' continued investments in water supply reliability and water resource planning to meet California's 21<sup>st</sup> century water needs.

We understand that the Governor has given the State Water Resources Control Board (State Water Board) direction to permanently prohibit certain uses of water that have been labeled as wasteful or unreasonable, as a product of Executive Order B-37-16.

Mesa Water's Water Conservation and Water Supply Emergency Program contains a number of permanent water conservation requirements, as well as requirements that become effective during times of District prescribed emergencies. As such, we are in concurrence with majority of the proposed requirements, and have some suggestions for improved efficacy, as noted below.

Proposed Permanent Prohibitions

1. The application of potable water directly to driveways and sidewalks;
  - a. Mesa Water supports this permanent requirement, so long as certain exceptions for health and safety remain, such as street sweeping and health department permit requirements.

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Subject: "Comment Letter – Prohibiting Wasteful Water Use Practices"  
December 19, 2017  
Page 2 of 4

2. The application of water to irrigate turf and ornamental landscapes during and within 48 hours after measurable rainfall of at least one-tenth of one inch of rain;
  - a. Mesa Water tentatively supports this permanent requirement; however, the definition of 1/10" of rain presents a number of issues related to effectiveness and enforcement.

While the State Water Board asserts that 1/10" may represent a pre-defined standard for measurable rainfall, that standard does not necessarily represent effective rainfall as defined by the American Society of Agricultural Engineers as the portion of total rainfall which becomes available for plant growth. Effective rainfall is a localized figure based on measured rainfall, rate of precipitation, soil type, and plant/crop type. The State Water Board should confer with relevant and reputable organizations that could provide valuable fact-based guidance in determining a minimum effective rainfall for California. Such organizations might include California Polytechnic State University's Irrigation Training & Research Center, UC Cooperative Extension, or the California Resource Conservation Districts. Furthermore, the State Water Board should confer with irrigation industry manufacturers to determine what technology is currently available for measuring rainfall and consequently automatically pausing irrigation controllers.

The specification of 1/10" also presents an issue for enforcement as related to the localization of rain events, and burden of proof on the agency with enforcement responsibilities. Without a substantial network of weather stations throughout a service area, it will be challenging to enforce and substantiate any violations.

3. 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;
  - a. Mesa Water does not support this permanent requirement; furthermore, we do not support the assertion that the application of water to turf, or any other plant material, on medians or verges is a wasteful or unreasonable use of water.

The benefits of landscaped verges include neighborhood beautification, comfort and safety for pedestrians on the sidewalk, in addition to an optimal placement for community amenities including street lighting, benches, and bus shelters, as well as environmental benefits including stormwater retention. Verges are often landscaped with turf as it provides a solid, stable, and walkable surface for egress.

The Cities of Costa Mesa and Newport Beach have taken proactive steps to replace turf on many medians and verges, based on their own



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December 19, 2017  
Page 3 of 4

water conservation goals. Mesa Water participates in regional turf removal incentive programs, as it supports customers' voluntary efforts to conserve water, and will continue to do so regardless of these regulations.

Additionally, recycled water has been utilized for irrigation in Orange County since 1991, and both the Cities of Costa Mesa and Newport Beach have converted many irrigation systems for medians and verges to recycled water, at their own cost, which also conserves drinking water. We applaud the Cities for all of their voluntary efforts to conserve water, and for the investments they have made for their communities. Therefore, we suggest that the medians and verges irrigated with recycled water should be given an exemption from the no-turf-watering requirement.

The process for public agencies to budget, secure funding, release bid packages, and execute contracts, for replacing turfgrass in medians and verges, is time and cost intensive. As a result of the recent drought emergency related prohibition of irrigating turf on medians with potable water, many cities still have medians that are void of landscape and have lost many trees in those medians, because of an inability to quickly adapt to changing laws without any immediate source of funding.

Mesa Water suggests that, should the State Water Board permanently prohibit the irrigation of turf on public street medians and verges, with either potable or recycled water, that the State make the following considerations:

- i. Delay the effective date of this permanent requirement, by at least 730 days, to allow Cities, Counties, and other public agencies sufficient time to plan, budget, and be in compliance of such requirements. Without the immediate threat of a drought emergency, we should provide our customers with a sufficient timeframe so they can provide better service to their citizens in providing safe and beautiful roadways.
- ii. Work with the California Department of Water Resources to secure and expand funding for the Institutional Turf Replacement Program beyond the San Joaquin Valley to the rest of California through its existing funding mechanism.

**Requirements for Hotels and Restaurants**

1. The serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food and drink are served and/or purchased;



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Subject: "Comment Letter – Prohibiting Wasteful Water Use Practices"  
December 19, 2017  
Page 4 of 4

- a. Mesa Water does not support this as a permanent requirement. The requirement for restaurants to only serve water upon request saves a miniscule amount of water, but is very effective in promoting the value of high quality drinking water especially during times of shortages. Additionally, this management practice is more likely to generate revenue for the restaurant as they are more likely to sell soft drinks and other beverages. For that reason, many restaurants have adopted this management practice to increase profits. Mesa Water provides menu labels, table tents, and door placards, advertising this water saving effort, free of charge to the restaurants in its service area. Due to this practice's high public awareness value, we suggest that this requirement only be in effect during times of water shortages as declared by the Governor or the water provider.

Mesa Water would like to thank the State Water Board for the opportunity to comment on the proposed prohibitions, requirements, and penalties. Should the State Water Board or staff have any questions about our comments or suggestions, please feel free to reach out to our staff contact:

Justin Finch, MPP  
Water Use Efficiency Analyst  
[JustinF@MesaWater.org](mailto:JustinF@MesaWater.org)

Sincerely,



Paul E. Shoenberger, P.E.  
Mesa Water General Manager

- c: Mesa Water Board of Directors  
Timothy H. Quinn, ACWA Executive Director  
Cindy Tuck, ACWA Deputy Executive Director for Government Relations  
David Bolland, ACWA Director of State Regulatory Relations