

From: Robert Malmodo
To: [commentletters](#)
Subject: Comment Letter – Prohibiting Wasteful Water Use Practices.
Date: Thursday, November 2, 2017 4:44:07 PM
Attachments: [Comment Letter – Prohibiting Wasteful Water Use Practices.docx](#)



Dear Ms. Townsend:

Attached please find my comments to the NOTICE OF PROPOSED REGULATORY ACTION, TITLE 23. WATERS, DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER QUALITY CONTROL BOARDS, CHAPTER 3.5 Conservation and the Prevention of Waste and Unreasonable Use.

Please contact me if you have any questions.

Kind regards,
R Malmodo

Statement/Proposed Action	Comment
	<p>General comment: The document has references to technical reports and studies (e.g. Epsey and Shaw 1997, Manago and Hogue 2017, etc.) but none of those references are detailed in the document, making it impossible to understand the context and vet the references for applicability. All references cited should be fully referenced (and ideally linked to the actual reference) to allow for a better understanding of what this document is attempting to accomplish.</p>
<p>Specifically, the proposed regulation would prohibit all Californians from engaging in certain wasteful water use practices, would penalize particular entities that violate existing laws, and would require specific actions of hotels and motels.</p>	<p>The definition of “Californians” should be specified (do these prohibitions not apply to someone whose bona-fide residence is outside the State?).</p> <p>Penalizing entities that violate existing laws appears duplicative in that if there are already existing laws, which presumably contain penalties for violation, it is not clear whether these are new or additional penalties.</p> <p>Is there a duty to monitor and self-report if there is a violation? What is the mechanism to enforce these prohibitions? What additional levels of funding, training, record keeping, etc., have been set aside to ensure these sorts of violations are enforced to the fullest extent possible? In the absence of meaningful enforcement and penalties, this appears to be a waste of effort.</p>
<p>The Prohibitions (i.e., Californians shall not...)</p>	<p>Again, define who is a Californian.</p> <p>Is it okay for a visitor, say from Nebraska or Russia to engage in these proposed “prohibited” activities without suffering the consequences of these laws?</p>
<p>Apply water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.</p>	<p>Quantify the amount of unacceptable runoff (i.e. is 1 ounce of water that runs off acceptable? Is one gallon? Is one acre-foot?).</p> <p>Clarify whether water from a sprinkler used for irrigation were to land on a walkway is a violation of this stated prohibition. Again, if it is, quantify the amount that will constitute a violation (one drop? One cubic meter?, etc.).</p>

	<p>Define what is a structure. Is it a freestanding statue in the middle of the yard? Is it the flag on a golf course? Etc?</p> <p>Is there a duty to monitor and self-report if there is a violation? What is the mechanism to enforce this prohibition? What additional levels of funding, training, record keeping, etc., have been set aside to ensure this sort of violation is enforced to the fullest extent possible?</p> <p>It is unclear how much water will be saved by this prohibition. There should be a thorough auditing and estimation of the amount of water that is expected to be saved over the course of implementing this prohibition. Studies cited in the document are too general and have statements such as “The proposed regulation may benefit water quality...” in the absence of more-specific data, it is not clear how this will benefit people of the State.</p>
<p>Apply potable water directly to driveways and sidewalks.</p>	<p>See comment above.</p> <p>Furthermore, if non-potable water is discharged onto a driveway or sidewalk, specify the steps to obtain waste discharge requirements that may be needed to ensure the non-potable water does not adversely impact human health, the environment or waters of the State.</p> <p>Again, is there a duty to monitor and self-report if there is a violation? What is the mechanism to enforce this prohibition? What additional levels of funding, training, record keeping, etc., have been set aside to ensure this sort of violation is enforced to the fullest extent possible?</p> <p>It is unclear how much water will be saved by this prohibition. There should be a thorough auditing and estimation of the amount of water that is expected to be saved over the course of implementing this prohibition. Studies cited in the document are too general and have statements such as “The proposed regulation may benefit water quality...” in the absence of more-specific data, it is not clear how this will benefit people of the State.</p>

<p>Apply 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.</p>	<p>Include the metric equivalent of one-tenth of one inch.</p> <p>Are turf farms subject to this prohibition? If they are not, it should be specifically called out.</p> <p>Again, is there a duty to monitor and self-report if there is a violation? What is the mechanism to enforce this prohibition? What additional levels of funding, training, record keeping, etc., have been set aside to ensure this sort of violation is enforced to the fullest extent possible?</p> <p>It is unclear how much water will be saved by this prohibition. There should be a thorough auditing and estimation of the amount of water that is expected to be saved over the course of implementing this prohibition. Studies cited in the document are too general and have statements such as “The proposed regulation may benefit water quality...” in the absence of more-specific data, it is not clear how this will benefit people of the State..</p>
<p>Penalties for Particular Entities</p>	<p>Define what the penalties are for “Californians” who engage in these prohibited acts.</p> <p>It is unclear the amount of revenue that will be brought in to the State in the form of penalties. There should be a thorough accounting and estimation of the amount of revenue that will be achieved over the course of implementing these prohibitions.</p>