



Via Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

December 21, 2017



Ms. Jeanine Townsend, Clerk of the Board  
State Water Resources Control Board  
1001 I Street, 24<sup>th</sup> Floor  
Sacramento, CA 95814

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

Dear Ms. Townsend:

Thank you for the opportunity to comment on the State Water Resources Control Board's (State Water Board) proposed draft regulation to permanently prohibit wasteful and unreasonable water use practices. The proposed regulation is intended to replace the emergency drought response regulation which expired on November 25, 2017.

I write on behalf of the City of Irvine ("City"), a City with a long-standing commitment to water resources management. The City does not operate a water utility but is serviced by the Irvine Ranch Water District (IRWD) for its potable and recycled water needs. IRWD operates one of the most comprehensive and advanced recycled water systems in the nation. This system provides recycled water for irrigating landscape in medians, parkways, parks, and home owner association (HOA) common areas.

#### Proposed Regulations

The following components of the proposed Wasteful and Unreasonable Water Uses prohibitions are of particular concern:

1. The City recommends removal of any reference language to specific measurable rainfall amounts in this regulation.

*"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."*  
[Article 2, §963, (b)(1)(E)]

Use of “one-tenth of one inch” within 48-hours after measurable rainfall as a guideline does not consider rainfall variability and site-specific landscape watering requirements, particularly since one-tenth of an inch may not be sufficient to meet landscape watering needs. Additionally, many rainfall sensors and irrigation controllers do not have the sensitivity to meet this one-tenth inch threshold.

2. The City requests irrigation of turf medians and parkways with recycled water be exempt from the prohibition.

*“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.” [Article 2, §963, (b)(1)(G)]*

The now expired emergency drought response regulations, as directed by Executive Order B-37-16, only prohibited irrigation of turf in medians with potable water. The proposed permanent prohibition expands the prohibition to irrigating turf in medians and parkways with no exemption for irrigating with recycled water. The prohibition of recycled water does not recognize the careful planning and vast resources expended by the City and IRWD to implement water conservation measures with the expanding use of drought-proof recycled water. Recycled water is not impacted by drought.

The City has invested significant resources and planning over many years to convert all median turf irrigation from potable to recycled water. Additional projects are planned to replace existing turf within medians with low-water use plants with recycled water drip irrigations systems. Within its parkways, the City has been converting irrigation meter systems from potable to recycle water. These landscape conversion projects require careful design and budgeting through long-term capital improvement project planning. If recycled water for irrigating turf is not allowed, the estimated cost for turf removal and replacement with low water use plant and drip irrigation systems in medians and parkways is estimated to be well over \$80 million.

3. The City requests the State Water Board re-evaluate and fully quantify the financial impact this regulation will have on public agencies. The City recommends existing medians and parkways be grandfathered from this prohibition until such time so as to provide public agencies adequate time to plan and budget for turf removal and replacement with low-water use plants within medians and parkways.

The *Notice of Proposed Regulation Action* (November 2, 2017) states:

*“The State Water Board has determined that there is no cost or savings imposed on local agencies or school districts as a result of the proposed regulations, or other nondiscretionary costs or savings imposed on local agencies or school districts, with the exception of urban water agencies.” (Page 17)*

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The *Economic and Fiscal Impacts of the Proposed Regulation to Permanently Prohibit Certain Wasteful Water Use Practices* (November 1, 2017) report also did not consider the financial impact on cities and public agencies. In fact, the report states:

*"It is possible that this particular prohibition could have an economic impact. However, not knowing how many acres of turf exist on publicly owned or maintained medians in the State, and being unable to determine and reasonably distribute compliance costs, the Board did not attempt to quantify the economic impact of this particular prohibition."* (Page 45)

Again, thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Lo', with a long horizontal line extending to the right.

Thomas Lo  
Water Quality Administrator

cc: (via email): Joseph Kirkpatrick, Chief Building Official  
Victor Kao, Principal Plan Check Engineer  
Jeremy Jungreis, Esq., Rutan & Tucker