

Santa Fe Irrigation District



February 12, 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



Sent via email to: commentletters@waterboards.ca.gov

Subject: Comment Letter – Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

Dear Chair Marcus and Members of the Board:

The Santa Fe Irrigation District (District) appreciates that the State Water Resources Control Board (State Board) revised the proposed regulation in response to comments submitted by the San Diego County Water Authority, the District and other water suppliers. The District is pleased to provide comments on the January 31, 2018, version of the proposed regulation prohibiting wasteful water use practices. The comments reflect our commitment to advancing water use efficiency through flexible approaches, practical implementation, acknowledging local ordinances, and cost-effective programs.

The District's comments are as follows:

- **Do not include a specific metric to define “measurable rainfall.”**

Defining “measurable rainfall” in Section 963(b)(1)(E) as at least one-fourth of one inch of rain makes it difficult for the general public to determine if the amount of local rainfall reached or exceeded the threshold that triggers the proposed prohibition. A region can have multiple microclimates that result in varying amounts of rainfall within a region. Excluding a specific metric to define “measurable rainfall” allows local water suppliers to more effectively engage in public outreach, providing for more practical implementation locally and more effective implementation of the proposed prohibition.

- **Delete reference to recycled water in Sections 955(a) and 963(b)(1)(G)(iii).**

We request that the State Board allow irrigation of existing turf medians with recycled water. We appreciate that the State Board recognized the importance of protecting investments in recycled water by allowing irrigation of turf with recycled water through an irrigation system that was

installed prior to January 1, 2018. However, considering that the State Board did not provide an analysis to support the State Board's jurisdiction over recycled water in these regulations, we are concerned that the State Board lacks authority to consider the reasonableness of use of recycled water in these regulations. Moreover, in the San Diego region, recycled water that is not beneficially used is discharged to the oceans as a waste, and the proposed regulations will limit the ability to develop recycled water locally. Therefore, we request the reference to recycled water in Sections 955(a) and 963(b)(1)(G)(iii) be deleted from the proposed regulation.

- **Provide grant funding to local governments to perform landscape retrofits of publicly owned and maintained turf areas on medians and parkways.**

Under Section 963(b)(1)(G) of the proposed regulation, the irrigation of turf on publicly owned and maintained street medians and parkways would be prohibited as of January 1, 2025. We remain concerned that the State Board's analysis of the economic and fiscal impacts of the proposed regulation fails to acknowledge and identify the significant fiscal impacts on local governments. 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 frequently include turf areas on street medians and parkways.

Revenues collected by a city through an LMD assessment on a resident's property tax bill pay for landscape maintenance, water, and capital projects and 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. As a result, many cities and counties do not have the financial resources to convert their street medians and parkways to water-smart landscaping and will simply stop watering under the proposed prohibition. Providing sufficient financial resources to local governments will allow for well-planned landscape retrofits.

- **Proposed prohibition should consider local water supply conditions**

We are concerned that Section 963(b)(1)(F) links a proposed prohibition on water use to the declaration of a state of emergency by the Governor regardless of local water supply conditions. Because the proposed regulation imposes a prohibition that is tied to a condition of urgency that bears no relationship to local water supply conditions, we recommend that the proposed prohibition to "serve drinking water other than upon request" be removed from the proposed regulation and be reserved by water suppliers as a local water shortage emergency measure/communication tool.

- **State Board jurisdiction over proposed regulation.**

In the San Diego County Water Authority's December 14, 2017, letter they asked the State Board to please provide its rationale as to why it has jurisdiction to enact its proposed regulation. We have not seen an analysis of this issue from the State Board. The District shares the jurisdictional concerns raised by the San Francisco Public Utilities Commission and the Bay Area Water Supply & Conservation Agency in their joint letter to the State Board dated December 22, 2017. The District is very concerned that the State Board is unilaterally attempting to expand, and exceed, its proper jurisdictional boundaries in both this matter and others before it.

Thank you for the opportunity to comment on the changes to the proposed regulation prohibiting wasteful water use practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Mr Bardin", with a long horizontal flourish extending to the right.

Michael J. Bardin
General Manager
Santa Fe Irrigation District