



February 13, 2018

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

Subject: Comments on Prohibiting Wasteful Water Use Practices

Dear Chair Marcus and Members of the Board:

The Bay Area Water Supply and Conservation Agency (BAWSCA) appreciates the opportunity to provide comments on the proposed regulation to permanently prohibit certain wasteful water uses. BAWSCA provides regional water reliability planning and conservation programming for the benefit of its 26 member agencies that deliver water to over 1.7 million residents and 40,000 commercial, industrial and institutional accounts in Alameda, San Mateo and Santa Clara counties.

BAWSCA appreciates the changes that the State Water Resources Control Board has made to the proposed regulation to grandfather turf in median strips and parkways that are irrigated by a recycled water system installed prior to 2018. However, we still have concerns regarding the applicability of the proposed regulation to recycled water, and recommend the following changes:

- **Specify that the prohibition on irrigating turf on public medians and parkways is applicable to potable water only.** Many water suppliers have made significant investments in recycled water in order to reduce the impacts of drought on their communities. A key incentive for customers to convert to recycled water for landscape irrigation has been the ability to avoid cutbacks during droughts. While allowing irrigation of turf with recycled water systems installed prior to 2018 partially addresses this problem, the January 1, 2018 cutoff date would still result in stranded investment for local areas, including some within the BAWSCA service area, that have recycled water systems under construction. For these areas, the proposed restriction would result in stranded investments and provide no benefit for local areas that do not have a shortage of recycled water. In fact, the prohibition may result in more treated wastewater being discharged rather than put to beneficial use. Thus, the proposed regulation could disincentivize development of recycled water and result in the discharge of recycled water while public areas go unirrigated.
- **Specify that the prohibition on irrigating within 48 hours of rainfall is applicable to potable water only.** Recycled water salinity levels may require more frequent irrigation of landscapes, therefore the restriction on irrigating within 48 hours of rainfall may adversely impact landscape health.

In addition to the technical comments provided above, BAWSCA also intends to submit a second letter, jointly with the San Francisco Public Utilities Commission and others, regarding

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the application of the Reasonable Use Doctrine to declare certain water uses and practices per se “wasteful and unreasonable use” by means of a permanent statewide regulation.

Thank you for your consideration of these comments. If you have any questions, please contact me at NSandkulla@BAWSCA.org or (650) 349-3000.

Sincerely,



Nicole Sandkulla
CEO/General Manager

cc: BAWSCA Board Members
BAWSCA Water Management Representatives
Allison Schutte, Hanson Bridgett, LLP
Steve Ritchie, Assistant General Manager, Water