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April 13, 2015

Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: Comments on Mandatory Conservation Proposed Regulatory
Framework

Transmitted Electronically: Jessica.Bean@waterboards.ca.gov

Dear Chair Marcus:

Thank you for the opportunity to offer these comments on the proposed regulatory framework to implement Governor Brown's April 1, 2015 Executive Order. We are encouraged by the Governor's leadership in attempting to find commonsense and equitable water use reductions and efficiencies statewide balanced with the need to grow the economy and provide housing and homeownership opportunities to Californians.

As you know, California has made great progress in reducing water use in newly constructed homes through the implementation of the California Green Building Standards and through updating the residential plumbing and fixture standards. Studies demonstrate that homes built today realize a savings of over 29,000 gallons of water annually from those built in 2005 and 46,000 gallons per year from homes constructed in the 1980s.

The Executive Order calls for a program to provide financial incentives to retrofit existing residences with updated water-efficient appliance and devices. We believe this is the right thing to do and point out that the most cost-effective water-savings actions for existing residential structures are to retrofit with lower-flow showerheads and lower-flow toilets. If existing homes were brought into compliance with the 2013 CAL Green standards, we calculate an equivalent water savings of over 300 billion gallons annually.

Using potable water outside of newly constructed homes

The Board's existing emergency regulation calls for a prohibition on the use of potable water outside of newly constructed homes and buildings unless delivered by drip or micro-spray systems.

California homebuilders will work with the Board and local water agencies to realize this outcome but greater clarity on how this new requirement should be implemented by over 400 local urban water suppliers and over 500 local building departments will be necessary. Specifically, at what point in the "construction" process will the new regulations apply?

Recommendation:

We strongly recommend that the emergency outdoor landscaping and irrigation regulations adopted by the Board be uniformly treated such that only those regulations approved by the Board and in effect at the local level when an application for a building permit is submitted and a contract for sale has been executed shall apply to the plans and specifications for and the construction performed pursuant to that building permit.

Implementing “weather based” and “purple pipe” requirements

The California Green Building Code currently requires either weather-based or moisture-based sensors for irrigation of landscaping installed by the builder. At present, both the state Housing & Community Development Department and the Building Standards Commission are exploring plans to expand this requirement to include landscaping installed by the homeowner and commercial building owners.

Additionally, legislation that CBIA supported was signed in 2014 requiring both HCD and the BSC to adopt building standards mandating the installation of “purple pipe” in new residential and commercial construction in areas with access to recycled water treatment facilities. The new standards are to be in place by July of 2018. Because though the BSC has the authority to adopt building standards on an emergency basis, the potential exists for the purple pipe mandates to be in place much sooner than the 2018 date.

Recommendation:

We recommend that the Governor direct the state Building Standards Commission and the Housing and Community Development Department to fast-track the requirements of AB 2282 to ensure their implementation on an emergency basis.

2013 baseline

The proposed regulatory framework notes that the Executive Order requires the 25% statewide reduction in potable water use in urban areas be applied or compared to a 2013 baseline. The framework also notes the need for flexibility in achieving this reduction to account for the various levels of conservation already undertaken by many communities across the state.

In 2008, the State undertook a comprehensive effort to reduce per-capita urban water use by 20% by the year 2020, This resulted in the roadmap *20X2020 Plan* to maximize water efficiency and conservation from 2009-2020.

Recommendation:

We recommend that the baseline be established in a more flexible way to recognize and account for significant conservation efforts already undertaken by water districts throughout the state. To do otherwise could be interpreted as rewarding those who have taken no action while punishing those who have.

Additionally, we recommend that recognition/credit be given to those agencies that have made significant investments in diversifying their local water supplies, even though those supply projects may still be in the “pipeline’ and not actually on line by the 2013 baseline.

Again, thank you for the opportunity to offer these comments.

Respectfully,

A handwritten signature in black ink, appearing to read "R. Lyon". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Richard Lyon
Senior Vice President