



California Building  
Industry Association

1215 K Street  
Suite 1200  
Sacramento, CA 95814  
916/443-7933  
fax 916/443-1960  
www.cbia.org

#### 2015 OFFICERS

*Chair*  
**EILEEN REYNOLDS**  
Tejon Ranch Company

*Vice Chair*  
**DON HOFER**  
Shea Homes

*CFO/Secretary*  
**CHRIS AUSTIN**  
DPFG

#### MEMBER ASSOCIATIONS

Building Industry  
Association of  
the Bay Area

Building Industry  
Association of  
Fresno/Madera Counties

Building Industry  
Association of  
the Greater Valley

Building Industry  
Association of  
San Diego County

Building Industry  
Association of  
Southern California

Home Builders  
Association of  
Central Coast

Home Builders  
Association of  
Kern County

Home Builders  
Association of  
Tulare & Kings Counties

North State Building  
Industry Association

May 4, 2015

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814



### Re: Comments -- Notice of Proposed Emergency Rulemaking; Drought-Related emergency Regulations

Transmitted Electronically: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov).

Dear Ms. Townsend:

Please accept these comments on behalf of the California Building Industry Association representing thousands of member companies including homebuilders, land developers, trade contractors, architects, engineers, designers, suppliers and other industry professionals.

As I'm sure you are aware, through the implementation of the California Green Building Standards code (CALGreen) and updated plumbing fixture standards, our state has made tremendous progress in reducing internal water use in newly constructed homes. A new three-bedroom, single-family home constructed today in California uses an estimated 46,500 gallons of water annually for internal use<sup>1</sup> (see attached).

Additionally, significant planning and environmental assessments and verifications are in place to ensure that secure and sustainable sources of water are available to serve new residential development. That being said, CBIA and its members are committed to partnering with the Governor, the Board and all interested parties to become even more innovative and water efficient as we also move the economy forward, create new jobs and meet the full range our future housing needs.

#### **Applying the emergency regulations to newly constructed homes**

As we have noted in earlier comment letters, it is critical that the application of the emergency regulations for outdoor irrigation associated with new residential construction be accomplished in as seamless and uniform manner as possible. To that end the process noted in the most recent language that considers the regulations as outdoor building standards and links their development to the building standard process overseen by the Building Standard Commission is one that we strongly support. As we have noted before, identifying the point in time when the adopted regulations are integrated into the planning and development process and become applicable to newly constructed homes is very important. That point is when an application for a building permit is first submitted after the effective date of the regulations.

#### **Clarification regarding "distributor of public water supply"**

Proposed Emergency Regulation 865 (a) (1) provides a definition of "Distributor of a public water supply" as having the same meaning as under Section 350 of the Water Code.<sup>2</sup>

<sup>1</sup> [Codes and Standards Research Report: California's Residential Indoor Water Use. California Homebuilding Foundation, March 2014, Update.](#)

<sup>2</sup> The governing body of a distributor of a public water supply, whether publicly or privately owned and including a mutual water company, may declare a water shortage emergency condition to prevail within the area served by such

This raises the question must a distributor of a public water supply declare a water shortage emergency in order to qualify as a “distributor of a public water supply” under the Proposed Emergency Regulation?

Furthermore, the Draft Resolution to Adopt an Emergency Regulation for Statewide Urban Water Conservation provides in section 10 that the State Water Board calls upon water suppliers to *b. expedite implementation of new conservation programs by minimizing internal review periods and utilizing emergency authorities, as appropriate.*

Must a water supplier deny applications for new service connections pursuant to their emergency authority (Water Code section 356) to implement new conservation programs? What other conservation programs or powers are available to water suppliers pursuant to their emergency authority?

**Use of potable water during the construction phase**

In many regions of the state, locally adopted air and water quality regulations are in place that mandates mitigation be undertaken to lower dust emissions and reduce sediment. A typical way of accomplishing this is with regular watering of grading surfaces and storage piles. We are concerned that the proposed limitations on the use of potable water during the construction phase might cause a project to be in violation of local air and water quality regulations for dust and sediment control. We would like to see language inserted to address this potential conflict.

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 long horizontal stroke at the end.

Richard Lyon  
Senior Vice President

---

distributor whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the distributor to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.