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December 2, 2015

Jeanine Townsend, Clerk to the Board
commentletters@waterboards.ca.gov
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA. 95814

RE: Comment Letter – Urban Water Conservation Workshop



The California Building Industry Association (CBIA) is a statewide trade association representing over 3,000 member-companies involved in residential and light-commercial construction. CBIA member-companies are responsible for over 90% of the new homes built in California each year. The following comments are respectfully submitted for consideration by the State Water Resources Control Board.

Landscape Water Conservation

Recent Advances:

Significant advances in landscape water conservation have been made in the past six months.

1. The Building Standards Commission (BSC) and the Department of Housing & Community Development (HCD) adopted emergency buildings standards requiring all new commercial and residential buildings to comply with a modified version of DWR's Model Water Efficient Landscape Ordinance (MWELo). These emergency standards further reduced landscape water consumption by an estimated 25% and took effect statewide on 6/1/15.
2. On July 15th, the California Water Commission adopted DWR's updated MWELo, including significant revisions to the scoping provisions and mandatory measures. The updated MWELo takes effect throughout the state on 12/1/15.
3. In response to DWR's update of the MWELo, both HCD and BSC are in the process of updating their emergency building standards to insure consistency with DWR's updated provisions.

Fire Safety Issues:

While industry supported the emergency update of DWR's MWELo, there remain several issues which the DWR staff was unable to address in the short period leading up to the July adoption. One of the more significant outstanding issues is the potential for conflict between the DWR's landscape water-conserving MWELo and California's longstanding fire-safety mandates requiring defensible space around buildings located in fire severity zones.

Existing statute and regulation requires the provision of "defensible space" around the perimeter of buildings located in local- or state-designated "fire severity zones". These are the areas that are frequently referred to as Local Responsibility Areas (LRAs), State Responsibility Areas (SRAs), and the numerous "fire severity" zones. Maps of these areas can be obtained from Cal Fire and each of the counties. At a minimum, defensible space must extend at least 100 feet around the exterior perimeter of the building or up to the property line, whichever is less. The purpose of the defensible space is twofold:

- Provide a significant reduction the burnable fuel load leading up to the structure, and
- Provide a safety zone for fire service personnel to fight approaching fires.

For decades, one of the most common types of landscaping used for defensible space ground cover has been grass turf. However, the updated DWR MWELo seeks to significantly reduce the use of turf in new residential construction and actually prohibits the use of grass turf in most new commercial building applications.

In the June public hearings conducted by DWR, commenters were raising serious question regarding the negative impact on fire safety that could occur when irrigated turf is replaced with drought resistant plant species. This concern seemed to center on the collective impact of DWR's increase in the Irrigation Efficiency (IE) factor and the simultaneous decrease in the Evapotranspiration Adjustment Factor (ETAF) which may well result in reduced plant options for sloped areas serving as "defensible space". In addition, concerns were also being raised with regards to the "fire resistivity" (or lack thereof) of drought-resistant plants when compared to that of irrigated turf, especially when subjected to months of summer heat. Put bluntly, under dry and arid conditions, some drought resistant plant life and ground cover is flammable. This was one of the hard lessons learned in the aftermath of Tahoe's Angora Fire (June 2007).

We hope that SWRCB, DWR, BSC and HCD investigate this issue in the coming months. Looking down the road towards the related adoption by the Building Standards Commission, it should be noted that Health & Safety Code 18930 (Criterion #9) requires the Office of the State Fire Marshal to effectively approve any proposed building standard which could impact fire and life safety **prior** to that standard being adopted by the Commission.

Urban Forest Issues:

Over the past 25 years, state and local entities have pursued extensive efforts to increase the number of trees within urban boundaries primarily seeking to increase natural shade opportunities and reduce the heat island effect. During the DWR, BSC and HCD public hearings, commenters indicated a growing concern that the updated DWR MWELo could have an unintended negative impact on California's urban forests.

Specifically, some of the micro-spray and drip-line water irrigation technologies do not provide adequate irrigation for many of the trees, especially in cases where neighboring grass turf has been (or will be) removed in order to secure compliance with local or state water-use reduction efforts. DWR staff has indicated their intent to further consider this and other related issues when they convene a task force in 2016. However, it should be recognized that both the urban forest issue and fire safety issue raised above should be address as a priority prior to next summer.

Recycled Water Incentives:

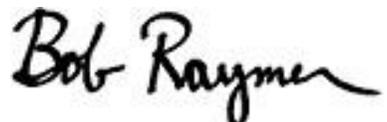
The Governor's Executive Order provided specific direction for agencies to seek reductions in the use of potable water for landscape irrigation. While DWR's updated MWELo provides limited regulatory incentive to use recycled water, the cost of installing the offsite infrastructure to provide recycled water far outweighs the regulatory incentive provided by DWR's updated MWELo. The same can be said for the costs associated with the installation of onsite recycling technology (gray water and/or rainwater capture). In contrast, the State of California and the Investor Owned Utilities have for decades supported a variety of robust programs providing significant financial incentives for "above code" energy efficiency measures. It would seem timely for the Governor's Office, related state agencies (SWRCB, DWR, CEC, BSC and HCD) to join with industry and the environmental community in the establishment of a similar program of robust incentives for the installation of recycled water for landscape purposes.

Recognize Drought Resilient Water Supplies:

The current regulations focus on achieving the state's water reduction standards solely through conservation, and do not allow regional or local water agencies to realize the benefits of their investments in water supply reliability – investments in self-reliance that are consistent with Governor Brown's Water Action Plan. The imposition of demand reduction targets as the state's primary drought response places California at a competitive disadvantage in terms of business attraction and in meeting the housing needs of a growing population. Business and housing industries need to be convinced that the state is doing everything in its power to develop new and drought-resilient water supplies, in order to help support California's economy and quality of life.

That's why CBIA supports modifications to the Emergency Regulation to allow water agencies to meet reduction targets through a combination of conservation and sustainable drinking water supplies by providing credit for new supply development, such as desalination, potable reuse and long-term transfers of conserved water. This is a more balanced, flexible approach to drought management that will help save water now given our current supply challenges and better prepare California for future droughts.

Sincerely,

A handwritten signature in black ink that reads "Bob Raymer". The signature is written in a cursive, flowing style with a long, sweeping tail on the "er" at the end.

Bob Raymer
Senior Engineer/Technical Director
California Building Industry Association