



March 11, 2015

Felicia Marcus, Chair
State Water Resources Control Board
c/o Clerk to the Board
P.O. Box 100
Sacramento, CA 95812-0100
Via email: commentletters@waterboards.ca.gov

Subject: Proposed Emergency Regulations Section 865

Dear Ms. Marcus:

Commenter

The Sierra Nevada Golf Course Superintendents Association (SNGCSAA), purposed with the mission of effecting a more efficient and economical maintenance of golf courses, represents nearly 500 superintendent, assistant superintendent and affiliated members in Northern California and Nevada, covering over 30,000 square miles in all or parts of 26 California counties.

Specific Subject Matter of Comments

The summary of the Proposed Section reads in part as follows with respect to a mandate to adopt two-day per week restrictions on outdoor irrigation:

"Proposed section 865 directs urban water suppliers to implement the stage of their water shortage contingency plan that imposes mandatory restrictions on the number of days that outdoor irrigation is allowed, requires those urban water suppliers without adequate drought shortage contingency plans to adopt them or other measures to promote conservation within thirty days, and report monthly water production information to the State Water Board. This section also requires urban water suppliers that don't already impose a limit on the number of days that outdoor watering is allowed to limit outdoor irrigation of turf and ornamental landscapes to no more than two days per week."

The actual language of the "Proposed Section" reads in part as follows:

"(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that includes mandatory restrictions on the number of days that outdoor irrigation of ornamental landscapes or turf with potable water is allowed. Urban water suppliers with approved alternate plans as described in subdivision (b)(2) are exempted from this requirement."

(2) An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week."

Background

SNGCSAA certainly understands the critical need to address California's water crisis in a significant and meaningful way, and desires to be an integral part of the solution to the challenge before us. We have concerns, however, that the Proposed Emergency Regulations, as drafted, do not recognize the value and importance of Alternative Means of Compliance to turf dependent businesses working diligently to conserve water while maintaining turf in a condition that will enable them to stay in business by providing a satisfactory product to California golf consumers.

The proposed regulations, as written, appear to overlook the water conservation savings realized by those municipalities that have successfully developed and implemented alternative means; most notably, Los Angeles Water and Power Department and San Diego County Water Authority. Nor does the proposed language appear to leave the door open to Alternative Means of Compliance in those municipalities where such options are currently under consideration, including Sacramento and Ventura Counties, among others.

Furthermore, there are a substantial percentage of water providers in the state, particularly in smaller communities, where Alternative Means of Compliance have not been implemented or where the implementation process is still very formative, but where alternative means should remain an option.

"Alternative" protocols more than accomplished the ends for which these and other means in California's Emergency Water Conservation stance. Other public utilities and water providers throughout the state have adopted a parallel protocol for their "Large Landscapes" either through administrative or legal means, or as in the case of San Diego, which is in the process of trying translate its own "Alternative" administrative protocol into a legislative one, both. The protocol resonates, because it achieves results while allowing turf dependent businesses such as golf courses to keep their doors open despite onerous curtailments/reductions in water application. Indeed, there are golf courses in drought ravaged Santa Barbara County muddling through on 50% reductions at the moment. What they cannot "muddle through" are arbitrary two day per week/time of day restrictions. And to the extent to which these Emergency Regulations are crafted to either actually proscribe or seemingly proscribe urban water providers from continuing with or moving forward with what the state's largest city and water provider so successfully pioneered in 2010, needless harm will be done to the state's \$13.3 billion golf industry.

Comments

While a fully informed reading of this Proposed Section would seem to indicate that what Los Angeles Water & Power has been doing with respect to “Large Landscapes” per Ordinance, others are doing per administrative application, and other large urban water providers are currently contemplating is permissible thereunder. But given the reality that the language contained therein must be interpreted by each urban water provider, the golf industry is concerned by the following:

- That many may construe the language as mandating the application of two day per week restrictions;
- That many may construe the language as applying this mandate to industrial users or large landscapes in addition to residential outdoor irrigation and ornamental landscapes;
- That many may construe the language as obviating both extant and envisaged forms of “alternative means” of complying with the ends spelled out in their own drought contingency plans/ordinances and duplicated by the goals sought by this Proposed Section; and
- That many providers may find that the following qualifier in Section (2) obviates their extant or envisaged “alternative means” protocols, because such protocols are budget-based allocation structures instead of the “allocation-based rate” structure specifically referenced in the Proposed Section:

“An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures”

To the extent to which we have interpreted both the letter and spirit of the Proposed Section accurately, we would strongly recommend that the Board clarify the language of the Proposed Section to ensure that these “alternatives” to day of week restrictions, so long as they are “approved” per the test enunciated in Section (2) above – *“achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation or turf with potable water by the persons it serves to no more than two days per week”* – are permissible. And are permissible to adopt if they have not yet been adopted or implemented.

In addition, we would recommend that the Board clarify the language of the proposed Section to permit urban water suppliers to sanction an alternate plan as described in Section (2) that includes both allocation-based rate structures and budget-based allocation structures.

Adding a handful of words to Section (2) so that it reads as follows would cure the problem:

2) An urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures **or budget-based allocation structures** that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate **or budget** structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

In addition, we would recommend that the subject “summary” language be amended as follows to avoid any confusion about a two-day-per-week applicability to “Large Landscapes.”

Proposed section 865 directs urban water suppliers to implement the stage of their water shortage contingency plan that imposes mandatory restrictions on the number of days that outdoor irrigation is allowed, requires those urban water suppliers without adequate drought shortage contingency plans to adopt them or other measures to promote conservation within thirty days, and report monthly water production information to the State Water Board. This section also requires urban water suppliers that don't already impose a limit on the number of days that outdoor watering is allowed to limit outdoor irrigation of turf and ornamental landscapes to no more than two days per week. **“Alternative Plans” approved as specified for Large Landscapes satisfy the requirement.**

Conclusion

Results matter; not specific means. Should you desire further clarification or dialog about any of the points raised in these comments, please feel to contact me via E-mail at kwolford@empiregolf.com or by phone (916)991-7293

On behalf of the SNGCSAA I want to thank you for considering our views on this matter.
Respectfully Submitted on behalf of the Sierra Nevada Golf Course Superintendents Association of America,

Kurtis Wolford
SNGCSAA Vice President