

Regional Water Authority
Building Alliances in Northern California

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VIA EMAIL: commentletters@waterboards.ca.gov

December 21, 2017



Jim Peifer, Chair
Marcus Yasutake, Vice
Chair

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

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Sacramento County Water
Agency
Sacramento Suburban Water
District
San Juan Water District
West Sacramento, City of
Yuba City, City of

RE: Regional Water Authority's Comments regarding the Draft Permanent Prohibitions Against Wasteful and Unreasonable Water Uses

Dear Ms. Townsend:

The Regional Water Authority (RWA) appreciates this opportunity to provide comments on the State Water Resources Control Board's (SWRCB) draft Permanent Prohibitions Against Wasteful and Unreasonable Water Uses dated November 1, 2017 (Draft Regulation). RWA is a joint powers authority that represents 21 water suppliers in the greater Sacramento region. Collectively, RWA's members provide reliable water supplies to approximately two million residents and thousands of businesses.

RWA and Sacramento region water suppliers have demonstrated a long-term commitment to achieving lasting improvements in water use efficiency. These efforts include the administration of a wide variety of incentive and rebate programs for water efficient plumbing fixtures and appliances, outdoor irrigation and landscaping changes, as well as substantial investments in public outreach and informational campaigns during all water year types. Many water providers in the Sacramento region have also adopted ordinances and implemented actions consistent with the Draft Regulation as an element of locally-driven, comprehensive approaches to advancing water use efficiency. As a result of these sustained efforts, per capita water use in the Sacramento region has steadily declined over time and local water providers are on target to meet and exceed existing requirements in State law to reduce urban water use by 20 percent by 2020.

Associates

County of Placer
El Dorado County Water
Agency
Sacramento Area Flood
Control Agency
Sacramento Municipal Utility
District
Sacramento Regional County
Sanitation District

Consistent with the direction of Executive Order B-37-16, the SWRCB's Draft Prohibitions are applicable to the actions and practices of all California residents, businesses, institutions and government agencies. RWA supports the Draft Prohibition's goals of increasing water use efficiency and reinforcing all Californians' awareness of the need to prevent the waste and unreasonable use of water. Specifically, RWA is supportive of practices and actions consistent with the Draft Regulation's provisions that would:

- 1) Prohibit the application of water to landscapes in a manner that causes unproductive runoff;
- 2) Prohibit the use of a hose without a shutoff nozzle when washing a motor vehicle;

- 3) Prohibit the use of water in ornamental fountains without a recirculating pump;
- 4) Prohibit the service of drinking water absent a request; and,
- 5) Require that the operators or hotels and motels provide guests with the option not to have linens laundered daily.

In the interest of ensuring that the final prohibitions are crafted in a manner that accounts for important implementation issues, RWA encourages the SWRCB to refine the language of several elements of the Draft Regulation as follows:

- 1) Clarifying language should be added to the draft prohibition on the application of water directly to driveways and sidewalks to exempt “cleaning or maintenance that cannot be readily accomplished by another method.” While we support the exemption for cleaning necessary to maintain health and safety currently included in proposed §963(b)(2)(A), this provision should be modified to also recognize an exemption for the efficient use of water to clean and maintain paved areas in cases where there are no other readily-available effective methods to address conditions that may not pose a health or safety risk but which impact a meaningful community interest, such the efficient use of water to ameliorate extreme griminess or maintain other aesthetic values.
- 2) The draft prohibition on outdoor irrigation during and within 48 hours after measurable rainfall of at least one-tenth of one inch of rain should be modified to account for the actions taken by responsible Californians that are consistent with the spirit and intent of the prohibition, which we understand to be the prevention of unnecessary irrigation when precipitation levels are sufficient to maintain plant health. Based on a review of commercially-available smart irrigation controllers, many existing models are triggered at or above one-eighth of one inch of rain. Under the draft prohibition, the correct use of these smart controllers could result in a prohibited use of water. Similarly, the draft prohibition’s uniform statewide standard for “measurable rainfall” may not provide adequate levels of water to maintain plant and tree health without additional irrigation given unique local conditions. The draft prohibition proposed in §963(b)(1)(E) should be modified to allow the entities and individuals responsible for implementation of the final prohibition to determine the level of rainfall that constitutes “measurable” based on local conditions.
- 3) The draft prohibition on the irrigation of turf on public street medians and publicly owned or maintained landscape areas between the street and sidewalk should be modified to only apply to the irrigation of turf on new or retrofitted landscape areas. The draft prohibition proposed in §963(b)(1)(G) should also be modified to provide that the irrigation of turf in existing landscape areas is prohibited unless:
 - a) Recycled water is used;
 - b) The area is used for a community or neighborhood function, including, but not limited to assembly, community events, access/egress from parked vehicles, etc.;
 - c) It is not cost effective to retrofit the area relative to the amount of water saved; or,
 - d) The area is on private property or is maintained by the owner of adjacent private property.

Finally, as the SWRCB considers whether and how these and the other draft prohibitions should be made permanent, it is critical to note that the prohibitions would apply to specified “practices” and

“actions” for all Californians.¹ The violation of any final prohibition by an individual or entity should not be interpreted as the waste and unreasonable use of water by a water supplier which serves them. Additionally, while many water providers in the Sacramento region have already adopted ordinances and implemented actions consistent with the Draft Prohibitions as an element of locally-driven, comprehensive approaches to advancing water use efficiency, RWA would oppose any requirements that would shift sole responsibility for implementation of any final SWRCB prohibitions to local water suppliers.

We appreciate your consideration of these comments regarding the Draft Regulation. If you or your staff have any questions, please contact me at (916) 967-7692 or jwoodling@rwah2o.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Woodling', with a large, stylized initial 'J'.

John Woodling
Executive Director

cc: Mr. Max Gomberg, Office of Research, Planning and Performance, SWRCB
Ms. Charlotte Ely, Office of Research, Planning and Performance, SWRCB
Ms. Kathy Frevert, Office of Research, Planning and Performance, SWRCB

¹ Draft Prohibitions §963, §963(b)(1).