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December 14, 2017

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



VIA EMAIL: commentletters@waterboards.ca.gov

Re: Comment Letter – Prohibiting Wasteful Water Use Practices.

Dear Ms. Townsend,

On behalf of Olivenhain Municipal Water District, thank you for the opportunity to provide the State Water Resources Control Board with input on the proposed rulemaking on prohibitions of wasteful water uses. OMWD provides 84,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

OMWD recognizes the value of water in California, and continues to responsibly manage that resource by investing in drought-resilient water supplies and educating its customers on water use efficiency. OMWD customers are committed to making conservation a way of life, and continue to conserve water even after Governor Brown declared the drought emergency over in April 2017. We understand the state's efforts to permanently ban practices that waste our most precious resource; however, some of the rules being proposed raise cause for concern or necessitate further clarification.

The prohibition on watering turf on public medians and verges poses a number of concerns. As currently written, there is not an exception made for the use of recycled water. Restricting the use of recycled water does nothing to offset potable water demand. Furthermore, vegetation along street medians and parking strips functions as a method of dust abatement and could reduce the effects of urban heat islands. While more water-efficient landscaping is available and should be encouraged in these areas, there are times when turf may be the most appropriate choice; for example, in the planted spaces between the street and the sidewalk where street parking is available. Recycled water has been made available in many of these areas, and should remain available for their use. Lastly, "turf" should be defined in the document. One could define turf as any grass or groundcover; however, there are water-efficient grasses and groundcovers that could potentially be suitable alternatives. A distinction should be made for clarity and consistency.

OMWD acknowledges that irrigation of landscapes during or shortly after a measurable rain event should be adjusted in response to the amount of rainfall, however a rigid prohibition fails to account for local variables and should be avoided. Setting a numeric limit as the trigger for when this prohibition takes affect is problematic. It is not uncommon for rainfall to vary across a locality, and setting a prohibition based off rainfall at the nearest weather station creates complications in terms of enforcement and what the actual local variable are. It is quite possible that a property could be in violation of this rule without actually receiving any rainfall on the property. Furthermore, irrigation



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during or after rain is only wasteful if the rain event was adequate enough to replace the need to irrigate. The proposed one-tenth of an inch measure would not be sufficient to replace irrigation in many cases, such the deep irrigation of trees. Additionally, irrigation cycles often adhere to a schedule that cannot easily be deviated from or adjusted each time it rains.

In regard to enforcement of the proposed prohibitions, will authority be assigned to the local level? If there are fines associated with the violation of this state policy, who should be issuing those penalties, and where will that money be directed? Please ensure that this information will be included in the rulemaking document.

OMWD appreciates that health and safety considerations were made when developing these guidelines, such as the allowance to pressure wash sidewalks to prevent spread of disease. We ask the state to give additional consideration to dust abatement and climate cooling benefits when regulating water use on public medians and verges. In addition, OMWD beseeches the state to champion investments in recycled water, which offset demand for potable water and are already held to strict standards, by exempting recycled water from permanent prohibitions on turf irrigation in public medians.

If you or your staff should need any additional details pertaining to this assessment, please do not hesitate to contact me at 760-753-6466 or kthorner@olivenhain.com.

Regards,



Kimberly A. Thorner
General Manager

CC: Kim Craig, Deputy Cabinet Secretary, Office of Governor Edmund G. Brown, Jr.
Assemblywoman Marie Waldron
Assemblyman Rocky Chavez
Assemblyman Brian Maienschein
Assemblyman Todd Gloria
Senator Pat Bates
Senator Joel Anderson
Senator Toni Atkins
Mark Muir, Board Chairman, San Diego County Water Authority
Tom Howard, Executive Director, State Water Resources Control Board
Eric Oppenheimer, Chief Deputy Director, State Water Resources Control Board Planning and Performance
Dave Bolland, Director of Regulatory Relations, Association of California Water Agencies