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February 14, 2018

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2-13-18
SWRCB Clerk

Submitted via e-mail: commentletters@waterboards.ca.gov

Ms. Jeanine Townsend
Clerk of the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

Subject: Comment Letter – Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

The Municipal Water District of Orange County strongly believes in the efficient use of water within our service area, throughout Orange County and the Metropolitan Water District of Southern California. In Southern California, all local and regional agencies fall under the umbrella of the Metropolitan Water District of Southern California's Integrated Resources Plan. This plan provides all of the reliability planning tools that are required to plan for and meet our future water supply reliability goals and it does not require direct input from the State Water Resources Control Board (State Water Board) with respect to planning or water use regulations.

It is the position of the MWDOC Board of Directors that the ultimate responsibility for reliability planning and the costs thereof should remain at the local level where there is direct communication with end using customers who must pay for the investments being made. However we also realize that while we may not always agree on the path the State Water Board has taken, we must comply and work together.

The Municipal Water District of Orange County appreciates the State Water Board's acceptance of many of the comments we provided at the December workshop and our written comments regarding the proposed regulation prohibiting wasteful water use practices. A change to the proposed regulation that we especially appreciate is the recycled water exception for irrigation of existing turf on public street medians and verges. It recognizes the investment made by water providers throughout Orange County and statewide. This makes sense, is consistent with how water agencies develop and use alternative supply options, and is good public policy.

To that end, we would like to take this opportunity to provide further areas of concern for your consideration.

- *Regardless of water right seniority, **given the need** for the water to support other more critical uses.* *[Found in §963 introductory paragraph]*

We find this clause to be ambiguous, especially during non-drought periods.

- *Regarding reliable sources of rainfall data available to the entity undertaking **enforcement** of the subdivision.* [Found in §963 (b)(1)(E)]

We request the term be clarified stating "enforcement and defense."

- *The prohibition of irrigation of turf on **existing** public street medians and verges, unless the turf serves a community or neighborhood function, is still an area of significant concern to us.* [Found in §963 (b)(1)(G)]

We maintain the position that rehabilitated or re-landscaped medians and verges will be converted without this regulation. In fact, this has already been occurring throughout the county as municipalities move toward rehabilitating medians impacted by the recent drought. Further, when these areas are rehabilitated, they will be subject to the Water Conservation in the Landscape Act, which precludes installation of turf grass. According to the Act, these areas are considered commercial landscape and, therefore, assigned a Maximum Applied Water Allowance (MAWA) of 0.45 of the local evapotranspiration. Even with the use of the most efficient irrigation technologies, landscapes assigned a MAWA of 0.45 could not include turf grass and be in compliance with the ordinance.

At the December Workshop, State Water Board staff expressed a concern about relying on the landscape ordinance due to a lack of enforcement of the ordinance. We do not share this concern. In fact, since 2015, cities and counties are required to report annually to the Department of Water Resources on implementation of the ordinance. From this reporting, the Natural Resources Defense Council filed a lawsuit earlier this year against the Cities of Pasadena and Murrieta for failure to implement the ordinance. Enforcement does exist.

We request the State Water Board withdraw the proposed regulation prohibiting irrigation of turf on **existing** public street medians and verges and rely on the requirements of the Water Efficient Landscape Ordinance for new and rehabilitated medians and verges for aforementioned reasons, rather than impose stacked or duplicative regulations.

Again, we appreciate the opportunity to provide you with our thoughts to further shape the proposed regulation to permanently prohibit certain wasteful water uses. Should you have any questions or need additional information regarding these comments, please contact Joe Berg at (714) 593-5008.

Sincerely,

Robert J. Hunter
General Manager

CC: Member Agency Representatives and General Managers