



February 13, 2018

Chair Felicia Marcus and Board Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Jeanine Townsend
Clerk to the Board

RE: Comment Letter – “Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices”

Dear Chair Marcus:

On behalf of WateReuse California, thank you for the opportunity to comment on the changes to the proposed regulation “Prohibiting Wasteful Water Use Practices.” As you know, WateReuse California strongly supports the State Water Resources Control Board's (Board's) and Governor's objectives in *Making Conservation a California Way of Life*. In fact, WateReuse California member agencies are leaders in water conservation in California and throughout the United States. However, we fundamentally disagree with the Board's proposed application of the "Reasonable Use Doctrine" to enact a prohibition on irrigation of turf with recycled water in center medians and “publicly owned and maintained landscaped areas between the street and the sidewalk” (parkways) and believe it would set a troubling precedent.

First, we recognize and thank the Board for changes to the proposed regulation that would essentially grandfather turf in median strips and parkways that are irrigated by a recycled water system installed prior to 2018. This change should minimize the adverse impacts of re-landscaping for the most water progressive communities in the state that have already invested significant funding to install recycling water systems, shifting demand away from limited potable water supplies. However, this provision would not adequately address recycled water irrigation systems that are currently under construction for turf in median strips and parkways. If the irrigation restriction is to remain, a change to grandfather those recycled water irrigation systems installed prior to January 1, 2019 would address this concern.

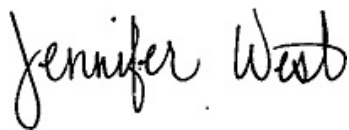
We maintain our objection, as described in our previous comment letter, to the Board's proposed use of the Reasonable Use Doctrine to declare it "wasteful and unreasonable" to irrigate center median and roadside turf with recycled water. A broad statewide reasonable use determination of this fashion fails to recognize significant temporal and geographic circumstances that affect the beneficial use of water in California. Reasonable use determinations for irrigation must be made on a case-by-case basis after considering all relevant fact-specific evidence.

By way of example, the irrigation of center median or parkways with recycled water may not constitute an unreasonable use for a community with insufficient demands to utilize all of its available recycled water and when the excess water would otherwise be discharged to the ocean. On the other hand, a different determination may be warranted for a community that has limited water supplies and fully utilizes its recycled water for other, higher uses. Local agencies are best equipped to weigh these important factors and make fact-based determinations.

Again, we recommend that the Board remove the proposed prohibition on irrigating center median and parkways from the regulation or, at a minimum, modify the provision such that it does not extend to recycled water. If the provision is to remain, we ask that the recycled water "grandfather" clause be extended to January 1, 2019.

Thank you for the opportunity to comment on this proposed regulation. Please feel free to contact me at (916) 669-8401 if you have questions regarding WaterReuse California's comments.

Sincerely,

A handwritten signature in black ink that reads "Jennifer West". The signature is written in a cursive, flowing style.

Jennifer West
Managing Director