



March 15, 2023

Joaquin Esquivel
Chair, State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

RE: 03/21-22/2023 BOARD MEETING – ITEM #7 (Workshop on proposed regulatory framework – making water conservation a California way of life)

Dear Chair Esquivel:

Water Reuse California (WRCA) thanks you for the opportunity to submit comments on the implementation of AB 1668 (Friedman) and SB 606 (Hertzberg), which together lay out a new long-term water conservation framework for California. The legislation was carefully negotiated to include specific provisions recognizing and balancing the fact that recycled water and potable reuse supplies are already drought and climate resilient and that many communities, encouraged through existing state policies, have made major investments or plan to invest in recycled water and potable reuse.

Department of Water Resources (DWR) Recycled Water/Potable Reuse Recommendations

WRCA supports the recycled water and potable reuse recommendations contained in the DWR memorandum, “Recommendations to the State Water Resources Control Board Pursuant to California Water Code Section 10609” and the full recommendation reports.

Specifically, WRCA supports DWR’s recycled water landscape irrigation recommendation, which conforms with the statute and the principles of the Model Water Efficient Landscape Ordinance (MWELO); the potable reuse “bonus” incentive and how it should be calculated, (Appendix B of the DWR report); and the recommendation for a variance for recycled water with high TDS used for landscape irrigation, which is also included in the statute and supported by a recent study. These DWR recommendations are further detailed below:

- The ET factor for special landscape areas, including landscapes irrigated with recycled water should be 1.0 consistent with the statute and the principles of the Model Water Efficient Landscape Ordinance. During the development of the legislation and after its passage, it was broadly discussed by the authors and their staff that a 1.0 ET Factor for recycled water correctly recognizes that landscapes using recycled water may need more water to account for higher salinity and other factors.

- The potable reuse bonus incentive from 10 percent to 15 percent is included in the calculation of a retail agency's Water Use Objective. WRCA is not aware of any agency that will be receiving a 15 percent bonus incentive as none meet the additional statutory requirements for this higher level. During the DWR stakeholder process, WRCA worked directly with members of the environmental community on the potable reuse bonus calculation which is contained in ["Recommendations for Bonus Incentive Methods of Calculation and Supporting Data Requirements, Appendix B"](#). When last discussed, there was agreement among all parties that the implementation of the potable reuse bonus incentive as it appears in Appendix B accurately reflects the statute.
- Provide a variance for recycled water landscapes with high Total Dissolved Solids (TDS) of up to .26 beyond 1.0 ETF. This variance was also specifically contained in the statute. As recommended by DWR, this proposed variance would start at 900 TDS. The extra water would apply to the leaching factor. The need for a high TDS recycled water variance and the appropriate levels for such a variance beyond 1.0 ETF was also contained in a 2018 study ["Accounting for Salinity Leaching in the Application for Recycled Water for Landscape Irrigation"](#), which was conducted by professors at the University of California, Riverside and commissioned by the National Water Research Institute and the Southern California Salinity Coalition.

Governor's Signing Message SB 1157 Indoor Water Use Standard

Further, [Governor Newsom's signing message for SB 1157 \(2022, Hertzberg\)](#) regarding the indoor water use standard, included strong direction for the development of a further recycled water variance **"...nothing in this bill prohibits the Board from creating variances, including a variance to reflect local investments in recycled water and infrastructure. I encourage the Board to do this."**

WRCA urges the Board to include a separate variance for indoor water use if agencies can demonstrate that lowered wastewater flows are negatively impacting recycled water operations, infrastructure or compliance with regulatory permits as a result of the indoor water use standards. WRCA recently submitted a proposal to SWRCB staff for such a variance and looks forward to further discussing this with them.

Conclusion

The state of California through statutes and Water Board policies have long encouraged the development of recycled water and potable reuse as drought and climate resilient water supplies. In fact, Governor Newsom's 2022 *California's Water Supply Strategy: Adapting to a Hotter and Drier Future* further highlights the importance of developing these supplies and details a number of actions for increasing recycled water and potable reuse in the state. WRCA believes the implementation of "Making Conservation a Way of Life" can be complimentary to these state goals and policies. We believe the DWR recommendations capture the balance between using recycled water and potable reuse supplies efficiently, with the state commitment to continue to develop new recycled water and potable reuse supplies.

We urge you to adopt the recycled water and potable reuse recommendations contained in the DWR memorandum and accompanying full recommendation reports, and to also adopt a variance for indoor water use for recycled water as recommended by the Governor. For questions or additional information, please contact me at rcortes@watereuse.org.

Sincerely,

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

Rosario Cortés, Manager of Regulatory Affairs
WateReuse California

cc: Board Members, State Water Resources Control Board
Eric Oppenheimer, Chief Deputy Director