



December 26, 2017

Conveyed via email only to: commentletters@waterboards.ca.gov



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

SUBJECT: Comment Letter – Prohibiting Wasteful Water Use Practices

Dear Ms. Townsend:

Thank you for the opportunity to comment on the proposed additional language for Title 23 of the California Code of Regulations, which would permanently prohibit certain water uses, including uses of recycled water. The Napa Sanitation District is an independent special district serving a population of 82,700 in the City of Napa and surrounding unincorporated areas. The District treats an average 9 million gallons of wastewater each day, and produces unrestricted “tertiary” quality recycled water for irrigation of landscaping, industrial parks, golf courses, pasture lands, feed and fodder crops, a cemetery, Napa Valley College ball fields and landscaping, a recreational park, Napa State Hospital, and drip irrigation of vineyards. The District has been producing and delivering tertiary quality recycled water for approximately 20 years.

We understand the State Water Resources Control Board wishes to require the conservation of any type of delivered water in order to help alleviate drought conditions. We support this goal. However, we believe there has been a significant overreach in one area, namely the proposed prohibition to using recycled water for irrigation of turf in median strips or spaces between the sidewalk and the street (proposed section 963(b)(1)(G)). Our detailed comments are shown below.

1. Local communities should be making the decisions about what type of landscaping is irrigated with recycled water.

The public rights-of-way in the Napa Sanitation District recycled water service area already have turf installed in some areas. If a community has decided to place turf in a median strip, whether or not trees were installed there as well, means that the existing landscaping has already been considered to be a public benefit. To second guess these decisions by municipal government agencies is unfair to the agencies and over-burdensome to change. In addition, agencies would not choose turf unless it

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was deemed a public benefit, because everyone is aware that turf takes more water than other types of landscaping.

2. The proposed median-strip turf language is contrary to the requirement in the Napa Sanitation District NPDES Permit.

The District's National Pollutant Discharge Elimination System (NPDES) permit requires the Napa Sanitation District to deliver recycled water such that there is no discharge of treated wastewater to the Napa River during certain months of the year. To restrict how our agency delivers recycled water (consistent with public health requirements) is disingenuous if the Water Boards really wants to restrict the discharge of treated wastewater to the Napa River in certain months of the year.

3. The proposed median-strip turf language creates new liability for agencies delivering recycled water to these locations.

If a community is delivering recycled water to a median strip, and there is a regulation prohibiting such water use except under certain conditions, it creates liability for municipal agencies. For example, public agencies could be subject to litigation for not documenting the public benefit properly, in which case the decision for what constitutes a public benefit could be forced (by lawsuit) into the hands of others who are not even citizens of the community. This liability for agencies under the proposed language is a poor use of public resources and not justified for the amount of water that would be saved by not irrigating median strips with recycled water.

4. The proposed median-strip turf language creates inordinate bureaucracy (and an unfunded mandate) to have to document community support for irrigating turf median strips with recycled water.

It takes significant public resources to deliver recycled water as it is, without this proposed requirement. The State Water Board has declared that it wants to encourage the delivery of recycled water. This type of detailed mandate is contrary to notion that we should be expanding recycled water programs.

5. The proposed median-strip turf language would cause significant additional expense (an unfunded mandate) for recycled water agencies.

If this language is adopted, recycled water used to irrigate median strip turf

would need to be rerouted and the landscaping would have to be demolished and replaced, both of which would require significant costs for planning and construction. This construction would also be in the street, causing disruption to traffic. This unfunded yet costly mandate is not justified in comparison to the small amount of water saved by the proposed prohibition.

6. Prohibiting the delivery of recycled water for any purpose (consistent with public health requirements) is contrary to the goal of freeing up potable water supplies for potable water uses.

The State Water Board has indicated that it wants to maximize and encourage recycled water delivery. One principal benefit of maximizing recycled water delivery is to make the existing potable water supplies more available for potable uses. This restriction on the use of recycled water would create additional burdens to agencies trying to expand their recycled water programs, including for potable water offset.

7. For all the reasons stated above, section 963(b)(1)(G) should be removed from the proposed additions to Title 23 of the California Code of Regulations.

Because there would be unreasonable impacts to local government agencies, as stated above, with adoption of proposed section 963(b)(1)(G) of Title 23 of the California Code of Regulations, this section should be removed from the proposed regulation before adoption.

We appreciate the opportunity to comment on the proposed additional language for Title 23 of the California Code of Regulations, which would permanently prohibit certain water uses, including uses of recycled water. Please let me know if you have any questions or would like to discuss anything. Thank you very much.

Sincerely,



Andrew Damron, P.E.
Technical Services Director/District Engineer