

**BOARD OF DIRECTORS**

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(11/21/17) Public Workshop  
Prohibiting Wasteful Water Use Practices  
Deadline: 12/26/17 by 12 noon



## Santa Margarita Water District

December 22, 2017

Ms. Jeanine Townsend  
Clerk of the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

By Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Subject: Comment Letter – Prohibiting Wasteful Water Use Practices



On behalf of the Board of Directors of the Santa Margarita Water District (“SMWD”), I thank you for the opportunity to provide comments to the State Water Resources Control Board (“Water Board”) on the proposed regulation to permanently prohibit certain water-wasting practices. We support and participate in programs and initiatives that encourage the wise use of water by our customers and we are pleased to say that we were successful in our efforts to reach and maintain our conservation goal during the recent drought. We did it through thoughtful and consistent messaging to our customers, encouraging their personal participation in the conservation efforts.

Our single biggest area of concern in the regulations is the proposal to permanently “prohibit the irrigation of turf on public street medians and verges unless the turf serves a community or neighborhood function.”

The prohibition of “irrigation of turf on public street medians and verges, unless the turf serves a community or neighborhood function,” is, in our view, redundant, as these new medians and verges are subject to the Water Conservation in the Landscape Act which requires cities and counties to adopt local ordinances that are “at least as effective as” the State’s Model Water Efficient Landscape Ordinance (“MWELo”). According to the Model, these areas would be considered commercial landscape and assigned a Maximum Applied Water Allowance (“MAWA”) of 0.45 of the local evapotranspiration. Even with the most efficient irrigation technologies, landscapes assigned a MAWA of 0.45 could not include turf grass and follow the ordinance.

At the same time, SMWD has invested millions of dollars in the development of recycled water for irrigation and we’ve worked with our cities and local homeowner associations (recognizing that HOAs are private) to provide recycled water in lieu of potable water for medians, and parkways or verges (as well as other “green” areas). Recognizing our investments and those of these cities and HOAs, along with the concept of “fit for purpose,” the state allowed continued irrigation of turf-based street medians with recycled water during the recent drought. Furthermore, SMWD implemented an aggressive Recycled Water Retrofit Program that provided incentives to cities, school districts, and homeowner’s associations to convert irrigation from potable to recycled water. Within the District’s service area, more than 650 acre-feet of potable demand has

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been converted from potable to recycled water since 2015. To achieve this, the District has invested over \$5.5 million dollars to expand its recycled water distribution system; District customers have spent over \$5.4 million dollars to retrofit their site to use recycled water; and over \$1.7 million dollars of public funding has incentivized these projects. In Orange County, some 1,500 acres have been converted through incentives of nearly \$3 million.

The definition of “recycled water” in the State Water Code is “water which, as a result of treatment of waste, is suitable for direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource” (CA Water Code § 13050(n)). The State Legislature declared that, “...it is the intention of the Legislature that the state undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.”

If the proposed regulation is approved, SMWD, other water districts, and local cities will incur significant costs for re-landscaping medians and parkways or simply lose the investment in recycled facilities that they have made. Unbudgeted expenditures for re-landscaping these areas that could be served with recycled water may force cities and counties to cut services or programs in other areas in order to comply. The cost for cities and counties to remove turf in medians and verges represents a significant financial burden that does not appear to be considered in the Economic and Fiscal Impacts of the Proposed Regulation to Permanently Prohibit Certain Wasteful Water Use Practices dated November 1, 2017. The cost already incurred to retrofit landscapes should also be considered. According to the Orange County Chapter of the California Landscape Contractors Association, the cost to convert a landscaped area to conform to this regulation is a minimum of \$6 to \$7 per square foot. This translates into millions of dollars. In short, these areas are ideal candidates for recycled water use. The regulations should be limited to the prohibition of potable water for their irrigation.

**We urge you to exempt medians and verges irrigated with recycled and other renewable water supplies from the proposed regulation and modify the regulations to recognize that the State’s Model Water Efficient Landscape Ordinance accomplishes the desired efficient water usage of these areas.**

Very Truly Yours,  
SANTA MARGARITA WATER DISTRICT



Don Bunts  
Deputy General Manager