



Sent VIA Email: commentletters@waterboards.ca.gov

February 14, 2018

The Honorable Felicia Marcus, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95814

Dear Chair Marcus,

On behalf of Burbank Water and Power (BWP), a water and energy supplier to a population to approximately 107,000 people, I appreciate the opportunity to provide additional comments on the State Water Resources Control Board (SWRCB) staff's most recent draft "Waste and Unreasonable Water Uses" regulations. BWP submits this letter in addition to the California Municipal Utilities Association (CMUA) and Water Reuse California's (WRCA) letters. We fundamentally disagree with the Board's decision to use this regulation to restrict recycled water applications in "publicly owned and maintained landscaped areas between the street and the sidewalk" (parkways). More broadly, unwarranted restrictions on recycled water should not be included in this regulation and sets poor policy contrary to the City of Burbank's intended beneficial use of recycled water.

I would like to thank the SWRCB for amending paragraph "(G)" to allow for a grandfather clause to existing medians irrigated with recycled water. This changes takes into consideration the prior investments paid for with ratepayer dollars installed prior to January 1, 2018. I would also like to thank the SWRCB for understanding the value of trees in these public spaces that reduce the heat island effect. However, the SWRCB did not provide analysis to support the restricted use of recycled water in this proposed regulation. Specific to Burbank, recycled water that is not beneficially used is discharged to the ocean as a waste, and sets a precedent to discourage the development of recycled water projects locally. Therefore, the proposed regulation should focus on ways to prevent the waste due to a shortage of potable water supplies not recycled water. This can be achieved by deleting the reference to recycled water in Sections 955(a) and 963(b)(1)(G)(iii) or include the following amendment in paragraph (G) "*(iv) the turf that can be irrigated with recycled water that would otherwise be discharged to the ocean.*"

In a continued effort to plan for future droughts, the City of Burbank (The City) has plans in place to continue the expansion of its recycled water distribution system to offset potable water use in a phased in approach. Currently, most of our customers with large landscapes, parks and City property have shifted to recycled water. As an additional benefit, a portion of the recycled irrigation water percolates to the groundwater table and adds to our ground water supply. The recycled water that is not used for irrigation would otherwise be lost and go down to the ocean and; therefore, direct beneficial reuse and the secondary benefit of an additional 20% credit for groundwater recharge. Furthermore, the City promotes green roofs to encourage energy conservation, reduce greenhouse gases and defeat the heat island effect. The trajectory of this regulation is contrary to our policy goals of promoting secondary uses of recycled water. The SWRCB, would rather see recycled water wasted, sent to the ocean, rather than promote these secondary environmental benefits and promote green rights of way.



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We urge the Board to recognize and honor local decisions to make investments in recycled water that should be supported and incentivized for maximizing continued use and further development. For these reasons, we ask that you modify the draft regulations so that the application **does not apply to recycled water** or amend the regulation. Recycled water is currently the most efficient way to conserve potable water (100% conservation) long term as well as respond to the drought. The exclusion of recycled water in the draft regulations will recognize our existing and ongoing investments in the infrastructure we put in place to provide recycled water for its economic lifespan of 30-40 years. The consequence we will face of not using the abundant supply of recycled water is that more water will be discharged to the ocean rather than put to beneficial use.

I appreciate the opportunity to provide comments and look forward to working closely in the future. Please feel free to contact me at (818) 238-3550 or jsomoano@burbankca.gov if you have any questions or would like to discuss.

Sincerely,

Jorge Somoano
General Manager

Cc: Honorable Members of the State Water Resources Control Board
Eileen Sobek, Executive Director, State Water Resources Control Board
Max Gomberg, Climate and Conservation Program Manager, State Water Resources Control Board
The Honorable Anthony Portantino, California State Senate
The Honorable Robert Hertzberg, California State Senate
The Honorable Laura Friedman, California State Assembly
Ron Davis, City Manager – City of Burbank
David Jones, Emanuels Jones and Associates