



February 14, 2018

State Water Resources Control Board  
Attention: Ms. Jeanine Townsend, Clerk of the Board  
P.O. Box 100  
Sacramento, CA 95812-2000



Sent via email to: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

### Comment Letter – Changes to Proposed Regulation Prohibiting Wasteful Water Use Practices

Dear Ms. Townsend:

On behalf of the California Water Association (“CWA”) and the 101 water utilities regulated by the California Public Utilities Commission (“CPUC”) that serve 6 million Californians with safe, reliable, high-quality water, I respectfully submit the following comments on the changes to the proposed regulation of wasteful water use practices, issued by the State Water Resources Control Board’s (“State Water Board”) on January 31, 2018. CWA appreciates the opportunity to comment on the revisions made in the January 31 draft.

In its December 22, 2017, comment letter, CWA requested that the State Water Board provide sufficient flexibility to water providers and their communities such that local circumstances can be considered and incorporated into local restrictions, with the goal of minimizing customer confusion and pushback. CWA supports following revisions to Sec. 963(b)(1) of the proposed regulation made by the State Water Board and thinks they add to the flexibility sought by many of the commenters:

- Inclusion of “more than incidental” runoff to Sec. 963 (b)(1)(A) with respect to water that is applied to outdoor landscapes;
- The addition of a fountain registered on the National Register of Historic Places in Sec. 963 (b)(1)(D)(ii) to the restriction associated with the use of potable water for ornamental fountains or decorative water features unless the water is part of a recirculating system or is registered, as noted;
- The increase of measurable rain from one-tenth of an inch to one-quarter of an inch in Sec.963(b)(1)(E) before water can be used to irrigate turf and ornamental landscapes. CWA is still concerned that one-quarter of an inch does not consider the wide variability of microclimates, precipitation amounts, and distance to a CIMIS weather station (or other reliable source of rainfall data in a community). However, CWA acknowledges that the increase to a quarter inch may be more discernable at a nearby location in the same customer service area;

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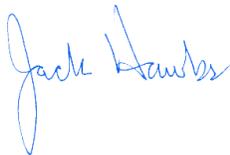
- Limiting the restaurant and hospitality drinking water service restrictions in Sec. 963(b)(1)(F) to periods of emergency drought proclamations; and
- Adding the clarifying conditions in Sec. 963(b)(1)(G) associated with irrigation of turf on public street medians or other publicly owned and maintained landscaped areas between the street and sidewalk.

CWA appreciates that staff largely adopted CWA's recommendation in Sec. 963 (b)(2)(A), where the use of water to the extent necessary to address a health and safety need is not prohibited. However, the current draft in (A) contains a typo where it states "... to address an health and safety need." It should be revised to read "... to address a health and safety need."

Finally, CWA agrees with the point made by the Regional Water Authority in its comment letter regarding the responsibilities of the water utility vis-à-vis its customers, which is that the State Water Board must ensure that the specified "practices," "actions," and "prohibitions" in Sec. 963 and Sec. 963(b)(1) apply to all, and not just some, Californians. For the regulations to work, we **all** need to be responsible for adopting a heightened water use efficiency and conservation mindset. For that reason, we caution the State Water Board against further modifying the proposed regulations in a way that would shift the responsibility for a violation from a customer to the water supplier that serves that customer. Instead, the regulations must continue to reflect that the water supplier and its customer are autonomous, such that the violation of a water use prohibition by a customer (whether an individual or entity) cannot be attributed to the utility. Moreover, restrictions and ordinances consistent with the State Water Board's proposed statewide regulations have already been adopted by local communities or, in the case of CWA's member utilities, accounted for in their CPUC-approved tariff rules.

Thank you for the opportunity to provide this additional comment letter. If you have any questions, please feel free to contact me at [jhawks@calwaterassn.com](mailto:jhawks@calwaterassn.com) or (415) 561-9650.

Sincerely,



Jack Hawks

Cc: Hon. Martha Guzman Aceves, Commissioner, California Public Utilities Commission  
Rami S. Kahlon, Director, Water Division, California Public Utilities Commission  
Max Gomberg, Office of Research, Planning and Performance, SWRCB  
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