THE CITY OF SAN DIEGO

March 11, 2016

California Department of Water Resources
Attn: Julie Saare-Edmonds, Water Use and Efficiency
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Submitted electronically: julie.saare-edmonds@water.ca.gov

**Re: ITP Recommendations Report to the Legislature on Landscape Water Use and Efficiency**

To Whom It May Concern:

Thank you for the opportunity to provide comments related to the Independent Technical Panel's (ITP) Recommendations Report to the Legislature on Landscape Water Use and Efficiency. The City of San Diego's Public Utilities Department supports the ITP's use of a thoughtful, deliberative process to identify and develop solutions for expanding conservation in outdoor water use. We greatly appreciate the opportunity to provide input to the ITP regarding the recommendations contained in the draft report, and offers the following comments on specific items as follows:

**GENERAL COMMENT—Definition of Recycled Water Should Include Potable Reuse.** ***Implementation of potable reuse projects will offset demand for irrigation with potable water***

The City of San Diego agrees with the ITP's recommendation to add a statewide goal to reduce potable water use on urban landscapes statewide on the order of 50 percent from pre-drought levels over the next 20 years. We believe that this will not only foster significant water conservation benefits but it will also encourage the use of recycled water. We call on the ITP to assure that the definition of recycled water is consistent with §10608.12 (m) of the Water Code (as defined by 7x7, 2009 legislation). This definition includes recognition of indirect potable reuse water supplies as recycled water.

For many communities, such as San Diego, the amount of recycled water we can produce is optimized by incorporation of potable reuse. Potable reuse allows San Diego to reduce ocean discharges beyond that which would be feasible for non-potable recycled water projects alone. Potable reuse also provides significant water quality improvements, especially reducing salt loads which helps to reduce plant watering requirements, further enhancing the potential for outdoor water conservation. Absent recognition of this definition, communities that invest in potable reuse will be effectively penalized by the ITP's recommended goal, creating a very strong disincentive for potable reuse projects being pursued statewide.

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**SECTION 5—Improvements in Existing Landscapes**
***Recommendation #2: Landscapes Over One Acre***

This recommendation requires triennial irrigation systems inspections for properties with greater than one acre of irrigated landscape. Although we understand the interest in keeping updated as to the status and dynamics of larger landscapes' water systems, it is unclear from the report how this recommendation would be implemented. Specifically, the role of water agencies is undefined. The language speaks to a "Local Agency" being required to notify property owners that the inspection report is required, but does not specify whether the provisions refer to (1) water supply agencies, (2) development, permitting and construction agencies, or (3) some other type of local agency. This issue raises the question as to whether a local agency charged with implementing this provision actually possesses the data necessary to identify the specific properties within the agency's jurisdiction to which the requirement applies.

It appears that landowners would comply with this requirement by hiring a third party to complete the required report. A significant number of parcels and landowners will likely be impacted by this recommendation, and it is unclear whether sufficient numbers of qualified and trained personnel are available to perform these functions. Also, the report is silent as to whether fines or penalties would apply if these audits are not timely completed and submitted. Finally, the proposed deadline of January 1, 2017 for multi-family residential, commercial, industrial and institutional landscapes over 1 acre to submit their first triennial report is not feasible given the amount of work required to perform an audit, and the number of parcels this requirement will apply to. Once this report is adopted, the City would have just a few months to identify all parcels within its service area to which this requirement applied, and notify them by October 31, 2016 of their obligation to produce and submit a report within the following two months.

➔ *In order to address these issues, the City requests that the proposal be amended to (1) more clearly specify the role of particular local agencies in implementing this initiative, (2) align this duty with the possession of data necessary to implement the initiative, (3) clarify who may perform the required audits, including appropriate training and certification requirements, (4) extend the timeline for compliance with the first phase of the audit requirement to allow agencies sufficient time to identify impacted parcels and landowners.*

**SECTION 6—State Model Water Efficient Landscape Ordinance (MWELO) Future Revisions & Process Updates**
***Recommendation #1: MWELO Future Revisions for the Next Review Cycle***
The ITP recommendations summarized in Table 1 could increase the effectiveness of the MWELO and broaden its application resulting in greater water savings on new and existing landscapes. Agencies such as the City of San Diego are already looking into incentivizing pool covers based on conservation potential, but requiring them should lead to more water

savings. Also, the City of San Diego recognizes the potential benefits of downspout redirects and has been working with the City's Storm Water Program to include incentives for downspout redirects in its landscape rebate program.

As with the prior comments, the City suggests identifying how local agency is defined and its responsibility (use the language from the previous comment regarding local agency.) Likewise, consideration should be given to public parks and recreation areas when lowering plant factors, to allow for open space recreation.

**SECTION 7—Complementary Policies and Regulations**
***Recommendation #2: Permit Required for Irrigation Installation***
This recommendation requires irrigation system permits for installations, replacements, and expansion of existing systems by at least 25%. Although we understand the underlying goal of effectively and thoroughly managing landscape water use in a growing urban area like the City of San Diego, this proposal should be limited to larger installations as a general matter. It would be particularly burdensome on ratepayers to impose a permit requirement on extremely small systems that require minimal water supplies. Moreover, it is unclear how enforcement of this requirement would occur. Commercial facilities would be far easier to monitor for compliance than residential areas would be. Is it anticipated that public agency employees will be required to patrol the city to catch unpermitted installations and expansion? This would require a significant commitment of public resources to perform.

➔ *The City requests that (1) a floor be added to this proposal, limiting its application to those facilities above a certain square footage area, and that (2) greater detail be provided as to the proper enforcement of this provision.*

**SECTION 7—Complementary Policies and Regulations**
***Recommendation #4: Piloting Connection Charges that Promote Landscape Efficiency***
This recommendation would reduce connection charges for "better than code" water-efficient landscape installations. Although the City supports landowners doing more than the minimum amount of landscape conservation required by law, the discount provided by this proposal may not yield actual water savings. Since it is provided on the front end, based on design only and no use history data, the benefits conferred by the reduction are speculative. This is an issue for agencies like the City that are required by law to charge the ratepayers the actual cost of

delivering services, as it would be difficult to know if use and charges aligned with the reduction until after the discount has been provided. In addition, these front-end discounts could significantly reduce revenue to retail and wholesale water agencies, with no real guarantee that the reduction actually yields a real conservation benefit.

➔ *The City encourages the ITP to reject proposals to require public water agencies to provide discounts without proof of tangible conservation benefits.*

**SECTION 8—Workforce to Accomplish the Transformation**
***Recommendation #1: Certification of Professionals***
This proposal requires certification in water-efficient landscaping for all businesses that design, install, manage, audit or repair landscape irrigation systems as a means to achieve better water use in landscapes. The City fully supports this recommendation, as standardizing certification would greatly benefit the landscape and irrigation field. To that end, the City is working on certification of our staff through entities approved by the US EPA's WaterSense program.

➔ *The City requests that any certification initiative adopted by the ITP be flexible and allow for any certification accepted by US EPA's WaterSense program.*

**(APPENDIX A) SECTION 7—Complementary Policies and Regulations**
***Recommendation #8: Water Budget Performance Reporting***
This recommendation proposes a permanent (non-drought) performance standard for water suppliers based on the 'Water Budget' concept. The City of San Diego PUD opposes this recommendation. We are proud of the conservation we have achieved throughout the current drought, and our GPCD remains very low under the system we currently use. We support a system that provides local agencies with the flexibility they need to be able to adopt cost-effective conservation programs that are tailored to the unique characteristics and needs of our local consumers.

Requiring the City to implement a new water budget concept would consume precious resources that would be more efficiently spent promoting the successful conservation methods we currently use. Determining appropriate 'budgets' for individual users would be complicated and difficult, and the budgets would require ongoing modification as water users never fit into neat categories. It would be hard for the City to justify these new administrative costs with little proof they will yield actual savings, especially in light of the success of our current conservation efforts. Moreover, variations in billing systems across different utilities would likely limit the technical feasibility of such a proposal.

➔ *The city urges the ITP to maintain the variety of options currently available to California water districts to meet their conservation goals, and to reject the water budget proposal.*

**Conclusion**

The City of San Diego has a long history of success in achieving and exceeding conservation targets, during droughts and normal water years. We appreciate the hard work of the ITP in looking into ways statewide conservation can continue to grow, helping to preserve precious water resources so that they are available to meet Californians' needs in the future.

If you have any questions, please feel free to contact me or Ms. Carolyn Ginno at (858) 654-4286.

Sincerely,

Cathleen C. Pieroni
External Water Policy Program Manager

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