



December 21, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 "I" Street, 24th Floor
Sacramento, CA 95814-0100
commentletters@waterboards.ca.gov

Subject: City of Hayward Comment Letter – Prohibiting Wasteful Water Use Practices

Dear Ms. Townsend:

The City of Hayward (City or Hayward) appreciates the opportunity to comment on the proposed regulations pertaining to the Conservation and Prevention of Waste and Unreasonable Use Regulations. The City is supportive of the State Water Resources Control Board's (SWRCB) efforts to maximize beneficial use of potable water supplies by addressing wasteful practices, consistent with the Governor's Executive Order B-37-16, which specifically states: "The Board shall permanently prohibit practices that waste potable water..." However, Hayward is concerned that certain provisions in the proposed regulations could impact Hayward's ability to develop recycled water as a locally, sustainable alternative to using potable water for irrigation of landscaped areas.

The City of Hayward serves water to about 150,000 residents and over 8,700 businesses and other non-residential customers in Alameda County. California State University – East Bay, Chabot Community College, and Life Chiropractic College West are among the education institutions served by the City. Hayward currently purchases 100 percent of its water supply from the San Francisco Public Utilities Commission (SFPUC). Similar to all SFPUC wholesale water customers, the quantity of water available to Hayward is subject to reduction in dry years or other periods of water supply shortage.

During the recent drought, the SWRCB appropriately adopted emergency regulations to prohibit the waste of potable water supplies. Hayward incorporated all of the SWRCB prohibitions into its Nonessential Water Use Prohibition Ordinance. Now, as the SWRCB seeks to make the prohibitions permanent, we ask that the SWRCB continue to limit the application of these regulations to saving potable water. Of particular concern to Hayward is the broad prohibition on irrigating "turf on public street medians or publicly owned or maintained landscaped areas between the street and sidewalk, except where the turf serves a community or neighborhood function." As written, this provision would extend to irrigation of these areas with recycled water, which does not constitute a "waste or unreasonable use." Waste and unreasonable use of recycled water would involve runoff, which is already strictly prohibited under State Water Reclamation Requirements and Title 22 regulations.



As noted, Hayward currently relies entirely on SFPUC for its water supply. In order to diversify the City's water supply portfolio and reduce the demand for potable water, Hayward is implementing a recycled water project, which will provide a locally sustainable and drought-proof supply of recycled water to customers for irrigation and industrial uses. The first phase of the recycled water project includes construction of a storage tank, pump station, distribution system and customer connections to deliver an estimated 290 acre-feet per year of recycled water. The first phase of the project is expected to go into construction in early 2018 and will cost over \$20 million. The project is being partially funded through a grant and low interest loan secured through the State's Clean Water State Revolving Fund.

Hayward is one of the lowest water users per capita in the State of California and the City's ongoing commitment to demand management and efforts to lock in a portion of the water conservation savings realized by its customers during the recent drought will make it increasingly more difficult to save potable water during future droughts. The City is committed to investing substantially in developing recycled water to improve overall water supply reliability by further conserving potable water supplies. The ability to utilize recycled water on established turf in medians and other public areas is critical to the feasibility of Hayward's recycled water project.

Along with Hayward's demonstrated commitment to water use efficiency, the City also has a keen interest in and commitment to improving the appearance of the community, in part, through additional landscaping in public places and maintenance of existing landscaping. The proposed regulations do not distinguish between new and existing landscape installations. As the SWRCB can appreciate, it would be costly to replace all existing turf in medians and other public areas with other plant materials. Having flexibility at the local level to maintain existing turf and utilize recycled water for irrigation of turf in public areas is important to our continued efforts to make Hayward a greener and more livable community.

The source of supply for Hayward's recycled water project will be treated wastewater from Hayward's Water Pollution Control Facility that would otherwise be discharged to San Francisco Bay. The SWRCB's proposed restrictions on the use of recycled water for irrigation would diminish Hayward's investments in recycled water and provide no water supply benefit since there is no shortage of supply for the City's recycled water project. In other words, restricting the use of recycled water will result in more treated wastewater and associated residual pollutants being discharged to San Francisco Bay, rather than being put to beneficial use.

Hayward respectfully requests that consideration be given to the significant investments that many communities have made in recycled water infrastructure, the impact that the proposed prohibitions may have on the feasibility of recycled water projects and the desire of communities, such as Hayward, to maintain and improve landscaping in public areas in a sustainable manner. Specifically, we ask that the regulations not be extended to recycled water and that communities be given flexibility to decide whether to allow continued irrigation of existing turf in public medians and other publicly maintained areas.

We appreciate your consideration of our comments. Please feel free to contact Jan Lee, Water Resources Manager, at (510) 583-4701 or at jan.lee@hayward-ca.gov with any questions.

Sincerely,



Alex Ameri
Director of Utilities & Environmental Services

cc: Jan Lee, Water Resources Manager