

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



OCT 08 2009

Cities and Counties:

Adoption of the Updated Model Water Efficient Landscape Ordinance

Your action is required to conserve water supplies and comply with State law. The Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird) requires cities and counties, including charter cities and charter counties, to adopt landscape water conservation ordinances by January 1, 2010. In accordance with this law, the Department of Water Resources (DWR) has prepared an updated Model Water Efficient Landscape Ordinance (MWELo) for your use, please see Enclosure 1. Text of the updated MWELo is also posted on DWR's Water Use and Efficiency Branch website at <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>. All local agencies (cities, counties, cities and counties, charter cities and charter counties) have until January 1, 2010, to adopt DWR's updated MWELo or their own local water efficient landscape ordinance. If a local agency has not adopted its own ordinance on or before January 1, 2010, the updated MWELo shall apply within the jurisdiction of that local agency as of that date.

DWR is working with local agencies and governments to conduct outreach activities including workshops to assist implementation of water efficient landscape ordinances. For October and November workshops, please see Enclosure 2. For questions on the updated MWELo and information on DWR's outreach activities, please e-mail mweo@water.ca.gov or contact us at (877) 693-5610 (877-MWELo10), so that a member of our staff can provide personalized service.

Each local agency has until January 31, 2010, to either notify DWR that it has adopted DWR's updated MWELo; or submit to DWR a copy of its adopted water efficient landscape ordinance, a copy of its findings, and evidence that its water efficient landscape ordinance is at least as effective at conserving water as DWR's updated MWELo. Please submit all notifications and documents to:

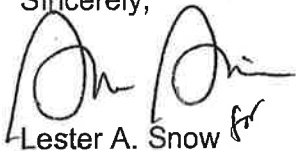
Mr. Simon Eching
California Department of Water Resource
Water Use and Efficiency Branch
Post Office Box 942836
Sacramento, California 94236-0001

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In California's warm, dry climate, more than half of urban water supplies may be used for landscape irrigation. Ensuring efficient landscapes in new developments and reducing water waste in existing landscapes are among the most cost-effective ways to stretch our limited water supplies and ensure that we continue to have the water we need. Other benefits include reduced irrigation runoff, reduced pollution of waterways, drought resistance, and less green waste.

Thank you for your help conserving California's water supplies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lester A. Snow', with a small flourish at the end.

Lester A. Snow
Director

Enclosures

cc: California Urban Water Suppliers



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

5 HARRIS COURT, BLDG. G
POST OFFICE BOX 85
MONTEREY, CA 93942-0085 • (831) 658-5601
FAX (831) 644-9558 • <http://www.mpwmd.dst.ca.us>

January 29, 2010

Mr. Simon Eching
California Department of Water Resources
Water Use and Efficiency Branch
Post Office Box 942836
Sacramento, California 94236-0001

Subject: Compliance with Water Conservation in Landscape Act of 2006 by Monterey Peninsula Water Management District and Jurisdictions Located within its Boundary

Dear Mr. Eching:

The purpose of this letter is to notify the California Department of Water Resources that the cities and the Monterey County area within the Monterey Peninsula Water Management District (MPWMD) have complied with the provisions of the Water Conservation in Landscape Act of 2006. The MPWMD was enacted by state legislation as a water district and public entity pursuant to the provisions of law found at Statutes of 1977, Chapter 527, as amended (found at West's California Water Code Appendix, Chapters 118-1 to 118-901).

On November 16, 2009, the MPWMD Board of Directors adopted Ordinance No. 141 (attached as Exhibit A) which enacts both the Updated Model Water Efficient Landscape Ordinance, as written, as well as additional water efficient landscape mandates for new and rehabilitated landscapes. All jurisdictions located within the MPWMD participated in the development of the ordinance. The ordinance became effective on January 1, 2010.

All properties located within the boundary of the MPWMD are subject to its Rules and Regulations. Within the boundaries of the MPWMD are the cities of Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, Seaside, portions of Monterey County (primarily Carmel Valley, Pebble Beach, Carmel Highlands and the Highway 68 corridor), and the Monterey Peninsula Airport District. (A map showing the location of the jurisdictions within MPWMD is attached at Exhibit B.) For purposes of compliance with the Water Conservation in Landscape Act of 2006, you indicated during a telephone call in November 2009 that the adoption and implementation of Ordinance No. 141 by the MPWMD would fulfill this requirement for those jurisdictions within its boundary.

Mr. Simon Eching
California Department of Water Resources
January 29, 2010
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The MPWMD is committed to enhancing and promoting water efficiency and to enforcing its regulations as necessary to ensure compliance with its Rules. In addition, the jurisdictions within the MPWMD have similarly committed to reducing water consumption in landscapes and to assisting MPWMD with implementation of local landscape regulations. All jurisdictions within the MPWMD will continue to refine, update and implement water efficient landscape regulations as new technology and methods become available. The Monterey Peninsula strives to maintain its place as a leader in water conservation.

Please notify me immediately if there is a need for the individual jurisdictions within the MPWMD to submit the MPWMD ordinance individually. I can be reached at 831-658-5630 or Steph@mpwmd.dst.ca.us.

Sincerely,



Stephanie Pintar
Water Demand Manager

Enclosures:

Exhibit A – MPWMD Ordinance No. 141

Exhibit B – Map of MPWMD Boundary

cc: City of Carmel-by-the-Sea
City of Del Rey Oaks
City of Monterey
City of Pacific Grove
City of Sand City
City of Seaside
Monterey County
Monterey Peninsula Airport District.

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

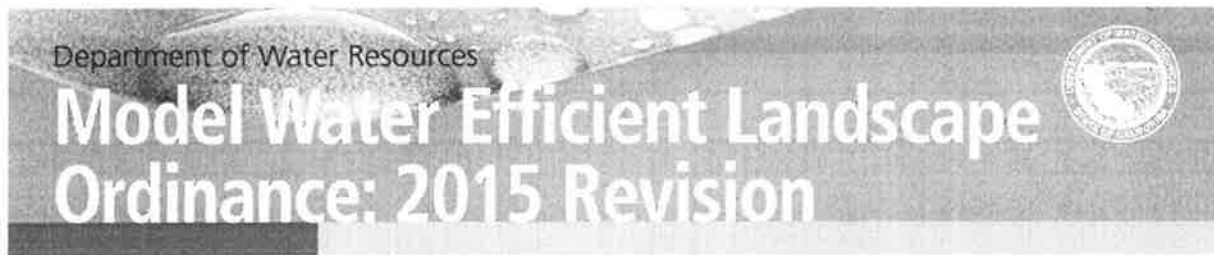
INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

MWELO

Schedule

- The schedule for the 2015 update to the Model Ordinance is as follows:
- Solicit input from stakeholders – through May 27
- Public draft release – June 12
- Public meeting (northern California) – June 19, 10 AM-12 PM, State Resources Building Auditorium, 1416 9th Street, Sacramento, CA 95814.
- Public meeting (southern California) – June 16, 10 AM-12 PM, Metropolitan Water District, 700 North Alameda Street, Los Angeles, California 90012
- Public comment period ends - June 26
- Consideration for approval at California Water Commission meeting – July 15 (note: the ordinance was approved)
- File with Office of Administrative Law – following



Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State's Model Water Efficient Landscape Ordinance (Ordinance) through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015.

Which Projects are Subject to the Ordinance?

New development projects that include landscape areas of 500 sq. ft. or more are subject to the Ordinance. This applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review. The previous landscape size threshold for new development projects ranged from 2500 sq. ft. to 5000 sq. ft.

The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2500 sq. ft. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

When Does the Ordinance Go into Effect?

Local agencies (cities and counties) have until December 1, 2015 to adopt the Ordinance or adopt their own ordinance, which must be at least as effective in conserving water as the State's Ordinance. Local agencies working together to develop a regional ordinance have until February 1, 2016 to adopt, but they are still subject to the December 2015 reporting requirements (see *Reporting Requirements* below). If a local agency does not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance becomes effective by default.

What are the Significant Revisions?

More Efficient Irrigation Systems

- Dedicated landscape water meters or submeters are required for residential landscapes over 5000 sq. ft. and non-residential landscapes over 1000 sq. ft.
- Irrigation systems are required to have pressure regulators and master shut-off valves.
- All irrigation emission devices must meet the national standard stated in the Ordinance to ensure that only high efficiency sprinklers are installed.
- Flow sensors that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5000 sq. ft.
- The minimum width of areas that can be overhead irrigated was changed from 8 feet to 10 feet; areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

Incentives for Graywater Usage

Landscapes under 2500 sq. ft. that are irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D, Prescriptive Compliance Option.

Improvements in Onsite Stormwater Capture

Friable soil is required in planted areas to maximize water retention and infiltration. Four yards of compost per 1000 sq. ft. of area must be incorporated. Other recommended measures for increasing onsite stormwater retention are listed in the Ordinance.

Limiting the Portion of Landscapes that can be Planted with High Water Use Plants

The maximum amount of water that can be applied to a landscape is reduced from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For residential projects, the coverage of high water use plants is reduced from 33% to 25% of the landscaped area. In non-residential landscapes, planting with high water use plants is not feasible. However, unchanged in the Ordinance is the extra water allowance made for non-residential areas when used for specific functional areas, such as recreation and edible gardens. Extra water allowance is also made for landscapes irrigated with recycled water, as was the case in the previous ordinance.

The irrigation efficiency of devices used to irrigate landscapes is one of the factors that goes into determining the maximum amount of water allowed. Rather than having one default irrigation efficiency for the entire site, the revised Ordinance allows the irrigation efficiency to be entered for each area of the landscape. The site-wide irrigation efficiency of the previous ordinance was 0.71; the revised Ordinance defines the irrigation efficiency of drip as 0.81 and that of overhead spray as 0.75.

Median strips cannot be landscaped with high water use plants, precluding the use of cool season turf. Also because of the requirement to irrigate areas less than ten feet wide with subsurface irrigation or other means that produces no runoff or overspray, the use of cool season turf in parkways is limited.

Reporting Requirements

All local agencies will report on the implementation and enforcement of their ordinances to DWR by December 31, 2015. Local agencies developing a regional ordinance will report on their adopted regional ordinance by March 1, 2016. Reporting for all agencies will be due by January 31st of each year thereafter.

Prescriptive Checklist Option for Landscapes under 2500 sq. ft.

Projects with landscape areas under 2500 sq. feet may comply with the performance requirements of the Ordinance or conform to the prescriptive measures contained in Appendix D. Many will find that the Appendix D checklist simplifies compliance.

How Much Water Will Be Saved?

DWR estimates that a typical California landscape will use 12,000 gallons less a year, or 20 percent less than allowed by the 2009 ordinance. Commercial landscapes will cut water use by 35%. Over the next three years, it is predicted that 472,000 new homes associated with 20,000 acres of landscape will be built in California. With proper implementation and enforcement by local agencies, the Ordinance will lead to substantial water savings.

How Can I Get Additional Assistance?

In Fall 2015, DWR will release a guidance document to accompany the Ordinance. Training workshops for local agency staff and landscape professionals will be held throughout the State.

Contact Information:

Julie Saare-Edmonds, DWR Senior Environmental Scientist at Julie.Saare-Edmonds@water.ca.gov or (916) 651-9676