

PROPOSAL PAPER

Independent Technical Panel on Demand Management Measures Final Report on California Landscape Water Use

12/11/15 Draft

Section 2 *(From the current draft outline)*

Section Title: Independent Technical Panel on Demand Management Measures Organization and Process *(From the current draft outline)*

Authoring Team: CCP

ITP Purpose and Scope

The California Legislature passed Assembly Bill (AB) No. 1420 (2007) which amended the eligibility requirements for State water management grants or loans to be conditioned on urban water suppliers implementing specified water demand management measures¹. AB 1420 also directed DWR to convene an independent technical panel by 2009 to provide information and recommendations to DWR and the Legislature on new demand management measures, technologies, and approaches. The ITP is directed to report to the Legislature every five years, starting in 2010. DWR is directed to review the ITP's report and include in the final report to the Legislature, DWR's recommendations and comments regarding the panel process and the panel's recommendations.

Due to insufficient resources, DWR was unable to convene the ITP in accordance with the schedule specified in AB 1420. In January 2013, DWR, in consultation with the California Urban Water Conservation Council (CUWCC), solicited nominations and subsequently selected members for the ITP. The ITP held its first meeting on May 2, 2013. Since inception, the ITP has held **26 meetings** between May 2013 and **March** 2016.

ITP Membership

AB 1420 specified that the ITP should have no more than seven members, and with at least one but no more than two representatives from the following: retail water suppliers, environmental organizations, the business community, wholesale water suppliers, and academia. In accordance with AB 1420, members of the ITP were selected by a joint committee of DWR and CUWCC representatives, based on technical knowledge of demand management measures and geographic representation, and reflect a balanced representation of experts in each of the designated categories. The ITP members are listed below:

Name	Representation	Organization
Peter Estournes	Business	Gardenworks, Inc., Healdsburg, California
Penny M. Falcon, P.E.	Retailer	Los Angeles Department of Water and Power
David W. Fujino, Ph.D.	Academia	UC Davis, Center for Urban Horticulture
William E. Granger	Retailer	City of Sacramento
Lisa Maddaus, P.E.	At large	Maddaus Water Management, Inc
Edward R. Osann	Environmental	Natural Resources Defense Council
Jeff Stephenson	Wholesaler	San Diego County Water Authority

¹ California Water Code §10631.5, §10631.7, and §10644.

ITP Process

The ITP is a legislatively-created state body and meetings are conducted in accordance with the Bagley-Keene Open Meeting Act of 2004 (Bagley-Keene) and consistent with the ITP “Charter” developed by DWR and the ITP when it was originally convened. The Charter describes roles and responsibilities, decision-making methods, communication protocols, and similar for the ITP. Meeting notices and materials are posted on DWR’s web site (<http://www.water.ca.gov/wateruseefficiency/>) at least 10 days ahead of each meeting. Every meeting or webinar is recorded in written format and summaries are posted on the web site.

Roles and Responsibilities

The ITP is, true to its name, an independent panel conducting its deliberations and decision making. ITP activities on the landscape water use topic are supported by DWR (providing technical and administrative staff support) and staff from the Center for Collaborative Policy (providing neutral third party meeting facilitation and logistics). The specific roles and responsibilities of the parties are described in the Charter.

As specified in AB 1420, DWR has the additional role to submit comments and recommendations on the ITP report and on the ITP process to the Legislature. DWR’s comments, when available, will be provided as a supplemental report to this Final Report on Landscape Water Use.

Landscape Water Use Discussion Process

As stated in the Introduction, the ITP planned for its 2014-2015 work from March 2014 to August 2014. During these meetings, the ITP determined the priority topic to address in its 2015 report should be landscape water use. The ITP agreed to conduct meetings as two-day events taking place approximately every other month, alternating locations between northern and southern California. In November 2014, the ITP began hearing presentations from diverse landscape industry organizations and advocacy groups on water use efficiency options. This allowed the ITP to engage in an open dialogue with professionals and to develop objectives for work on landscape topics. The ITP continued its work into 2015 and through this process, chose a seven point framework to guide their work. These seven framing topics are:

- Overarching goals for State water use
- Workforce education and certification
- Model Water Efficiency Landscape Ordinance (MWELo), codes and standards
- Plant labeling and identification of high water use plant material
- Incentives
- Social norms
- Research

Executive Order B-29-15

In April 2015, after a historically low snow pack, and fourth year of drought conditions, Governor Jerry Brown signed Executive Order B-29-15 (EO) requiring the first ever statewide mandatory water conservation measures. Relevant to the ITP, the EO required DWR to:

- Partner with local agencies to replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes in underserved communities.

- Revise MWELo in an expedited time frame to increase water use efficiency for new landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered by turf.
- Require local agencies to report on the implementation and enforcement of local water use efficiency ordinances.

While the ITP had already identified MWELo as part of their seven-point framework, the EO significantly expedited this effort. The ITP worked from late-April to mid-June in a focused effort with DWR to provide recommendations for the MWELo revisions required in the EO. The revised MWELo was approved by the California Water Commission in July 2015 and became effective in the California Code of Regulations on September 18, 2015. Local agencies were given until December 1, 2015 to adopt the Revised MWELo, or a local ordinance at least as effective. The adoption of regional ordinances were to be completed by February 2016 or MWELo became effective by default. All agencies were required to comply with Revised MWELo reporting requirements by held by December 31, 2015.

Below is a timeline of the ITP's work between April and September of 2015, including the panel's participation in the revision of MWELo.

- April 2015: ITP members volunteered to draft recommendations for revising MWELo to be discussed and revised during a webinar in May 2015. Their recommendations centered on turf limits; permits and fees; greywater capture and use; landscape meters; rainwater retention; reporting requirements; penalties for noncompliance; as well as scope and size thresholds for the ordinance.
- May 2015: The ITP met twice, via webinar, to discuss and revise their draft recommendations for revising MWELo. They also agreed to recommendations related to turf prohibition, irrigation efficiency requirements as well as size and scope thresholds.
- June 2015: The ITP finalized their recommendations to DWR for revisions to MWELo. They also returned to discussion of the seven framing topics. They received presentations from industry experts on codes and standards related to landscape water use efficiency and workforce challenges and opportunities. Authoring teams volunteered to prepare text related to strengthening education requirements, removing barriers to landscape professionals, encouraging state agencies to hire licensed landscape professionals, and developing an MWELo EZ form to improve compliance.
- August 2015: The ITP reviewed their vision statement for the final report as well as an outline for this document. Individual authors and authoring teams were created to prepare draft sections and recommendations included herein that reflect the collective sentiments of the ITP and past ITP discussions.
- September 2015: Authoring teams prepared draft report sections for review during two four-hour webinars in October 2015.
- Update as needed.

Beginning in October 2015 and continuing to January 2016, the ITP developed enhanced sections and associated recommendations to be included in this document. This culminated in January 2016 when the ITP conducted final votes on a range of recommendations and unanimously agreed to include the recommendations presented herein. All told, between November 2014 and January 2016, the ITP met 11 times (including 2-day in-person meetings and conference call / web-based virtual meetings) to discuss and complete their recommendations and this report

Public Participation

All of the ITP meetings and webinars were open to the public in accordance with Bagley-Keene. The facilitator solicited public comments during the open discussion periods of each meeting agenda item and prior to ITP decisions. The draft report was posted for public review and comment for one month. All written comments received during the public comment period (and at all times during the ITP process) were considered by the ITP as they created and deliberated on their recommendations about landscape water use.