

Stan Gage [stan@ostassoc.com](mailto:stan@ostassoc.com)

5/11/2009

**Re: Notice of 2<sup>nd</sup> 15-day comment period and Modified Text of the Regulation**

Pursuant to the request for comments on the Modified Text of the Proposed Model Water Efficient Landscape Ordinance it appears that comments that I and, I am sure others" made with respect to strengthening the use of MAWA calculations for existing landscapes have been effectively implemented at least from the perspective of landscape professionals. I urge you however, to take any or all of this proposed ordinance, in so far as there is an expectation for individual DIY homeowners to comply, to a panel of real homeowners and see what results you obtain. I can absolutely assure you that you will find fewer the 1% of a randomly selected group will recognize or be competent to deal with terms like MAWA and, Eto, etc. I can also assure you that fewer than 10% of such a group would consider themselves in a position to comply even if they were provided with (and willing to submit to) a half day or more of guidance.

In short, the rules suggested in this ordinance, while well meaning and technically correct, are hopelessly optimistic in so far as there may be any honest expectation on your part for compliance by individual homeowners. The rules appear to be clearly established to effectively remove any self determination with respect to both existing and planned improvements to landscapes from the realm of homeowner implemented projects and maintenance and place it solely in the hands of large, heavily staffed, and expensive professional landscape organizations. In the past month, I have interfaced with several small professional landscapers to review how they would address some specific projects as a prelude to recommending these service providers to customers in our District. Of those we have reviewed, 1 might have the capability to conform to the rules promulgated by the proposed ordinance. The others would, quite simply, either go out of business, or, more than likely, find ways to legally or illegally evade the rules.

Quite simply, the proposed rules are way too long on idealism and woefully short on pragmatism. If the real goal of part of these rules is to reduce water usage in new and rehabilitated residential landscapes, then, in order to achieve success you had better rethink a process that saddles homeowners with either doing personally, or paying large amounts for, huge piles of paper which ultimately don't serve to do much more than kill more trees. A serious downside to overly restrictive rules such as those proposed, is that it will deter either through cost or complexity, the sorely needed rehabilitation of many older residential landscape irrigation systems. The net effect may very likely be not a reduction in water usage but a slow but inexorable increase in demand as neglected improvements render such system less and less efficient.

**In short, nice job, hopelessly idealistic, time to get pragmatic. As currently rendered the rules will not achieve the desired goals with respect to residential landscapes.**

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MWEO wrote:

Attached are a Notice of 15-Day Comment Period and Modified Text of the Proposed Model Water Efficient Landscape Ordinance. As part of the rulemaking process, DWR will accept written public comments on the "Modified Text of the Proposed Model Water Efficient Landscape Ordinance" until May 26, 2009. The modification is in response to April 1, 2009, Office of Administrative Law's comments. DWR modified the regulation and clarified technical terms.

These documents are also available at

<http://www.owue.water.ca.gov/landscape/ord/ord.cfm> and

<http://www.owue.water.ca.gov/landscape>