



March 24, 2008

Attention: Judy Colvin
The Department of Water Resources
Office of Water Use Efficiency and Transfers
901 P Street, Room 313A
Sacramento, CA 95814

Dear Director Snow:

I write on behalf of the California Sod Producers Association to comment on the Model Water Efficient Landscape Ordinance. We endorse and support the vast majority of the Ordinance, believing it will improve water use efficiency in the landscape. We strongly oppose, however, the reduction of the landscape water budget to 70% of ET because the reduction is not necessary to achieve reduced water use, the mathematical formula used to reach 70% assumes unrealistic irrigation management and the bill that directed the department to create the Ordinance specified a scientific study approach, not the survey of existing ordinances approach taken by the Department. Finally, and importantly, we take great issue with the Department's determination that the Ordinance will have no "cost or impact on private persons or directly affected business", and that the Ordinance will not eliminate jobs or businesses in California.

The existing Water Efficient Landscape Ordinance had several failings, with the end result being that many, if not the majority, of new landscapes rarely performed at the required 80% ET. The Department's literature survey verified that fact. If the problem is that the established standard was never met, the correct answer is to enforce that standard, not to set a stricter standard as this Ordinance does. Even without lowering the water budget this Ordinance will achieve greatly increased water savings. Three examples of the many improvements in this Ordinance are requiring weather based irrigation controllers (which did not exist when the first Ordinance was created), annual water audits and encouraging tiered water rate structures.

We take issue with the Department's white paper describing how it arrived at the 70% ETAF figure. The first staff presentation (October 30, 2007) arrived at 70% ETAF incorrectly because irrigation distribution uniformity was erroneously substituted for irrigation efficiency, neglecting to factor in irrigation management. We pointed out that part of the equation was missing and reminded staff that irrigation efficiency is equal to distribution uniformity multiplied by irrigation management efficiency. When 80% irrigation management efficiency is included in the formula, the resulting ETAF goes up from 70% to 80% ET. Staff came back with a written draft White Paper (December 18, 2008), this time including irrigation management efficiency, but changing the distribution uniformity in order to achieve a 70% ETAF.

Clearly, the goal was to reduce the ETAF, and when we pointed out an error in the math staff simply changed other figures so as to achieve the predetermined result.

In addition, when staff did include irrigation management efficiency they used 90%. This is just unrealistic. It means that 90% of the time sprinkler runs times will be scheduled to deliver no more than the necessary amount of water regardless of wind, soil infiltration rates, slopes, daily and seasonal sun/shade changes, and human error. It is simply not feasible to reach a 90% irrigation management efficiency given all the variables involved. People won't plant turf or annual color nursery plants because they know they won't be able to achieve 90% irrigation management efficiency.

AB 1881 directed the Department to update the model ordinance based on the recommendations of the Landscape Taskforce established by AB 2717. That Taskforce, on which I sat, directed the Department to "... conduct a three year study of new and established landscapes designed to meet a variety of ET adjustment factors and a mix of plant factors and other data as available. If state funds are not available, DWR should seek funding from other sources to support the study." Only after exhausting other possible funding sources was the Department to proceed on "best available data." We believe the Department did not exhaust all funding sources. They did not, for example, solicit industry.

Instead, the Department undertook a survey of existing information. This approach allowed the Department to substitute their own discretion for science by choosing samples which fit the predetermined goal of reducing the water budget to 70% ET. The Department cited two examples in the January 25, 2008 white paper, the San Diego County Water Agency, using 70% and the Coachella Valley Water District, using 50% ET. Clearly, San Diego and the Coachella Valley are two of the driest areas in the state and their plant palettes are not representative of the state's diverse landscapes. The Irvine Ranch Water District, using 100% ET is widely cited as an effective ordinance. It is much more representative of state's typical diversity of landscape plants, yet their ET budget was not included as a sample.

This Ordinance will severely harm the California sod industry and the thousands of people who maintain turf and install annual color nursery plants. We are astounded that the Department does not recognize that eliminating turf and annual color from commercial landscapes, as this Ordinance does, will wreck economic devastation on those people. Turf and annual color require more maintenance than do other plant material and therefore taking them out of the landscape will harm those who work with them.

Sincerely,



Sarah West
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