

MWEO

From: Cynthia Havstad [chavstad@stopwaste.org]
Sent: Tuesday, December 30, 2008 1:25 PM
To: MWEO
Subject: comments on CA WELO
Attachments: comments.dot

Attached please find our comments.

Thank you,
Cynthia Havstad
Bay-Friendly Landscaping
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StopWaste.Org is the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board operating as one public agency.

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Recycling Information Hotline

TO:
Department of Water Resources
Office of Water Use Efficiency and Transfers
Attn: Simon Eching
Post Office Box 942836
Sacramento CA 94236-0001

Mr. Eching,

Please see comments below from StopWaste.Org on:

**California Code of Regulations
Title 23. Waters
Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance**

§490. Purpose.

No comment

§ 490.3. Applicability.

Comment 041.1

The ordinance shall apply to projects with a “total project landscape area” equal to or greater than 2,500 square feet.

Comment #1: How are you defining “total project landscape area”? Is it the same as “landscape area” or “landscape project” and therefore does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development? Is total project landscape area the sum of all landscape areas?

Comment 041.2

§ 491. Definitions.

See above. Define total project landscape area or do not use the term in the applicability.

§492. Provisions for New Construction or Rehabilitated Landscapes.

No comment

§492.1. Compliance with Landscape Documentation Package

No comment

§492.2. Penalties.

No comments

§492.3. Elements of the Landscape Documentation Package.

No comments

§492.6. Water Efficient Landscape Worksheet.

No comments

§492.7. Soil Management Plan.

Comment 041.3

Comment #1: Substitution of the word ‘may’ for ‘shall in 492.7(a) and (c) goes against the recommendations of the AB2717 task force recommendations. It also creates a model ordinance that is weaker than the previous (AB325) version. We recommend the use of ‘Shall’ as below.

Comment 041.4

Comment #2: It is a recommendation of the AB2717 task force that the soil be evaluated for low organic matter content because of its role in water use efficiency. However, the soil analysis does not require an evaluation of soil organic matter. In addition, Section 492.6 (3). (D) of this model ordinance requires that “Soil amendments shall be incorporated to recommendations of the soil report and what is appropriate for the plants selected”. Without an analysis of soil organic matter content, any recommendations for amending with organic matter are limited or must be made without basis.

(a) In order to reduce runoff and encourage healthy plant growth, a soil management plan shall be submitted as part of the Landscape Documentation Package. The soil management plan ~~may~~ **shall** include the following elements:

- (1) soil type;
- (2) estimated date of soil analysis report (to be conducted after mass grading is complete);
- (3) identification of limiting soil characteristics; and
- (4) identification of planned soil management actions to remediate limiting soil characteristics.

(b) After mass grading, the project applicant or his/her designee shall:

- (1) perform a preliminary site inspection;
- (2) determine the appropriate level of soil sampling and sampling method needed to obtain representative soil sample(s);
- (3) conduct a soil probe test to determine if the soil in the landscape area has sufficient depth to support the intended plants; and
- (4) obtain appropriate soil sample(s).

(c) the project applicant or his/her designee shall submit soil sample(s) to laboratory for analysis and recommendation. **At a minimum** the soil analysis ~~may~~ **shall** include:

- ~~(A)~~ **(1)** soil texture;
- ~~(B)~~ **(2)** infiltration rate determined by laboratory test or soil texture infiltration rate tables;
- ~~(C)~~ **(3)** pH;
- ~~(D)~~ **(4)** total soluble salts;
- ~~(E)~~ **(5)** sodium;
- (6)** soil organic matter;

(G)-(7) Submit the soil analysis report and documentation verifying implementation of soil analysis report recommendations to the local agency per the requirements of Section 492.9 Certificate of Completion.

§492.6. Landscape Design Plan.

Comment 041.5

Comment #1: Why has the minimum depth of mulch been decreased from the required 3 inches in the AB325 Model ordinance to 2 inches? The AB2717 task force recommended the mulch depth be kept at 3 inches. Why make this model weaker than the previous model? We recommend a minimum depth for mulch of 3 inches. In addition to creating drought resistant soils, the mulch recycles plant debris, keeping it out of the landfill.

Comment 041.6

Comment #2: Remove the exception for creeping or rooting groundcovers or other special planting situations where mulch is not recommended. It is highly beneficial to mulch around creeping or rooting groundcovers when they are first planted, the time to which this section applies (i.e. 'new landscapes'). Furthermore, without defining the 'special planting situations where mulch is not recommended' creates a loophole for not applying mulch.

(3) Mulch and amendments

- (A) A minimum two inch ~~(2")~~ (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas ~~creeping or rooting groundcovers or other special situations where mulch is not recommended.~~

§492.7. Irrigation Design Plan.

No Comment

§492.8. Grading Design Plan.

No Comment

§492.9. Certificate of Completion.

No Comment

§492.10. Irrigation Scheduling

No Comment

§492.12 Irrigation Audits, Irrigation Survey and Irrigation Water Use Analysis

No Comment

§492.13. Irrigation Efficiency.

No Comment

§492.14. Recycled Water.

No Comment

§492.15. Stormwater Management

No Comment

§492.16. Public Education.

No Comment

§492.17. Environmental Review.

No Comment

§493. Provisions for Existing Landscapes.

No Comment

§493.1. Irrigation Audit, Irrigation Survey and Irrigation Water Use Analysis

No Comment

§493.2. Water Waste Prevention.

No Comment

§494. Effective Precipitation.

No Comment

§495. Appendix A – Reference Evapotranspiration (ET_o) Table.

No comment

Thank you for the opportunity to provide input,

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