

March 13, 2016

Julie Saare-Edmonds
Senior Environmental Scientist
Water Use and Efficiency Branch
California Department of Water Resources

Sent Via Email to: julie.saare-edmonds@water.ca.gov

Dear Ms. Saare-Edmonds:

Re: Comment Letter – Independent Technical Panel (ITP) Public Draft Report to the Legislature on Landscape Water Use Efficiency

The East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the ITP Draft Report on Landscape Water Use Efficiency. Enclosed are general observations and recommendations for DWR and ITP consideration.

GENERAL OBSERVATIONS AND RECOMMENDATIONS

EBMUD supports initiatives to address outdoor water use efficiency as a high priority area for advancing water conservation savings statewide. Our concern is the draft report contains multiple initiatives that appear to not have been fully evaluated and lack sufficient information or quantification of the potential water savings, costs, benefits and workload impacts that could be placed on consumers, local agencies and the DWR. Many of the ITP report recommendations should first be quantified and verified from additional pilot studies as well as prioritized toward the expected water savings in advance of policy adoption.

As recognized in the ITP report, in reference to the 2005 AB 2717 Landscape Task Force recommendations, creating a “common foundation for the education, training, and certification of landscape professionals across the disciplines involved in designing, installing, maintaining, and managing water-efficient landscapes” could very well result in greater water efficiency, market transformation, and enhanced consumer awareness.

A general recommendation is to disseminate the draft report to named recipients and impacted parties directly to learn of their concerns, and assess the extent of required expertise and implications of unfunded mandates.

SPECIFIC RECOMMENDATIONS

Section 4: Voluntary Turf Replacement, Recommendation #1 Turf Replacement Incentive Programs, Page 8:

The proposed use of tax incentives for turf replacement can help accelerate the transformation of existing landscapes to more climate appropriate and water efficient designs. In addition, incentives at the state level can provide needed support to local incentive programs that may be limited due to competing funding priorities. That said, the proposal is light on key safeguards related to oversight, administration, inspections, and enforcement to maximize the intended water savings and minimize free riders. The proposal would need to identify funding to cover increased administrative costs and required implementation resources.

Section 5: Improvements in Existing Landscapes, Recommendation #1 Require Irrigation System Evaluations as Part of Home Inspections for single-Family Residential Properties, Page 10:

The proposal raises just as many questions as it may be intending to answer and it appears to add a significant amount of inspection and administration costs with little perceived benefit. Home inspectors are generally not trained in landscaping and irrigation design and lack needed expertise to adequately inspect and make recommendations. In addition, landscape retrofits can be expensive and may not be something the homebuyer is interested in funding. Because this proposal addresses landscapes post-installation, the likelihood of water savings is diminished. Suggest this proposal be weighed or prioritized against the many others that increase the workload and cost to the state and local agencies.

Section 5: Improvements in Existing Landscapes, Recommendation #2 Landscapes Over One Acre, Page 12:

Suggest removal of this proposal due to the number of cost, implementation and enforcement challenges presented without any estimate of the intended water savings. Local and state agencies typically do not collect information about the irrigated area of landscapes and as presented this would appear to be an unfunded mandate to local and state agencies already challenged with having sufficient resources to complete the recommended workload. Recommend a full cost-benefit analysis be completed to justify the cost and expected benefits of the proposal. Many questions remain as to the quality, storage and use of the collected data. The collection of data would need to safeguard against the confidentiality of personally identifiable information. An alternative proposal would be to encourage additional state funding toward the development of lower cost access to new four-band imagery and software technology to promote the adoption of landscape water budgeting tools that have been piloted/implemented by some local entities and landscape professionals. Suggest reference to DWR interaction with stakeholders be suggestions and not mandates to specific business or non-profit organizations that reserve the right to participate voluntarily.

Section 5: Improvements in Existing Landscapes, Recommendation #3 State Owned facilities, Page 15:

This proposal provides a number of potential “lead by example” public education benefits, as potential site-specific state improvements in state facility water consumption. Many state properties may already be irrigating below the reference ET water budget and considerations should be directed at priority properties with maximum benefit. Suggest any water-efficient garden signage include the entire site.

Section 6: State Model Water Efficient Landscape Ordinance (MWELO) Future Revisions & Process Updates #1 MWELO Future Revisions for the Next Review Cycle, Page 18:

- ETAF for SLAs. Lowering to 0.8 is an achievable efficiency metric in recognition of improved irrigation equipment and practices.
- SLA Definition. Suggest revisiting 2010 MWELO definition of SLA as more appropriate. Under a “one water” approach, all water resources need to be used efficiently. Many nonpotable projects are not readily known to the general public and excess use or a larger water budget could be perceived as waste. Also, some non-potable supplies may be limited by jurisdiction, and negatively impacted by drought which is another argument to not be included in a revised SLA definition.
- Turf grass Slope. Suggest adding “ornamental” to turf grass slope limitations definitions and consideration of greater slopes where irrigation design and application rates allow sufficient percolation.
- Pool/Spa Covers. Suggest deleting requirement or providing exemptions under certain considerations. On the surface, this recommendation appears straight forward, however, the typical use of covers actually results in little water savings. Pool covers are generally not used during daylight hours when evaporation is greatest, and introduce significant insurance requirements against the risk of accidental drowning.
- Irrigation Schedule & Hydrozone Maps. Improved use of CAD drawings for each irrigation zone allows for color coded controller maps.
- Audit Sampling. Additional sampling introduces additional (and potentially substantial) implementation costs with no funding mechanism. The additional requirement may not result in reliable water savings and would require data collection and enforcement metrics. Suggest a pilot study be done to determine overall cost and benefit.
- Rainwater Retention. Sounds good on the surface, yet needs to include exceptions for site conditions and account for other potential downstream impacts to local jurisdictional stormwater capture projects. Note, some recent rainwater capture studies have actually shown no net savings (and some an increase) in overall potable water use.

Section 6: State Model Water Efficient Landscape Ordinance (MWELO) Future Revisions & Process Updates #2 Aligning with the CALGreen Title 24 Revision Process Page 22:

Aligning future updates to state codes and ordinances would help improve adoption, compliance and market awareness.

Section 7: Recommendation 1B. Product Standards for Irrigation Equipment, Page 33:

Estimates place the penetration of smart or weather- based irrigation controllers at approximately 10 percent. While many of the recommended controller features seem prudent, helpful to local drought actions (and in fact many products already contain these features) consideration should be given to the overall cost of products for consumers and their ease of operability to avoid overriding the intended increased functionality by more incentives for manual operation.

Delete the limitation on the sale of soil moisture sensors until a standard and test method is developed. Currently the American Society of Biological Engineers, U.S. Environmental Protection Agency, Irrigation Association and numerous water agencies are working on a SMS test protocol for development of a WaterSense specification in 2016 or early 2017. Many SMS products sold in the state have passed Phase 1 SWAT testing and provide water efficiency benefits. The proposal as written appears to limit product innovation and fair market practices.

Section 7: Recommendation 2. Require a permit to install new or replacement irrigation systems or to expand an existing irrigation system by $\geq 25\%$. Page 35:

Surveys on the effectiveness of MWELO requirements have repeatedly shown that at issue is insufficient local funding, resources and expertise to implement existing requirements. Concerns with this recommendation include the feasibility of enforcement, the applicability to all non-residential landscapes (specifically expansions to small non-residential landscape areas), and the additional consumer costs if MWELO is triggered. The proposal could have unintended consequences by leading some property owners and landscapers to avoid the permit process and thus potentially not benefit from the training and education of new irrigation technology, proper system design and operation.

Section 7: Recommendation 4. Reduce connection charges for “better than code” water efficient landscape installations.

This proposal has concerns over the cost and work impact to local agencies and the DWR, yet definitely requires additional study and analyses prior to recommending a solution. System connection charges are a local agency matter that includes many “cost-of-service” implications. Also, many MWELO requirements are accounted for in current utility connection fees. Concerns include no guarantee of water savings, especially when properties change hands, and the local process to calculate rates and charges are unique to each water supplier.

Section 7: Recommendation 5. Plant Labeling, Page 40.

The overall approach is a welcome educational benefit to all sectors in the water efficient landscape market. Suggest that alternative compliance methods to individual or group labeling such as a listing of plants used, with appropriate citations and water use, be allowed during MWELO inspections or audits to address potential labeling costs, lost labels, weather impacts, etc..

Appendix A – Section 7: Recommendation 8. (“minority report”, not passed by the ITP). Require water agencies throughout state to establish landscape water budgets for customers and report performance to state each year. Page 61.

EBMUD has been actively engaged in implementing landscape water budgets for irrigation customers for nearly two decades and is one of few agencies that adopted the SBx7-7 Target Method No. 2 for its 20x2020 compliance. While recent advances in technology, GIS and other software has helped improve the accuracy of aerial property assessments and lowered some costs, landscape water budgets on the scale envisioned still represents a significant staff and financial investment for local agencies. Many of the tools available today still require a significant amount of field verification, and implementation costs are not equal and can vary greatly across the state based on the terrain, topography, property characteristics.

Concerns with this proposal include the cost of implementation, as well as the infringement on local agency policies and programs deemed best for its service area. In areas where an agency’s customers are already using water efficiently, this requirement would result in unnecessary costs (i.e., aerial photography and parcel-level water budget development) that may yield little savings. It is also not clear how data collection, reporting and monitoring metrics would be developed, and how the data would be stored or used going forward. This proposal would benefit from ongoing voluntary agency pilot studies and additional technology enhancements, including potential state funding support.

Thank you again for the opportunity to comment on the ITP Draft Report. If you have any questions about our comments, please feel free to contact me at 510-287-1675 or rharris@ebmud.com.

Sincerely,



RICHARD W. HARRIS

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