



Lake Oroville (08/02/2022)

# Revision to MWELO Rulemaking Consideration for Adoption

October 16, 2024



CALIFORNIA DEPARTMENT OF  
WATER RESOURCES

# Agenda

- Brief overview of MWELO
- Rulemaking Schedule
- Second 15-day Public Comment Period
- Comments and Responses
- Final Regulations for Approval
- Next Steps



# What is MWELO?

- Statewide model for local agencies to implement and enforce minimum water-efficiency standards in landscape design, construction, management, and maintenance.
- Drives water-efficiency through water budgets and thoughtful soil management, and selection of plants, irrigation, and alternative water sources.
- Applies to landscape projects meeting size requirements, requiring a building or landscape permit, plan check, or design review.



# Scope of Amendments

- Objectives
  - Reduce ambiguity and improve clarity
  - Does not modify or add requirements
  - Implement two new Government Code sections
  - Reorganization of 2015 MWELo
    - Organize by following the landscape design process: Landscape design, installation, maintenance and management



# Overview of Rulemaking Schedule

- Notice of proposed action published: Nov. 17, 2023  
California Regulatory Notice File Number Z2023-1106-03  
60-day public comment period: (Nov. 17, 2023 – Jan 16, 2024);
  - Public hearing held on Jan. 9, 2024;
  - Two (2) substantial, sufficiently related modifications required a 15-day comment periodFirst 15-day comment period: (Mar. 18 – Apr. 3, 2024)
  - No substantial comments receivedApproval by CWC (Resolution Number 2024-02): May 16, 2024
- Rulemaking Record submitted to OAL: June 27, 2024
- OAL feedback received: August 9, 2024
- Second 15-day comment period: (Aug. 23 – Sep 9, 2024)
- Rulemaking process completed by: November 18, 2024



# Second 15-day public comment period (Aug 23 – Sep 9, 2024)

- Revising MWEL0 to include documents incorporated by reference requires making document available for comment for 15-days per California's APA.
- Non-substantial edits to improve clarity



# MWELO Revisions (1 of 3)

## Documents Incorporated by Reference:

1. American Society of Agricultural and Biological Engineers / International Code Council (ASABE/ICC) 802 Landscape Irrigation Sprinkler and Emitter Standard, 2020
2. US EPA WaterSense Specification for Irrigation Systems Auditor Certification Program, 2014
3. California Irrigation Management Information System (CIMIS) Evapotranspiration (ET<sub>o</sub>) Zone Map, 1999
4. Sunset Western Climate Zone Maps, 2007
5. Water Use Classification of Landscape Species (WUCOLS IV), 2014



# MWELO Revisions (2 of 3)

- Example of Incorporated by Reference :

(92 93) “WUCOLS” means the Water Use Classification of Landscape Species IV, 2014, which is herein incorporated by reference, and maintained by the California Center for Urban Horticulture, University of California. WUCOLS IV is an online database that classifies and provides regional water needs for commonly available landscape plants.

- Non-substantial edits to improve clarity, example; Section 490.1(a) – General Provisions

(a) The list of general General provisions includes are related statutes, regulations, and other considerations that should be reviewed for landscape projects subject to the ordinance as defined described in Section 491. Sections 490.1(a)(3) and (4) should be reviewed to determine applicability.



# MWELO Revisions (3 of 3)

## Example Section 490.1(a)(3) – General Provisions

### (3) Recycled Water.

~~(A) The allowable uses of Recycled Water are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3. All recycled water use is subject to applicable provisions of the California Code of Regulations, Title 17 and Title 22,~~

~~the California Plumbing Code (Title 24, Part 5, Chapter 15), and with all applicable local and State laws.~~

~~(B) A) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.~~

~~(C) B) All recycled water irrigation systems shall be designed and operated are required to be in accordance with California Plumbing Code (Title 24, Part 5, Chapter 15, Alternate Water Sources for Nonpotable Applications) and with all applicable local and State laws.~~

~~(D) C) Landscapes Landscape areas using recycled water are considered Special Landscape Areas as defined in 490.2(a)(79).~~



# Public Comments Received

**Second 15-day comment period: Aug. 23 – Sep. 9, 2024**

- Clarifying Grammar (*non-substantial*)
- Most comments outside scope of amendments
  - Requested new requirements, and
  - Consistency with State Water Board's Making Water Conservation a Way of Life regulation (draft).



# Next Steps

Month	Planned Action
Oct 16, 2024	Request California Water Commission Approval of Regulations
by Nov. 18, 2024	Re-submit Final Rulemaking Package to the Office of Administrative Law
January 1, 2025 (tentative)	Regulations become effective

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