

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



June 4, 2009

Ms. Martha Davis
Inland Empire Utilities Agency
6075 Kimball Avenue
Chino, California 91708

Dear Ms. Davis:

This is in reply to your letter of May 13, 2009, asking the Department of Water Resources (DWR) to confirm that the regional model Chino Basin Water Efficient Landscape Ordinance fulfils the "at least as effective" requirement.

DWR applauds you for developing a regional model landscape ordinance. We appreciate your effort to improve the landscape water use efficiency, and for sharing the ordinance with us.

Your request relates to one of the requirements of the Water Conservation in Landscape Act of 2006, Assembly Bill 1881. According to the Act, when a local agency adopts its own water efficient ordinance, it shall at least be as effective in conserving water as the updated model ordinance adopted by DWR. Unfortunately, the Act does not require, nor permit DWR to determine whether an agency's ordinance is "at least as effective as" the model ordinance. In other words, DWR has no legal authority to make that finding. Rather, the Act requires the local agency to submit a copy of its ordinance to DWR that includes "*findings and evidence in the record that its water efficient landscape ordinance is at least as effective in conserving water as the department's updated model.*" (See Government Code section 65597). Because the updated ordinance has not yet been published, we recommend postponing any efficiency determination until that occurs.

If your have any questions or comments, please contact me at (916) 651-9662 or by e-mail at malemi@water.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Maucher Alemi".

Maucher Alemi, Acting Chief
Office of Water Use Efficiency and Transfers