



April 29, 2026

Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

**Subject: Justification of Changes Without Regulatory Effect – Title 14, California Code of Regulations Section 18989.2(a)**

The Department of Resources Recycling and Recovery (CalRecycle) requests that the Office of Administrative Law (OAL) approve the enclosed changes without regulatory effect pursuant to California Code of Regulations (CCR), Title 1, Section 100. The proposed regulatory change is appropriate under Section 100 because, as described below, it is required for a regulation to be consistent with a recent change to the numbering of the regulation referenced CalRecycle is seeking to revise a cross-reference and grammar pursuant to 1 CCR section 100 (a)(4). Moreover, the proposed amendments are nonsubstantial and can be considered “changes without regulatory effect” as they do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

**Revising a Cross-Reference and Grammar Necessitating Changes Without Regulatory Effect**

California Code of Regulations, Title 23. Waters Division 2. Department of Water Resources Chapter 2.7. Model Water Efficient Landscape Ordinance Section 493.2 concerns the implementation and requirements for Model Water Efficient Landscape Ordinance (MWELo) (23 CCR Sections 490-495). Among other things, the formerly referenced Code section relating to MWELo or Section 492.6 was repealed in 2025 and then renumbered to Section 493.2. The renumbering is the cause for this Section 100 filing. CalRecycle also seeks to correct the title of its regulation article by revising its grammar to capitalize certain letters to change the title from “Calgreen” to “CALGreen” which is the correct shortened title for the California Green Building Standards Code – Part 11, Title 24, California Code of Regulations.

On January 2, 2025, 23 CCR Section 493.2 went into effect, which states the requirements of Landscape Design Plan and MWELo including similar language/requirements that are relevant to this Section 100 filing. This is a regulation that was developed by the California Department of Water Resources (DWR) under the authority of state law. 23 CCR Section 493.2 made no other substantive changes to 23 CCR Section 492.6, that had been repealed and then renumbered to Section 493.2.

## Explanation of Changes

Pursuant to SB 1383, CalRecycle promulgated regulations in 2020 to require jurisdictions to adopt an ordinance or other enforceable mechanism that requires compliance with Sections 492.6(a)(3)(B) (C), (D), and (G) of the Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations as amended September 15, 2015.

As in effect on September 15, 2015, 23 CCR Section 492.6 sets forth the requirements for the efficient use of water in a landscape design plan for the intended function of the project. A landscape design plan must meet design criteria related to the type of plant material, water features, and mulch and amendments.

Subsequently, the Department of Water Resources amended and then renumbered the Landscape Design Plan requirements from 23 CCR Section 492.6 to 23 CCR Section 493.2, which came into effect on January 2, 2025. The intent of the MWELO amendments is to improve the implementation and enforcement of MWELO by providing clarity, improving organization, and thus reducing ambiguity so that regulated parties can understand what is required by MWELO and correctly guide project applicants. Notably, the amendments to the MWELO requirements were non-substantive in nature.

At issue here is CCR, Title 23, Section 492.6, which is referenced in 14 CCR Section 18989.2 as part of CalRecycle's regulations which requires a Section 100 change due to the repeal of Section 492.6. The current regulatory provision in 14 CCR Section 18989.2 is inconsistent with the renumbered regulation in 23 CCR Section 493.2, and CalRecycle seeks to revise the cross-reference to the current regulation section and subsection number chosen by Department of Water Resources.

To conform to the amended Landscape Design Plan and MWELO regulation in the renumbered 23 CCR Section 493.2, CalRecycle proposes to amend CCR, Title 14, Section 18989.2 to update the reference to the renumbered Section 493.2 as follows:

### **ARTICLE 8: ~~Cal~~CALGreen Building Standards and Model Water Efficient Landscape Ordinance**

#### Section 18989.2 Model Water Efficient Landscape Ordinance

(a) A jurisdiction shall adopt an ordinance or other enforceable requirement that requires compliance with Sections 493.2(d)(2), (3), (4), and (7)~~492.6(a)(3)(B) (C), (D), and (G)~~ of the Model Water Efficient Landscape Ordinance, Title 23, Division 2, Chapter 2.7 of the California Code of Regulations as enacted on January 2, 2025~~amended September 15, 2015~~.

Authority cited: Sections 40502, 43020, 43021 and 42652.5, Public Resources Code.  
Reference: Section 42652.5; Public Resources Code and Section 39730.6, Health and Safety Code


Other than updating the corresponding referenced regulatory section to accommodate this amendment and reformatting the word from “Calgreen” to “CALGreen” in the title of Article 8 to be consistent with CALGreen Building Standards Code, CalRecycle is not proposing any other change to 14 CCR Section 18989.2.

### Conclusion

The proposed changes are appropriate pursuant to CCR, Title 1, Section 100 because: (1) CalRecycle seeks to revise the cross-reference to the renumbered Landscape Design Plan or MWELo Section explained above and make a grammar correction, and (2) the proposed amendments are non-substantial and can be considered “changes without regulatory effect” as they do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Sincerely,

**Ronald  
Darbee**

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