

ASSEMBLY BILL

No. 1572

Introduced by Assembly Member Friedman

February 17, 2023

An act to amend Section 10608.12 of, to add Section 110 to, and to add Chapter 2.5 (commencing with Section 10608.14) to Part 2.55 of Division 6 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1572, as introduced, Friedman. Potable water: nonfunctional turf.

(1) Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water.

This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

(2) Existing law provides various findings and declarations of the Legislature related to sustainable water use and demand reduction. Existing law imposes various water use reduction requirements that apply to urban retail water suppliers, including a requirement that the state achieve a 20% reduction in urban per capita water use by December 31, 2020.

This bill would prohibit the use of potable water, as defined, for the irrigation of nonfunctional turf located on commercial, industrial, municipal, institutional, and multifamily residential properties, as

specified. The bill would require the State Water Resources Control Board to establish, no later than July 1, 2025, specified compliance, certification, and reporting requirements. The bill would require owners of covered properties to certify their compliance with these provisions, as specified. The bill would authorize an urban water supplier, city, county, or city and county to enforce these provisions. The bill would place related requirements on the board and the Department of Water Resources, including, beginning July 1, 2028, requiring the board, in collaboration with the department and with assistance from urban water suppliers, to annually conduct a compliance audit for 2 of the state's hydrologic regions, so that all of the state's hydrologic regions receive an audit once every 5 years, as specified. The bill would require the Division of Agriculture and Natural Resources within the office of the President of the University of California, in consultation with the Department of Education, to disseminate information on native and drought-tolerant plants that support vibrant ecosystems, including pollinators, in schools serving kindergarten and grades 1 through 12 and would additionally require the vice president of the division to, no later than June 30, 2026, report to the Senate Committee on Environmental Quality and the Assembly Committee on Water, Parks, and Wildlife on progress in implementing these provisions. The bill would require the Governor's Office of Business and Economic Development to support small and minority-owned businesses that provide services that advance compliance with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 110 is added to the Water Code, to read:
- 2 110. (a) The Legislature hereby finds and declares all of the
- 3 following:
- 4 (1) The use of potable water to irrigate nonfunctional turf is
- 5 wasteful and incompatible with state policy relating to climate
- 6 change, water conservation, and reduced reliance on the
- 7 Sacramento-San Joaquin Delta ecosystem.
- 8 (2) The Governor reported in August 2022 that climate change
- 9 will bring significant enduring reductions in California's water
- 10 supply and that the state must take steps to respond to this reality.

1 (3) The State of Nevada enacted AB 356 in 2021 to prohibit the
2 use of Colorado River water to irrigate nonfunctional turf on all
3 properties except single-family residences by January 1, 2027.

4 (b) It is the intent of the Legislature that the irrigation of grasses
5 for agricultural production shall not be limited by requirements to
6 eliminate the use of potable water to irrigate nonfunctional turf.

7 (c) The Legislature hereby directs all appropriate state agencies
8 to encourage and support the elimination of irrigation of
9 nonfunctional turf with potable water.

10 SEC. 2. Section 10608.12 of the Water Code is amended to
11 read:

12 10608.12. Unless the context otherwise requires, the following
13 definitions govern the construction of this part:

14 (a) *“Affordable housing” has the same meaning as defined in*
15 *Section 34191.30 of the Health and Safety Code.*

16 ~~(a)~~

17 (b) “Agricultural water supplier” means a water supplier, either
18 publicly or privately owned, providing water to 10,000 or more
19 irrigated acres, excluding recycled water. “Agricultural water
20 supplier” includes a supplier or contractor for water, regardless of
21 the basis of right, that distributes or sells water for ultimate resale
22 to customers. “Agricultural water supplier” does not include the
23 department.

24 ~~(b)~~

25 (c) “Base daily per capita water use” means any of the following:

26 (1) The urban retail water supplier’s estimate of its average
27 gross water use, reported in gallons per capita per day and
28 calculated over a continuous 10-year period ending no earlier than
29 December 31, 2004, and no later than December 31, 2010.

30 (2) For an urban retail water supplier that meets at least 10
31 percent of its 2008 measured retail water demand through recycled
32 water that is delivered within the service area of an urban retail
33 water supplier or its urban wholesale water supplier, the urban
34 retail water supplier may extend the calculation described in
35 paragraph (1) up to an additional five years to a maximum of a
36 continuous 15-year period ending no earlier than December 31,
37 2004, and no later than December 31, 2010.

38 (3) For the purposes of Section 10608.22, the urban retail water
39 supplier’s estimate of its average gross water use, reported in
40 gallons per capita per day and calculated over a continuous

1 five-year period ending no earlier than December 31, 2007, and
2 no later than December 31, 2010.

3 ~~(e)~~

4 (d) “Baseline commercial, industrial, and institutional water
5 use” means an urban retail water supplier’s base daily per capita
6 water use for commercial, industrial, and institutional users.

7 ~~(d)~~

8 (e) “CII water use” means water used by commercial water
9 users, industrial water users, institutional water users, and large
10 landscape water users.

11 ~~(e)~~

12 (f) “Commercial water user” means a water user that provides
13 or distributes a product or service.

14 ~~(f)~~

15 (g) “Compliance daily per capita water use” means the gross
16 water use during the final year of the reporting period, reported in
17 gallons per capita per day.

18 ~~(g)~~

19 (h) “Disadvantaged community” means a community with an
20 annual median household income that is less than 80 percent of
21 the statewide annual median household income.

22 (i) “*Division*” means the Division of Agriculture and Natural
23 Resources within the office of the President of the University of
24 California.

25 ~~(h)~~

26 (j) “Gross water use” means the total volume of water, whether
27 treated or untreated, entering the distribution system of an urban
28 retail water supplier, excluding all of the following:

29 (1) Recycled water that is delivered within the service area of
30 an urban retail water supplier or its urban wholesale water supplier.

31 (2) The net volume of water that the urban retail water supplier
32 places into long-term storage.

33 (3) The volume of water the urban retail water supplier conveys
34 for use by another urban water supplier.

35 (4) The volume of water delivered for agricultural use, except
36 as otherwise provided in subdivision (f) of Section 10608.24.

37 ~~(i)~~

38 (k) “Industrial water user” means a water user that is primarily
39 a manufacturer or processor of materials as defined by the North
40 American Industry Classification System code sectors 31 to 33,

1 inclusive, or an entity that is a water user primarily engaged in
2 research and development.

3 ~~(j)~~

4 (l) “Institutional water user” means a water user dedicated to
5 public service. This type of user includes, among other users,
6 higher education institutions, schools, courts, churches, hospitals,
7 government facilities, and nonprofit research institutions.

8 ~~(k)~~

9 (m) “Interim urban water use target” means the midpoint
10 between the urban retail water supplier’s base daily per capita
11 water use and the urban retail water supplier’s urban water use
12 target for 2020.

13 ~~(l)~~

14 (n) “Large landscape” means a nonresidential landscape as
15 described in the performance measures for CII water use adopted
16 pursuant to Section 10609.10.

17 ~~(m)~~

18 (o) “Locally cost effective” means that the present value of the
19 local benefits of implementing an agricultural efficiency water
20 management practice is greater than or equal to the present value
21 of the local cost of implementing that measure.

22 (p) “Multifamily residential property” means a property that
23 includes a building containing more than four dwelling units.

24 (q) “Nonfunctional turf” means any turf that is not located in
25 areas designated by a property owner or a government agency for
26 recreational use or public assembly. Nonfunctional turf does not
27 include turf located in cemeteries.

28 ~~(n)~~

29 (r) “Performance measures” means actions to be taken by urban
30 retail water suppliers that will result in increased water use
31 efficiency by CII water users. Performance measures may include,
32 but are not limited to, educating CII water users on best
33 management practices, conducting water use audits, and preparing
34 water management plans. Performance measures do not include
35 process water.

36 ~~(o)~~

37 (s) “Potable reuse” means direct potable reuse, indirect potable
38 reuse for groundwater recharge, and reservoir water augmentation
39 as those terms are defined in Section 13561.

1 (t) *“Potable water” means water that is suitable for human*
2 *consumption.*

3 ~~(p)~~

4 (u) *“Process water” means water used by industrial water users*
5 *for producing a product or product content or water used for*
6 *research and development. Process water includes, but is not*
7 *limited to, continuous manufacturing processes, and water used*
8 *for testing, cleaning, and maintaining equipment. Water used to*
9 *cool machinery or buildings used in the manufacturing process or*
10 *necessary to maintain product quality or chemical characteristics*
11 *for product manufacturing or control rooms, data centers,*
12 *laboratories, clean rooms, and other industrial facility units that*
13 *are integral to the manufacturing or research and development*
14 *process is process water. Water used in the manufacturing process*
15 *that is necessary for complying with local, state, and federal health*
16 *and safety laws, and is not incidental water, is process water.*
17 *Process water does not mean incidental water uses.*

18 (v) *“Public water system” has the same meaning as defined in*
19 *Section 116275 of the Health and Safety Code.*

20 ~~(q)~~

21 (w) *“Recycled water” means recycled water, as defined in*
22 *subdivision (n) of Section 13050.*

23 ~~(r)~~

24 (x) *“Regional water resources management” means sources of*
25 *supply resulting from watershed-based planning for sustainable*
26 *local water reliability or any of the following alternative sources*
27 *of water:*

28 (1) *The capture and reuse of stormwater or rainwater.*

29 (2) *The use of recycled water.*

30 (3) *The desalination of brackish groundwater.*

31 (4) *The conjunctive use of surface water and groundwater in a*
32 *manner that is consistent with the safe yield of the groundwater*
33 *basin.*

34 ~~(s)~~

35 (y) *“Reporting period” means the years for which an urban retail*
36 *water supplier reports compliance with the urban water use targets.*

37 (z) *“Turf” has the same meaning as defined in Section 491 of*
38 *Title 23 of the California Code of Regulations.*

39 ~~(t)~~

1 (aa) “Urban retail water supplier” means a water supplier, either
2 publicly or privately owned, that directly provides potable
3 municipal water to more than 3,000 end users or that supplies more
4 than 3,000 acre-feet of potable water annually at retail for
5 municipal purposes.

6 (ab) “Urban water supplier” has the same meaning as defined
7 in Section 10617.

8 ~~(u)~~

9 (ac) “Urban water use objective” means an estimate of aggregate
10 efficient water use for the previous year based on adopted water
11 use efficiency standards and local service area characteristics for
12 that year, as described in Section 10609.20.

13 ~~(v)~~

14 (ad) “Urban water use target” means the urban retail water
15 supplier’s targeted future daily per capita water use.

16 ~~(w)~~

17 (ae) “Urban wholesale water supplier” means a water supplier,
18 either publicly or privately owned, that provides more than 3,000
19 acre-feet of water annually at wholesale for potable municipal
20 purposes.

21 SEC. 3. Chapter 2.5 (commencing with Section 10608.14) is
22 added to Part 2.55 of Division 6 of the Water Code, to read:

23
24 CHAPTER 2.5. NONFUNCTIONAL TURF
25

26 10608.14. (a) The use of potable water for the irrigation of
27 nonfunctional turf located on commercial, industrial, municipal,
28 institutional, and multifamily residential properties is prohibited
29 as of the following dates:

30 (1) All properties owned or leased by the Department of General
31 Services, beginning January 1, 2026.

32 (2) All commercial, industrial, municipal, and institutional
33 properties, except those specified in paragraph (4), beginning
34 January 1, 2027.

35 (3) All multifamily residential properties, except those specified
36 in paragraph (4), beginning January 1, 2028.

37 (4) All multifamily residential affordable housing properties
38 and all municipal properties in a disadvantaged community,
39 beginning January 1, 2029.

1 (b) The board may extend the compliance date for certain
2 persons, institutions, and businesses by regulation.

3 (c) The board shall develop and adopt regulations no later than
4 July 1, 2025, that shall establish all of the following:

5 (1) Allowances for compliance extensions, including economic
6 hardship, critical business need, and any other categories the board
7 determines are essential to public health and safety.

8 (2) Methods of compliance certification.

9 (3) Reporting requirements for an urban water supplier and
10 public water system.

11 (d) Regulations governing the terms and conditions of water
12 service adopted by urban retail water suppliers shall include the
13 requirements of subdivision (a) no later than January 1, 2026.

14 (e) (1) An owner of commercial, industrial, municipal, and
15 institutional property with more than 5,000 square feet of irrigated
16 area shall certify, commencing June 30, 2028, and every three
17 years thereafter, that their property is in compliance with the
18 requirements of this chapter.

19 (2) An owner of a multifamily residential property with more
20 than 5,000 square feet of irrigated area shall certify, commencing
21 June 30, 2029, and every three years thereafter, that their property
22 is in compliance with the requirements of this chapter.

23 (f) Noncompliance by a person or entity with this chapter or
24 regulations adopted thereunder shall be subject to civil liability
25 and penalties set forth in Section 1846, or to civil liability and
26 penalties imposed by an urban retail water supplier pursuant to a
27 locally adopted regulation.

28 (g) An urban water supplier, city, county, or city and county
29 may enforce the provisions of this chapter.

30 (h) The Public Utilities Commission shall, through a rulemaking
31 proceeding, or decisions in general rate cases, before January 1,
32 2026, set penalty amounts for investor-owned water companies
33 that violate the requirements of this chapter.

34 (i) (1) Beginning July 1, 2028, the board, in collaboration with
35 the department, and with assistance from urban water suppliers,
36 shall annually conduct a compliance audit for two of the state's
37 hydrologic regions, so that all of the state's hydrologic regions
38 receive an audit once every five years. The audit shall include all
39 of the following:

1 (A) Visual inspections of commercial and industrial properties
2 known to have large lots and significant landscaping.

3 (B) Visual inspections of nonresidential properties with
4 extraordinarily high water use.

5 (C) Visual inspections of addresses that have been the subject
6 of water waste complaints in the past year.

7 (2) Visual inspections shall be conducted without entry to
8 nonpublic properties or premises.

9 (3) The board and the department shall post the audit data on
10 their respective internet websites, including both of the following:

11 (A) Number of inspections conducted by property type.

12 (B) Number of violations identified.

13 (4) An urban water supplier shall provide to the board
14 information to facilitate compliance audits through the reporting
15 mechanism established pursuant to Section 116530 of the Health
16 and Safety Code.

17 (j) The department shall, using funds appropriated for water
18 conservation and integrated regional water management, prioritize
19 financial assistance for nonfunctional turf replacement to water
20 suppliers serving disadvantaged communities and to owners of
21 affordable housing.

22 (k) The department shall utilize the saveourwater.com internet
23 website and outreach campaign to provide information and
24 resources on converting nonfunctional turf to native vegetation.

25 (l) The department shall analyze and quantify how compliance
26 with this chapter supports the goal of reducing reliance on the
27 Sacramento-San Joaquin Delta as directed by Division 35
28 (commencing with Section 85000).

29 (m) The division shall, in consultation with the Department of
30 Education, disseminate information on native and drought-tolerant
31 plants that support vibrant ecosystems, including pollinators, in
32 schools serving kindergarten and grades 1 through 12.

33 (n) The division's vice president shall, no later than June 30,
34 2026, report to the Senate Committee on Environmental Quality
35 and the Assembly Committee on Water, Parks, and Wildlife on
36 progress in implementing this chapter.

- 1 (o) The Governor's Office of Business and Economic
- 2 Development shall support small and minority-owned businesses
- 3 that provide services that advance compliance with this chapter.

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