

certain nonfunctional turfs. Specifically, the prohibition applied to nonfunctional turf located on CII properties, and on properties of homeowners' associations, common interest developments, and community service organizations, commencing on specified dates depending on the type of property. Noncompliance with this prohibition could subject a person to civil liability. AB 1572 also authorized public water systems, cities, counties, and a city and county to enforce this prohibition. A public water system is a system for the provision of water for human consumption through pipes or other constructed conveyances that have 15 or more service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

Wholesale water suppliers are water suppliers that provide water at wholesale for potable municipal purposes and do not typically have a direct relationship with the end user. As such, wholesale water suppliers were not given authority to enforce these provisions.

Monterey Peninsula Water Management District.

Created by a special act in 1977, the Monterey Peninsula Water Management District (MPWMD) is a wholesale water supplier that covers six cities (Carmel-by-the-Sea, Del Rey Oaks, Monterey, Pacific Grove, Sand City, and Seaside) plus unincorporated territory (Chapter 527, Statutes of 1977). MPWMD is responsible for augmenting water supply through integrated management of ground and surface water resources, promoting water conservation, water reuse, storm and wastewater reclamation, and fostering scenic values, environmental quality, native vegetation, fish and wildlife, and recreation.

Existing law:

- 1) Under requirements relating to “nonfunctional turf:”
 - a) Defines “nonfunctional turf” as any turf that is not functional turf, and includes turf located within street rights-of-way and parking lots (Water Code (Wat. C.) §10608.12(u)).
 - b) Defines “functional turf” as ground cover surface of turf located in a recreational use area or community space. Does not include turf enclosed by fencing or other barriers to permanently preclude human access for recreation or assembly (Wat. C. §10608.12(m)).
 - c) Phases out the use of potable water for the irrigation of nonfunctional turf located on CII properties, other than a cemetery, and on properties of homeowners' associations, common interest developments, and community service organizations or similar entities as follows:
 - i) Beginning January 1, 2027:
 - (1) All properties owned by the Department of General Services.
 - (2) All properties owned by local governments, local or regional public agencies, and public water systems, except as specified.

- ii) Beginning January 1, 2028: All other institutional properties and all commercial and industrial properties.
 - iii) Beginning January 1, 2029: All common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities.
 - iv) Beginning January 1, 2031, or the date a state funding source is made available to fund the conversion of nonfunctional turf to climate-appropriate landscapes for these properties, whichever is later: All properties owned by local governments, local public agencies, and public water systems in a disadvantaged community.
(Wat. C. §10608.14(a)).
 - v) Specifies that the use of potable water is not prohibited to the extent it is necessary to ensure the health of trees and other perennial nonturf plantings, or to the extent necessary to address an immediate health and safety need
(Wat. C. §10608.14(b)).
 - d) Authorizes the State Water Board, upon showing of good cause, to postpone the above compliance deadlines by up to three years for certain persons, institutions, and businesses (Wat. C. §10608.14(c)).
 - e) Requires public water systems, by January 1, 2027, to revise their regulations, ordinances, or policies governing water service to include these requirements relating to the use of potable water, and requires the public water systems to communicate these requirements to their customers (Wat. C. §10608.14(d)).
 - f) Requires an owner of CII property with more than 5,000 square feet of irrigated area, other than a cemetery, to certify to the State Water Board, commencing in 2030 and every three years thereafter through 2039, that their property complies with these requirements (Wat. C. §10608.14(e)).
 - g) Requires an owner of a property with more than 5,000 square feet of irrigated common area that is a homeowners' association, common interest development, or community service organization or similar entity to certify to the State Water Board, commencing 2031 and every three years thereafter through 2040, that their property complies with these requirements (Wat. C. §10608.14(e)).
 - h) Makes a person or entity who does not comply with these provisions subject to civil liability and penalties, as specified (Wat. C. §10608.14(f)).
 - i) Authorizes a public water system, city, county, or city and county to enforce these provisions (Wat. C. §10608.14(g)).
- 2) Under the Monterey Peninsula Water Management District Law:
- a) Establishes the MPWMD (Water Code Appendix (CA WATER App.) §118-101).
 - b) Authorizes MPWMD to conserve and utilize, within or outside of the district, water for any purpose useful to the district (CA WATER App. §118-328(d)).

- c) Authorizes MPWMD to prevent, control, or abate waste, contamination, pollution, or otherwise rendering unfit for beneficial use, the surface or subsurface water used in or useful to the district or its inhabitants, and to commence, maintain, and defend actions and proceedings to prevent any such interference with such water as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district (CA WATER App. §118-328(i)).
- d) Authorizes MPWMD to restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water, or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by MPWMD's board of directors. During such periods, MPWMD may prohibit the use of district water for specific uses which MPWMD may from time to time find to be nonessential (CA WATER App. §118-332).
- e) Finds that within the Monterey Peninsula area which will be served by the MPWMD, the water service is principally supplied by a privately owned water supplier which does not have the facilities nor the ability to perform functions which are normally performed by public agencies, including the regulation of the distribution of water developed within or brought into the service area. Therefore, the Legislature finds and declares that it is necessary to create the MPWMD to carry out such functions, including, but not limited to, management and regulation of the use, reuse, reclamation, and conservation of water (CA WATER App. §118-2).

PROPOSED LAW

This bill would give MPWMD authority to enforce the prohibition against the use of potable water for the irrigation of nonfunctional turf located on commercial, industrial, and institutional properties, and on properties of homeowners' associations, common interest developments, and community service organizations, as specified.

ARGUMENTS IN SUPPORT

According to the author, "Senate Bill 1139 authorizes the [MPWMD] to enforce existing restrictions on the irrigation of nonfunctional turf, closing an unintended implementation gap in critical drought response policy in the Monterey region."

"[MPWMD] has historically been responsible for water conservation enforcement within its jurisdiction and maintains direct customer relationships. Despite its established role, current law does not expressly authorize [MPWMD] to conduct turf irrigation conservation enforcement. By aligning state law with existing local practice, SB 1139 ensures consistent implementation of California's drought response policies, strengthens compliance efforts, and supports long-term water conservation in one of the state's most water-constrained regions."

ARGUMENTS IN OPPOSITION

None received

COMMENTS

Use wisely. Although the state is no longer in a drought, the future availability of water is not guaranteed. The state could experience another drought, the climate is changing, and future snowpack and precipitation can be unpredictable. As such, it would be prudent for the state to be efficient with the utilization of its water supplies. That was the intent of AB 1572, to ensure that potable water was used wisely and not for wasteful purposes. This bill furthers the intent of AB 1572, making sure that MPWMD has the ability to enforce the provisions of that bill within its service area.

You can enforce with us. When AB 1572 was enacted, public water systems, cities, counties, and a city and county, were given authority to enforce the prohibition. Water wholesalers were not. Typically, water wholesalers do not have a direct relationship with the end users and do not conduct conservation enforcement. As such, it did not seem appropriate to give water wholesalers such enforcement authority. However, MPWMD, established by the Legislature (Chapter 527, Statutes 1977), operates differently than the typical water wholesaler and its enabling statutes give MPWMD explicit authority to enforce water conservation measures for end users (CA Water Code App. §118-332). Additionally, according to information provided by the author's office, Cal-Am, the local water retailer, has historically relied on MPWMD to enforce conservation activities. Thus, without the authority provided for in this bill, an enforcement gap of this prohibition would exist in the Monterey area.

SUGGESTED AMENDMENTS: none

SUPPORT

Monterey Peninsula Water Management District (sponsor)
Association of California Water Agencies

OPPOSITION

None Received

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