



Legislation, Regulatory Affairs & Communication Committee

Authorize the General Manager to co-sponsor, if amended, Assembly Bill 1572 (Friedman, D – Glendale):
Potable water: nonfunctional turf

Item 7-14

April 10, 2023

AB 1572
(Friedman):
Potable
water:
nonfunctional
turf.

- Prohibit the use of “potable water” for irrigation of nonfunctional turf located on CII, municipal, and multifamily residential properties by specified dates
- Require the SWRCB to adopt regulations by January 1, 2025
- Require certification of compliance and compliance audits
 - Property owner designation
 - Visual inspection

AB 1572
(Friedman):
Potable
water:
nonfunctional
turf.

- Enforcement:
 - May be enforced by local water agencies
 - Agencies must add prohibition to water service agreements by January 1, 2026
 - Requires reporting by local water agencies as determined by SWRCB
 - Local agencies must submit information to support compliance audits by SWRCB

Board Actions supporting NFT Conversion & Ban

Aug 2022 – the Board (OWC) considers and supports 4 options to advance NFT removal

- Incentives-based
- Sample ordinance / Board resolution
- New water allocation methodology for drought emergency
- State legislation

Oct 2022 – Board adopts resolution encouraging reduction/elimination of irrigation for NFT

Nov 2022 – Six Basin State Proposed Agreement threatens 50% of California's Colorado River imported supplies. Metropolitan and 13 member agencies sign on to Colorado River letter, committing to reducing NFT by 30%

Board Actions supporting NFT Conversion & Ban

Dec 2022 – Board adopts 2023 Legislative Priorities and Principles, which includes:

- Priority B.1. for a Metropolitan-sponsored bill
- Legislative principles explicitly supporting the long-term conversion of NFT in residential, commercial, industrial, and institutional landscapes and banning installation of NFT in new construction

Feb 2023 – AB 1572 (Friedman) is introduced

- Co-sponsorship request received from NRDC & Heal the Bay

Mar 2023 – Outreach efforts undertaken by Metropolitan staff, consistent with Board direction

Outreach Efforts & Process.

Member Agency NFT Work Group

- Two meetings on March 15 and April 3
- Virtually all MAs were present and represented

Individual Agency Meetings

- Week of March 20: Met with 6 MAs to discuss concerns and solicit input
- Calleguas, Eastern, LADWP, LVMWD, MWDOC, SDCWA

Presentation at Member Agency Manager Meeting

- March 24 - Discuss bill and solicit input

Meetings with Bill Sponsors

MA Managers & NFT Work Group Input

Administrative Burden & Liability.

Concerns

- Increased reporting and enforcement
- Lack of flexibility and local control
- Need for funding support
- Potential financial liability for penalties that may be accrued.

Possible Amendments to Provide Relief from Administrative Burden & Liability

- Clarify SWRCB responsibility for certifications of compliance
- Ensure that penalties accrue to violators to protect compliant ratepayers
- Possible credits, waivers or exemptions for agencies which already meet specified standards or invest in recycled water

MA Managers & NFT Work Group Input

Lack of Clarity.

Concerns

- Designations of “functional” versus “non-functional”
- Conflicting or ambiguous definitions for enforcement
- Lack of parity between public and private entities

Possible Amendments to Increase Clarity

- Provide clear definitions of NFT to ensure accurate property owner designations of “functional” versus “non-functional”
- Provide clarity in metrics to assist in compliance

MA Managers and NFT Work Group Input

Regulatory Timing & Funding.

Concerns

- Conflicts in development & implementation with the long-term water efficiency framework
- Lack of green space in underserved communities in multi-family residential or municipal buildings, without funding to support conversion of turf to climate appropriate landscaping

Possible Amendments to Address Timing & Funding

- Delay in compliance deadlines to allow for full implementation and assessments of other regulatory conservation objectives
- Exemptions for multifamily residential and municipal building in underserved (DAC) communities until there is a funding source

Outreach Efforts

Meetings with Bill Sponsors.

Co-Sponsors

- Natural Resources Defense Council (NRDC) and Heal the Bay are sponsors of the legislation

Meetings

- Met with NRDC staff to discuss bill and amendments.
- Facilitated discussion with NRDC and MA-NFT Work Group

Discussion regarding Anticipated Amendments

- Proposed amendments incorporate much of ACWA's requested changes
- Not yet in print

Board Options

- Option #1
Authorize the General Manager to co-sponsor, if amended, AB 1572 (Friedman): Potable water, non-functional turf
- Option #2
Do not authorize the General Manager to co-sponsor, but authorize a position of support if amended
- Option #3
Take no action

Staff Recommendation

- Option #1
Authorize the General Manager to co-sponsor, if amended, AB 1572 (Friedman): Potable water, non-functional turf

