AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL No. 2525

Introduced by Assembly Member Holden

February 19, 2016

An act to add Part 2.13 (commencing with Section 10960) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2525, as amended, Holden. Water-efficient landscaping.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law, the Water Conservation in Landscaping Act, requires the Department of Water Resources to update its model water-efficient landscape ordinance by regulation and prescribes various requirements for the updated model ordinance. Existing law requires each local agency to adopt either the updated model water-efficient landscape ordinance or an ordinance that is at least as effective in conserving water as the updated model ordinance. If the local agency does not make a selection, the model ordinance shall apply within the jurisdiction of the local agency.

This bill would require the department, *upon identification of a funding source,* to create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote the benefits of consistent landscape ordinances, and

support and enhance water inefficient grass replacement. This bill would create the Water Efficient Landscaping Fund and provide that moneys in the fund are available, upon appropriation by the Legislature, to the department for certain purposes.

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

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

SECTION 1. (a) The Legislature finds and declares as follows:

(1) The waters of the state are of limited supply and are subject to ever-increasing demand.

(2) Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development, among other benefits.

(3) Landscape design, installation, maintenance, and management can and should be water efficient.

(4) Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and that the right does not extend to the waste or unreasonable use of water.

(5) Landscapes that are planned, designed, installed, managed, and maintained with a watershed-based approach can improve California's environmental conditions, provide benefits, and realize sustainability goals such as the reduction in greenhouse gas emissions and recycling goals, and conserve energy. These landscapes will make the urban environment resilient in the face of climatic extremes.

(6) Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth leads to more carbon storage, oxygen production, shade, habitat, and aesthetic benefits.

(7) Energy use can be minimized by using efficient irrigation systems, reducing reliance on petroleum-based fertilizers and pesticides, and planting climate-appropriate edible plants and shade trees in urban areas.

(8) Water can be conserved by capturing and reusing rainwater and graywater wherever possible and selecting climate-appropriate plants that need minimal supplemental water after establishment.

(9) Air and water quality can be protected by using low- or zero-emissions outdoor equipment, reducing landfill disposal trips, selecting recycled and local sources of material, using compost mulch and efficient irrigation equipment, and designing landscapes to prevent erosion.

(10) Existing habitat can be protected and new habitat created by choosing local native plants and climate-adapted plants, avoiding invasive plants, and using environmentally sound integrated pest management with the least toxic methods as a first course of action.

(11) Stormwater management practices can minimize runoff and increase infiltration that recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and increase onsite rainwater retention and infiltration should be encouraged.

(b) It is the intent of the Legislature that the California Water Efficient Landscaping Program furthers and accomplishes water conservation, energy efficiency, and greenhouse gas emissions reduction and climate adaptation.

SEC. 2. Part 2.13 (commencing with Section 10960) is added to Division 6 of the Water Code, to read:

PART 2.13. CALIFORNIA WATER EFFICIENT LANDSCAPING PROGRAM

10960. (a) ~~The~~ *Upon identification of a funding source, the* department shall create the California Water Efficient Landscaping Program for the purpose of encouraging local agencies and water purveyors to use economic incentives that promote the efficient use of water, promote greenhouse gas emissions reduction and sequestration, promote the benefits of consistent landscape ordinances in accordance with Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code, and support and enhance water inefficient grass replacement.

(b) As used in this part, "water inefficient grass replacement" means ~~either~~ *both* of the following improvements that substantially ~~increases~~ *increase* water efficiency of outdoor landscapes:

(1) The installation of a water efficient irrigation system, including, but not limited to, the following:

(A) Low-energy, high-efficiency drip irrigation.

(B) Rain harvesting technology to prevent stormwater runoff and promote water infiltration and supplemental irrigation.

(C) Low-energy graywater infrastructure to supplement outdoor irrigation supplies.

(D) Use of water efficiency application and monitoring systems.

(2) The installation of water efficient and climate friendly landscape, including, but not limited to, the following:

(A) The use of water efficient landscape design to promote stormwater capture and water infiltration while mitigating erosion.

(B) The installation of native plant species and other drought tolerant plants.

(C) The installation of shade trees.

(D) The installation of edible plants and fruit trees.

(E) The generous use of organic soil, compost, and mulch.

(F) The lowest impact method of carbon water inefficient grass replacement such as sheet mulching.

10961. The program created pursuant to this part shall contain the following three elements:

(a) A residential water inefficient grass replacement rebate program that provides financial incentives for the installation of water efficient landscape improvements.

(b) A jobs program.

(c) Public education for landscaping with the watershed approach in collaboration with local agencies.

10962. The Water Efficient Landscaping Fund is hereby created in the State Treasury. Moneys in the fund are available, upon appropriation by the Legislature, to the department for the following purposes:

(a) Water inefficient grass replacement of up to two dollars ($2) per square foot.

(b) The purchase of tools, plants, soil, mulch, water efficient irrigation technologies, and materials necessary to install water-efficient landscapes and irrigation systems.

(c) Grants to local conservation corps certified by the California Conservation Corps for projects that promote the use of recycled organics, compost, and mulch, including, but not limited to, the following:

(1) Projects that protect green spaces and urban canopies in disadvantaged and low-income communities from the threat of drought, including, but not limited to, those communities identified by the California Environmental Protection Agency's screening tool, CalEnviroScreen 2.0.

(2) Projects that include water efficient landscape improvements and projects that develop drought-resistant or rain garden plantscapes for families that qualify for the state Low-Income Home Energy Assistance Program.

(3) Projects that develop community healthy food gardens and landscapes.

(d) Administration of this part.

10963. In creating the program pursuant to this part, the department shall consider the following:

(a) That landscapes be designed for capture and infiltration capacity that is sufficient to prevent runoff to impervious surfaces and help prevent flooding.

(b) The grading of impervious surfaces such as driveways during construction to drain to vegetated areas.

(c) That the area of impervious surfaces, including, but not limited to, paved areas, roofs, and concrete driveways, be minimized.

(d) Incorporation of pervious and porous surfaces that minimize runoff, including, but not limited to, permeable pavers or blocks, or pervious or porous concrete.

(e) Directing runoff from paved surfaces and roof areas into planting beds and landscaped areas to maximize site water capture and reuse.

(f) Incorporation of rain gardens, cisterns, and other rain harvesting or catchment systems.

(g) Incorporation of infiltration beds, swales, basins, and dry wells to capture stormwater and dry weather runoff and to increase percolation in the soil.

(h) Encouraging the use of constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

(i) Education as a critical component to promote the efficient use of water in landscapes.

(j) Encouraging the use of appropriate principles of design, installation, management, and maintenance that save water.

(k) Incentivizing the participation in water inefficient grass replacement programs by disadvantaged communities in drought relief areas.

(*l*) Prioritizing the participation in water inefficient grass replacement programs for families that qualify for the Low-Income Home Energy Assistance Program.

(m) Equity and fairness statewide in reimbursement rates for water inefficient grass replacement programs.

(n) Program design that maximizes greenhouse gas emissions reductions of the water inefficient grass replacement projects.

(o) Incentivizing installation of graywater systems that conform with the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations).

10964. In carrying out the program pursuant to this part, the department may use the services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5 of the Public Resources Code.

10965. The following requirements apply to a project that receives a grant pursuant to Section 10962:

(a) The project shall use compost and mulch from recycled organic materials that maximize greenhouse gas emissions reductions.

(b) The project shall leverage local, state, and federal funds.

(c) The department shall give priority to projects that would aid community green spaces and urban canopies at the greatest risk from drought and climate impacts.

O