



# Fact Sheet

## **Second Water Conservation Emergency Regulation of 2022 Frequently Asked Questions**

**Updated: June 10, 2022**

### **General Information**

#### **1) Where can I find information on the State Water Board's second water conservation emergency regulation of 2022?**

You can find updated documents and subscribe to the Water Conservation Regulations email list for announcements on the State Water Board's [Water Conservation Emergency Regulations webpage](#).

#### **2) When will the emergency regulation be in effect?**

On June 10, 2022, the emergency regulation became effective.

#### **3) How long will the emergency regulation be in effect?**

Once the emergency regulation takes effect, it will remain in effect for one year, unless the State Water Board (Board) modifies it, readopts it, or ends it before then.

#### **4) Where can I find the adopted emergency regulation?**

The adopted regulation text is available on the Board's [Water Conservation Emergency Regulations webpage](#).

#### **5) What is now required?**

- Urban water suppliers must submit preliminary supply and demand assessments to the Department of Water Resources by June 1, 2022.
- Urban water suppliers must implement all conservation actions in their locally adopted plans meant to address at least a water shortage level of 10 to 20 percent (Level 2) by June 10, 2022.
- Owners and managers of commercial, industrial, and institutional properties must not use potable water for irrigating non-functional turf.

### **Non-Functional Turf**

#### **6) What is "turf"?**

Turf means "a ground cover surface of mowed grass." This official definition of turf can be found in [section 491 of title 23 of the California Code of Regulations](#).



**7) What is “non-functional turf”?**

Non-functional turf is a ground cover surface of mowed grass that is ornamental and not otherwise used for human recreation purposes. Non-functional turf does not include school fields, sports fields, and areas regularly used for civic or community events.

**8) Does the non-functional turf irrigation ban apply to residential properties?**

No, residential properties may continue to irrigate turf, subject to local rules. The Board encourages people to reduce turf irrigation on their properties and to convert turf to [water-wise](#) plants, but those are not required by this regulation. For more information and practical tips for converting your landscape and making your yard more water-wise, visit [SaveOurWater.com](#).

**9) Are there any exceptions to the non-functional turf irrigation ban?**

The ban only applies to irrigation of non-functional turf in the commercial, industrial, and institutional sectors and only applies to irrigation with potable water. It does not apply to residential lawns or any turf that is regularly used for human recreational purposes, such as community spaces, or sports fields and other turf spaces used for recreation or events. The regulation does not ban the irrigation of trees or other non-turf plantings. There is an exemption process available for certain low water using turf species and irrigation approaches. To be exempt from the ban, an owner or manager must provide to their water supplier evidence that they have met two requirements: (1) the user must certify that the turf species needs low levels of water (a plant factor of 0.3 or less; “plant factor” is a factor used to estimate the amount of water needed by plants – see [section 491 of title 23 of the California Code of Regulations](#)) and (2) the user must demonstrate that the turf is irrigated in a way that uses low levels of water (less than 40 percent of reference evapotranspiration). For more information on plant factors and reference evapotranspiration, see the state's [Model Water Efficient Landscape Ordinance](#).

**10) May people use recycled water or greywater to irrigate turf?**

Yes, however the Board encourages people to prioritize irrigation of trees and other plants due to the severity of the drought and the amount of water required for turf.

**11) Does the regulation affect trees? Do urban trees need to be watered?**

The regulation does not restrict the watering of trees, just turf. Although most mature trees often require little to no irrigation, some species do. The Board urges people to continue to water trees, even while reducing or stopping the irrigation of turf. Trees that are just getting established may need to be watered more frequently, including hand watering. Trees near or on non-functional turf could be impacted by some responses to the ban on turf irrigation, but the regulation allows continued irrigation of trees even if turf, such as turf under trees, will receive water. For more information about tree species and water needs, visit the [Save Our Trees section](#) within SaveOurWater.com.

**12) Who will enforce the non-functional turf prohibition?**

Water suppliers and local governments are expected to communicate the ban on irrigation of non-functional turf to their commercial, industrial, and institutional customers. The emergency regulation makes violations of the ban an infraction: any entity that is already authorized to enforce infractions, such as a water supplier or local government, may choose to enforce violations of the regulation.

In addition, anyone may report water waste, including irrigation of non-functional turf on a commercial, industrial, or institutional property, to the Board at [SaveWater.CA.Gov](https://www.savewater.ca.gov). The Board may use its enforcement authority to respond to violations of the regulation.

**13) What actions may a water supplier or local government (or any entity already authorized to enforce infractions) take to enforce violations of the regulation? What actions may the Board take?**

Local or Board enforcement may include warning letters, conservation orders, and fines (up to \$500 per day). The Board also encourages agencies to provide additional assistance to disadvantaged communities and translate conservation announcements and materials into the languages spoken at properties in commercial, industrial, and institutional sectors.

**14) Where can I report water waste violations?**

You can report water waste violations online at [SaveWater.CA.Gov](https://www.savewater.ca.gov). These reports are sent to local water suppliers and the Board. The website allows you to upload photos, which helps with enforcement decision-making.

**Homeowners' Associations (HOAs) & HOA Residents****15) Does this regulation apply to HOAs?**

Yes, but only to non-functional turf on property the homeowners' association (HOA) owns, not residences. While an individual's property is considered residential, property owned and maintained by an HOA is considered the same as landscapes owned and maintained by commercial or institutional entities. This means that the regulation does not prevent homeowners from irrigating turf; it prohibits the irrigation of non-functional turf (with potable water) on property an HOA owns. However, the regulation does not ban the irrigation of turf used for recreation or community activities.

**16) Who decides if turf is functional?**

An HOA should review areas of turf that it maintains, consult with residents, and determine whether the turf is functional or not. Water suppliers may defer to HOAs' determinations that specific areas of turf are used for recreation or community events. However, water suppliers also retain the authority to enforce the irrigation ban if there is a documented violation.

## **17) Can my HOA stop me from conserving water?**

No. Homeowners may remove their lawns and replace them with water-wise plants. If you install water-efficient landscaping during the drought, your HOA cannot prevent you from maintaining it or require you to remove it when there is no longer a drought state of emergency. Additionally, your HOA cannot impose a fine or assessment for reducing or eliminating the watering of vegetation or lawns during a drought state of emergency, nor can it prohibit, or include conditions that have the effect of prohibiting, the use of low water-using plants as a group or as a replacement of existing turf. For more information and practical tips for making your yard more water-wise, visit [SaveOurWater.com](https://www.saveourwater.com).

## **18) Are apartment buildings considered part of the commercial, industrial, and institutional sectors?**

Most apartment buildings are part of the residential sector and therefore not subject to the ban on irrigation of non-functional turf. However, apartment buildings may also include commercial facilities, such as ground floor businesses or other commercial operations on site, in the same manner as HOAs (see above). Apartment building owners and managers should check with their water supplier to see whether their building or complex may be considered, in part, commercial, industrial, or institutional and would therefore have some landscaped areas subject to the same rules (and exclusions) as similarly situated landscaped areas in HOAs.

## **Water Shortage Response Actions**

### **19) Where are instructions for suppliers to submit preliminary annual supply and demand assessments?**

Annual supply and demand assessments should be submitted to the Department of Water Resources. Instructions for submitting this information can be found on the Department of Water Resources [website](#).

### **20) By when must urban water suppliers that have not yet implemented Level 2 water shortage response actions do so?**

Per the regulation, urban water suppliers must implement Level 2 demand reduction actions by June 10, 2022.

### **21) What are Level 2 water shortage response actions?**

For most urban water suppliers, water shortage responses have been adopted in the supplier's water shortage contingency plan and include actions intended to respond to a water shortage of 10 to 20 percent. Examples of Level 2 actions include rebate programs, drought rate structures, expanding information campaigns, and restrictions on outdoor irrigation days and times.

### **22) Are drought rate structures required?**

Water suppliers are required to either implement drought pricing or enact a water waste ordinance (see Water Code sections 365-367). When implementing drought pricing,

water suppliers should design rates or surcharges to incentivize conservation by high-use customers. Information on conservation pricing is available on the [Board's website](#).

**23) If a water supplier has adequate supply according to its supply and demand assessment, why is it required to implement Level 2 demand reduction actions?**

The severity of this new normal makes it imperative that all Californians save water in every way possible. The drought emergency is statewide, and conservation is important to extend supplies so that more water is left for the future and for the environment. All water suppliers can support California's water resilience through additional conservation. See Question #27 for clarification on which water suppliers may take alternative compliance actions.

**24) Are water suppliers required to implement all demand reduction actions in Level 2 of their plan?**

Yes, water suppliers are required to implement all of their Level 2 demand reduction actions. However, they do not have to implement new residential connection moratoria if that is one of their Level 2 actions. See Question #27 for clarification on which water suppliers may take alternative compliance actions.

**25) Are water suppliers required to implement Level 2 actions that do not reduce the demand for water?**

Supply augmentation actions identified in Level 2 of a supplier's water shortage contingency plan are not required by this regulation; only Level 2 demand reduction actions are required.

**26) What if an urban water supplier has not defined Level 2 water shortage response actions?**

If an urban water supplier has not already complied with the preexisting requirement to submit a water shortage contingency plan to the Department of Water Resources, then, by July 10, 2022, they are required to implement the minimum demand reduction actions listed in the regulation: (1) a public information and outreach campaign, (2) a weekly irrigation schedule, and (3) bans on water uses as prohibited in the Board's January 2022 emergency regulation. For more details, see the [regulation](#) on the [Water Conservation Emergency Regulations webpage](#). These actions were adopted after considering suggestions from the Department of Water Resources and public comment.

**27) Which suppliers may take alternative compliance actions?**

Water suppliers may elect to implement the minimum actions required of suppliers that have not yet submitted water shortage contingency plans instead of all their Level 2 demand reduction actions if they meet the following criteria: (1) their annual water supply and demand assessment demonstrates an ability to maintain reliable supply until September 30, 2023; (2) they do not rely on, for any part of their supply, the Colorado River, State Water Project, or Central Valley Project, and no more than 10 percent of

their supply comes from critically overdrafted groundwater basins as designated by the Department of Water Resources; and (3) their average number of gallons of water used per person, per day by residential customers for the year 2020 is below 55 gallons, as reported to the Board in the Electronic Annual Report.

**28) Does the regulation require urban water suppliers to implement Level 3 actions?**

No, but Governor Newsom has encouraged all urban water suppliers to implement stronger actions that would respond to water shortages of up to 30 percent (Level 3 actions).

## Other Information

**29) Am I subject to both this new regulation *and* the one adopted in January 2022 that prohibits certain wasteful water-use practices?**

Yes. [Both regulations](#) are currently in effect. (The earlier emergency regulation adopted in January 2022 will remain in effect until January 18, 2023, unless the Board acts to end, modify, or readopt it before then). This means that turf irrigation that is not prohibited must still be done in a manner that does not cause water to flow onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.

**30) How is the Board advancing drought resilience and water conservation for the long-term?**

Among other ongoing activities related to water rights and water quality, the Board is working on regulations to [Make Conservation a California Way of Life](#), including [adopting long-term standards for the efficient use of water](#) and [water loss performance standards](#) for urban retail water suppliers. The [Safe and Affordable Funding for Equity and Resilience \(SAFER\) program](#) supports permanent and sustainable drinking water solutions that ensure all Californians have access to safe, affordable, and reliable drinking water. For information and updates on the Board's drought activities, visit the Board's [Drought website](#).