

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

November 3, 1992

To: Board of Directors (Executive Committee--Action)  
 (Water Problems Committee--Action)

From: General Manager

Subject: Water Conservation Legislation

### Report

There are several water conservation legislative initiatives that will be considered in the State Legislature and Congress that Metropolitan has an interest in or that have an effect upon Metropolitan and its operations. The Special Committee on Legislation (Committee) reviewed policy principles in the following areas and adopted recommendations at its October 27, 1992 meeting. In addition to the issues discussed in this letter, the Committee also reviewed the issue of mandating Best Management Practices (BMP) through legislation, but decided to defer any action on this item until a later date.

### Integrated Resource Planning

This concept, also known as "Least Cost Planning," has appeared in both federal and State legislative initiatives. It is a concept that would dictate that before a new water facility could be built, the effects of on-going and future conservation would have to be accounted for and used in a policy determination that would ultimately determine if that facility should be built. In essence, if the analysis showed that there were enough conservation programs being implemented, the water facility could be dropped from the planning schedule or deferred until a later date.

This concept, while sounding good in theory, has several drawbacks. First, there is not enough data available on the effectiveness of conservation to be able to defer the building of a facility based on projected conservation savings alone. Second, growth and shortages in Metropolitan's service area are occurring so rapidly that Metropolitan needs the combined effects of new facilities and conservation to meet the water reliability needs of its service area. Although Metropolitan's planning process already follows the logic of integrated resource planning, it is important to preserve, at the local level, the flexibility

over facility decisions and to not compromise local control with inflexible formulas. In fact, Metropolitan's current planning process takes into account many of the aspects that an integrated resource planning bill would incorporate.

Issue: Should Metropolitan support integrated resource planning legislation?

Recommendation: Metropolitan should monitor development of integrated resource planning initiatives and respond to any draft legislation with suggested amendments. Metropolitan should take a constructive role in drafting any bill that is introduced.

#### Plumbing Fixtures

Mandated replacement of inefficient plumbing fixtures, specifically toilets, at the point of sale or transfer of real property, can have a significant effect on helping water agencies meet their obligations under the BMP Memorandum of Understanding (MOU). One of the more significant BMPs is the replacement of all inefficient toilets with ultra-low-flush toilets. Under the BMP process, the replacement of these toilets is to be accomplished through programs that would be as effective as giving a \$100 rebate. However, this type of replacement program could become prohibitively expensive for water agencies.

One way to alleviate this expense is to require that all real property, prior to resale or transfer, have inefficient plumbing fixtures, including showerheads and toilets, replaced before the property can be transferred. To accomplish this purpose, S.B. 1224 was introduced in the legislature by Senator Killea of San Diego. The bill was supported by Metropolitan and a number of other water agencies. Due to opposition from the real estate lobby, the bill was amended to ban the sale of all non-low-flush toilets in the State. This bill has been signed into law by the Governor and goes into effect January 1, 1994.

Issue: Should replacement of inefficient plumbing fixtures, specifically toilets, be mandated, at the point of sale or transfer of real property? If passed, this could have a significant effect on helping water agencies meet their obligations under the BMP MOU.

Recommendation: Metropolitan should support the eventual passage of a bill that would mandate the replacement of all inefficient plumbing fixtures upon the transfer or resale of any real property.

### Water Efficient Appliances

Presently, efficiency standards have been developed for electrical fixtures and devices. However, there are no such standards for water appliances such as dishwashers and washing machines with respect to their water-use efficiency. There have been several federal bills that propose creating national standards for water-using appliances, but the only bill enacted to date is H.R. 776 which was passed by Congress in October 1992 as part of the Omnibus Energy Policy Act. This bill creates minimum efficiency standards for showerheads, faucets, and aerators.

Issue: Should standards be developed for water-efficient appliances (dishwashers, washing machines, etc.) similar to those standards developed at the federal level for electrical appliances?

Recommendation: Metropolitan should take a passive role in the development of these standards and reserve its active support until a bill is introduced with these standards.

### Water Conservation In Landscaping

A significant portion of water used in a typical residence is for outdoor landscape irrigation. There is potential for significant water savings in this area without negatively affecting landscaping. The legislature recognized this when it enacted the Water Conservation in Landscaping Act, which requires local agencies, by January 1, 1993, to either adopt a local water-efficient landscape ordinance or accept the model ordinance developed by the Department of Water Resources task force. The intent of the ordinance is to require that landscaping of new residential construction conform to accepted low-water-using standards. While there is general agreement regarding requirements for efficient irrigation technology in new construction, considerable disagreement exists regarding mandating, by law, individual landscape decisions.

Issue: Should specific standards for outdoor landscaping be developed to take advantage of the potential for water savings in the outdoor landscaping sector?

Recommendation: Metropolitan should support the continuation, without changes, of the policies expressed in existing approach of the Water Conservation in Landscaping Act, which allows a local agency to choose its preferred approach.

The actions recommended in this letter are exempt from California Environmental Quality Act because they have no significant environmental effect.

Board Committee Assignments

This letter is referred for action to:

The Executive Committee because of its authority regarding policies on legislation pursuant to Administrative Code Section 2417 (a); and

The Water Problems Committee because of its authority regarding water conservation policies pursuant to Administrative Code Section 2481 (i).

Recommendation

**EXECUTIVE AND WATER PROBLEMS COMMITTEES FOR ACTION.**

It is recommended that the Board adopt the principles in this letter to guide legislative actions in the area of water conservation.

  
Carl Boronkay

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