

- **Board of Directors**
Communications, Outreach and Legislation Committee

June 8, 2004 Board Meeting

8-13

Subject

Express opposition, unless amended, for AB 2298 (Plescia) - Public water systems: water meters; and express support, if amended, for AB 2717 (Laird) - California Urban Water Conservation Council: stakeholders

Description

Staff recommends that the Board adopt an “oppose unless amended” position on AB 2298 (Plescia - San Diego) and a “support if amended” position on AB 2717 (Laird - Santa Cruz). Both bills are related to landscape water-use efficiency, which Metropolitan fully supports. For each bill, staff specifically recommends:

- Assembly Bill 2298 should be opposed, unless amended, to:
 - Require primary metering of all customer water use and billing based on consumption throughout the state as a prerequisite to requiring installation of supplementary landscape meters
 - Include a cost-effectiveness analysis in support of criteria for agencies to select alternative methods to achieve comparable irrigated water-use efficiency, or even opt out if it is not cost-effective in their service area
- Assembly Bill 2717 should be supported, if amended, to:
 - Allow the California Urban Water Conservation Council to move forward with the required stakeholder task force only if non-state stakeholders provide the necessary funding voluntarily

Assembly Bill 2298 (Plescia), as amended on May 6, 2004, is sponsored by the California Landscape Contractors Association and the Natural Resources Defense Council. The bill revises the existing 1990 “Water Conservation in Landscaping Act” (AB 325) which requires that most cities and counties adopt a model water conservation landscape ordinance. AB 2298 would require public water systems serving 3,000 or more service connections to install, or require installation of, dedicated water meters for new irrigated landscapes larger than 10,000 square feet by Jan. 1, 2006, and by Jan. 1, 2012, install landscape meters on existing, irrigated, non-single-family landscapes that exceed one acre, if funding is available. If funding is not available, it would become a state-mandated local program by Jan. 1, 2015.

Metropolitan is supportive of improving landscape irrigation efficiency. However, some of California’s urban areas have yet to use primary water meters and, because there may be more cost-effective ways to achieve landscape irrigation efficiency, it is proposed that Metropolitan advocate an “oppose unless amended” position on AB 2298. Proposed amendments would include (1) deferment of the requirement that urban water suppliers install dedicated landscape irrigation meters until all municipal and industrial water users pay for water based on metered usage, and (2) requiring appropriate analysis leading to the establishment of cost-effectiveness criteria allowing agencies alternative means of achieving the same landscape irrigation efficiency, if they can be shown to be cost-effective. The cost-effectiveness element of the amendment is being recommended to ensure that only reasonable requirements are included in any new ordinance adopted by the state.

This position is based on the following:

- The most effective way to achieve water-use efficiency through water meters in California is to install a primary meter and bill based on measured consumption for all municipal and industrial water service throughout the state;

- Currently, there is no state law requiring primary metering and billing based on consumption;
- Emerging technology may be more cost-effective in achieving landscape irrigation efficiency;
- Requiring separate volumetric billing through dedicated-landscape water meters would cause most urban water suppliers, who already install and use primary mixed-use meters, to change their billing and cost allocation process; and
- There is insufficient data on how effective supplemental dedicated landscape water meters are at improving water-use efficiency.

Assembly Bill 2298, as amended May 6, 2004, is included for reference in [Attachment 1](#).

Assembly Bill 2717 (Laird) is a bill sponsored by the San Diego County Water Authority. The bill requests that the California Urban Water Conservation Council convene a stakeholder task force of public and private agencies to recommend proposals to improve water-use efficiency in urban, irrigated landscapes by Dec. 31, 2005. Amendments are necessary to the bill to ensure that expenses for the task force are borne by non-state agency stakeholders on a voluntary basis. It is proposed that Metropolitan advocate for a “support if amended” position on AB 2717.

Assembly Bill 2717, as amended April 16, 2004, is included for reference in [Attachment 2](#).

Policy

By Minute Item 45208, dated Feb. 11, 2003, the Board adopted water conservation policy principles.

By Minute Item 45334, dated May 13, 2003, the Board adopted a “support, if amended” position for SB 312 (Machado) - Urban Landscape Water Conservation Act of 2003.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed actions are not defined as a project under CEQA because they involve continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed actions in question may have a significant effect on the environment, the proposed actions are not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed actions are not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- a. Express opposition to AB 2298 unless amended as discussed in this letter; and
- b. Express support for AB 2717 if amended as discussed in this letter.

Fiscal Impact: None


Option #2

Withhold expressing a position on AB 2298 or AB 2717.

Fiscal Impact: None

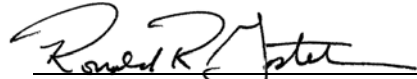
Staff Recommendation

Option #1



B. Anatole Falagan
for Stephen N. Arakawa
Manager, Water Resource Management

5/21/2004
Date



Ronald R. Gastelum
Chief Executive Officer

5/21/2004
Date

Attachment 1 – Assembly Bill 2298

Attachment 2 – Assembly Bill 2717

BLA #2983

AMENDED IN ASSEMBLY MAY 6, 2004
AMENDED IN ASSEMBLY APRIL 16, 2004
AMENDED IN ASSEMBLY APRIL 14, 2004
AMENDED IN ASSEMBLY MARCH 22, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2298

**Introduced by Assembly Member Plescia
(Coauthors: Assembly Members Aghazarian, Kehoe, Spitzer,
and Wolk)**

February 19, 2004

An act to add Article 11 (commencing with Section 65610) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Plescia. Public water systems: water meters.

(1) ~~Existing law, known as the~~ *The Water Conservation in Landscaping Act*, requires the Department of Water Resources to adopt a model local water efficient landscape ordinance that each local agency may adopt and requires a local agency to adopt a water efficient landscape ordinance by January 1, 1993, unless the local agency adopts specified findings that an ordinance is unnecessary.

The bill would require, after January 1, 2006, that ~~public water systems serving 3,000 or more service connections~~ *an urban water supplier, as defined*, install, or require the installation of, water meters

or submeters that measure or calculate the volume of ~~nonrecycled~~ water delivered to any new irrigated landscaped area of 10,000 square feet or more and would also require, not later than January 1, 2012, that these ~~systems suppliers~~ install, or require *the installation of*, water meters or submeters for irrigated landscaped areas of one acre or more not located within a parcel occupied by a single family residential dwelling, ~~if funding is available as specified, or not later than January 1, 2015.~~ By increasing the duties of local public officials, the bill would create a state-mandated local program.

(2) The bill would also authorize ~~a public water system~~ *an urban water supplier* to recover the cost of purchasing, installing, and servicing separate landscape water meters or submeters from rates, fees, or charges.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Article 11 (commencing with Section 65610) is
2 added to Chapter 3 of Division 1 of Title 7 of the Government
3 Code, to read:

4
5 Article 11. Landscape Water Meters and Submeters

6
7 65610. The Legislature finds and declares all of the
8 following:

9 (a) *That the policy of the State is to conserve and make efficient*
10 *use of existing water supplies.*

11 (b) That economic analyses conducted by urban water
12 agencies and the goals and objectives of the CALFED Bay-Delta
13 Program Record of Decision have identified urban water
14 conservation as a cost-effective approach to addressing water
15 supply needs.

16 ~~(b)~~



1 (c) That a clear public interest exists in achieving the highest
2 practicable level of landscape water use efficiency throughout the
3 state.

4 ~~(e)~~

5 (d) That the application of recent advances in landscape design,
6 irrigation technology, and landscape maintenance can help
7 conserve water, while maintaining the quality and traditional
8 character of public, commercial, and residential landscapes.

9 65611. (a) After January 1, 2006, a ~~public water system~~
10 ~~servicing 3,000 or more service connections~~ *an urban water*
11 *supplier* shall install, or require the installation of, a separate water
12 meter or submeter to measure or calculate the volume of
13 ~~nonrecycled~~ water delivered to any new irrigated landscaped area
14 of 10,000 square feet or more.

15 (b) After January 1, 2007, the water usage measured by the
16 water meters or submeters serving any irrigated landscaped area
17 pursuant to subdivision (a) shall be used in whole or in part for
18 regular billing purposes by the ~~public water system~~ *urban water*
19 *supplier*.

20 (c) (1) Not later than January 1, 2012, ~~if, and to the extent that,~~
21 ~~funding is available from state, local, or district funds or other~~
22 ~~revenue sources, including state or local bonds, whether or not~~
23 ~~application has been made by the public water system for those~~
24 ~~funds, a public water system servicing 3,000 or more service~~
25 ~~connections~~ *an urban water supplier* shall install, or require the
26 installation of, a separate water meter or submeter used
27 exclusively to measure *or calculate* the volume of ~~nonrecycled~~
28 water delivered to an irrigated landscaped area of one acre or more
29 ~~and that~~ is not located within a parcel occupied by a single-family
30 residential dwelling. The water usage measured by the water
31 meters or submeters serving the irrigated landscaped area shall be
32 used in whole or in part for regular billing purposes by the ~~public~~
33 ~~water system~~ *urban water supplier*.

34 ~~(2) Not later than January 1, 2015, a public water system~~
35 ~~servicing 3,000 or more service connections shall install, or require~~
36 ~~the installation of, a separate water meter or submeter used~~
37 ~~exclusively to measure the volume of nonrecycled water delivered~~
38 ~~to an irrigated landscaped area of one acre or more, and the water~~
39 ~~usage measured by the water meters or submeters serving the~~



1 ~~irrigated landscaped area shall be used in whole or in part for~~
2 ~~regular billing purposes by the public water system.~~

3 (2) *A public park with incidental nonlandscape water use shall*
4 *be in compliance with this subdivision with the installation of one*
5 *or more nonexclusive meters that measure total water use on the*
6 *property.*

7 (d) It is the intent of the Legislature that ~~public water systems~~
8 *urban water suppliers* utilize separate water meters and submeters
9 to establish rate structures and water budgets that discourage the
10 wasteful use of water.

11 (e) A ~~public water system~~ *urban water supplier* may recover
12 the cost of purchasing, installing, and servicing separate landscape
13 water meters or submeters from rates, fees, or charges.

14 65612. *As used in this article “urban water supplier” has the*
15 *same meaning as in Section 10617 of the Water Code.*

16 65613. *This article does not alter any rights, remedies, or*
17 *obligations that may exist pursuant to the Water Recycling in*
18 *Landscaping Act (Article 10.9 (commencing with Section 65601).*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 a local agency or school district has the authority to levy service
22 charges, fees, or assessments sufficient to pay for the program or
23 level of service mandated by this act, within the meaning of
24 Section 17556 of the Government Code.



AMENDED IN ASSEMBLY APRIL 16, 2004

AMENDED IN ASSEMBLY MARCH 23, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2717

Introduced by Assembly Member Laird

February 20, 2004

An act to add Section 65591.1 to the Government Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2717, as amended, Laird. California Urban Water Conservation Council: stakeholders.

Existing law, known as the Water Conservation in Landscaping Act, requires the Department of Water Resources to adopt a model local water efficient landscape ordinance that each local agency may adopt and requires a local agency to adopt a water efficient landscape ordinance by January 1, 1993, unless the local agency adopts specified findings that an ordinance is unnecessary.

This bill would request that the California Urban Water Conservation Council convene a stakeholders workgroup composed of public and private agencies, and associations to evaluate and recommend proposals for improving the efficiency of water use in new and existing urban irrigated landscapes in the state.

The bill would also request the stakeholder workgroup to report its recommendations to the Governor and the Legislature by December 31, 2005, and would provide that the nonstate agency stakeholders pay the



expenses of the stakeholder workgroup without any contribution from the state.

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

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

- 1 SECTION 1. Section 65591.1 is added to the Government
- 2 Code, to read:
- 3 65591.1. (a) Not later than January 1, 2005, the California
- 4 Urban Water Conservation Council (CUWCC) is hereby requested
- 5 to convene a stakeholders workgroup to develop, evaluate and
- 6 recommend proposals for improving the efficiency of water use in
- 7 new and existing urban irrigated landscapes in the state. The
- 8 CUWCC may designate a chair for the stakeholder group.
- 9 (b) Representatives of the Department of Water Resources,
- 10 State Water Resources Control Board, Bay-Delta Authority,
- 11 United States Bureau of Reclamation, California Landscape
- 12 ~~Contracts~~ Contractors Association, manufacturers or designers of
- 13 irrigation equipment, Green Industry Council, building and
- 14 construction industry, urban water agencies, recognized
- 15 environmental advocacy groups, the California League of Cities,
- 16 the California Association of Counties, and the University of
- 17 California may be invited to participate in the stakeholder group.
- 18 (c) The stakeholder workgroup may examine and report to the
- 19 Governor and the Legislature by December 31, 2005, on all of the
- 20 following matters:
- 21 (1) Review and make recommendations for improving the
- 22 Model Water Efficient Landscape Ordinance.
- 23 (2) Review and make comments on the following additional
- 24 matters:
- 25 (A) Potential labeling requirements and performance standards
- 26 for landscape irrigation equipment sold or installed in California.
- 27 (B) Potential use and application of water budgets for irrigated
- 28 landscaped areas.
- 29 (C) Potential standardized training and certification
- 30 requirements for personnel engaged in the business of design,
- 31 installation, operation, or maintenance of irrigated landscapes,
- 32 including water budgets.



1 (D) Potential use of incentives and disincentives to encourage
2 the adoption and implementation of landscaping efficiency
3 measures.

4 (E) Other measures for improving the water efficiency of
5 existing irrigated landscapes.

6 (F) Areas for further research and development regarding
7 water efficient plant varieties, water efficient irrigation
8 equipment, and remote monitoring of landscape water
9 consumption, together with plans for organizing, funding, and
10 conducting the research.

11 (d) All expenses for the stakeholder workgroup shall be the
12 responsibility of the nonstate agency stakeholders.

