

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

April 10, 2007 Board Meeting

8-12

Subject

Adopt support positions on state legislative measures promoting water-use efficiency

Description

Summary

Staff is recommending that the Board adopt support positions on six legislative measures pending in the state Legislature that promote water use efficiency in California. Among the bills are four legislative proposals that seek to improve water efficiency in new construction either through voluntary standards or enforceable regulation. These are AB 662 (Ruskin, D-Redwood City), AB 888 (Lieu, D-Torrance and Laird, D-Santa Cruz), AB 1058 (Laird, D-Santa Cruz and Lieu, D-Torrance), and AB 1560 (Huffman, D-San Rafael). A fifth bill, AB 715 (Laird, D-Santa Cruz), seeks to enhance the efficiency of toilets and urinals. The final bill, AB 1404 (Laird, D-Santa Cruz), seeks to increase the accountability of agricultural water use through standardized reporting. These six bills are consistent with board policy supporting water use efficiency.

Summary of Legislation and Staff RecommendationAB 662 (Ruskin) and AB 1560 (Huffman)

AB 662 (Ruskin) and AB 1560 (Huffman) would require the Energy Commission to prescribe, by regulation, water conservation design and construction standards for new residential and new nonresidential buildings before January 1, 2009. Currently, the Energy Commission is required to prescribe, by regulation, energy conservation design standards. This would update the Warren-Alquist State Energy Resources Conservation and Development Act to include water conservation standards. A copy of AB 662 is included as Attachment 1 and a copy of AB 1560 is included as Attachment 2.

Staff recommends support for AB 662 and AB 1560 and would seek an amendment to have the California Energy Commission report back to the Legislature on a strategy for pursuing enactment of high-efficiency clothes washer standards from the federal government. This legislation provides a mechanism for establishing water-use efficiency standards and labeling of water-using devices that meet or exceed standards.

AB 888 (Lieu and Laird)

AB 888 (Lieu and Laird) would require state agencies with responsibility for proposing building standards to the Building Standards Commission to ensure that green building elements are integrated into the proposed standards. The green building elements include water recycling and conservation measures in interior and exterior plumbing and landscaping and reduction of surface runoff. A copy of AB 888 is included as Attachment 3.

Staff recommends support for AB 888 and would seek an amendment to include indoor and outdoor water conservation. This legislation is beneficial because it encourages the use of recycled water and conservation in all new and remodeled buildings.

AB 1058 (Laird and Lieu)

AB 1058 (Laird and Lieu) would require the California Environmental Protection Agency (Cal-EPA), in consultation with public and private organizations, to develop, adopt, and make available a set of voluntary green building "best practices" for residential home construction. Existing and relevant guidelines are to be considered in the development of the new "best practices." In addition, Cal-EPA would be required to develop an education

program to inform local entities of the benefits of green building and to encourage the use of the best practices. A copy of AB 1058 is included as Attachment 4.

Staff recommends support for AB 1058. This legislation would strengthen Metropolitan's California-Friendly Program for new development by bringing more attention to our conservation message.

AB 715 (Laird)

AB 715 (Laird) would introduce new flush volume standards for toilets and urinals in a three-step process:

- Beginning in 2010, all toilets in new construction shall be dual flush or 1.3 gallon per flush or better, and all urinals for new and existing installations shall be no more than 0.5 gallons per flush.
- Beginning in 2011, all non-flush-valve toilets sold or installed in the state shall be dual flush or 1.3 gallons per flush or better.
- Beginning in 2012, all toilets shall be dual flush or 1.3 gallons per flush or better.

The bill allows for any or all of these steps to be delayed up to two years depending on market conditions for these devices. The bill would also directly authorize the use of zero water use urinals.

This bill is similar to AB 2496 (Laird) from the 2005/06 legislative session, which was supported by Metropolitan. The Governor vetoed AB 2496 stating that the issue should be left to the California Building Standards Commission rather than resolved through legislation. A copy of AB 715 is included as Attachment 5.

Staff recommends support of AB 715. This legislation supports Metropolitan's conservation program direction by accelerating the transition to greater efficiency of toilets and urinals in the service area

AB 1404 (Laird)

AB 1404 (Laird) would require development of a database and standardized forms to report agricultural water use and would condition eligibility for some grants and loans on compliance with this reporting requirement. A summary of requirements follows:

- Develop reporting database and standardized forms and make them available on the Internet.
- Convene stakeholder group to develop the database content.
- Report to the Legislature progress by January 1, 2009 and a final report by January 1, 2010.
- Test database by January 1, 2010 and make modifications to the database within one year.
- Provide notice to all users of schedule for implementation.
- Begin using database and standardized forms by January 1, 2012.

A copy of AB 1404 is included as Attachment 6.

Staff recommends support for AB 1404 and would seek an amendment to require that agricultural reporting thresholds be equivalent to the Urban Water Management Planning Act threshold for urban suppliers. Implementation of a reporting database on agricultural water use would generate useful data on agricultural water practices and facilitate agricultural water budgets to promote efficient agricultural water use.

Policy

By Minute Item 45208, dated February 11, 2003, the Board adopted water conservation policy principles.
By Minute Item 42287, dated February 11, 1997, the Board adopted recycled water policy principles.

California Environmental Quality Act (CEQA)

CEQA determination for Options #1 and #2:

The proposed action is not defined as a project under CEQA because it involves 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 action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

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

CEQA determination for Option #3:

None required

Board Options

Option #1

Adopt the CEQA determination and

- a. Authorize support for AB 662, AB 888, AB 1058, AB 1560, AB 715, and AB 1404; and
- b. Direct staff to pursue amendments to AB 662, AB 888, AB 1560, and AB 1404 as noted in this letter.

Fiscal Impact: None

Business Analysis: These bills are a step in promoting greater statewide water use efficiency and sponsoring these measures strengthens Metropolitan’s water stewardship role.

Option #2

Adopt the CEQA determination and

- a. Authorize support for one or more of the six proposed bills in Option #1a; and/or
- b. Direct staff to pursue amendments as noted to one or more of the four proposed bills in Option #1b.

Fiscal Impact: None

Business Analysis: These bills are a step in promoting greater statewide water use efficiency and sponsoring these measures strengthens Metropolitan’s water stewardship role.

Option #3

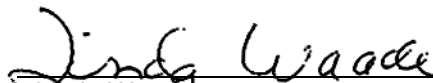
Take no position on AB 662, AB 888, AB 1058, AB 1560, AB 715, and AB 1404.

Fiscal Impact: None

Business Analysis: Non-support of these bills could lessen Metropolitan’s image as a steward of the region’s water resources and miss an opportunity to increase statewide water use efficiency.

Staff Recommendation

Option #1



 Linda Waade
 Deputy General Manager, External Affairs

4/4/2007

 Date



 Jeffrey Kightlinger
 General Manager

4/4/2007

 Date

- Attachment 1 – Assembly Bill 662
- Attachment 2 – Assembly Bill 1560
- Attachment 3 – Assembly Bill 888
- Attachment 4 – Assembly Bill 1058
- Attachment 5 – Assembly Bill 715
- Attachment 6 – Assembly Bill 1404

ASSEMBLY BILL

No. 662

Introduced by Assembly Member Ruskin

February 21, 2007

An act to amend Section 25402 of the Public Resources Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 662, as introduced, Ruskin. Water conservation.

The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission (Energy Commission) to prescribe, by regulation, energy conservation design standards for new residential and new nonresidential buildings before January 1, 1981.

This bill would require the Energy Commission to prescribe, by regulation, water conservation design and construction standards for those buildings before January 1, 2009.

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 25402 of the Public Resources Code is
2 amended to read:
3 25402. The commission shall, after one or more public
4 hearings, do all of the following, in order to reduce the wasteful,
5 uneconomic, inefficient, or unnecessary consumption of energy
6 *and water:*

1 (a) Prescribe, by regulation, lighting, insulation climate control
2 system, and other building design and construction standards that
3 increase the efficiency in the use of energy *and water* for new
4 residential and new nonresidential buildings. The standards shall
5 be cost effective, when taken in their entirety, and when amortized
6 over the economic life of the structure when compared with historic
7 practice. The commission shall periodically update the standards
8 and adopt any revision that, in its judgment, it deems necessary.
9 Six months after the commission certifies an energy conservation
10 manual pursuant to subdivision (c) of Section 25402.1, no city,
11 county, city and county, or state agency shall issue a permit for
12 any building unless the building satisfies the standards prescribed
13 by the commission pursuant to this subdivision or subdivision (b)
14 ~~of this section~~ that are in effect on the date an application for a
15 building permit is filed.

16 (b) Prescribe, by regulation, energy *and water* conservation
17 design standards for new residential and new nonresidential
18 buildings. The standards shall be performance standards and shall
19 be promulgated in terms of energy consumption per gross square
20 foot of floorspace, but may also include devices, systems, and
21 techniques required to conserve energy *and water*. The standards
22 shall be cost effective when taken in their entirety, and when
23 amortized over the economic life of the structure when compared
24 with historic practices. The commission shall periodically review
25 the standards and adopt any revision that, in its judgment, it deems
26 necessary. A building that satisfies the standards prescribed
27 pursuant to this subdivision need not comply with the standards
28 prescribed pursuant to subdivision (a). ~~The~~ *With respect to energy*
29 *conservation design standards, the commission shall comply with*
30 *this subdivision before January 1, 1981.*

31 (c) (1) Prescribe, by regulation, standards for minimum levels
32 of operating efficiency, based on a reasonable use pattern, and
33 may prescribe other cost effective measures, including incentive
34 programs, fleet averaging, energy *and water* consumption labeling
35 not preempted by federal labeling *law*, and consumer education
36 programs, to promote the use of energy efficient appliances whose
37 use, as determined by the commission, requires a significant
38 amount of energy on a statewide basis. The minimum levels of
39 operating efficiency shall be based on feasible and attainable
40 efficiencies or feasible improved efficiencies that will reduce the

1 electrical energy consumption growth rate. The standards shall
2 become effective no sooner than one year after the date of adoption
3 or revision. No new appliance manufactured on or after the
4 effective date of the standards may be sold or offered for sale in
5 the state, unless it is certified by the manufacturer thereof to be in
6 compliance with the standards. The standards shall be drawn so
7 that they do not result in any added total costs to the consumer
8 over the designed life of the appliances concerned.

9 (2) No new appliance, except for any plumbing fitting, regulated
10 under paragraph (1), ~~which~~ *that* is manufactured on or after July
11 1, 1984, may be sold, or offered for sale, in the state, unless the
12 date of the manufacture is permanently displayed in an accessible
13 place on that appliance.

14 (3) During the period of five years after the commission has
15 adopted a standard for a particular appliance under paragraph (1),
16 no increase or decrease in the minimum level of operating
17 efficiency required by the standard for that appliance shall become
18 effective, unless the commission adopts other cost-effective
19 measures for that appliance.

20 (4) Neither the commission nor any other state agency shall
21 take any action to decrease any standard adopted under this
22 subdivision on or before June 30, 1985, prescribing minimum
23 levels of operating efficiency or other energy conservation
24 measures for any appliance, unless the commission finds by a
25 four-fifths vote that a decrease is of benefit to ratepayers, and that
26 there is significant evidence of changed circumstances. ~~Prior to~~
27 *Before* January 1, 1986, the commission shall not take any action
28 to increase ~~any~~ *a* standard prescribing minimum levels of operating
29 efficiency for any appliance or adopt ~~any~~ *a* new standard under
30 paragraph (1). ~~Prior to~~ *Before* January 1, 1986, any appliance
31 manufacturer doing business in this state shall provide directly, or
32 through an appropriate trade or industry association, information,
33 as specified by the commission after consultation with
34 manufacturers doing business in the state and appropriate trade or
35 industry associations on sales of appliances so that the commission
36 may study the effects of regulations on those sales. These
37 informational requirements shall remain in effect until the
38 information is received. The trade or industry association may
39 submit sales information in an aggregated form in a manner that
40 allows the commission to carry out the purposes of the study. The

1 commission shall treat any sales information of an individual
2 manufacturer as confidential and that information shall not be a
3 public record. The commission shall not request any information
4 that cannot be reasonably produced in the exercise of due diligence
5 by the manufacturer. At least one year prior to the adoption or
6 amendment of a standard for an appliance, the commission shall
7 notify the Legislature of its intent, and the justification ~~therefor~~,
8 to adopt or amend a standard for the appliance. Notwithstanding
9 paragraph (3) and this paragraph, the commission may do any of
10 the following:

11 (A) Increase the minimum level of operating efficiency in an
12 existing standard up to the level of the National Voluntary
13 Consensus Standards 90, adopted by the American Society of
14 Heating, Refrigeration, and Air Conditioning Engineers or, for
15 appliances not covered by that standard, up to the level established
16 in a similar nationwide consensus standard.

17 (B) Change the measure or rating of efficiency of any standard,
18 if the minimum level of operating efficiency remains substantially
19 the same.

20 (C) Adjust the minimum level of operating efficiency in an
21 existing standard in order to reflect changes in test procedures that
22 the standards require manufacturers to use in certifying compliance,
23 if the minimum level of operating efficiency remains substantially
24 the same.

25 (D) Readopt a standard preempted, enjoined, or otherwise found
26 legally defective by an administrative agency or a lower court, if
27 final legal action determines that the standard is valid and if the
28 standard that is readopted is not more stringent than the standard
29 that was found to be defective or preempted.

30 (E) Adopt or amend any existing or new standard at any level
31 of operating efficiency, if the Governor has declared an energy
32 emergency ~~pursuant to~~ *as described in* Section 8558 of the
33 Government Code.

34 (5) Notwithstanding paragraph (4), the commission may adopt
35 standards pursuant to commission order No. 84-0111-1, on or
36 before June 30, 1985.

37 (d) Recommend minimum standards of efficiency for the
38 operation of any new facility at a particular site that are technically
39 and economically feasible. No site and related facility shall be
40 certified pursuant to Chapter 6 (commencing with Section 25500),

1 unless the applicant certifies that standards recommended by the
2 commission have been considered, which certification shall include
3 a statement specifying the extent to which conformance with the
4 recommended standards will be achieved.

5 Whenever this section and Chapter 11.5 (commencing with
6 Section 19878) of Part 3 of Division 13 of the Health and Safety
7 Code are in conflict, the commission shall be governed by that
8 chapter of the Health and Safety Code to the extent of the conflict.

9 (e) The commission shall do all of the following:

10 (1) Not later than January 1, 2004, amend any regulations in
11 effect on January 1, 2003, pertaining to the energy efficiency
12 standards for residential clothes washers to require that residential
13 clothes washers manufactured on or after January 1, 2007, be at
14 least as water efficient as commercial clothes washers.

15 (2) Not later than April 1, 2004, petition the federal Department
16 of Energy for an exemption from any relevant federal regulations
17 governing energy efficiency standards that are applicable to
18 residential clothes washers.

19 (3) Not later than January 1, 2005, report to the Legislature on
20 its progress with respect to the requirements of paragraphs (1) and
21 (2).

ASSEMBLY BILL

No. 1560

Introduced by Assembly Member Huffman

February 23, 2007

An act to amend Section 25402 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1560, as introduced, Huffman. Public resources: building standards.

The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission (Energy Commission) to prescribe, by regulation, energy conservation design standards for new residential and new nonresidential buildings.

This bill would require the Energy Commission to prescribe, by regulation, water conservation design standards for such buildings.

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 25402 of the Public Resources Code is
- 2 amended to read:
- 3 25402. The commission shall, after one or more public
- 4 hearings, do all of the following, in order to reduce the wasteful,
- 5 uneconomic, inefficient, or unnecessary consumption of energy
- 6 *and water:*

1 (a) Prescribe, by regulation, lighting, insulation climate control
2 system, and other building design and construction standards that
3 increase the efficiency in the use of energy *and water* for new
4 residential and new nonresidential buildings. The standards shall
5 be cost effective, when taken in their entirety, and when amortized
6 over the economic life of the structure when compared with historic
7 practice. The commission shall periodically update the standards
8 and adopt any revision that, in its judgment, it deems necessary.
9 Six months after the commission certifies an energy conservation
10 manual pursuant to subdivision (c) of Section 25402.1, no city,
11 county, city and county, or state agency shall issue a permit for
12 any building unless the building satisfies the standards prescribed
13 by the commission pursuant to this subdivision or subdivision (b)
14 of this section that are in effect on the date an application for a
15 building permit is filed.

16 (b) Prescribe, by regulation, energy *and water* conservation
17 design standards for new residential and new nonresidential
18 buildings. The standards shall be performance standards and shall
19 be promulgated in terms of energy consumption per gross square
20 foot of floorspace, but may also include devices, systems, and
21 techniques required to conserve energy *and water*. The standards
22 shall be cost effective when taken in their entirety, and when
23 amortized over the economic life of the structure when compared
24 with historic practices. The commission shall periodically review
25 the standards and adopt any revision that, in its judgment, it deems
26 necessary. A building that satisfies the standards prescribed
27 pursuant to this subdivision need not comply with the standards
28 prescribed pursuant to subdivision (a). ~~The~~ *With respect to the*
29 *energy conservation design standards, the* commission shall
30 comply with this subdivision before January 1, 1981.

31 (c) (1) Prescribe, by regulation, standards for minimum levels
32 of operating efficiency, based on a reasonable use pattern, and
33 may prescribe other cost effective measures, including incentive
34 programs, fleet averaging, energy consumption labeling not
35 preempted by federal labeling, and consumer education programs,
36 to promote the use of energy efficient appliances whose use, as
37 determined by the commission, requires a significant amount of
38 energy on a statewide basis. The minimum levels of operating
39 efficiency shall be based on feasible and attainable efficiencies or
40 feasible improved efficiencies that will reduce the electrical energy

1 consumption growth rate. The standards shall become effective
2 no sooner than one year after the date of adoption or revision. No
3 new appliance manufactured on or after the effective date of the
4 standards may be sold or offered for sale in the state, unless it is
5 certified by the manufacturer thereof to be in compliance with the
6 standards. The standards shall be drawn so that they do not result
7 in any added total costs to the consumer over the designed life of
8 the appliances concerned.

9 (2) No new appliance, except for any plumbing fitting, regulated
10 under paragraph (1), which is manufactured on or after July 1,
11 1984, may be sold, or offered for sale, in the state, unless the date
12 of the manufacture is permanently displayed in an accessible place
13 on that appliance.

14 (3) During the period of five years after the commission has
15 adopted a standard for a particular appliance under paragraph (1),
16 no increase or decrease in the minimum level of operating
17 efficiency required by the standard for that appliance shall become
18 effective, unless the commission adopts other cost-effective
19 measures for that appliance.

20 (4) Neither the commission nor any other state agency shall
21 take any action to decrease any standard adopted under this
22 subdivision on or before June 30, 1985, prescribing minimum
23 levels of operating efficiency or other energy conservation
24 measures for any appliance, unless the commission finds by a
25 four-fifths vote that a decrease is of benefit to ratepayers, and that
26 there is significant evidence of changed circumstances. Prior to
27 January 1, 1986, the commission shall not take any action to
28 increase any standard prescribing minimum levels of operating
29 efficiency for any appliance or adopt any new standard under
30 paragraph (1). Prior to January 1, 1986, any appliance manufacturer
31 doing business in this state shall provide directly, or through an
32 appropriate trade or industry association, information, as specified
33 by the commission after consultation with manufacturers doing
34 business in the state and appropriate trade or industry associations
35 on sales of appliances so that the commission may study the effects
36 of regulations on those sales. These informational requirements
37 shall remain in effect until the information is received. The trade
38 or industry association may submit sales information in an
39 aggregated form in a manner that allows the commission to carry
40 out the purposes of the study. The commission shall treat any sales

1 information of an individual manufacturer as confidential and that
2 information shall not be a public record. The commission shall not
3 request any information that cannot be reasonably produced in the
4 exercise of due diligence by the manufacturer. At least one year
5 prior to the adoption or amendment of a standard for an appliance,
6 the commission shall notify the Legislature of its intent, and the
7 justification therefor, to adopt or amend a standard for the
8 appliance. Notwithstanding paragraph (3) and this paragraph, the
9 commission may do any of the following:

10 (A) Increase the minimum level of operating efficiency in an
11 existing standard up to the level of the National Voluntary
12 Consensus Standards 90, adopted by the American Society of
13 Heating, Refrigeration, and Air Conditioning Engineers or, for
14 appliances not covered by that standard, up to the level established
15 in a similar nationwide consensus standard.

16 (B) Change the measure or rating of efficiency of any standard,
17 if the minimum level of operating efficiency remains substantially
18 the same.

19 (C) Adjust the minimum level of operating efficiency in an
20 existing standard in order to reflect changes in test procedures that
21 the standards require manufacturers to use in certifying compliance,
22 if the minimum level of operating efficiency remains substantially
23 the same.

24 (D) Readopt a standard preempted, enjoined, or otherwise found
25 legally defective by an administrative agency or a lower court, if
26 final legal action determines that the standard is valid and if the
27 standard that is readopted is not more stringent than the standard
28 that was found to be defective or preempted.

29 (E) Adopt or amend any existing or new standard at any level
30 of operating efficiency, if the Governor has declared an energy
31 emergency pursuant to Section 8558 of the Government Code.

32 (5) Notwithstanding paragraph (4), the commission may adopt
33 standards pursuant to commission order No. 84-0111-1, on or
34 before June 30, 1985.

35 (d) Recommend minimum standards of efficiency for the
36 operation of any new facility at a particular site that are technically
37 and economically feasible. No site and related facility shall be
38 certified pursuant to Chapter 6 (commencing with Section 25500),
39 unless the applicant certifies that standards recommended by the
40 commission have been considered, which certification shall include

1 a statement specifying the extent to which conformance with the
2 recommended standards will be achieved.

3 Whenever this section and Chapter 11.5 (commencing with
4 Section 19878) of Part 3 of Division 13 of the Health and Safety
5 Code are in conflict, the commission shall be governed by that
6 chapter of the Health and Safety Code to the extent of the conflict.

7 (e) The commission shall do all of the following:

8 (1) Not later than January 1, 2004, amend any regulations in
9 effect on January 1, 2003, pertaining to the energy efficiency
10 standards for residential clothes washers to require that residential
11 clothes washers manufactured on or after January 1, 2007, be at
12 least as water efficient as commercial clothes washers.

13 (2) Not later than April 1, 2004, petition the federal Department
14 of Energy for an exemption from any relevant federal regulations
15 governing energy efficiency standards that are applicable to
16 residential clothes washers.

17 (3) Not later than January 1, 2005, report to the Legislature on
18 its progress with respect to the requirements of paragraphs (1) and
19 (2).

ASSEMBLY BILL

No. 888

Introduced by Assembly Members Lieu and Laird

February 22, 2007

An act to add Section 18941.7 to the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 888, as introduced, Lieu. Green building standards.

Existing law authorizes state agencies to submit, and requires the Building Standards Commission to receive and review, proposed building standards for adoption, approval, publication, and codification.

This bill would require state agencies with responsibility for proposing building standards to the commission to develop those proposed building standards to ensure that green building elements are integrated into the standards. The bill would define green building elements for these purposes and make legislative findings and declarations.

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. The Legislature finds and declares the following:
- 2 (a) It is critical to both the economic and environmental health
- 3 of the state that the state provide leadership to both the private and
- 4 public sectors in the arena of energy efficiency and “green”
- 5 construction. The most immediate and meaningful way to do this
- 6 is to endeavor to include energy efficiency and green building
- 7 elements in all state building code revisions.

1 (b) By calling on the state to consider including green building
2 measures in its building codes, the Legislature provides taxpayers
3 a benefit through greener, cheaper to operate buildings and
4 simultaneously helps to develop markets for recycled, recyclable,
5 and environmentally sound materials.

6 (c) Green building goes beyond energy efficiency measures to
7 include, but not be limited to, using certified sustainable wood
8 products; aggressive use of high recycled content products;
9 installation of recyclable carpet, high efficiency lights, and
10 CFC-free air-conditioning equipment; separation and recycling of
11 building material waste that occurs during deconstruction,
12 demolition, and construction; enhancement of indoor air quality
13 by selection and use of construction materials that do not have
14 chemical emissions that are toxic or irritant to building occupants;
15 modification of heating, ventilation, and air-conditioning systems
16 to provide high-quality indoor air; selection of construction
17 materials made of substantial recycled content; installation of
18 high-performance solar control glazing; use of recycled water in
19 interior and exterior plumbing and landscape; and installation of
20 alternative energy methods for supplemental energy production.

21 SEC. 2. Section 18941.7 is added to the Health and Safety
22 Code, to read:

23 18941.7. (a) State agencies with responsibility for proposing
24 building standards to the commission pursuant to this part shall
25 develop those proposed building standards to ensure that green
26 building elements are integrated into the standards.

27 (b) As used in this section, “green building” elements include
28 the following:

29 (1) Water recycling and conservation measures in interior and
30 exterior plumbing and landscaping.

31 (2) The disposition, recycling, or limitation of construction and
32 demolition waste.

33 (3) The utilization of building materials that contain recycled
34 materials meeting current building standards, including recycled
35 and recovered construction and demolition waste, and recyclable
36 carpets.

37 (4) The utilization of alternative energy technologies and
38 products that provide nonquantifiable public benefits even if they
39 are not cost-effective when compared to conventional technologies
40 and products, including onsite generation technologies, such as

1 photovoltaics, fuel cells, or solar heating systems for water and
2 swimming pool heating purposes.

3 (5) Measures to improve indoor air quality.

4 (6) Interior office space access to natural daytime lighting.

5 (7) The storage and collection of recyclable materials used by
6 building occupants, including beverage containers, aluminum,
7 paper, and other materials.

8 (8) The installation of wiring, piping, or other infrastructure to
9 provide for future installation of recharging systems for electric
10 vehicles, or refueling of alternative fuel vehicles, as appropriate
11 to the use of the building and potential future demand by fleet
12 vehicles, employees, or the public.

13 (9) Designated parking for alternative fuel vehicles and carpool
14 vehicles.

15 (10) Siting considerations, including urban infill development,
16 reduced habitat disturbance, and the preservation and restoration
17 of historic buildings, if applicable.

18 (11) Surface runoff filtration and surface runoff reduction from
19 the building and any new parking structures constructed or
20 renovated to accommodate the building.

21 (12) Bicycle infrastructure, including easily accessible enclosed
22 locking facilities for bicycle parking, bicycle lockers, showers,
23 and personal locker facilities.

24 (13) The consideration of convenient access to public transit,
25 including minimal setbacks to accommodate shorter walking
26 distances from transit stations.

27 (14) Construction and demolition debris planning to address
28 debris from deconstruction of onsite structures and new
29 construction.

30 (15) Building commissioning, including testing and monitoring
31 of building systems operations to ensure that building design and
32 operation criteria are achieved and maintained.

33 (16) The consideration throughout the design and construction
34 phases of opportunities to reduce each proposal's annual projected
35 energy consumption.

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ASSEMBLY BILL

No. 1058

Introduced by Assembly Members Laird and Lieu

February 23, 2007

An act to add Part 5.5 (commencing with Section 71450) to Division 34 of the Public Resources Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1058, as introduced, Laird. Green building construction: best practices.

Existing law sets forth various requirements for energy and design efficiency in the construction and renovation of state buildings.

This bill would require the California Environmental Protection Agency, by July 1, 2009, in conjunction with a specified working group of certain state entities that it would coordinate, to develop, adopt, and make available a set of voluntary green building “best practices” for residential home construction. The bill would require the best practices developed by the agency to include measures regarding energy, water, materials, and resources efficiency, indoor environmental quality, innovation and design process, and a method for determining life-cycle cost. The bill would require the agency to consult with specified public and private sector organizations. The bill would require the agency, and other specified entities, in developing and adopting best practices, to consider certain aspects of existing relevant guidelines.

The bill would require the agency to develop an education program to inform local entities of the benefits of green building, and to encourage the use of the best practices.

The bill would require the California Building Standards Commission to review the best practices and to determine whether to include them in the California Building Standards Code.

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. Part 5.5 (commencing with Section 71450) is
2 added to Division 34 of the Public Resources Code, to read:

3

4

PART 5.5. GREEN BUILDINGS

5

6 71450. The Legislature hereby finds and declares all of the
7 following:

8 (a) In 2006, the state had approximately 13 million existing
9 housing units, and in 2003, construction investment in the state
10 for new residential housing totaled thirty-four billion dollars
11 (\$34,000,000,000).

12 (b) The building of a 2,000-square-foot home generates three
13 to five tons of construction waste. Cumulatively, California
14 residences use approximately 5.6 million acre-feet of applied water
15 annually, and the residential sector accounts for roughly 31 percent
16 of the electricity consumed in the state.

17 (c) The state is committed to providing leadership on energy,
18 environmental, and public health issues by implementing
19 innovative and resource-efficient building design practices and
20 other programs that improve the lives of the state’s 34.5 million
21 residents.

22 (d) Green building practices utilize energy, water, and materials
23 efficiently throughout the building life cycle, enhance indoor air
24 quality, incorporate environmentally preferable products, and
25 protect the building occupants’ health.

26 (e) The widespread adoption of green building principles would
27 result in significant long-term benefits to the state’s environment,
28 including reduction in the demand for energy, water, and waste
29 stream services, and the fiscal and environmental impacts resulting
30 from the expansion of these infrastructures.

31 71450.5. It is the intent of the Legislature, in enacting this part,
32 to recognize that no one set of existing green building practices

1 may encompass the state’s unique economic and natural
2 resources-related environment. It is further the intent of the
3 Legislature to ensure that the best practices adopted pursuant to
4 this part recognize California’s leadership in environmental
5 sustainability practices and include the most rigorous measures
6 and methods possible with regard to the factors specified in
7 subdivision (a) of Section 71452.

8 71451. For purposes of this part, the following definitions
9 apply:

10 (a) “Agency” means the California Environmental Protection
11 Agency.

12 (b) “Green building” means a project designed to reduce both
13 direct and indirect environmental consequences associated with
14 its construction, use, operation, maintenance, and eventual
15 decommissioning, the design of which is evaluated for cost,
16 quality-of-life impacts, future flexibility, ease of maintenance,
17 energy and resource efficiency, and overall environmental impact,
18 with an emphasis on life-cycle cost analysis.

19 71452. (a) On or before July 1, 2009, the agency, with the
20 working group that it coordinates pursuant to subdivision (b), shall
21 develop, adopt, and make available, a set of voluntary green
22 building “best practices” for residential home construction. The
23 best practices developed pursuant to this part shall include, but not
24 be limited to, all of the following:

25 (1) Energy efficiency, conservation, or renewable generation
26 measures.

27 (2) Water efficiency, conservation, and reuse measures.

28 (3) Materials and resources efficiency, conservation, and reuse
29 measures.

30 (4) Indoor environmental quality measures, including indoor
31 air quality.

32 (5) Innovation and design process.

33 (6) A method for determining life-cycle cost, including
34 evaluating the relative effectiveness, cost, and life-cycle savings,
35 if any, by the use of the individual or multiple green building
36 measures specified in paragraphs (1) to (5), inclusive.

37 (b) (1) To develop the voluntary best practices pursuant to this
38 part, the agency shall coordinate a working group consisting of a
39 multiagency effort, including, but not limited to, all of the
40 following state entities:

- 1 (A) The California Integrated Waste Management Board.
2 (B) The State Energy Resources Conservation and Development
3 Commission.
4 (C) The State Air Resources Board.
5 (D) The Department of Water Resources.
6 (E) The Department of Housing and Community Development.
7 (F) The Department of General Services.
8 (G) The California Building Standards Commission.
9 (2) The agency and each state entity specified in paragraph (1)
10 shall also consult with representatives from each of the following:
11 (A) The building construction industry.
12 (B) Recognized environmental advocacy groups.
13 (C) Interested local government entities.
14 (D) Interested public parties.
15 (c) Each state entity specified in paragraph (1) of subdivision
16 (b) shall take the lead in developing the best practices related to
17 its particular area of expertise.
18 (d) (1) The agency shall be responsible for coordinating the
19 integration of the separate aspects provided by each state entity
20 specified in paragraph (1) of subdivision (b) into the voluntary
21 residential green building best practices.
22 (2) (A) Following the agency's coordination efforts, and prior
23 to final adoption of best practices, the California Building
24 Standards Commission shall review all aspects of the best practices
25 to ensure nothing falls below, or is in conflict with, the standards
26 required in the California Building Standards Code (Title 24 of
27 the California Code of Regulations).
28 (B) Pursuant to Section 18930 of the Health and Safety Code,
29 the California Building Standards Commission shall determine
30 whether to include the voluntary best practices in the California
31 Building Standards Code.
32 (e) In developing and adopting voluntary best practices pursuant
33 to this part, all entities involved shall consider those aspects of
34 existing relevant guidelines that maximize the measures and
35 methods identified in subdivision (a). These existing relevant
36 guidelines shall include, but are not limited to, all of the following:
37 (1) The United States Green Building Council's Leadership in
38 Energy and Environmental Design (LEED) for Homes rating
39 system.

1 (2) The 2005 Build It Green “New Home Construction Green
2 Building Guidelines.”

3 (3) The EarthCraft House program of Atlanta, Georgia.

4 (4) The Built Green program of the Seattle Master Builders.

5 (5) The Model Green Home Building Guidelines of the National
6 Association of Home Builders (NAHB).

7 (f) (1) The agency may revise, if deemed necessary by the
8 agency, the best practices developed pursuant to this part, in
9 consultation with the working group specified in subdivision (b).

10 (2) The agency shall not make changes more than once per
11 calendar year, and, to the extent practicable, shall coincide those
12 changes with the timing of review of the California Building
13 Standards Code.

14 (g) The agency shall develop an education program to inform
15 local entities of the benefits of green building, and encourage the
16 use of the best practices for residential construction. The education
17 program shall include information on how to best utilize the best
18 practices for new construction as well as existing homes.

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL**No. 715**

**Introduced by Assembly Member Laird
(Coauthors: Assembly Members Hancock, Huffman, Mullin, and
Wolk)**

February 22, 2007

An act to amend, renumber, and add Section 17921.5 of, to add and repeal Section 17921.4 of, and to repeal and add Section 17921.3 of, the Health and Safety Code, relating to water conservation appliances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as introduced, Laird. Water conservation: low-flush water closets.

(1) The State Housing Law requires all water closets sold or installed in this state to be water closets and associated flushometer valves, if any, that use no more than an average of 1.6 gallons per flush and urinals and associated flushometer valves, if any, that use no more than an average of one gallon per flush and requires these water closets, urinals, and associated flushometer valves to meet performance standards established by the American Society of Mechanical Engineers standards. Violation of the State Housing Law is punishable as a misdemeanor.

This bill would require, on and after January 1, 2010, tank type water closets and flushometer type water closets, as specified, to use a specified amount of water per flush that is less than currently allowed if they are installed in new buildings constructed in this state and all washdown urinals sold or installed in this state to use a specified amount of water per flush that is less than currently allowed.

The bill would require, on and after January 1, 2011, tank type water closets sold or installed in the state to use a specified amount of water

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per flush that is less than currently allowed. It would also require, on and after January 1, 2012, all flushometer-type water closets sold or installed in the state to use a specified amount of water per flush that is less than currently allowed.

The bill would authorize the California Building Standards Commission, upon recommendation of the Department of Housing and Community Development, to delay the 2010, 2011, and 2012 implementation dates specified above by up to 2 years if certain conditions are met. The bill would also authorize the commission to lower the water consumption requirements and to update the technical standards for water closets and urinals, as specified.

The bill would, until January 1, 2010, require a nonwater-supplied urinal approved for installation or sold in this state to satisfy specified requirements. The bill would require state agencies that adopt or propose building standards for plumbing systems to determine, by January 1, 2009, whether to develop building standards that would authorize the use of nonwater-supplied urinals and would require these urinals to meet certain minimal requirements.

By changing the definition of a crime, this bill would impose a state-mandated local program.

(2) 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. Section 17921.3 of the Health and Safety Code
2 is repealed.
3 ~~17921.3. (a) All new buildings constructed in this state shall~~
4 ~~use water closets and associated flushometer valves, if any, which~~
5 ~~use no more than an average of 1.6 gallons per flush and which~~
6 ~~meet performance standards established by American Society of~~
7 ~~Mechanical Engineers standards A112.19.2-1990 and~~
8 ~~A112.19.6-1990, and urinals and associated flushometer valves;~~
9 ~~if any, which use no more than an average of one gallon per flush~~
10 ~~and which meet performance standards established by American~~

1 ~~Society of Mechanical Engineers standards A112.19.2-1990 and~~
2 ~~A112.19.6-1990.~~

3 ~~(b) Any city, county, or city and county may enact an ordinance~~
4 ~~to allow the sale and installation of non-low-consumption water~~
5 ~~closets or urinals upon its determination that the unique~~
6 ~~configuration of building drainage systems or portions of a public~~
7 ~~sewer system within the jurisdiction, or both, requires a greater~~
8 ~~quantity of water to flush the system in a manner consistent with~~
9 ~~public health. At the request of a public agency providing sewer~~
10 ~~services within the jurisdiction, the city, county, or city and county~~
11 ~~shall hold a public hearing on the need for an ordinance as provided~~
12 ~~in this subdivision. Prior to this hearing or to the enactment of the~~
13 ~~ordinance, those agencies responsible for the provision of water~~
14 ~~and sewer services within the jurisdiction, if other than the agency~~
15 ~~considering adoption of the ordinance, shall be given at least 30~~
16 ~~days' notice of the meeting at which the ordinance may be~~
17 ~~considered or adopted.~~

18 ~~(c) On and after January 1, 1994, all water closets sold or~~
19 ~~installed in this state shall be water closets and associated~~
20 ~~flushometer valves, if any, which use no more than an average of~~
21 ~~1.6 gallons per flush and which meet performance standards~~
22 ~~established by American Society of Mechanical Engineers~~
23 ~~standards A112.19.2-1990 and A112.19.6-1990, and urinals and~~
24 ~~associated flushometer valves, if any, which use no more than an~~
25 ~~average of one gallon per flush and which meet performance~~
26 ~~standards established by American Society of Mechanical~~
27 ~~Engineers standards A112.19.2-1990 and A112.19.6-1990. Blowout~~
28 ~~water closets and associated flushometer valves are exempt from~~
29 ~~the flush volume requirements of this section.~~

30 ~~(d) Notwithstanding subdivision (c), on and after January 1,~~
31 ~~1994, water closets and urinals which do not meet the standards~~
32 ~~referenced in subdivision (c) may be sold or installed for use only~~
33 ~~under either of the following circumstances:~~

34 ~~(1) Installation of the water closet or urinal to comply with the~~
35 ~~standards referenced in subdivision (c) would require modifications~~
36 ~~to plumbing system components located beneath a finished wall~~
37 ~~or surface.~~

38 ~~(2) The non-low-consumption water closets, urinals, and~~
39 ~~flushometer valves, if any, would be installed in a home or building~~
40 ~~which has been identified by a local, state, or federal government~~

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1 ~~entity as a historical site, and historically accurate water closets~~
2 ~~and urinals that comply with the flush volumes specified in~~
3 ~~subdivision (e) are not available.~~

4 ~~(e) (1) On and after January 1, 1994, all water closets and~~
5 ~~urinals sold for installation, or installed, shall be labeled, on both~~
6 ~~fixture and container, in accordance with their consumption~~
7 ~~classification and the average water consumption, measured in~~
8 ~~gallons, for that classification. The fixture label shall be intended~~
9 ~~for removal by the purchaser only, and shall so state on the label.~~

10 ~~(2) The wording on the label shall include, but not necessarily~~
11 ~~be limited to, the following:~~

12 ~~“This fixture qualifies according to ASME test procedures as a~~
13 ~~low-consumption water closet/urinal with an average consumption~~
14 ~~flush of 1.6 gallons or less/1.0 gallon or less.”~~

15 ~~(f) (1) This section shall not be construed to preempt any~~
16 ~~actions of cities, counties, cities and counties, or districts which~~
17 ~~prescribe additional or more restrictive conservation requirements~~
18 ~~affecting the sale, installation, or use of low-consumption water~~
19 ~~closets, urinals, and flushometer valves that meet the standards~~
20 ~~referenced in subdivision (e), or affecting the continued use of~~
21 ~~non-low-consumption water closets, urinals, and flushometer valves~~
22 ~~installed prior to January 1, 1994, that shall result in greater savings~~
23 ~~of water than would result under this section.~~

24 ~~(2) This section shall not be construed as granting any new or~~
25 ~~additional powers to cities, counties, cities and counties, or districts~~
26 ~~to promulgate or establish laws, ordinances, regulations, or rules~~
27 ~~governing the sale, installation, or use of low-consumption water~~
28 ~~closets, urinals, and flushometer valves.~~

29 ~~(g) As used in this section, “non-low-consumption flushometer~~
30 ~~valve,” “non-low-consumption urinal,” and “non-low-consumption~~
31 ~~water closet” shall refer to devices which do not meet the standards~~
32 ~~referenced in subdivision (e).~~

33 **SEC. 2.** Section 17921.3 is added to the Health and Safety
34 Code, to read:

35 17921.3. (a) All water closets, including any associated
36 flushometer valves, and urinals installed or sold in this state shall
37 meet performance, testing, and labeling requirements established
38 by the American Society of Mechanical Engineers standard
39 A112.19.2-2003, or A112.19.14-2001, as applicable. No other
40 marking and labeling requirements shall be required by the state.

1 All water closets, including any associated flushometer valves,
2 and urinals installed or sold in this state shall be listed by an
3 American National Standards Institute accredited third-party
4 certification agency to the appropriate American Society of
5 Mechanical Engineers standards set forth in this subdivision. No
6 other listing or certification requirements shall be required by the
7 state.

8 (b) (1) All new buildings constructed in this state shall use
9 water closets that use no more than an average of 1.6 gallons per
10 flush and urinals that use no more than an average of one gallon
11 per flush.

12 (2) On and after January 1, 2010, tank type water closets,
13 including pressure tank water closets, installed in new buildings
14 constructed in this state and all floor-mounted/floor-outlet and
15 wall-mounted/wall-outlet flushometer water closets installed in
16 new buildings constructed in this state shall use no more than an
17 average of 1.6 gallons per flush for solids and 1.1 gallons per flush
18 for liquids, for dual flush water closets, and, for single flush water
19 closets, shall use no more than an average of 1.3 gallons per flush.

20 (3) On and after January 1, 2010, all washdown urinals installed
21 in new buildings constructed in this state shall use no more than
22 0.5 gallon per flush.

23 (4) All consumption values stated in this subdivision shall be
24 determined by the test procedures contained in the American
25 Society of Mechanical Engineers standards A112.19.2-2003 and
26 A112.19.14-2001.

27 (c) (1) All water closets sold or installed in this state shall be
28 water closets that use no more than an average of 1.6 gallons per
29 flush and urinals that use no more than an average of one gallon
30 per flush.

31 (2) On and after January 1, 2011, tank type water closets,
32 including pressure tank water closets, sold or installed in this state
33 shall use no more than an average of 1.6 gallons per flush for solids
34 and 1.1 gallons per flush for liquids, for dual flush water closets,
35 and, for single flush water closets, shall use no more than an
36 average of 1.3 gallons per flush.

37 (3) On and after January 1, 2012, all flushometer-type water
38 closets sold or installed in this state shall use no more than an
39 average of 1.6 gallons per flush for solids and 1.1 gallons per flush

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1 for liquids, for dual flush water closets, and, for single flush water
2 closets, shall use no more than an average of 1.3 gallons per flush.

3 (4) On and after January 1, 2010, all washdown urinals sold or
4 installed in this state shall use no more than 0.5 gallon per flush.

5 (5) All consumption values stated in this subdivision shall be
6 determined by the test procedures contained in the American
7 Society of Mechanical Engineers standards A112.19.2-2003 and
8 A112.19.14-2001.

9 (d) The California Building Standards Commission, upon
10 recommendation of the department, may, by regulation, delay the
11 implementation dates specified in paragraphs (2), (3), and (4) of
12 subdivision (b) and paragraphs (2), (3), and (4) of subdivision (c)
13 by up to two years if the commission determines, based on
14 substantial evidence in the record, that manufacturers are not
15 capable of producing sufficient numbers of devices or that there
16 are significant technical reasons that would make a delay in the
17 public interest.

18 (e) The California Building Standards Commission may, by
19 regulation, reduce the quantity of water per flush required pursuant
20 to this section if deemed appropriate in light of standards referenced
21 in the most recent version of the California Plumbing Code, and
22 may refer to successor standards to the standards referenced in this
23 section if determined appropriate in light of standards referenced
24 in the most recent version of the California Plumbing Code.

25 (f) Any city, county, or city and county may enact an ordinance
26 to allow the sale and installation of nonlow-consumption water
27 closets or urinals upon its determination that the unique
28 configuration of building drainage systems or portions of a public
29 sewer system within the jurisdiction, or both, requires a greater
30 quantity of water to flush the system in a manner consistent with
31 public health. At the request of a public agency providing sewer
32 services within the jurisdiction, the city, county, or city and county
33 shall hold a public hearing on the need for an ordinance as provided
34 in this subdivision. Prior to this hearing or to the enactment of the
35 ordinance, those agencies responsible for the provision of water
36 and sewer services within the jurisdiction, if other than the agency
37 considering adoption of the ordinance, shall be given at least 30
38 days' notice of the meeting at which the ordinance may be
39 considered or adopted.

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1 (g) Notwithstanding subdivision (c), on and after January 1,
2 1994, water closets and urinals that do not meet the standards
3 referenced in subdivision (c) may be sold or installed for use only
4 under either of the following circumstances:

5 (1) Installation of the water closet or urinal to comply with the
6 standards referenced in subdivision (c) would require modifications
7 to plumbing system components located beneath a finished wall
8 or surface.

9 (2) The nonlow-consumption water closets, urinals, and
10 flushometer valves, if any, would be installed in a home or building
11 that has been identified by a local, state, or federal governmental
12 entity as a historical site and historically accurate water closets
13 and urinals that comply with the flush volumes specified in
14 subdivision (c) are not available.

15 (h) (1) This section does not preempt any actions of cities,
16 counties, cities and counties, or districts that prescribe additional
17 or more restrictive conservation requirements affecting either of
18 the following:

19 (A) The sale, installation, or use of low-consumption water
20 closets, urinals, and flushometer valves that meet the standards
21 referenced in subdivision (a), (b), or (c).

22 (B) The continued use of nonlow-consumption water closets,
23 urinals, and flushometer valves.

24 (2) This section does not grant any new or additional powers to
25 cities, counties, cities and counties, or districts to promulgate or
26 establish laws, ordinances, regulations, or rules governing the sale,
27 installation, or use of low-consumption water closets, urinals, and
28 flushometer valves.

29 (i) As used in this section, the following terms have the
30 following meanings:

31 (1) "Floor-mounted/floor-outlet water closets" means models
32 that are mounted with the fixture base on the floor and discharge
33 to the drainage system through the floor.

34 (2) "Nonlow-consumption flushometer valve,"
35 "nonlow-consumption urinal," and "nonlow-consumption water
36 closet" mean devices that use more than 1.6 gallons per flush for
37 toilets and more than 1.0 gallons per flush for urinals.

38 (3) "Urinal" means a water-using urinal.

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1 (4) “Wall-mounted/wall-outlet water closets” means models
2 that are mounted on the wall and discharge to the drainage system
3 through the wall.

4 (5) “Washdown urinals” means models that operate primarily
5 on a dilution only, nonsiphonic principle.

6 SEC. 3. Section 17921.4 is added to the Health and Safety
7 Code, to read:

8 17921.4. (a) A nonwater-supplied urinal approved for
9 installation or sold in this state shall satisfy all of the following
10 requirements:

11 (1) Meet performance, testing, and labeling requirements
12 established by the American Society of Mechanical Engineers
13 standard A112.19.19-2006.

14 (2) Be listed by an American National Standards Institute
15 accredited third-party certification agency to the American Society
16 of Mechanical Engineers standard A112.19.19-2006.

17 (3) Provide a barrier liquid sealant to maintain a trap seal.

18 (4) Permit the uninhibited flow of waste through the urinal to
19 the sanitary drainage system.

20 (5) Be cleaned and maintained in accordance with the
21 manufacturer’s instructions after installation.

22 (6) Be installed with a water supply rough-in to the urinal
23 location that would allow a subsequent replacement of the
24 nonwater-supplied urinal with a water-supplied urinal if desired
25 by the owner or if required by the enforcement agency.

26 (b) As used in this section, the following terms have the
27 following meanings:

28 (1) “Building” means any structure subject to this part, and any
29 structure subject to the California Building Standards Law as set
30 forth in Part 2.5 (commencing with Section 18901).

31 (2) “Water supply rough-in” means the installation of water
32 distribution and fixture supply piping sized to accommodate a
33 water-supplied urinal to an in-wall point immediately adjacent to
34 the urinal location.

35 (c) This section shall remain in effect only until January 1, 2010,
36 and as of that date is repealed.

37 SEC. 4. Section 17921.5 of the Health and Safety Code is
38 amended and renumbered to read:

1 ~~17921.5.~~

2 17921.6. Except as provided in Section 18930, the department
3 shall prepare and adopt minimum standards regulating the use and
4 application of cellular concrete as it determines are reasonably
5 necessary for the protection of life and property.

6 SEC. 5. Section 17921.5 is added to the Health and Safety
7 Code, to read:

8 17921.5. (a) By January 1, 2009, any state agency that adopts
9 or proposes building standards for plumbing systems shall
10 determine whether to develop building standards, for submission
11 to the California Building Standards Commission in accordance
12 with Section 18930, that would authorize the use of
13 nonwater-supplied urinals. If building standards are adopted that
14 authorize the use of nonwater-supplied urinals, the standards shall
15 require nonwater-supplied urinals to satisfy at least all of the
16 following requirements:

17 (1) Meet performance, testing, and labeling requirements
18 established by the American Society of Mechanical Engineers
19 standard A112.19.19-2006.

20 (2) Be listed by an American National Standards Institute
21 accredited third-party certification agency to the American Society
22 of Mechanical Engineers standard A112.19.19-2006.

23 (3) Provide a barrier liquid sealant to maintain a trap seal.

24 (4) Permit the uninhibited flow of waste through the urinal to
25 the sanitary drainage system.

26 (5) Be cleaned and maintained in accordance with the
27 manufacturer's instructions after installation.

28 (6) Be installed with a water supply rough-in to the urinal
29 location that would allow a subsequent replacement of the
30 nonwater-supplied urinal with a water-supplied urinal if desired
31 by the owner or if required by the enforcement agency.

32 (b) As used in this section, the following terms have the
33 following meanings:

34 (1) "Building" means any structure subject to this part, and any
35 structure subject to the California Building Standards Law as set
36 forth in Part 2.5 (commencing with Section 18901).

37 (2) "Water supply rough-in" means the installation of water
38 distribution and fixture supply piping sized to accommodate a
39 water-supplied urinal to an in-wall point immediately adjacent to
40 the urinal location.

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1 SEC. 6. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL**No. 1404****Introduced by Assembly Member Laird**

February 23, 2007

An act to amend Section 5103 of, and to add Article 4.3 (commencing with Section 531) to Chapter 8 of Division 1 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1404, as introduced, Laird. Water use measurement information.

(1) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a statement of diversion and use. Existing law requires other water users or suppliers to report other water use information to various state agencies. Existing law requires certain water suppliers to install water meters on specified service connections and to charge for water service each customer that has a service connection for which a water meter has been installed based on the actual volume of deliveries, as measured by the water meter.

This bill would require the Department of Water Resources, the board, and the State Department of Public Health to develop and implement jointly a coordinated water use reporting database, along with standardized forms for submitting information to be reflected in the database, to be made available through the Internet. The bill would require the department to convene a group of technical staff and interested stakeholders to develop the scope and content of the database. The bill would require the state agencies with responsibilities under this water measurement program to undertake their various described duties only to the extent that funds are made available for those

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purposes. The bill, in accordance with a specified time table, would require water users and water suppliers required to report water use measurement information to the state to do so by using the standardized forms developed for use in connection with the database.

The bill, with certain exceptions and not later than January 1, 2012, would require agricultural water suppliers to report, each year, aggregated farm-gate delivery data, as defined, to the department using the standardized forms. The bill, with a certain exception, would condition eligibility for certain grants or loans on compliance with this reporting requirement.

The bill, with certain exceptions and not later than January 1, 2012, would require persons required to submit to the board a specified annual statement of water diversion and use to include in that statement monthly reports of water diversions. The bill, with a certain exception, would condition eligibility for certain grants or loans to those persons on compliance with this reporting requirement.

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. The Legislature finds and declares all of the
2 following:

3 (a) As growth and development continue to make California's
4 water resources increasingly scarce, diverse stakeholder groups
5 have recognized the importance of accurate water measurement.
6 Appropriate measurement of water use facilitates better water
7 management by making critical information available to local,
8 state, and federal water managers and planners.

9 (b) On April 8, 2004, the California Bay-Delta Authority
10 approved a water use measurement proposal that was developed
11 through an open multiyear process of technical review and
12 consultation by diverse stakeholders and agencies. The review and
13 consultation was designed to result in a balanced package of actions
14 that together can advance meaningful and beneficial change.

15 (c) The Department of Water Resources, State Water Resources
16 Control Board, State Department of Public Health, and California
17 Bay-Delta Authority should cooperate and coordinate their efforts
18 in collecting, managing, and utilizing water use measurement
19 information to ensure that the information is put to optimal use in

1 water resource planning and decisionmaking, to increase efficiency,
2 and to reduce redundancy of effort, administrative costs, and
3 duplicative reporting burdens on persons required to report
4 measurement information.

5 (d) Interagency coordination is particularly necessary for the
6 purposes of developing forms, protocols, data sets, research on
7 measurement-related issues, and for the purpose of undertaking
8 adaptive management to identify future actions to improve water
9 use measurement and water use efficiency in California.

10 SEC. 2. Article 4.3 (commencing with Section 531) is added
11 to Chapter 8 of Division 1 of the Water Code, to read:

12

13

Article 4.3. Water Use Reporting

14

15 531. Unless the context otherwise requires, the definitions set
16 forth in this section govern the construction of this article.

17 (a) "Aggregated farm-gate delivery data" means information
18 reflecting the total volume of water an agricultural water supplier
19 provides to its customers and is calculated by totaling its deliveries
20 to individual customers.

21 (b) "Agricultural water supplier" means a supplier either publicly
22 or privately owned, supplying water, regardless of the basis of
23 right, for agricultural purposes.

24 (c) "Authority" means the California Bay-Delta Authority.

25 (d) "Best available technologies" means flow totaling devices
26 and, if necessary, data loggers and telemetry, or their functional
27 equivalent, that ensure optimal accuracy and precision of water
28 measurement.

29 (e) "Best professional practices" means operations, maintenance,
30 and data collection activities that ensure optimal accuracy and
31 precision of measurement installations.

32 (f) "Farm-gate" means the point at which water is delivered
33 from the agricultural water supplier's distribution system to each
34 of its customers.

35 (g) "Farm-gate measurement" means the method used to
36 determine the volume of water delivered through a farm gate.

37 (h) "Person" has the meaning set forth in subdivision (a) of
38 Section 5100.

39 531.5. (a) (1) The department, the board, and the State
40 Department of Public Health shall jointly, and in consultation with

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1 water suppliers and interested stakeholders, develop and implement
2 a coordinated water use reporting database, along with standardized
3 forms for submitting information to be reflected in the database,
4 to be made available through the Internet in accordance with this
5 article.

6 (2) The department shall convene a group of technical staff from
7 each of the agencies identified in this subdivision and interested
8 stakeholders for the purpose of developing the scope and content
9 of the database. The content of the database shall include, but not
10 be limited to, data on water deliveries, diversions, and other related
11 information that supports optimal water management planning and
12 decisionmaking.

13 (b) The database and standardized forms shall be developed
14 with the intent to facilitate the integrated and consistent reporting,
15 receiving, compiling, storing, managing, evaluating, and
16 accessibility of measurement information, while reducing
17 redundancy and duplication of effort.

18 (c) The department shall prepare and submit to the Legislature
19 a progress report describing the status of the development of the
20 database and identifying strategies for overcoming any obstacles
21 to its completion not later than January 1, 2009. Not later than
22 January 1, 2010, the department shall prepare and submit to the
23 Legislature a final report describing the development of the
24 database.

25 (d) (1) Not later than January 1, 2010, the department, the board,
26 and the State Department of Public Health shall test the database.
27 The test, and any resulting modifications, shall be completed within
28 one year.

29 (2) Not later than July 1, 2010, the department, the board, and
30 the State Department of Public Health shall notify all identified
31 water users or water suppliers that are required to report water use
32 measurement information to those respective state agencies, with
33 regard to the proposed schedule for using the new database. The
34 notice shall be provided at least 18 months prior to commencing
35 the use of the database.

36 (e) Not later than January 1, 2012, the department, the board,
37 and the State Department of Public Health shall commence using
38 the database for the collection of water use measurement
39 information. Each of the agencies identified in this subdivision
40 may separately determine the extent to which measurement

1 information collected by that agency prior to the date of initial
2 operation of the database will be entered into the database.

3 (f) Not later than January 1, 2012, or 18 months after notification
4 is provided in accordance with paragraph (2) of subdivision (d),
5 whichever is earlier, any water user or water supplier required to
6 report water use measurement information to the state shall do so
7 by using the standardized forms developed pursuant to this section,
8 and the department, the board, and the State Department of Public
9 Health shall discontinue other methods of collecting the
10 information covered by the standardized forms.

11 (g) The department shall maintain and manage the database.

12 531.10. (a) (1) Not later than January 1, 2012, agricultural
13 water suppliers shall commence reporting each year aggregated
14 farm-gate delivery data to the department using the standardized
15 forms developed pursuant to Section 531.5.

16 (2) For the purposes of preparing the annual report described
17 in paragraph (1), agricultural water suppliers shall summarize
18 aggregated farm-gate delivery data, on a monthly or bimonthly
19 basis, using best professional practices, and shall utilize accurate
20 measurement figures, reporting devices, and methodology.

21 (b) Subdivision (a) does not apply to an agricultural water
22 supplier that delivers less than 2,000 acre-feet of surface water
23 annually, or serves less than 2,000 acres of agricultural land.

24 (c) (1) The terms of, and eligibility for, any grant or loan to an
25 agricultural water supplier awarded or administered by the
26 department, board, or authority shall be conditioned on compliance
27 with this section.

28 (2) Notwithstanding paragraph (1), the department may
29 determine that an agricultural water supplier is eligible for a grant
30 or loan even though the supplier is not complying with this section
31 if both of the following apply:

32 (A) The department determines that the grant or loan will assist
33 the grantee or loan recipient in complying with this section.

34 (B) The supplier has submitted to the department a one-year
35 schedule for complying with this section.

36 (d) It is the intent of the Legislature that the requirements of
37 this section shall complement and not affect the scope of authority
38 granted to the department or the board by provisions of law other
39 than this article.

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1 531.15. Notwithstanding any other provision of the law, state
2 agencies shall carry out the duties described in this article only to
3 the extent that funds are made available for the purposes of
4 implementing those duties.

5 SEC. 3. Section 5103 of the Water Code is amended to read:

6 5103. Each statement shall be ~~typewritten or legibly written~~
7 ~~in ink prepared~~ on a form provided by the board and shall include.

8 *On and after January 1, 2012, the statement shall be prepared*
9 *using the standardized forms prepared pursuant to Section 531.5.*

10 *The statement shall include all of the following information:*

11 (a) The name and address of the person who diverted water and
12 of the person filing the statement.

13 (b) The name of the stream or other source from which water
14 was diverted, and the name of the next major stream or other body
15 of water to which the source is tributary.

16 (c) The place of diversion. If a public land survey has been
17 made, location of diversion works shall be described to the nearest
18 40-acre subdivision. If not, it shall be described by reference to
19 nearest local landmarks or other recorded surveys.

20 (d) The capacity of the diversion works and of the storage
21 reservoir, if any, and the months in which water was used during
22 the preceding calendar year. ~~Those who maintain water-measuring~~
23 ~~devices and keep monthly records of water diversions shall state~~
24 ~~the quantity of water diverted by months during the preceding~~
25 ~~calendar year. Others shall state~~

26 (e) (1) *On and after January 1, 2012, monthly reports of water*
27 *diversions. The measurements of the diversion shall be made using*
28 *best available technologies and best professional practices.*

29 (2) *Paragraph (1) does not apply to a surface water diversion*
30 *with a combined diversion capacity from a natural channel that*
31 *is less than 50 cubic feet per second or to diverters using siphons*
32 *in the tidal zone.*

33 (3) (A) *The terms of, and eligibility for, any grant or loan*
34 *awarded or administered by the department, the board, or the*
35 *California Bay-Delta Authority on behalf of a person that is subject*
36 *to paragraph (1) shall be conditioned on compliance with that*
37 *paragraph.*

38 (B) *Notwithstanding subparagraph (A), the board may determine*
39 *that a person is eligible for a grant or loan even though the person*
40 *is not complying with paragraph (1), if both of the following apply:*

- 1 (i) *The board determines that the grant or loan will assist the*
- 2 *grantee or loan recipient in complying with paragraph (1).*
- 3 (ii) *The person has submitted to the board a one-year schedule*
- 4 *for complying with paragraph (1).*
- 5 (C) *It is the intent of the Legislature that the requirements of*
- 6 *this subdivision shall complement and not affect the scope of*
- 7 *authority granted to the board by provisions of law other than this*
- 8 *article.*
- 9 (f) *For persons not subject to paragraph (1) of subdivision (e),*
- 10 *a description of the acreage of each crop irrigated, the average*
- 11 *number of people served with water, the average number of stock*
- 12 *watered, and the nature and extent of any other use during the*
- 13 *preceding calendar year, or ~~such~~ other equivalent information*
- 14 *tending to indicate that indicates the quantity of water used as may*
- 15 *be prescribed by the board.*
- 16 ~~(e)~~
- 17 (g) *The purpose of use.*
- 18 ~~(f)~~
- 19 (h) *A general description of the area in which the water was*
- 20 *used. If the water was used on an area within the $\frac{1}{16}$ section*
- 21 *containing the point of diversion, a statement to that effect will*
- 22 *suffice; otherwise a description or sketch of the general area of*
- 23 *use shall be given.*
- 24 ~~(g)~~
- 25 (i) *The year in which the diversion was commenced as near as*
- 26 *is known.*

O