

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

April 8, 2008 Board Meeting

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**8-9**

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**Subject**

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Express (1) support, if amended, for AB 2723 (De La Torre, D-South Gate) – dual piping; and (2) support for SB 1258 (Lowenthal, D-Long Beach) – Graywater standards

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**Description**

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**Summary**

AB 2723 (**Attachment 1**) would amend existing law to allow the Department of Water Resources (DWR) to expend, upon appropriation, funds for grants to cities and counties for the development of dual water piping systems to allow for the delivery of potable and recycled water for landscaping purposes to commercial, industrial, and residential buildings constructed on or after January 1, 2009. SB 1258 (**Attachment 2**) would amend existing law to require DWR to adopt uniform statewide standards for each varying type of use of graywater. SB 1258 would also prohibit DWR from establishing standards that are more stringent than Department of Public Health (DPH) regulations for recycled water use.

**Assembly Bill 2723**

Proposition 84 (the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006) authorizes the issuance of bonds in the amount of \$5.39 billion, of which \$90 million is made available, upon appropriation by the Legislature, for planning grants and planning incentives, including revolving loan programs and other methods to encourage the development of regional or local land use plans that are designed to promote water conservation, reduce automobile use and fuel consumption, and protect natural resources, among other activities.

AB 2723 would amend Proposition 84 to allow DWR to expend, upon appropriation by the Legislature, funds for grants to cities and counties for the development of dual water piping systems to allow for the delivery of potable and recycled water for landscape purposes to commercial, industrial, and residential buildings constructed on or after January 1, 2009.

**Recommended Amendments:** Increased development by cities and counties of dual plumbing systems for delivery of recycled water would help increase regional supply reliability. This is consistent with Metropolitan's Integrated Resources Plan. The benefit would be even greater if grants under this bill were extended to water and sanitation agencies. Therefore, staff recommends that the bill be amended to extend grants also to water and sanitation agencies.

**Senate Bill 1258**

Existing law requires DWR, on or before January 1, 1997, in consultation with DPH and the Center for Irrigation Technology at California State University, Fresno, to adopt standards for the installation of graywater systems. Existing law defines graywater as wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, which has not been in contact with human waste or toilet water. For water that has been in contact with human waste, existing law also requires DPH to establish uniform statewide recycling criteria for each varying type of use of recycled water where protection of public health comes into play.

SB 1258 would amend existing law by (1) requiring DWR, on or before January 1, 2011, and in consultation with DPH, to adopt uniform statewide standards for each varying type of graywater use if the use involves protection of public health, and (2) prohibiting DWR from establishing graywater standards that are more stringent than the criteria established by DPH for each type of recycled water use.

Use of graywater is a form of water recycling managed on a decentralized basis, home by home. Current standards for graywater set by DWR (California Administrative Code, Title 24, Part 5 (Appendix G-Graywater Systems, created in 1997)) seem to limit its use. For example, graywater is allowed to be used only for subsurface irrigation within the lot where the building that discharges the graywater is located. By taking a fresh look at graywater regulations, in light of emerging technologies, there is potential for expanded applications that would improve regional supply reliability.

## **Policy**

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By Minute Item 42287, dated Feb. 11, 1997, the Board adopted water recycling policy principles.

By Minute Item 42820, dated Feb. 10, 1998, the Board added support for legislation and regulations that expand the types of recycled water uses consistent with protection of public health.

## **California Environmental Quality Act (CEQA)**

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CEQA determination for Option #1:

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 #2:

None required

## **Board Options**

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### **Option #1**

Adopt the CEQA determination and

- a. Express support, if amended, for Assembly Bill 2723 (De La Torre, D-South Gate) – dual piping; and
- b. Express support for Senate Bill 1258 (Lowenthal, D-Long Beach) – Graywater standards.

**Fiscal Impact:** None

**Business Analysis:** Proposed bills would help advance the use of recycled and graywater, resulting in a potential of reduction of imported water demand, that would increase regional reliability.

### **Option #2**

Take no action.

**Fiscal Impact:** None

**Business Analysis:** Lost opportunity to increase statewide water conservation

**Staff Recommendation**

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Option #1

  
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Linda Waade  
Deputy General Manager, External Affairs

4/1/2008  
Date

  
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Jeffrey Kightlinger  
General Manager

4/1/2008  
Date

**Attachment 1 – Proposed AB 2723**

**Attachment 2 – Proposed SB 1258**

BLA #6108

**ASSEMBLY BILL**

**No. 2723**

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**Introduced by Assembly Member De La Torre**

February 22, 2008

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An act to amend Section 75065 of the Public Resources Code, relating to water resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2723, as introduced, De La Torre. Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: dual piping.

Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, (bond act) authorizes the issuance of bonds in the amount of \$5,388,000,000, of which \$90,000,000 is made available, upon appropriation by the Legislature, for planning grants and planning incentives, including revolving loan programs and other methods to encourage the development of regional and local land use plans that are designed to promote water conservation, reduce automobile use and fuel consumption, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers. The Legislature may only appropriate funds for that purpose upon the enactment of legislation to implement that provision of the bond act.

This bill would provide that these funds may be expended by the department, upon appropriation for that purpose, for grants to cities, counties, and cities and counties for the development of dual water piping to allow for the delivery of potable and recycled water for

landscaping purposes to commercial, industrial, and residential buildings constructed on or after 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 75065 of the Public Resources Code is  
2 amended to read:

3 75065. The sum of five hundred eighty million dollars  
4 (\$580,000,000) shall be available for improving the sustainability  
5 and livability of California’s communities through investment in  
6 natural resources. The purposes of this chapter include reducing  
7 urban communities’ contribution to global warming and increasing  
8 their adaptability to climate change while improving the quality  
9 of life in those communities. Funds shall be available in accordance  
10 with the following schedule:

11 (a) The sum of ninety million dollars (\$90,000,000) shall be  
12 available for urban greening projects that reduce energy  
13 consumption, conserve water, improve air and water quality, and  
14 provide other community benefits. Priority shall be given to  
15 projects that provide multiple benefits, use existing public lands,  
16 serve communities with the greatest need, and facilitate joint use  
17 of public resources and investments including schools.  
18 Implementing legislation shall provide for planning grants for  
19 urban greening programs. Not less than \$20,000,000 shall be  
20 available for urban forestry projects pursuant to the California  
21 Urban Forestry Act, Chapter 2 (commencing with Section 4799.06)  
22 of Part 2.5 of Division 1.

23 (b) The sum of four hundred million dollars (\$400,000,000)  
24 shall be available to the Department of Parks and Recreation for  
25 competitive grants for local and regional parks. Funds provided  
26 in this subdivision may be allocated to existing programs or  
27 pursuant to legislation enacted to implement this subdivision,  
28 subject to the following considerations:

29 (1) Acquisition and development of new parks and expansion  
30 of overused parks that provide park and recreational access to  
31 underserved communities shall be given preference.

32 (2) Creation of parks in neighborhoods where none currently  
33 exist shall be given preference.

1 (3) Outreach and technical assistance shall be provided to  
2 underserved communities to encourage full participation in the  
3 program or programs.

4 (4) Preference shall be given to applicants that actively involve  
5 community based groups in the selection and planning of projects.

6 (5) Projects will be designed to provide efficient use of water  
7 and other natural resources.

8 (c) (1) The sum of ninety million dollars (\$90,000,000) shall  
9 be available for planning grants and planning incentives, including  
10 revolving loan programs and other methods to encourage the  
11 development of regional and local land use plans that are designed  
12 to promote water conservation, reduce automobile use and fuel  
13 consumption, encourage greater infill and compact development,  
14 protect natural resources and agricultural lands, and revitalize  
15 urban and community centers.

16 (2) *Funds described in paragraph (1) may be expended by the*  
17 *department, upon appropriation for that purpose, for grants to*  
18 *cities, counties, and cities and counties for the development of dual*  
19 *water piping systems to allow for the delivery of potable and*  
20 *recycled water for landscaping purposes to commercial, industrial,*  
21 *and residential buildings constructed on or after January 1, 2009.*

**SENATE BILL****No. 1258**

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**Introduced by Senator Lowenthal**February 15, 2008

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An act to amend Sections 14875 and 14877.1 of the Water Code, relating to graywater.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as introduced, Lowenthal. Graywater standards.

Existing law requires the Department of Water Resources, on or before January 1, 1997, and in consultation with the State Department of Public Health and the Center for Irrigation Technology at California State University, Fresno, to adopt standards for the installation of graywater systems. Existing law defines "graywater," for the purposes of that provision, to include wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs. Existing law requires the State Department of Public Health to establish uniform statewide recycling criteria for each varying type of use of recycled water if the use involves the protection of public health.

This bill would require the Department of Water Resources, on or before January 1, 2011, and in consultation with the State Department of Public Health, to adopt uniform statewide standards for each varying type of use of graywater if the use involves the protection of public health. The bill would prohibit the Department of Water Resources from establishing graywater standards that are more stringent than the criteria established by the State Department of Public Health for each type of recycled water use.

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

**SB 1258**

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

1 SECTION 1. Section 14875 of the Water Code is amended to  
2 read:

3 14875. This chapter applies to the construction, installation,  
4 or alteration of graywater systems ~~for subsurface irrigation and~~  
5 ~~other safe uses.~~

6 SEC. 2. Section 14877.1 of the Water Code is amended to read:

7 14877.1. (a) ~~On or before January 1, 1997, the~~ *The* department,  
8 in consultation with the State Department of *Public Health Services*  
9 and the Center for Irrigation Technology at California State  
10 University, Fresno, shall adopt standards for the installation of  
11 graywater systems. In adopting these standards, the department  
12 shall consider, among other resources, “Appendix J,” as adopted  
13 on September 29, 1992, by the International Association of  
14 Plumbing and Mechanical Officials, the graywater standard  
15 proposed for the latest edition of the Uniform Plumbing Code of  
16 the International Association of Plumbing and Mechanical  
17 Officials, the City of Los Angeles Graywater Pilot Project Final  
18 Report issued in November 1992, and the advice of the Center for  
19 Irrigation Technology at California State University, Fresno, on  
20 the installation depth for subsurface drip irrigation systems.

21 (b) The department shall include among the approved methods  
22 of subsurface irrigation, but shall not be limited to, drip systems.

23 (c) The department shall revise its graywater systems standards  
24 as needed.

25 (d) *On or before January 1, 2011, the department, in*  
26 *consultation with the State Department of Public Health, shall*  
27 *adopt uniform statewide standards for each varying type of use of*  
28 *graywater if the use involves the protection of public health. The*  
29 *department shall not establish standards pursuant to this*  
30 *subdivision that are more stringent than the criteria established*  
31 *pursuant to Section 13521 for each varying type of recycled water*  
32 *use.*

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