



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

April 14, 2009 Board Meeting

9-2

Subject

Report on SB 283 (DeSaulnier, D-Antioch) – Building standards: recycled water systems

Description

SB 283 ([Attachment 1](#)), sponsored by the Irvine Ranch Water District, would amend existing law to give the California Building Standards Commission authority to establish California Plumbing Code provisions for indoor recycled water use for occupancies where no other state agency currently has building standards jurisdiction. The commission could also adopt provisions for occupancies where another state agency has building standards jurisdiction but has not proposed or adopted standards governing indoor use. In adopting these standards, the commission would be required to consider recommendations by the 2002 Recycled Water Task Force and may consult with the Department of Water Resources (DWR), Department of Public Health or any other agency it deems appropriate. The proposed bill would fulfill the Legislature's intent for dual plumbing design standards to be in place by July 1, 2008, a mandated deadline that the DWR failed to meet.

Staff will support this measure as it is consistent with the Board's adopted policy principles on water recycling and water conservation ([Attachment 2](#)).

Background

The California Plumbing Code excludes standards for the design and construction of indoor recycled water systems. The 2002 Recycled Water Task Force recommended that provisions be adopted to avoid inconsistencies within the California Plumbing Code and related regulations. The DWR has authority to adopt Plumbing Code provisions related to indoor recycled water use, although the department missed a legislatively mandated deadline of July 1, 2008 for adoption. It is unclear whether the commission has the authority to adopt provisions on indoor recycled water use without action by DWR.

Existing Law

The California Building Standards Law (Health and Safety Code Section 18901 et seq.) establishes requirements for adoption of building standards through a process that originates with state agencies having jurisdiction over certain occupancies and culminates with adoption by the California Building Standards Commission. Section 13557 of the Water Code authorized DWR, in consultation with the state Department of Public Health, to adopt regulations for dual plumbing design standards by July 1, 2008. The 2008 California Green Building Standards Code includes a placeholder for future regulations on recycled water and graywater systems.

Impact to Metropolitan

Adoption of dual plumbing standards would allow the building industry to incorporate indoor recycled water use in building design. This benefits Metropolitan by making the use of local recycled water supplies in new buildings available through a statutorily defined, straight forward process that should contribute to improved regional water supply reliability.

Policy

By Minute Item 42287, dated February 11, 1997, the Board adopted a set of policy principles on water recycling. By Minute Item 45208, dated February 11, 2003, the Board adopted a set of policy principles on water conservation.

Fiscal Impact

None


Linda D. Waade
Deputy General Manager, External Affairs

4/2/2009
Date


Jeffrey Nightlinger
General Manager

4/2/2009
Date

Attachment 1 – Senate Bill 283

Attachment 2 – Metropolitan Policy Principles on Water Recycling and Water Conservation

BLA #6692

AMENDED IN SENATE MARCH 31, 2009

SENATE BILL

No. 283

Introduced by Senator DeSaulnier

February 24, 2009

An act to amend Section 17921.10 of the Health and Safety Code, An act to add Section 18934.1 to the Health and Safety Code, and to repeal Section 13557 of the Water Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, DeSaulnier. Building standards: ~~voluntary best practices and mandatory requirements.~~ *recycled water systems.*

(1) Existing law, the Water Recycling Act of 2006, requires the Department of Water Resources, in consultation with the State Department of Health Services, on or before July 1, 2008, to adopt and submit to the California Building Standards Commission regulations to establish a state version of Appendix J of the Uniform Plumbing Code to provide design standards to safely plumb buildings with both potable and recycled water systems.

This bill would repeal these provisions of law.

(2) The California Building Standards Law requires any building standard adopted or approved by a state agency to be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification.

This bill would require the commission, on or before July 1, 2010, to adopt building standards governing recycled water systems. The bill would require that the standards be based upon Chapter 16 of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, with any amendments, deletions, or additions deemed appropriate by the commission. The bill would require the

SB 283

— 2 —

building standards adopted by the commission to apply to specified occupancies and be consistent with certain requirements of existing law.

~~Existing law requires the Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission and to adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupants and the public involving buildings and building construction. Existing law authorizes the department to propose standards related to voluntary best practices and mandatory requirements related to environmentally preferable water using devices and measures that do not unreasonably or unnecessarily impact the ability of Californians to purchase or rent affordable housing.~~

~~This bill would authorize the department to include voluntary best practices and mandatory requirements related to environmentally preferable water using designs, in addition to devices and measures.~~

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 18934.1 is added to the Health and Safety
2 Code, to read:
3 18934.1. (a) On or before July 1, 2010, the commission shall
4 adopt, approve, codify, and publish in the California Building
5 Standards Code building standards governing recycled water
6 systems. The building standards adopted by the commission shall
7 be based upon Chapter 16 of the Uniform Plumbing Code of the
8 International Association of Plumbing and Mechanical Officials,
9 with any amendments, deletions, or additions deemed appropriate
10 by the commission. In developing building standards for recycled
11 water systems pursuant to this section, the commission shall
12 consider the recommendations of the Recycled Water Task Force
13 of 2002. The commission may also consult with the Department
14 of Water Resources, the State Department of Public Health, or
15 any other agency it deems appropriate in developing the standards.
16 The building standards for recycled water systems developed
17 pursuant to this section shall be consistent with the requirements

1 of the Porter-Cologne Water Quality Control Act (Division 7
2 (commencing with Section 13000) of the Water Code).

3 (b) (1) The building standards adopted by the commission
4 pursuant to subdivision (a) shall apply to both of the following:

5 (A) Occupancies over which no other state agency has building
6 standards jurisdiction.

7 (B) Any occupancy where another state agency has building
8 standards jurisdiction but has not proposed or adopted building
9 standards governing recycled water systems for that occupancy.

10 The building standards adopted by the commission shall apply to
11 the subject occupancy until the state agency with building
12 standards jurisdiction proposes or adopts building standards
13 governing recycled water systems for the subject occupancy, and
14 the standards have become effective.

15 (2) Building standards for recycled water systems proposed by
16 other agencies shall be based upon the same considerations set
17 forth in subdivision (a), including, but not limited to, consistency
18 with the Porter-Cologne Water Quality Control Act (Division 7
19 (commencing with Section 13000) of the Water Code).

20 (c) The commission or any appropriate state agency may revise
21 or update the standards adopted under this section at any time.

22 SEC. 2. Section 13557 of the Water Code is repealed.

23 ~~13557. (a) On or before July 1, 2008, the department, in~~
24 ~~consultation with the State Department of Public Health, shall~~
25 ~~adopt and submit to the California Building Standards Commission~~
26 ~~regulations to establish a state version of Appendix J of the~~
27 ~~Uniform Plumbing Code adopted by the International Association~~
28 ~~of Plumbing and Mechanical Officials to provide design standards~~
29 ~~to safely plumb buildings with both potable and recycled water~~
30 ~~systems.~~

31 ~~(b) The department shall adopt regulations pursuant to~~
32 ~~subdivision (a) only if the Legislature appropriates funds for that~~
33 ~~purpose.~~

34 SECTION 1. Section 17921.10 of the Health and Safety Code
35 is amended to read:

36 ~~17921.10. (a) The standards proposed by the department~~
37 ~~pursuant to Section 17921 may include voluntary best practices~~
38 ~~and mandatory requirements related to environmentally preferable~~
39 ~~water using designs, devices, and measures. The standards shall~~
40 ~~not unreasonably or unnecessarily impact the ability of Californians~~

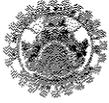
SB 283

— 4 —

1 ~~to purchase or rent affordable housing, as determined by taking~~
2 ~~account of the overall benefit derived from the standards.~~

3 ~~(b) Nothing in this section shall in any way reduce the authority~~
4 ~~of the State Energy Resources Conservation and Development~~
5 ~~Commission to adopt standards and regulations or take other~~
6 ~~actions pursuant to Division 15 (commencing with Section 25000)~~
7 ~~of the Public Resources Code.~~

O



Metropolitan Water District of Southern California

POLICY PRINCIPLE ON

WATER RECYCLING

Issue: Promote water recycling and to guide staff regarding regulatory and legislative review with respect to financing, resource management, institutional arrangements, regulatory flexibility and public awareness.

Policy Adopted:

- Support federal and state regulatory and legislative proposals to develop new financing for water recycling consistent with the following objectives:
 - Increased water recycling in California and the Colorado River Basin.
 - Research leading to advances in science and technology, health effects assessments, facility and regional planning, desalting and innovative demonstration projects.
 - Streamlining administrative procedures for state low interest-rate loans and federal grants for projects and research.
- Support legislation and regulations that protect or improve the quality of wastewater and source water supplies from constituent concentrations that are adverse to recycled water use.
- Support legislation that encourages voluntary cooperation and partnership among involved agencies to foster workable strategies for recycled water project implementation.
- Support continuous review, appropriate revision and streamlining of water recycling regulations and uniform administration consistent with experience gained in operations, public health and environmental protection.
- Support legislation and regulations that serve to increase public education and awareness of water recycling, its benefits and safety.
- Support legislation and regulations that expand the types of recycled water uses consistent with protection of public health.

M.I. 42287 - February 11, 1997; 6th bullet point added by M.I. 42820 - February 10, 1998.



Metropolitan Water District of Southern California

POLICY PRINCIPLE ON WATER CONSERVATION

Policy Adopted: Support urban retrofit actions that effectively reduce water use by:

- Providing cost-effective financial incentives to improve water use efficiency.
- Developing collaborative program partnerships that leverage limited financial resources to maximize collateral water savings benefits such as reduced energy demand and wastewater treatment needs, improved pollution control, and other synergistic benefits that improve program effectiveness.
- Supporting favorable tax relief for installation of water-efficient fixtures, both income tax on the rebate received and sales tax on the equipment purchased.
- Assisting the pursuit of better data collection and processing so as to be able to objectively measure program progress, and identify new savings opportunities.

Policy Adopted: Support equitable wholesaler and retailer agency responsibilities in implementing cost-effective Water Conservation Best Management Practices (BMPs) within Metropolitan's service area, as well as statewide, through the following actions:

- Encouraging voluntary incentives above mandatory requirements.
- Removing state and local barriers to BMP implementation (i.e. archaic plumbing code constraints, home owner association requirements for turf).
- Statewide public disclosure of agency conservation practices and accomplishments.
- Developing objective standards for water conservation certification as part of a balanced CALFED solution.

Policy Adopted: Support legislation, regulations and voluntary programs that promote improved water use efficiency in the following areas:

- Construction of water efficient buildings and communities.
- State and federal financial assistance to:
 - Evaluate new technologies and their implementation via new programs.
 - Increase the public's awareness of the need for water use efficiency.
 - New product water efficiency standards.
- Implementation and enforcement of ordinances governing:
 - Water waste.
 - Retrofit of toilets and showerheads to efficient models upon the resale of real property.
 - Statewide installation and reading of water meters and customer billing based on recorded usage.
 - State and federal efforts and financial assistance to integrate the water use efficiency message into existing and future energy efficiency public outreach.

Policy Adopted: Provide leadership in advancing new or untapped water conservation practices and technology by taking the following actions:



Metropolitan Water District of Southern California

- Participating in professional associations, including the California Urban Water Conservation Council (CUWCC) and supporting member agencies' CUWCC dues.
- Identifying, assessing and introducing new innovative technologies.
- Working with manufacturers and their representatives to improve the water efficiency of their processes and facilities.
- Participating with citizen/stakeholder groups to advance new ideas in water conservation.
- Encouraging research and development of promising devices and activities.
- Establishing objective measurements of water savings, cost of programs and devices.
- Encouraging and educating the public to adopt beneficial water use efficiency practices.

Policy Adopted: Require water efficiency plans for all new annexation proposals to Metropolitan.

Policy Adopted: Support improved irrigation efficiency by the following means:

- Create a new public ethic that embraces native plants and other water efficient landscapes.
- Encourage the availability of native plants and other water efficient landscapes in the marketplace and green industry service sector.
- Promote the expanded and efficient use of recycled water for irrigation.
- Encourage landscape irrigation device manufacturers to develop and market more efficient equipment.
- Support local efforts to increase on-site water retention and reduce runoff.

Policy Adopted: Support increased agricultural water use efficiency by:

- Supporting studies and actions to improve agricultural water use efficiency.
- Supporting development of irrigation timing strategies to reduce peak demand on water supply systems.
- Supporting implementation of water-use audits for agricultural irrigation.

M.I. 39936 - November 10, 1992; "Landscaping" issue removed and "Repeal of Federal Water Efficiency Standards" added by M.I. 42820 - February 10, 1998. [Best Management Practices (BMP) replaced by CALFED Water Use Efficiency policy principle] January 10, 2000 – Staff revision: This policy principle dates from 1992. There are no current federal legislative efforts by the National Wildlife Federation regarding urban water best management practices and integrated resource planning. Should this debate re-emerge, staff would propose an updated legislative policy principle. M.I. 45208 - February 2003, Adopted new Principles.