

ASSEMBLY BILL

No. 275

Introduced by Assembly Member Solorio

February 7, 2011

An act to amend Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 275, as introduced, Solorio. Rainwater Capture Act of 2011.

(1) Under existing law, the State Water Resources Control Board (state board) and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act. Existing law authorizes a city, county, or special district to develop, jointly or individually, stormwater resource plans that meet certain standards.

This bill would enact the Rainwater Capture Act of 2011, which would authorize landowners to install, maintain, and operate rain barrel systems, as defined, and rainwater capture systems, as defined, for specified purposes, provided that the systems comply with specified requirements.

(2) Existing law, the Contractors' State License Law, creates the Contractors' State License Board within the Department of Consumer Affairs and provides for the licensing and regulation of contractors. Existing law authorizes a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a swimming pool, spa, or hot tub, an outdoor cooking

center, or an outdoor fireplace, if certain conditions are met. Under existing law, a violation of these provisions and related provisions of existing law is grounds for disciplinary action.

This bill would additionally authorize a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of a rainwater capture system, as defined, if the system is used for landscape irrigation. The bill would authorize a landscape contractor holding a specified classification to design and install all exterior components of a rainwater capture system that are not a part of, or attached to, a structure.

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

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

1 SECTION 1. Section 7027.5 of the Business and Professions
2 Code is amended to read:

3 7027.5. (a) A landscape contractor working within the
4 classification for which the license is issued may design systems
5 or facilities for work to be performed and supervised by that
6 contractor.

7 (b) Notwithstanding any other provision of this chapter, a
8 landscape contractor working within the classification for which
9 the license is issued may enter into a prime contract for the
10 construction of any of the following:

11 (1) A swimming pool, spa, or hot tub, provided that the
12 improvements are included within the landscape project that the
13 landscape contractor is supervising and the construction of any
14 swimming pool, spa, or hot tub is subcontracted to a single licensed
15 contractor holding a Swimming Pool (C-53) classification, as set
16 forth in Section 832.53 of Title 16 of the California Code of
17 Regulations, or performed by the landscape contractor if the
18 landscape contractor also holds a Swimming Pool (C-53)
19 classification. The contractor constructing the swimming pool,
20 spa, or hot tub may subcontract with other appropriately licensed
21 contractors for the completion of individual components of the
22 construction.

23 (2) An outdoor cooking center, provided that the improvements
24 are included within a residential landscape project that the
25 contractor is supervising. For purposes of this subdivision, “outdoor

1 cooking center” means an unenclosed area within a landscape that
2 is used for the cooking or preparation of food or beverages.

3 (3) An outdoor fireplace, provided that it is included within a
4 residential landscape project that the contractor is supervising and
5 is not attached to a dwelling.

6 (4) *A rainwater capture system, as defined in Section 10573 of*
7 *the Water Code, used for landscape irrigation.*

8 (c) (1) Work performed in connection with a ~~residential~~
9 landscape project specified in paragraph ~~(2)~~ (2), (3), or ~~(3)~~ (4) of
10 subdivision (b) that is outside of the field and scope of activities
11 authorized to be performed under the Landscape Contractor
12 ~~classification (C-27)~~, (C-27) classification, as set forth in Section
13 832.27 of Title 16 of the California Code of Regulations, may only
14 be performed by a landscape contractor if the landscape contractor
15 also either holds an appropriate specialty license classification to
16 perform the work or is licensed as a ~~general building~~ *General*
17 *Building* contractor. If the landscape contractor neither holds an
18 appropriate specialty license classification to perform the work
19 nor is licensed as a ~~general building~~ *General Building* contractor,
20 the work shall be performed by a ~~specialty~~ *Specialty* contractor
21 holding the appropriate license classification or by a ~~general~~
22 ~~building~~ *General Building* contractor performing work in
23 accordance with the requirements of subdivision (b) of Section
24 7057.

25 (2) *Notwithstanding paragraph (1), a landscape contractor*
26 *performing work under the Landscape Contractor (C-27)*
27 *classification, as set forth in Section 832.27 of Title 16 of the*
28 *California Code of Regulations, may design and install all exterior*
29 *components of a rainwater capture system, as defined in Section*
30 *10573 of the Water Code, that are not a part of, or attached to, a*
31 *structure.*

32 (d) A violation of this section shall be cause for disciplinary
33 action.

34 SEC. 2. Part 2.4 (commencing with Section 10570) is added
35 to Division 6 of the Water Code, to read:

36

37 PART 2.4. RAINWATER CAPTURE ACT OF 2011

38

39 10570. This part shall be known, and may be cited, as the
40 Rainwater Capture Act of 2011.

1 10571. The Legislature finds and declares all of the following:

2 (a) As California has grown and developed, the amount of
3 stormwater flowing off of buildings, parking lots, roads, and other
4 impervious surfaces into surface water streams, flood channels,
5 and storm sewers has increased, thereby reducing the volume of
6 water allowed to infiltrate into groundwater aquifers and increasing
7 water and pollution flowing to the ocean and other surface waters.
8 At the same time, recurring droughts and water shortages in
9 California have made local water supply augmentation and water
10 conservation efforts a priority.

11 (b) Historical patterns of precipitation are predicted to change,
12 with two major implications for water supply. First, an increasing
13 amount of California's water is predicted to fall not as snow in the
14 mountains, but as rain in other areas of the state. This will likely
15 have a profound and transforming effect on California's hydrologic
16 cycle and much of that water will no longer be captured by
17 California's reservoirs, many of which are located to capture
18 snowmelt. Second, runoff resulting from snowmelt is predicted to
19 occur progressively earlier in the year, and reservoirs operated for
20 flood control purposes must release water early in the season to
21 protect against later storms, thereby reducing the amount of early
22 season snowmelt that can be stored.

23 (c) Rainwater and stormwater, captured and properly managed,
24 can contribute significantly to local water supplies by infiltrating
25 and recharging groundwater aquifers, thereby increasing available
26 supplies of drinking water. In addition, the onsite capture, storage,
27 and use of rainwater and stormwater for nonpotable uses
28 significantly reduces demand for potable water, contributing to
29 the statutory objective of a 20-percent reduction in urban per capita
30 water use in California by December 31, 2020.

31 (d) Expanding opportunities for rainwater and stormwater
32 capture to augment water supply will require efforts at all levels,
33 from individual landowners to state and local agencies and
34 watershed managers.

35 10572. Nothing in this part shall be construed to do either of
36 the following:

37 (a) Alter or impair any existing rights.

38 (b) Change existing water rights law.

1 10573. Solely for the purposes of this part, and unless the
2 context otherwise requires, the following definitions govern the
3 construction of this part:

4 (a) “Agricultural lands” has the same meaning as defined
5 pursuant to Section 56016 of the Government Code.

6 (b) “Developed or developing lands” means lands that have one
7 or more of the characteristics described in subparagraphs (A) to
8 (C), inclusive, of paragraph (4) of subdivision (b) of Section
9 56375.3 of the Government Code.

10 (c) “Rainwater” means precipitation that has not entered an
11 offsite storm drain system or channel, a flood control channel, or
12 any other stream channel, and has not previously been put to
13 beneficial use.

14 (d) “Rain barrel system” is a type of rainwater capture system
15 that does not use electricity and is not connected to a pressurized
16 water distribution system for distribution of potable water.

17 (e) “Rainwater capture system” means a facility designed to
18 capture, retain, and store rainwater flowing off of a building,
19 parking lot, road, or any other manmade, impervious surface, for
20 subsequent onsite use.

21 (f) “Stormwater” means temporary surface water runoff and
22 drainage generated by immediately preceding storms. This
23 definition shall be interpreted consistent with the definition of
24 “stormwater” in Section 122.26 of Title 40 of the Code of Federal
25 Regulations, as that section may be amended.

26 (g) “Stormwater capture system” means a facility that is operated
27 by a public agency and designed to capture and retain stormwater
28 flowing upon the public right-of-way, or through a public
29 stormwater management system or a public stormwater drainage
30 system, for subsequent use.

31 10574. (a) A landowner may install, maintain, and operate
32 any of the following systems:

33 (1) A rain barrel system, if the system is used only to supply
34 water for outdoor, nonpotable uses and is used in compliance with
35 all manufacturer instructions.

36 (2) A rainwater capture system for subsequent outdoor
37 nonpotable use or infiltration into groundwater.

38 (3) A rainwater capture system for subsequent indoor nonpotable
39 use, if all of the following conditions are met:

1 (A) The system includes supplemental filtration, a disinfection
2 device, or both. For purposes of this subparagraph, “disinfection
3 device” includes, but is not limited to, a pressure filter, chlorination,
4 or ultraviolet radiation.

5 (B) If the system is connected to receive water from a potable
6 source, the system is equipped with a device that is adequate to
7 prevent backflow.

8 (C) The local agency with jurisdiction over the enforcement of
9 building standards agrees to issue a permit for the system and
10 inspects the installation of the system before the system is operated,
11 and the landowner complies with the conditions and requirements
12 imposed by the permit.

13 (b) A system authorized pursuant to subdivision (a) may only
14 be used on the landowner’s property for the capture of rainwater
15 on developed or developing lands, and shall not be used to capture
16 rainwater on agricultural lands.

17 (c) (1) Except as provided in paragraph (3), if a local agency
18 has a program to promote rainwater capture or stormwater capture
19 and use, a landowner installing, maintaining, or operating a
20 rainwater capture system pursuant to this section shall comply
21 with applicable requirements of the program, including, but not
22 limited to, a stormwater resource plan adopted pursuant to Part
23 2.3 (commencing with Section 10560).

24 (2) Except as provided in paragraph (3), this section shall not
25 be construed to impose a duty on, or impair the authority of, a local
26 agency to establish or implement a program for rainwater capture
27 or stormwater capture in its jurisdiction.

28 (3) A landowner shall not be required to obtain any permit or
29 other authorization from a local public agency as a condition of
30 installing, maintaining, or operating a rain barrel system pursuant
31 to paragraph (1) of subdivision (a).

32 10575. (a) It is the intent of the Legislature that the use of
33 rainwater for nonpotable uses should not be constrained by
34 standards for drinking water or recycled water in Title 22 of the
35 California Code of Regulations, but shall fully comply with water
36 quality requirements for nonpotable water pursuant to the
37 Porter-Cologne Water Quality Control Act (Division 7
38 (commencing with Section 13000)).

39 (b) Notwithstanding subdivision (a), this part does not affect
40 any additional state, regional, or local requirements for the

- 1 protection of groundwater quality from contamination resulting
- 2 from stormwater drainage.

O