

ASSEMBLY BILL

No. 1896

Introduced by Assembly Member V. Manuel Pérez

February 19, 2014

An act to amend Sections 32601 and 32602 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1896, as introduced, V. Manuel Pérez. Coachella Valley Water District: nonpotable water use.

Existing law, the County Water District Law, governs the operations of the Coachella Valley Water District. Existing law prohibits a person or local public agency from using, within the district's service area, water from any source that is suitable for potable domestic use for nonpotable uses for cemeteries, parks, highway landscaped areas, new industrial facilities, and golf course irrigation if the board of directors of the district determines that suitable nonpotable water is available, as specified, and other requirements are met.

This bill would add the use of potable domestic water for homeowner's association facilities as a prohibited use if the board of directors of the district determines that suitable nonpotable water is available.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Coachella Valley Water District.

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 32601 of the Water Code is amended to
2 read:

3 32601. (a) The Legislature hereby finds and declares that the
4 use of potable domestic water for nonpotable uses for cemeteries,
5 parks, highway landscaped areas, new industrial facilities,
6 *homeowner’s association facilities*, and golf course irrigation is a
7 waste and an unreasonable use of the water within the meaning of
8 Section 2 of Article X of the California Constitution, if nonpotable
9 water, including recycled water, is available under all of the
10 following conditions as determined by the board, after notice to
11 any person or local public agency that may be ordered to use
12 nonpotable water or to cease using potable water and a hearing
13 held by the board if requested by the person or local public agency:

14 (1) The board determines that the source of nonpotable water
15 is of adequate quality for the proposed use and is available for that
16 use. In determining adequate quality, the board shall consider all
17 relevant factors, including, but not limited to, food and employee
18 safety, and level and types of specific constituents in the nonpotable
19 water affecting the use, on a user-by-user basis. In addition, the
20 board shall consider the effect of the use of nonpotable water in
21 lieu of potable water on the generation of hazardous waste and on
22 the quality of wastewater discharges subject to permit.

23 (2) The board determines that the nonpotable water may be
24 furnished for the proposed use at a reasonable cost to the user. In
25 determining reasonable cost, the board shall consider all relevant
26 factors, including, but not limited to, the present and projected
27 costs of supplying, delivering, and treating potable domestic water
28 for the proposed use and the present and projected costs of
29 supplying and delivering nonpotable water for that use, and finds
30 that the cost of supplying the nonpotable water is comparable to,
31 or less than, the cost of supplying potable domestic water.

32 (3) The State Department of Public Health determines that the
33 use of nonpotable water from the proposed source will not be
34 detrimental to public health.

35 (4) The California regional water quality control board
36 determines that the use of nonpotable water from the proposed
37 source will comply with any applicable water quality control plan.

1 (5) The board determines that the use of nonpotable water for
2 the proposed use will not adversely affect groundwater rights, will
3 not degrade water quality, and is determined not to be injurious to
4 plant life, fish, and wildlife.

5 (b) In making the determination described in subdivision (a),
6 the board shall consider the impact of the cost and quality of the
7 nonpotable water on each individual user.

8 (c) The board may require a person or public agency to furnish
9 information that the board determines to be relevant to making the
10 determinations described in subdivision (a).

11 SEC. 2. Section 32602 of the Water Code is amended to read:

12 32602. Notwithstanding any other provision of law, but subject
13 to the other requirements of this part, no person or local public
14 agency shall use water within the district's service area from any
15 source that is suitable for potable domestic use for nonpotable uses
16 for cemeteries, parks, highway landscaped areas, new industrial
17 facilities, *homeowner's association facilities*, and golf course
18 irrigation, if the board, in accordance with Section 32601,
19 determines that suitable nonpotable water is available.

20 SEC. 3. The Legislature finds and declares that a special law
21 is necessary and that a general law cannot be made applicable
22 within the meaning of Section 16 of Article IV of the California
23 Constitution because of the unique circumstances in the service
24 area of the Coachella Valley Water District.