

AMENDED IN ASSEMBLY APRIL 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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 *landscaped common areas of residential developments maintained by a 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. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The Coachella Valley aquifer is in a state of overdraft with*
4 *an urgent need to conserve and efficiently use potable quality*
5 *groundwater.*

6 *(b) Expanded nonpotable water use for landscaping is a key*
7 *part in a regional water plan for the Coachella Valley.*

8 *(c) Existing law requires that the Board of Directors of the*
9 *Coachella Valley Water District determine that nonpotable water*
10 *can be supplied at a reasonable cost and requires that the board*
11 *include in the determination of providing nonpotable water at a*
12 *designated site that the present and projected costs of supplying*
13 *and delivering nonpotable water will be cost effective at a cost*
14 *comparable to, or less than, the cost of supplying potable domestic*
15 *water.*

16 **SECTION 1.**

17 **SEC. 2.** Section 32601 of the Water Code is amended to read:

18 32601. (a) The Legislature hereby finds and declares that the
19 use of potable domestic water for nonpotable uses for cemeteries,
20 parks, highway landscaped areas, new industrial facilities,
21 *landscaped common areas of residential developments maintained*
22 *by a homeowner’s association facilities,* and golf course irrigation
23 is a waste and an unreasonable use of the water within the meaning
24 of Section 2 of Article X of the California Constitution, if
25 nonpotable water, including recycled water, is available under all
26 of the following conditions as determined by the board, after notice
27 to any person or local public agency that may be ordered to use
28 nonpotable water or to cease using potable water and a hearing
29 held by the board if requested by the person or local public agency:

30 (1) The board determines that the source of nonpotable water
31 is of adequate quality for the proposed use and is available for that
32 use. In determining adequate quality, the board shall consider all
33 relevant factors, including, but not limited to, food and employee
34 safety, and level and types of specific constituents in the nonpotable
35 water affecting the use, on a user-by-user basis. In addition, the
36 board shall consider the effect of the use of nonpotable water in
37 lieu of potable water on the generation of hazardous waste and on
38 the quality of wastewater discharges subject to permit.

1 (2) The board determines that the nonpotable water may be
2 furnished for the proposed use at a reasonable cost to the user. In
3 determining reasonable cost, the board shall consider all relevant
4 factors, including, but not limited to, the present and projected
5 costs of supplying, delivering, and treating potable domestic water
6 for the proposed use and the present and projected costs of
7 supplying and delivering nonpotable water for that use, and finds
8 that the cost of supplying the nonpotable water is comparable to,
9 or less than, the cost of supplying potable domestic water.

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

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

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

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

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

26 ~~SEC. 2.~~

27 *SEC. 3.* Section 32602 of the Water Code is amended to read:

28 32602. Notwithstanding any other provision of law, but subject
29 to the other requirements of this part, no person or local public
30 agency shall use water within the district's service area from any
31 source that is suitable for potable domestic use for nonpotable uses
32 for cemeteries, parks, highway landscaped areas, new industrial
33 facilities, ~~homeowner's association facilities landscaped common~~
34 *areas of residential developments maintained by a homeowner's*
35 *association*, and golf course irrigation, if the board, in accordance
36 with Section 32601, determines that suitable nonpotable water is
37 available.

38 ~~SEC. 3.~~

39 *SEC. 4.* The Legislature finds and declares that a special law
40 is necessary and that a general law cannot be made applicable

- 1 within the meaning of Section 16 of Article IV of the California
- 2 Constitution because of the unique circumstances in the service
- 3 area of the Coachella Valley Water District.

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