

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 275

Introduced by Assembly Member Solorio
(Principal coauthor: Assembly Member Gatto)
(Coauthors: Assembly Members Blumenfield, Gordon, Jeffries, and
Ma)
(Coauthor: Senator Evans)

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 amended, 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,

1 spa, or hot tub may subcontract with other appropriately licensed
2 contractors for the completion of individual components of the
3 construction.

4 (2) An outdoor cooking center, provided that the improvements
5 are included within a residential landscape project that the
6 contractor is supervising. For purposes of this subdivision, “outdoor
7 cooking center” means an unenclosed area within a landscape that
8 is used for the cooking or preparation of food or beverages.

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

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

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

30 (2) Notwithstanding paragraph (1), a landscape contractor
31 performing work under the Landscape Contractor (C-27)
32 classification, as set forth in Section 832.27 of Title 16 of the
33 California Code of Regulations, may design and install all exterior
34 components of a rainwater capture system, as defined in Section
35 10573 of the Water Code, that are not a part of, or attached to, a
36 structure.

37 (d) A violation of this section shall be cause for disciplinary
38 action.

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

1 PART 2.4. RAINWATER CAPTURE ACT OF 2011

2
3 10570. This part shall be known, and may be cited, as the
4 Rainwater Capture Act of 2011.

5 10571. The Legislature finds and declares all of the following:

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

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

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

35 (d) Expanding opportunities for rainwater and stormwater
36 capture to augment water supply will require efforts at all levels,
37 from individual landowners to state and local agencies and
38 watershed managers.

39 10572. Nothing in this part shall be construed to do either of
40 the following:

1 (a) Alter or impair any existing rights.

2 (b) Change existing water rights law.

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

6 (a) "Agricultural lands" has the same meaning as defined
7 pursuant to Section 56016 of the Government Code.

8 (b) "Developed or developing lands" means lands that have one
9 or more of the characteristics described in subparagraphs (A) to
10 (C), inclusive, of paragraph (4) of subdivision (b) of Section
11 56375.3 of the Government Code.

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

16 (d) "Rain barrel system" is a type of rainwater capture system
17 that does not use electricity and is not connected to a pressurized
18 water distribution system for distribution of potable water.

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

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

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

33 10574. (a) A landowner may install, maintain, and operate
34 any of the following systems:

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

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

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

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

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

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

(D) The system complies with the requirements for Non-Potable Rainwater Catchment Systems contained in the 2010 Green Plumbing and Mechanical Code Supplement, published by the International Association of Plumbing and Mechanical Officials (IAPMO), unless the California Building Standards Commission adopts superseding building standards for rainwater capture systems for indoor nonpotable use.

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

(c) A rainwater capture system that is a part of, or attached to, a structure regulated by the California Building Standards Code shall be installed and used consistent with applicable requirements of the California Building Standards Code, including building drainage requirements.

~~(e)~~

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

(2) Except as provided in paragraph (3), this section shall not be construed to impose a duty on, or impair the authority of, a local

1 agency to establish or implement a program for rainwater capture
2 or stormwater capture in its jurisdiction.

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

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

14 (b) Notwithstanding subdivision (a), this part does not affect
15 any additional state, regional, or local requirements for the
16 protection of groundwater quality from contamination resulting
17 from stormwater drainage.