

AMENDED IN ASSEMBLY MARCH 25, 2011

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, Carter, Gordon,
Gorell, Jeffries, and Ma)
(Coauthor: Senator Evans)
(Coauthors: Senators Evans and Pavley)

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 *residential, commercial, and governmental* 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

1 landscape contractor also holds a Swimming Pool (C-53)
2 classification. The contractor constructing the swimming pool,
3 spa, or hot tub may subcontract with other appropriately licensed
4 contractors for the completion of individual components of the
5 construction.

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

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

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

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

32 (2) Notwithstanding paragraph (1), a landscape contractor
33 performing work under the Landscape Contractor (C-27)
34 classification, as set forth in Section 832.27 of Title 16 of the
35 California Code of Regulations, may design and install all exterior
36 components of a rainwater capture system, as defined in Section
37 10573 of the Water Code, that are not a part of, or attached to, a
38 structure.

39 (d) A violation of this section shall be cause for disciplinary
40 action.

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

3

4 PART 2.4. RAINWATER CAPTURE ACT OF 2011

5

6 10570. This part shall be known, and may be cited, as the
7 Rainwater Capture Act of 2011.

8 10571. The Legislature finds and declares all of the following:

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

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

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

38 (d) Expanding opportunities for rainwater and stormwater
39 capture to augment water supply will require efforts at all levels,

1 from individual landowners to state and local agencies and
2 watershed managers.

3 10572. Nothing in this part shall be construed to do either of
4 the following:

5 (a) Alter or impair any existing rights.

6 (b) Change existing water rights law.

7 10573. Solely for the purposes of this part, and unless the
8 context otherwise requires, the following definitions govern the
9 construction of this part:

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

12 ~~(b)~~

13 (a) “Developed or developing lands” means lands that have one
14 or more of the characteristics described in subparagraphs (A) to
15 (C), inclusive, of paragraph (4) of subdivision (b) of Section
16 56375.3 of the Government Code.

17 ~~(c)~~

18 (b) “Rainwater” means precipitation *on any public or private*
19 *parcel* that has not entered an offsite storm drain system or channel,
20 a flood control channel, or any other stream channel, and has not
21 previously been put to beneficial use.

22 ~~(d)~~

23 (c) “Rain barrel system” is a type of rainwater capture system
24 that does not use electricity and is not connected to a pressurized
25 water distribution system for distribution of potable water.

26 ~~(e)~~

27 (d) “Rainwater capture system” means a facility designed to
28 capture, retain, and store rainwater flowing off of a building,
29 parking lot, ~~road~~, or any other manmade, impervious surface, for
30 subsequent onsite use.

31 ~~(f)~~

32 (e) “Stormwater” means temporary surface water runoff and
33 drainage generated by immediately preceding storms. This
34 definition shall be interpreted consistent with the definition of
35 “stormwater” in Section 122.26 of Title 40 of the Code of Federal
36 Regulations, as that section may be amended.

37 ~~(g)~~

38 (f) “Stormwater capture system” means a facility that is operated
39 by a public agency and designed to capture and retain stormwater
40 flowing upon the public right-of-way, or through a public

1 stormwater management system or a public stormwater drainage
2 system, for subsequent use.

3 10574. (a) ~~A~~ *Any residential, commercial, or governmental*
4 landowner may install, maintain, and operate any of the following
5 systems:

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

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

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

13 (A) The system includes supplemental filtration, a disinfection
14 device, or ~~both~~ *other process or device that performs an equivalent*
15 *function, as determined by the local agency having jurisdiction.*
16 For purposes of this subparagraph, “disinfection device” includes,
17 but is not limited to, a pressure filter, chlorination, or ultraviolet
18 radiation.

19 (B) If the system is connected to receive water from a potable
20 source, the system is equipped with a device that is adequate to
21 prevent backflow *from the rainwater capture system into the*
22 *property’s potable water supply system or into the public potable*
23 *water distribution system that supplies potable water to the*
24 *property.*

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

30 (D) The system complies with the requirements ~~for Non-Potable~~
31 ~~Rainwater Catchment Systems~~ contained in the 2010 Green
32 Plumbing and Mechanical Code Supplement, published by the
33 International Association of Plumbing and Mechanical Officials
34 (IAPMO), unless the California Building Standards Commission
35 ~~adopts~~ *and the Department of Housing and Community*
36 *Development adopt* superseding building standards for rainwater
37 capture systems for indoor nonpotable use.

38 (b) A system authorized pursuant to subdivision (a) may only
39 be used on the landowner’s property for the capture of rainwater

1 on developed or developing lands, and shall not be used to capture
2 rainwater on agricultural lands.

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

8 (d) (1) Except as provided in paragraph (3), if a local agency
9 has a program to promote rainwater capture or stormwater capture
10 and use, a landowner installing, maintaining, or operating a
11 rainwater capture system pursuant to this section shall comply
12 with applicable requirements of the program, including, but not
13 limited to, a stormwater resource plan adopted pursuant to Part
14 2.3 (commencing with Section 10560).

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

19 (3) ~~(A)~~ *Except as provided in subparagraph (B), a landowner*
20 *shall not be required to obtain any permit or other authorization*
21 *from a local public agency as a condition of installing, maintaining,*
22 *or operating a rain barrel system pursuant to paragraph (1) of*
23 *subdivision (a).*

24 *(B) If installation of a rain barrel system requires disconnection*
25 *of a downspout from the sewer system, the local public agency*
26 *may require a permit or authorization for proper disconnection*
27 *and capping of the sewer connection.*

28 *(e) A rainwater capture system installed pursuant to this section*
29 *shall include a method to prevent breeding of mosquitoes, as*
30 *provided in the 2010 Green Plumbing and Mechanical Code*
31 *Supplement, published by the International Association of*
32 *Plumbing and Mechanical Officials (IAPMO), or the California*
33 *Plumbing Code (Part 5 of Title 24 of the California Code of*
34 *Regulations), as it may be amended.*

35 10575. (a) It is the intent of the Legislature that the use of
36 rainwater for nonpotable uses should not be constrained by
37 standards for drinking water or recycled water in Title 22 of the
38 California Code of Regulations, but shall fully comply with water
39 quality requirements ~~for nonpotable water~~ pursuant to the

1 Porter-Cologne Water Quality Control Act (Division 7
2 (commencing with Section 13000)).
3 (b) Notwithstanding subdivision (a), this part does not affect
4 any additional state, regional, or local requirements for the
5 protection of groundwater quality from contamination resulting
6 from stormwater drainage.

O