

NEW BILL

AB 1834 Redux – Rainwater Capture

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

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

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

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

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

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

(4) A rainwater capture system, as defined in Section 10572 of the Water Code, used for landscape irrigation.

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

(2) Notwithstanding paragraph (1), a landscape contractor performing work under the Landscape Contractor (C-27) classification, as set forth in Section 832.27 of Title 16 of the California Code of Regulations, may design and install all exterior components of a rainwater capture system, as defined in Section 10572 of the Water Code, that are not a part of, or attached to, a structure.

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

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

PART 2.4. Rainwater Capture Act of 2011

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

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

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

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

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

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

10571.5. Nothing in this part shall be construed to do either of the following:

(a) Alter or impair any existing rights.

(b) Change existing water rights law.

10572. Solely for the purposes of this part, and unless the context otherwise requires, the following definitions govern the construction of this part:

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

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

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

(d) "Rainwater capture system" means a facility designed to capture, retain and store rainwater flowing off of a building, parking lot, road, or any other manmade, impervious surface, for subsequent on-site use.

(e) "Rain barrel system" means a simple rainwater capture system designed and manufactured for that purpose that does not use electricity and has no connection to a pressurized water distribution system for distribution of potable water. [NOTE TO COUNSEL: THIS IS A SUBSET OF "RAINWATER CAPTURE SYSTEM."]

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

(g) "Stormwater capture system" means a facility operated by a public agency designed to capture and retain stormwater flowing in the public right-of-way and public stormwater drainage systems for subsequent use.

10573. (a) A landowner may install, maintain, and operate a rainwater capture system, on the landowner's property where the rainwater is captured on developed or developing lands, but not on agricultural lands, pursuant to this section.

(b) A landowner may install, maintain, and operate a rain barrel system, without obtaining a local agency permit or other authorization, to supply water for outdoor, non-potable uses provided the landowner complies with all manufacturer instructions.

(c) A landowner may install, maintain, and operate a rainwater capture system for subsequent use for either outdoor, non-potable uses or infiltration into groundwater. If a local agency has a program to promote rainwater or stormwater capture and use, the landowner 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).

(d) A landowner may install, maintain, and operate a rainwater capture system for subsequent indoor, non-potable use provided:

(1) The system includes supplemental filtration and/or disinfection device, which may include, but not be limited to, a pressure filter, chlorination or ultraviolet radiation.

(2) The system includes an appropriate backflow prevention device if the system is connected in any way to receive water from a potable water source.

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

(e) This section shall not be construed to impose a duty on, or impair the authority of, a local agency to establish or implement a program for rainwater or stormwater capture in its jurisdiction.

10574. (a) It is the intent of the Legislature that the use of rainwater for non-potable uses should not be constrained by drinking or recycled water standards in Title 22 of the California Code of Regulations, but shall fully comply with water quality requirements for non-potable water pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000)).

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