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SB-1157 Urban water use objectives. (2021-2022)

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Senate Bill No. 1157

CHAPTER 679

An act to amend Section 10609.4 of, and to add Section 10609.33 to, the Water Code, relating to water.

[Approved by Governor September 28, 2022. Filed with Secretary of State September 28, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1157, Hertzberg. Urban water use objectives.

Existing law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, and including collaboration with and input from stakeholders, to conduct necessary studies and investigations and authorizes the department and the board to jointly recommend to the Legislature a standard for indoor residential water use. Existing law, until January 1, 2025, establishes 55 gallons per capita daily as the standard for indoor residential water use. Existing law establishes, beginning January 1, 2025, the greater of 52.5 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use, and beginning January 1, 2030, establishes the greater of 50 gallons per capita daily or a standard recommended by the department and the board as the standard for indoor residential water use. Existing law requires the board, in coordination with the department, to adopt by regulation variances recommended by the department and guidelines and methodologies pertaining to the calculation of an urban retail water supplier's urban water use objective recommended by the department.

This bill would eliminate the option of using the greater of 52.5 gallons per capita daily and the greater of 50 gallons per capita daily, as applicable, or a standard recommended by the department and the board as the standard for indoor residential water use. The bill would instead require that from January 1, 2025, to January 1, 2030, the standard for indoor residential water use be 47 gallons per capita daily and beginning January 1, 2030, the standard be 42 gallons per capita daily. The bill would require the department, in coordination with the board to conduct necessary studies and investigations to assess and quantify the economic benefit and impacts of the 2030 indoor residential use standard on water, wastewater, and recycled water systems, as specified. The bill would require the department, in coordination with the board, to summarize the findings of these studies and investigations in a report to the Legislature by October 1, 2028. The bill would prohibit enforcement of specified provisions against an urban retail water supplier solely for failing to meet the indoor residential use standard. The bill would require, on or before January 1, 2028, the department, in coordination with the board, to submit a report to the Legislature on the progress of urban retail water suppliers towards achieving their urban water use objective.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10609.4 of the Water Code is amended to read:

10609.4. (a) (1) Until January 1, 2025, the standard for indoor residential water use shall be 55 gallons per capita daily.

(2) Beginning January 1, 2025, and until January 1, 2030, the standard for indoor residential water use shall be 47 gallons per capita daily.

(3) Beginning January 1, 2030, the standard for indoor residential water use shall be 42 gallons per capita daily.

(b) (1) The department, in coordination with the board, shall conduct necessary studies and investigations to assess and quantify the economic benefits and impacts of the 2030 indoor residential use standard on water, wastewater, and recycled water systems and shall include saturation end-use studies. The studies and investigations shall build on the standards and potential effects identified pursuant to subdivision (c) of Section 10609.2 and shall also consider, and as appropriate incorporate, other regional and statewide studies that quantify the impacts on water, wastewater, and recycled water systems, and evaluate the long-term effects of telework. To facilitate these studies and investigations, the board may request necessary and relevant information from wastewater agencies, including monthly influent flow, actions taken to reassess treatment processes, and the impact of the implementation of this chapter on wastewater operations, maintenance, and capital investment. The department, in coordination with the board, shall summarize the findings of these studies and investigations in a report to the Legislature on or before October 1, 2028. The report shall be submitted in compliance with Section 9795 of the Government Code.

(2) If the department, in coordination with the board, determines that the 2030 indoor residential use standard is likely to unduly impact affordability of water and wastewater services, the department and the board may jointly recommend to the Legislature an alternate date on which the 2030 indoor residential use standard shall take effect. This determination shall be made using at least two years of data reflecting application of the 2025 indoor residential use standard.

(3) Based upon the studies and investigations conducted pursuant to paragraph (1), the department shall consider whether to recommend, for adoption by the board, additional variances to accommodate unique challenges related to residential indoor water use pursuant to Section 10609.2. Variance options may include, but are not limited to, stranded assets, impacts on disadvantaged communities, impacts to environmental flows, or adverse impacts to wastewater or recycled water operations.

(4) The studies, investigations, and report described in paragraph (1) shall include timely and inclusive collaboration with, and input from, a broad group of stakeholders, including, but not limited to, environmental groups, experts in indoor plumbing, water, wastewater, and recycled water agencies.

(c) An urban retail water supplier shall not be subject to enforcement pursuant to this chapter solely for failing to meet the indoor residential use standard.

SEC. 2. Section 10609.33 is added to the Water Code, to read:

10609.33. (a) On or before January 1, 2028, the department, in coordination with the board, shall submit a report to the Legislature on the progress of urban retail water suppliers towards achieving their urban water use objective pursuant to Section 10609.2.

(b) (1) The requirement for submitting a report imposed under subdivision (a) is inoperative on January 1, 2032, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.