
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 1343 **Hearing Date:** June 14, 2017
Author: Chen
Version: April 24, 2017
Urgency: No **Fiscal:** No
Consultant: Lynn Lorber

Subject: Water conservation: school districts: Go Low Flow Water Conservation Partnerships

NOTE: This bill has been referred to the Committees on Education and Environmental Quality. A "do pass" motion should include referral to the Committee on Environmental Quality.

SUMMARY

This bill authorizes school districts to enter into a Go Low Flow Water Conservation Partnership with a public water system to reduce water use at schools, reduce stormwater and dry weather runoff at schools, reduce schoolsite water pollution, and establish educational opportunities in water conservation.

BACKGROUND

Water conservation

Existing law requires the state to achieve a 20 percent reduction in urban per capita water use by December 31, 2020. (Water Code § 10608.16 (a))

Water quality

Existing federal law, the Clean Water Act:

- 1) Establishes the structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.
- 2) Makes it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.
- 3) Provides that the National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man-made ditches. Municipal governments (as well as other facilities) are required to obtain NPDES permits to control their discharges go directly to surface waters, including stormwater.
- 4) Authorizes states to implement and enforce the NPDES permit program as long as the state's provisions are as stringent as the federal requirements. In California, the State Water Resources Control Board is the delegate agency

responsible for the NPDES permit program. (United States Code, Title 33 §1251 et seq)

Existing state law requires State Water Resources Control Board (SWRCB) to develop a comprehensive guidance document for evaluating and measuring the effectiveness of municipal stormwater management programs undertaken, and permits issued, in accordance with the federal Clean Water Act. (Water Code § 13383.7)

ANALYSIS

This bill authorizes school districts to enter into a partnership with a public water system to reduce water use at schools, reduce stormwater and dry weather runoff at schools, reduce schoolsite water pollution, and establish educational opportunities in water conservation. Specifically, this bill:

- 1) Authorizes the governing board of a school district to enter into a Go Low Flow Water Conservation Partnership with a public water system that provides water to the school district for purposes of reducing water use at schools, reducing stormwater and dry weather runoff at schools, reducing schoolsite water pollution, and establishing the basis for educational opportunities in water conservation.
- 2) Requires a partnership agreement to:
 - a) Outline the terms of the partnership.
 - b) Include a survey of water use at the school.
 - c) List opportunities for implementing water conservation measures.
 - d) Establish protocols for sharing information from the public water system to school information platforms, including but not limited to Internet websites, classroom handouts, and events.
- 3) Authorizes a public water system to offer, as part of a partnership, a rebate for a school that implements water-saving measures.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Current law does not explicitly provide flexibility for school districts to enter into these partnerships and apply for rebates from water suppliers. AB 1343 will authorize school boards to enter into partnership agreements with public water systems to encourage and implement water conservation measures. AB 1343 would also permit the public water suppliers, such as water districts and agencies, to offer rebates to school districts in order to help with the cost of installing water-efficient remedies.”
- 2) ***Specific authority is unnecessary.*** This bill establishes a framework for partnerships and authorizes school districts and public water systems to enter into such partnerships. It is unnecessary to provide statutory authority to form a

partnership, as the Education Code is permissive. Therefore, this bill is uncodified.

A prior analysis of this bill cites a concern from the author's office that local water agencies may conduct outreach to commercial entities but do not outreach to schools about rebates and programs to reduce water use, such as rebates to install low-flow toilets. One purpose of this bill is to encourage school districts to seek information about such offers. However, it is unclear how this bill will encourage such partnerships. The bill does not offer incentives or require school districts or water agencies to seek or share information, respectively. School districts can currently partner with local water agencies without statutory authority. The Committee may wish to consider whether this bill is necessary.

The Association of California Water Agencies' (ACWA) website lists numerous conservation programs, which include various educational and incentive components such as rebates for high efficiency toilets and urinals, smart irrigation controllers, rotating sprinkler nozzles, and turf replacement; free water use evaluations; and, sustainable landscape programs. Many water suppliers have programs for both commercial and residential customers; it appears that schools are eligible for rebates, water use evaluations, and other conservation tools.

- 3) ***Existing guidance to schools.*** The California Department of Education's (CDE) website, as well as the website for the State Water Resources Control Board, currently contains information relative to strategies for schools to conserve water, including information about grants and rebates as well as local partnerships.

Water conservation and stormwater pollution. The State Water Resources Control Board adopted the Drought Response Outreach Program for Schools (DROPS) Guidelines in 2014. DROPS provides funds to local educational agencies to implement low impact development strategies designed to maintain predevelopment hydrology on school campuses. The projects will reduce stormwater pollution, increase stormwater retention, and recharge groundwater aquifers while creating multiple benefits, such as water conservation, water supply augmentation, and reduced dry weather runoff. Funded projects include an education and outreach component that is designed to increase student and public understanding of the project's environmental benefits and the sustainability of California's water resources directly related to the project. The CDE's website includes "Drought Response Best Practices and Resources," which specifically states in the first bullet of information:

"Contact your water purveyor(s) to discuss available programs and assistance that may be available. Many purveyors offer grants and rebates to help implement water conservation projects, as well as water audits, and assistance in developing lower water use landscaping. There may also be partnership opportunities, such as with local parks and recreation districts, to help with initial costs of water conservation projects." <http://www.cde.ca.gov/ls/fa/sf/bpdrought.asp>

Water capture. According to the State Water Resources Control Board, they have not traditionally issued guidance for stormwater capture systems. The State Water Resources Control Board's Storm Water Resource Plan Guidelines include methods for identification and prioritization of stormwater capture projects, including integrated metrics-based analysis. The analysis helps to determine if stormwater systems achieve standards, but the specific designs are determined by the permitted entity.

http://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/docs/prop1/swrp_finalguidelines_dec2015.pdf

The City of Los Angeles Department of Water and Power utilizes a Stormwater Capture Master Plan, but that plan does not include guidance to schools on water capture design standards.

https://www.ladwp.com/ladwp/faces/wcnav_externalId/a-w-stormwatercapturemp;jsessionid=bRbrYVgMh7vrX3Dyp0NvqJwVtVy5YWhFbvJsnY252kLLHFmpWFDn!-168235981?_afLoop=23187576910085&_afWindowMode=0&_afWindowId=null#%40%3F_afWindowId%3Dnull%26_afLoop%3D23187576910085%26_afWindowMode%3D0%26_adf.ctrl-state%3Dxucs5pzx3_4

The California Stormwater Quality Association has a Best Management Practices handbook, but the handbook does not include guidance to schools on water capture design standards. <https://www.casqa.org/asca/los-angeles-stormwater-capture-master-plan-harvesting-local-stormwater-municipal-supply>

- 4) **Stormwater.** Stormwater is defined as the runoff generated when precipitation from rain and snowmelt events flows over land or impervious surfaces without percolating into the ground. Stormwater is often considered a nuisance because it mobilizes pollutants such as motor oil and trash. In most cases, stormwater flows directly to water bodies through sewer systems, contributing a major source of pollution to rivers, lakes, and the ocean.

The Municipal Storm Water Permitting Program, through the State Water Resources Control Board (a division of the California Environmental Protection Agency) regulates storm water discharges from municipal separate storm sewer systems (MS4s).

- 5) **Related legislation.** SB 541 (Allen) requires the California Department of Education, the State Water Resources Control Board, regional water quality control boards, and the Division of the State Architect (within the Department of General Services), to consult and recommend best design and use practices that include school facility water capture practices that can generally be applied to all new, reconstructed, or altered public schools, including school grounds. SB 541 is pending in the Assembly Education Committee.

SUPPORT

California Domestic Water Company
La Habra Water Guardians
San Gabriel Valley Water Association

OPPOSITION

None received

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