

May 1, 2023

Hon. Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 412
Sacramento, CA 95816

RE: SB 745 (Cortese): Drought-Resistant Buildings Act, OPPOSE UNLESS AMENDED, as amended on April 20

Dear Chair Portantino,

The undersigned associations must respectfully oppose SB 745 (Cortese) unless significantly amended. Simply, the measure is premature, as the regulations for SB 966 (Wiener, 2018) are still under development and the State Water Resources Control Board (Water Board) is also currently implementing the landmark water-use efficiency legislation that set efficiency standards for residential, commercial, and industrial water users.

While the author states the mandate in the bill has been removed, the April 20 amendments still include language that the California Building Standards Commission “develop and adopt voluntary and mandatory building standards” for onsite recycling in all new residential and nonresidential buildings in the state. Our associations support all types of water reuse, whether it be onsite reuse, agricultural reuse, industrial reuse or potable reuse. We are currently engaged with the Water Board regulatory process to implement SB 966. We also support communities that want to implement other types of reuse programs, such as potable reuse. For example, the City of San Diego has made major investments in potable reuse, which is expected to generate many jobs, reduce ocean discharge and meet almost 40 percent of the city’s future water supply. However, we do not support mandating any specific type of water recycling as this bill does.

We propose the following amendments, starting with the SB 745 findings and declarations:

Section 2(f): This section states that the requirement to develop a local program in SB 966 has “effectively prohibited onsite treated nonpotable water systems...” SB 966 directs “the Building Standards Commission, State Water Resources Control Board and the Department of Housing and Community development to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water for nonpotable end uses in multifamily, residential, commercial, and mixed-use buildings.”

The Water Board is expected to begin the formal onsite reuse rulemaking process in May or June and adopt the regulations by the end of 2023. Once this is complete BSC and DHC will adopt standards. The finding that SB 966 prohibits onsite treated nonpotable systems is false and it is simply premature to declare that there is a major issue with the implementation of onsite reuse and the development of local programs.

Sections 3(a) and 4(a) define a “water reuse system” to include, among other types of onsite reuse, “a system designed to use recycled water, graywater, *blackwater*, or other nonpotable water sources...”

Blackwater is sewage, human waste. The treatment of waste is heavily regulated for a very important reason--- to protect public health. Having individual residents collect, treat, and dispose of biosolids is a recipe for a public health crisis. There is no way the general population is going to be as diligent as necessary at maintaining any installed system and disposing of waste properly.

Sections 3(b) and 4(b): proposes that the Building Standards Commission and the Department of Housing and Community Development develop and propose mandatory building standards to reduce the designed potable water demand of new residential and commercial buildings. The Department of Water Resources and the Water Board are in the final process of implementing AB 1668 (Friedman, 2018), SB 606 (Hertzberg 2018), and SB 1157 (Hertzberg, 2022) which established a framework for long-term improvements in urban water use efficiency and drought planning. Together, these laws require urban retail water agencies to adhere to an [Urban Water Use Objective](#) that is comprised of indoor residential water use, outdoor water use, efficient outdoor irrigation of landscape in connection with commercial, industrial, institutional use, and estimated water loss.

The Urban Water Use Objective achieves the efficiency and water-use objectives and performance measures that SB 745 intends without requiring four sets of pipes to be constructed in each new residential, commercial and industrial building.

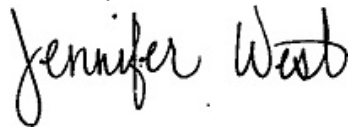
Again, the Urban Water Use Objective will go into effect to create efficiency standards and performance measures for urban water use in residential, commercial, industrial and institutional properties as well as outdoor irrigation efficiency standards. Establishing a new term and standard for ALL buildings outside of the Urban Water Use Objective is counterproductive to the standards the state has been developing for the past five years. Onsite reuse requires continuous operator controls and maintenance of systems to ensure there is no cross connection of wastewater and potable water. We urge the committee to consider if this is feasible to require commercial and residential properties to install these systems.

Section 5: We are supportive of the creation of a model ordinance to develop local onsite reuse programs. WaterReuse partnered with the US Water Alliance to develop a [Guidebook for Developing and Implementing Regulations for Onsite Non-potable Water Systems and a Model Local Ordinance for Onsite Non-potable Water](#) Programs. While this guidebook has been used successfully in other states, we would be happy to work with the author and the sponsors if there are needed additions or amendments to this model ordinance.

When the Building Standards Commission and the State Water Resources Control Board complete the standards outlined in SB 966, there will be plenty of opportunity and resources for local agencies to adopt their own processes for on-site capture and reuse. Ultimately, the Urban Water Use Objective that is soon to be adopted by the Water Board is the strategy the state has decided on to implement water-use efficiency standards and performance measures in the residential, commercial, industrial, and institutional sectors.

For these reasons we respectfully request the bill be amended remove all references to mandates to recognize and take into account the state priority in developing the Urban Water Use Objective for urban water users before mandating four sets of pipes in all new buildings. If you have any questions, please feel free to contact Jennifer West at jwest@wateruse.org.

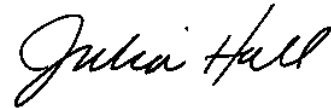
Sincerely,



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cc: Senator Cortese