

BAWSCA Template Indoor Water Use Efficiency Ordinance Frequently Asked Questions (FAQs)

Why are the BAWSCA Member Agencies developing an Indoor Water Use Efficiency Ordinance (Ordinance) instead of waiting for the new Plumbing Code or other new state regulations to come into effect?

The SFPUC provides water to all of the BAWSCA member agencies. On October 31, 2008 the SFPUC unilaterally made the decision to limit the volume of water that the BAWSCA agencies can purchase from the San Francisco Regional Water System to 184 MGD until at least 2018. As a result, based on current projections, in absence of increased water conservation or the acquisition of other new supplies, water demands within the BAWSCA service area will exceed available supplies by 2015.

BAWSCA, in coordination with its member agencies, prepared a Water Conservation Implementation Plan (WCIP) in 2009 to identify additional water conservation measures that the member agencies could potentially implement to achieve the water savings necessary to maintain water demands within available supplies until at least 2018. Based on the WCIP development and analysis process, BAWSCA and its member agencies identified the adoption of an indoor water use efficiency ordinance as one of five new water conservation measures, which, if fully implemented throughout the BAWSCA service area, could help member agencies reduce future water demands and live within current supply limitations.

There are efforts at the State level to reduce water consumption throughout California. The Governor has called for a 20% reduction in per capita water use by 2020, and recent legislation adopted by the California State Legislature, and changes to the Plumbing and Green Building Codes, target indoor water use efficiency. The Ordinance is consistent with, or exceeds, the standards set forth by these new regulations and provides BAWSCA agencies with a tool that they can use to comply with the new regulations. In addition, as described below, by enacting the Ordinance in 2009/2010 the agencies will achieve much needed water savings sooner than would otherwise occur by simply relying on the scope and timing of the new regulations.

Plumbing Code: While the updates to the 2007 California Plumbing Code are broad in scope, the only changes taking effect in 2014 that will directly impact the water efficiency of indoor fixtures are the modifications to the required efficiency standards for toilets and urinals.

Although the Ordinance will require installation of High-Efficiency Toilets (HETs) and High-Efficiency Urinals (HEUs) in advance of the Plumbing Code changes, the consequences of waiting four more years for the Plumbing Code changes to be adopted represents a large opportunity cost in terms of lost water savings potential. Furthermore, because the Ordinance addresses other indoor fixtures and appliances that are not addressed by the Plumbing Code changes (i.e., high-efficiency showerheads, faucets, washing machines, and selected commercial fixtures and appliances such as food steamers, ice machines, and cooling towers), sole reliance on the Plumbing Code will not achieve the necessary water savings that BAWSCA agencies must achieve to remain within current supplies.

California Green Building Standards Code: The California Green Building Standards Code came into effect in August 2009, with the requirements for water savings becoming mandatory in 2011. The California Green Building Standards Code requires a 20% reduction in potable indoor water use in all

BAWSCA Template Indoor Water Use Efficiency Ordinance Frequently Asked Questions (FAQs)

new construction. However, the Green Building Standards Code does not expressly mandate the use of HETs and HEUs, or other high-efficiency fixtures to achieve the 20% water savings obligation.

Because the Green Building Standards Code does not provide concrete, prescriptive mechanisms for compliance with the 20% indoor water savings mandate, implementation of its requirements at the local level may be challenging. By comparison, the Ordinance provides prescriptive mechanisms by which project applicants can achieve the required 20% savings in indoor water use. Therefore, a benefit of adopting the Ordinance in 2010 is that, because it is also designed to achieve a 20% indoor water savings, it provides agencies with a tool that can be used to evaluate an applicant's compliance with the Green Building Standards Code. Moreover, the lessons learned during the first year of implementing the requirements of the Ordinance may provide valuable insights that a local agency could incorporate into the adoption of the Green Building Standards Code, rendering that process more efficient and straightforward.

SB 407 (Padilla): On October 11, 2009, the Governor signed into law SB 407, a law requiring the retrofit of plumbing fixtures upon remodel after 2014, or in the absence of a remodel, by a specified date (i.e., residential properties must replace all noncompliant plumbing fixtures by 2017 and commercial properties must do the same by 2019).

By specifying the precise water-efficient fixtures that must be installed upon a remodel, the Ordinance provides a simple tool for local agencies to comply with the requirements of SB 407. Moreover, the Ordinance is designed to maximize water savings by addressing other indoor fixtures and appliances that are not addressed in SB 407. However, waiting until 2014 for SB 407 to go into effect will result in four years of forgone water savings. Therefore, as with the Plumbing Code, mere reliance on SB 407 will not achieve the desired water savings.

Senate Bill 7 (Steinberg; 7th Extraordinary Session): Pursuant to SB 7, the state will have to reduce urban per capita water use by 20 percent no later than December 31, 2020, and by at least 10 percent no later than December 31, 2015. These water use reductions will be compared against a 10- to 15-year baseline period that ends between 2004 and 2010.

SB 7 does not require individual urban water suppliers to reduce per capita water usage by more than 20 percent. However, each supplier will have to reduce per capita daily water use by at least 5 percent, unless their baseline water use is less than 100 gallons per capita per day (gpcd). Urban water suppliers will have to meet their own, specified water use targets, which they can establish on an individual or regional basis, using one of four methods: (1) a 20% reduction in baseline per capita water use, (2) compliance with established performance standards (e.g., 55 gpcd for residential indoor water use), (3) a 5% reduction from the applicable state hydrologic region target set in the state's draft 20x2020 Water Conservation Plan, or (4) a method that will be developed by DWR by December 31, 2010.

By requiring new development to have water efficient landscaping, the Ordinance will assist [agency] to comply with the water savings requirements of SB 7.

How much water will the Ordinance save?

The Ordinance has been designed to achieve a 20% savings on indoor water use at applicable projects. Actual water savings will likely vary.

BAWSCA Template Indoor Water Use Efficiency Ordinance Frequently Asked Questions (FAQs)

Does the Ordinance apply to remodels?

The Ordinance applies to all new development, including redeveloped properties, and those remodels that impact kitchens or bathrooms. In addition, if the size or cost of the remodel exceeds a specific size or cost threshold that is established by an individual agency, the full requirements ordinance would apply.

How will the water savings associated with the Ordinance be measured and tracked?

Because there are many factors that impact water use on a year-to-year basis (e.g., the weather) specific water savings associated with adoption of the Ordinance will be difficult to track on a near-term basis. What will be possible to track in the near-term, however, is the number of permits and approved water service application that are issued by a given agency that were deemed by that agency to comply with the Ordinance requirements. On a longer-term basis, and depending on the sophistication of the metering and billing system and the level of coordination between the agency and the water purveyor, it may be possible for BAWSCA to work with the local agency to quantitatively measure the water savings associated with the implementation and enforcement of the Ordinance. BAWSCA will continue to work with the member agencies on this issue.

Is an agency allowed to modify the BAWSCA Template Ordinance?

Each agency has full latitude to modify the BAWSCA Template Ordinance to suit the particulars of its local jurisdiction. However, the ordinance that an agency adopts must, by state law, be compliant with the water savings requirements of the California Green Building Standards Code, which will become mandatory in 2011.

How will the ordinance that my agency adopts be enforced?

Each agency will decide what level of resources will be assigned to enforcement of that agency's ordinance. The first, and most critical, enforcement step will be when an agency either grants or denies a permit or an application for new or expanded water service based on whether or not the applicant has complied with the terms of the Ordinance.