

RESOLUTION 08-04-2008

DIGEST

California Solar Initiative: Energy Saving Requirements for [Heated] Swimming Pools

Amends Public Resources Code section 25787 to mandate that all new [heated] swimming pool construction include solar and other non-fossil fuel energy systems.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE (With Recommended Amendments)

History:

Similar to 02-02-04 and 01-01-07 which were approved.

Reasons:

This resolution amends Public Resources Code section 25787 to mandate that all new [heated] swimming pool construction include solar and other non-fossil fuel energy systems. This resolution should be approved as amended to clarify that it applies to new **heated** swimming pool construction because the benefits of mandating practical environmentally conscious construction outweigh the burdens inherent in compliance.

This resolution aims to provide an immediate and feasible solution for assuring that new pool construction is as environmentally conscious as possible. By requiring that any swimming pool construction that includes plans for a heating system incorporate a solar or other sustainable, non-fossil fuel energy system, California can assure state interests in decreasing its ecological footprint. As the economic costs inherent to imposing immediate compliance with this proposed resolution are not likely to financially overburden developers and homeowners, this resolution should be approved as amended.

To clarify that this legislation is intended to impact only new **heated** swimming pool construction, on line 1, following the words “swimming pool” the following language should be inserted: “with a heating system”.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations recommends that legislation be sponsored to add Public Resources Code section 25787 to read as follows:

- 1 § 25787
- 2 Beginning as of the effective date of this law, all new swimming pools must be
- 3 heated and powered by solar energy systems or other sustainable energy system that does
- 4 not use fossil fuels unless deemed infeasible by any local governmental agency overseeing
- 5 land development.

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: San Diego County Bar Association

STATEMENT OF REASONS:

Existing Law: Does not mandate how swimming pools are to be heated or powered.

This Resolution: Would expand and accelerate the required use of solar systems and other sustainable, non-fossil fuel energy systems, to all new pools effective immediately.

The Problem: The UN Intergovernmental Panel on Climate Change (IPCC), consisting of thousands of scientists from 140 countries, has issued increasingly alarming and urgent calls for action due to mounting evidence that global warming is occurring faster than expected.

By AB 32 (California Global Warming Solutions Act of 2006, Health & Safety Code sections 38500, *et seq.*) and other laws, California has taken the lead on an ambitious path to more efficient and cleaner energy use. Through AB 32, greenhouse gas (GHG) must be reduced about 25% to the 1990 levels by 2020, and 80% below 1990 levels by 2050.

While the California Air Resources Board and Public Utilities Commission work feverishly to decide how to cut bigger producers of GHG and implement interim measures, most local governments are dragging their feet and allowing development that will exacerbate the problem. New structures will last 30, 50, 70, maybe 100 years, and add new long-term fossil fuel demands.

Attaining AB 32's goal is further compounded by our state's swelling population, roughly 37 million residents today, with 60 million predicted by 2050. State law should plug a senseless leak and require all new pools be powered by solar systems.

IMPACT STATEMENT:

This resolution does not affect any other law, statute, or rule.

AUTHOR AND/OR PERMANENT CONTACT: John H. Reaves; Law Offices of John H. Reaves, APC; 550 West C Street, Suite 930; San Diego, CA 92101; phone: (619) 525-0035; fax: (619) 525-0077; e-mail: lawreaves@pacbell.net

RESPONSIBLE FLOOR DELEGATE: John Reaves