

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1481

**Introduced by Assembly Member De La Torre
(Principal coauthor: Assembly Member Krekorian)**

February 23, 2007

An act to add Section ~~13523.2~~ 13552.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as amended, De La Torre. ~~Water recycling.~~ *Waste discharge requirements: recycled water: landscape irrigation uses.*

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act (state act). The state act authorizes the state board or a regional board to prescribe general waste discharge requirements if certain requirements are met.

This bill would require the state board, on or before July 31, 2009, to adopt a general permit for the purpose of prescribing general waste discharge requirements that apply to landscape irrigation uses of recycled water for which the State Department of Public Health has established uniform statewide recycling criteria. The bill would authorize the state board to establish a reasonable schedule of fees to reimburse the state board for the costs it incurs in adopting and administering the general permit. The bill would prescribe the manner in which an applicant may become subject to the general permit. The bill would require the state board to designate an ombudsperson to

coordinate and facilitate communication on recycled water, and on the issuance of specified water reclamation requirements, and to assist in the implementation of the general permit program established by the bill.

~~The Water Recycling Law requires each California regional water quality control board, after consulting with and receiving the recommendations of the State Department of Public Health and any party who has requested in writing to be consulted, to prescribe water reclamation requirements for water that is used or proposed to be used as reclaimed water, if the regional board determines that it is necessary to protect the public health, safety, or welfare.~~

~~This bill would require the State Water Resources Control Board, on or before January 1, 2010, to prescribe general water recycling requirements applicable to landscape irrigation uses of recycled water for which the State Department of Public Health has established uniform statewide recycling criteria. The bill would authorize the state board to establish a reasonable schedule of fees to reimburse the state board for the costs it incurs in developing and implementing these requirements. The bill would authorize the person recycling the water, the user, or both, to obtain coverage for water recycling uses by filing a notice of intent to be covered and submitting the appropriate fee to the state board.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares as follows:*
- 2 (a) *On September 22, 1989, the United States Environmental*
- 3 *Protection Agency granted the State of California, through the*
- 4 *State Water Resources Control Board and the California regional*
- 5 *water quality control boards, the authority to issue national*
- 6 *pollutant discharge elimination system (NPDES) permits pursuant*
- 7 *to Part 122 (commencing with Section 122.1) and Part 123*
- 8 *(commencing with Section 123.1) of Title 40 of the Code of Federal*
- 9 *Regulations.*
- 10 (b) *Section 122.28 of Title 40 of the Code of Federal Regulations*
- 11 *provides for the issuance of general permits to regulate a category*
- 12 *of point sources of pollution if the sources meet all of the following*
- 13 *requirements:*
- 14 (1) *Involve the same or substantially similar types of operations.*

1 (2) *Discharge the same type of waste.*

2 (3) *Require the same type of effluent limitations or operating*
3 *conditions.*

4 (4) *Require similar monitoring.*

5 (5) *Are more appropriately regulated under a general permit*
6 *instead of individual permits.*

7 (c) *General waste discharge requirements expedite the*
8 *processing of requirements, simplify the application process for*
9 *dischargers, better utilize limited staff and resources, and avoid*
10 *the expense and time involved in repetitive public noticing,*
11 *hearings, and permit adoptions.*

12 (d) *The Legislature has declared a policy for the state to*
13 *undertake all possible steps to encourage the development of water*
14 *recycling facilities so that recycled water may be made available*
15 *to help meet the growing requirements of the state.*

16 (e) *The Legislature has declared that the use of potable domestic*
17 *water for nonpotable uses, including, but not limited to, irrigation*
18 *uses for cemeteries, golf courses, parks, and highway landscaped*
19 *areas, is a waste and unreasonable use if recycled water is*
20 *available to meet the conditions needed for the use.*

21 (f) *The 2002 Recycled Water Task Force, convened pursuant*
22 *to Section 13578 of the Water Code, identified consistent,*
23 *overly-restrictive regulation and the resultant added costs as a*
24 *significant obstacle to realizing the full potential to reuse water*
25 *in California.*

26 (g) *The 2002 Recycled Water Task Force recommended that*
27 *the state board appoint and empower a key person to act as*
28 *ombudsperson and provide oversight of the water recycling permits*
29 *issued by the various regional boards.*

30 (h) *Therefore, it is the intent of the Legislature to create a*
31 *uniform interpretation of established statewide criteria relating*
32 *to the use of recycled water for landscape irrigation and to*
33 *encourage the safe, reliable use of recycled water for landscape*
34 *irrigation uses.*

35 SEC. 2. *Section 13552.5 is added to the Water Code, to read:*

36 13552.5. (a) (1) *On or before July 31, 2009, the state board*
37 *shall adopt a general permit for the purpose of prescribing general*
38 *waste discharge requirements that apply to landscape irrigation*
39 *uses of recycled water, including uses for parks, playgrounds,*
40 *school yards, residential landscaping, and unrestricted access golf*

1 courses, for which the State Department of Public Health has
2 established uniform statewide recycling criteria pursuant to Section
3 13521.

4 (2) For the purpose of developing the general permit and
5 establishing eligibility criteria to carry out paragraph (1), the
6 state board shall hold at least one workshop and shall consult with
7 and consider comments from the regional boards and any party
8 who has requested in writing to be consulted.

9 (b) The state board may establish a reasonable schedule of fees
10 to reimburse the state board for the costs it incurs in adopting and
11 administering the general permit described in subdivision (a).

12 (c) Following the adoption of the general permit pursuant to
13 this section, an applicant may obtain coverage for a landscape
14 irrigation use of recycled water by filing a notice of intent to be
15 covered under the general permit and submitting the appropriate
16 fee established pursuant to subdivision (b) to the state board.

17 (d) Coverage under the general permit adopted pursuant to this
18 section is effective if all of the following apply:

19 (1) The applicant has submitted a completed application.

20 (2) The state board has determined that the applicant meets the
21 eligibility criteria established pursuant to paragraph (2) of
22 subdivision (a).

23 (3) The state board has made the application available for public
24 review and comment for 30 days.

25 (4) The state board has consulted with the appropriate regional
26 board.

27 (5) The executive officer of the state board approves the
28 application.

29 (e) (1) A person eligible for coverage under the general permit
30 pursuant to subdivision (d) is not required to become or remain
31 subject to individual waste discharge requirements.

32 (2) A person who is subject to general or individual waste
33 discharge requirements prescribed pursuant to Section 13263 or
34 13377 for a landscape irrigation use of recycled water may apply
35 for coverage under the general permit adopted pursuant to this
36 section in lieu of remaining subject to waste discharge
37 requirements prescribed pursuant to those sections.

38 (f) (1) The state board shall designate an ombudsperson to
39 coordinate and facilitate communication on recycled water, and
40 on the issuance of water reclamation requirements pursuant to

1 *Section 13523, and to assist in the implementation of the general*
2 *permit program established by this section to promote water*
3 *recycling.*

4 *(2) The person appointed pursuant to paragraph (1) shall*
5 *facilitate consultations between the state board and the regional*
6 *boards relating to matters described in that paragraph.*

7 ~~SECTION 1. Section 13523.2 is added to the Water Code, to~~
8 ~~read:~~

9 ~~13523.2. (a) On or before January 1, 2010, the state board~~
10 ~~shall prescribe general water recycling requirements applicable to~~
11 ~~landscape irrigation uses of recycled water for which the State~~
12 ~~Department of Public Health has established uniform statewide~~
13 ~~recycling criteria pursuant to Section 13521.~~

14 ~~(b) The state board may establish a reasonable schedule of fees~~
15 ~~to reimburse the state board for the costs it incurs in developing~~
16 ~~and implementing the requirements prescribed pursuant to~~
17 ~~subdivision (a).~~

18 ~~(c) Following the adoption of the general water recycling~~
19 ~~requirements pursuant to subdivision (a), the person recycling the~~
20 ~~water, the user, or both, may obtain coverage for water recycling~~
21 ~~uses by filing a notice of intent to be covered and submitting the~~
22 ~~appropriate fee established pursuant to subdivision (b) to the state~~
23 ~~board.~~