

AMENDED IN SENATE APRIL 21, 2008

AMENDED IN SENATE APRIL 7, 2008

**SENATE BILL**

**No. 1391**

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**Introduced by Senator Padilla**

February 21, 2008

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An act to add Section ~~13263.4~~ 13577.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1391, as amended, Padilla. ~~Public water systems: recycled water. Recycled water.~~

*The Porter-Cologne Water Quality Control Act establishes a statewide goal to recycle a total of 1,000,000 acre-feet of water per year by 2010.*

*This bill would require the State Water Resources Control Board to prepare a plan to assist California in achieving that goal, consistent with state and federal water quality laws.*

~~The Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board and the regional water quality control boards to establish waste discharge standards. The Water Recycling Law requires the State Department of Public Health to establish recycling criteria for recycled water.~~

~~Existing law, known as the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.~~

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of Public Health to, among other things, adopt regulations relating to primary and secondary drinking water standards for contaminants in drinking water which are based upon specified criteria, and to submit to the Legislature a Comprehensive Safe Drinking Water Plan for California once every 5 years.

This bill would require the State Department of Public Health, by January 1, 2010, to adopt regulations, consistent with the federal Safe Drinking Water Act, for recycled water placed in a groundwater basin by a public agency for drinking water storage or replenishment purposes, or to provide a barrier for seawater intrusion in a groundwater basin that is used for drinking water, to ensure the public health and safety that take into account existing salt management plans. The bill would provide that the above described recycled water is not subject to the waste discharge standards and the recycling criteria.

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. Section 13577.5 is added to the Water Code, to  
2 read:

3 13577.5. The state board shall prepare a plan, as soon as  
4 feasible, to assist California in achieving the water recycling goal  
5 set forth in Section 13577, consistent with state and federal water  
6 quality laws.

7 SECTION 1. (a) The Legislature finds and declares all of the  
8 following:

9 (1) The State Department of Public Health regulates public  
10 water systems within the state and establishes maximum  
11 contaminant levels for drinking water.

12 (2) The Department of Water Resources is responsible for the  
13 management of water resources of the state.

14 (3) The State Water Resources Control Board and the nine  
15 regional water quality control boards regulate the quality of  
16 groundwater in accordance with the Porter-Cologne Water Quality  
17 Control Act (Division 7 (commencing with Section 13000) of the  
18 Water Code):

1 ~~(4) The state is facing water supply reliability challenges due~~  
2 ~~to extended drought and environmental concerns in the~~  
3 ~~Sacramento-San Joaquin Delta.~~

4 ~~(5) The California Water Plan Update 2005, produced by the~~  
5 ~~Department of Water Resources, identifies groundwater as one of~~  
6 ~~California's most important resources. The plan recommends~~  
7 ~~measures to improve groundwater use in the state that include the~~  
8 ~~following:~~

9 ~~(A) Clarification of federal, state, and local roles and~~  
10 ~~responsibilities related to groundwater storage.~~

11 ~~(B) Enabling regional and local agencies to implement integrated~~  
12 ~~resources and drought contingency plans and to diversify their~~  
13 ~~resource management strategies.~~

14 ~~(C) Assist local agencies to better prepare for the effects of~~  
15 ~~global climate change on water resources and water management~~  
16 ~~systems.~~

17 ~~(6) The plan also states that to provide for the future, California~~  
18 ~~must rely on a diverse set of water management strategies,~~  
19 ~~including improving water use and management efficiencies,~~  
20 ~~developing new technologies to further water conservation and~~  
21 ~~recycling, increasing water storage and conveyance, reducing and~~  
22 ~~eliminating groundwater overdraft, and improving watershed~~  
23 ~~management.~~

24 ~~(7) Maximizing the use of California's groundwater basins~~  
25 ~~through replenishment and storage projects and encouraging water~~  
26 ~~recycling for irrigation and other purposes are critical components~~  
27 ~~in meeting the state's increasing water supply demands. The plan~~  
28 ~~targets the development of 900,000 to 1.4 million acre-feet annually~~  
29 ~~of additional water supply from recycling by 2030. Additionally,~~  
30 ~~the plan identified a state goal to assist local partners to develop~~  
31 ~~500,000 to one million acre-feet of additional groundwater storage.~~

32 ~~(b) It is the intent of the Legislature to enact this measure to~~  
33 ~~protect the public health and improve California's economy,~~  
34 ~~environment, and standard of living by increasing the ability of~~  
35 ~~local water supply agencies to store recycled water in local~~  
36 ~~groundwater basins, thereby improving resource management and~~  
37 ~~water supply reliability throughout the state.~~

38 ~~SEC. 2. Section 13263.4 is added to the Water Code, to read:~~

39 ~~13263.4. (a) Except as provided in subdivision (b),~~  
40 ~~notwithstanding any other provision of this division, recycled water~~

1 placed in a groundwater basin by a public water system for drinking  
2 water storage or replenishment purposes or to provide a barrier  
3 for seawater intrusion in a groundwater basin that is used for  
4 drinking water is not a discharge subject to water discharge  
5 requirements set forth in this article or the water reclamation  
6 requirements set forth in Article 4 (commencing with Section  
7 13520) of Chapter 7 of Division 7.

8 (b) By January 1, 2010, the State Department of Public Health  
9 shall, consistent with the federal Safe Drinking Water Act, adopt  
10 regulations for recycled water placed in a groundwater basin by a  
11 public water system for drinking water storage or replenishment  
12 purposes, or to provide a barrier for seawater intrusion in a  
13 groundwater basin that is used for drinking water, to ensure the  
14 public health and safety. The standards shall take into account  
15 existing salt management plans.