

ASSEMBLY BILL

No. 969

Introduced by Assembly Member Charles Calderon

February 26, 2009

An act to amend Sections 13576 and 13577 of, and to repeal Section 13578 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, as introduced, Charles Calderon. Recycled water.

Existing law, the Water Recycling Act of 1991, establishes a statewide goal to recycle a total of 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010. The act requires, to the extent that specified funds are made available, the Department of Water Resources to identify and report to the Legislature on opportunities for increasing the use of recycled water and constraints and impediments to increasing the use of recycled water. The act requires the department to convene a task force, known as the 2002 Recycled Water Task Force, to advise the department in implementing the report requirement. Existing law requires the department and the task force to report to the Legislature no later than July 1, 2003.

This bill would repeal the report and task force requirements. The bill would change the statewide goal for recycled water to an unspecified number of acre-feet of water per year by the year 2020. The bill also would make changes to findings and declarations under the act.

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 13576 of the Water Code is amended to
2 read:

3 13576. The Legislature hereby makes the following findings
4 and declarations:

5 (a) The State of California is subject to periodic drought
6 conditions.

7 (b) The development of traditional water resources in California
8 has not kept pace with the state's population, ~~which is growing at~~
9 ~~the rate of over 700,000 per year and~~ which is anticipated to reach
10 ~~36 44 million by the year 2040~~ 2020.

11 ~~(c) There is a need for a reliable source of water for uses not~~
12 ~~related to the supply of potable water to protect investments in~~
13 ~~agriculture, greenbelts, and recreation and to replenish groundwater~~
14 ~~basins, and protect and enhance fisheries, wildlife habitat, and~~
15 ~~riparian areas.~~

16 *(c) There is an increasing need to develop reliable water*
17 *supplies, both potable and nonpotable, to protect investments in*
18 *agriculture, greenbelts, and recreation, to protect and enhance*
19 *fisheries, wildlife habitat, and riparian areas, to replenish*
20 *groundwater basins, and to provide for other domestic uses.*

21 (d) The environmental benefits of recycled water include a
22 reduced demand for water in the Sacramento-San Joaquin Delta,
23 which is otherwise needed to maintain water quality, reduced
24 discharge of waste into the ocean, and the enhancement of
25 groundwater basins, recreation, fisheries, and wetlands.

26 (e) The use of recycled water has proven to be safe from a public
27 health standpoint, and the State Department of ~~Health Services~~
28 *Public Health* is updating regulations for the use of recycled water.

29 (f) The use of recycled water is a cost-effective, reliable method
30 of helping to meet California's water supply needs.

31 (g) The development of the infrastructure to distribute recycled
32 water will provide jobs and enhance the economy of the state.

33 (h) Retail water suppliers and recycled water producers and
34 wholesalers should promote the substitution of recycled water for
35 potable water and imported water in order to maximize the
36 appropriate cost-effective use of recycled water in California.

37 (i) Recycled water producers, retail water suppliers, and entities
38 responsible for groundwater replenishment should cooperate in

1 joint technical, economic, and environmental studies, as
2 appropriate, to determine the feasibility of providing recycled
3 water service.

4 (j) Retail water suppliers and recycled water producers and
5 wholesalers should be encouraged to enter into contracts to
6 facilitate the service of recycled and potable water by the retail
7 water suppliers in their service areas in the most efficient and
8 cost-effective manner.

9 (k) Recycled water producers and wholesalers and entities
10 responsible for groundwater replenishment should be encouraged
11 to enter into contracts to facilitate the use of recycled water for
12 groundwater replenishment if recycled water is available and the
13 authorities having jurisdiction approve its use.

14 (l) Wholesale prices set by recycled water producers and
15 recycled water wholesalers, and rates that retail water suppliers
16 are authorized to charge for recycled water, should reflect an
17 equitable sharing of the costs and benefits associated with the
18 development and use of recycled water.

19 SEC. 2. Section 13577 of the Water Code is amended to read:

20 13577. This chapter establishes a statewide goal to recycle a
21 total of 700,000 ____ acre-feet of water per year by the year 2000
22 and 1,000,000 acre-feet of water per year by the year 2010 2020.

23 SEC. 3. Section 13578 of the Water Code is repealed.

24 ~~13578. (a) In order to achieve the statewide goal for recycled~~
25 ~~water use established in Section 13577 and to implement the~~
26 ~~Governor's Advisory Drought Planning Panel Critical Water~~
27 ~~Shortage Contingency Plan recommendations, Section F2, as~~
28 ~~submitted December 29, 2000, the department shall identify and~~
29 ~~report to the Legislature on opportunities for increasing the use of~~
30 ~~recycled water, as defined in paragraph (3) of subdivision (b) of~~
31 ~~Section 13575, and identify constraints and impediments, including~~
32 ~~the level of state financial assistance available for project~~
33 ~~construction, to increasing the use of recycled water.~~

34 ~~(b) The department shall convene a task force, to be known as~~
35 ~~the 2002 Recycled Water Task Force, to advise the department in~~
36 ~~implementation of subdivision (a), including making~~
37 ~~recommendations to the Legislature regarding the following:~~

38 ~~(1) How to further the use of recycled water in industrial and~~
39 ~~commercial applications, including, but not limited to, those~~
40 ~~applications set forth in Section 13552.8. The task force shall~~

1 evaluate the current regulatory framework of state and local rules,
2 regulations, ordinances, and permits to identify the obstacles and
3 disincentives to industrial and commercial reuse. Issues to be
4 investigated include, but are not limited to, applicability of visual
5 inspections instead of pressure tests for cross-connections between
6 potable and nonpotable water systems, dual piping trenching
7 restrictions, fire suppression system design, and backflow
8 protections:

9 (2) Changes in the Uniform Plumbing Code, published by the
10 International Association of Plumbing and Mechanical Officials,
11 that are appropriate to facilitate the use of recycled water in
12 industrial and commercial settings. The department shall make
13 recommendations to the California Building Standards Commission
14 with regard to suggested revisions to the California Plumbing Code
15 necessary to incorporate the changes identified by the task force.

16 (3) Changes in state statutes or the current regulatory framework
17 of state and local rules, regulations, ordinances, and permits
18 appropriate to increase the use of recycled water for commercial
19 laundries and toilet and urinal flushing in structures including, but
20 not limited to, those defined in subdivision (c) of Section 13553.
21 The department shall identify financial incentives to help offset
22 the cost of retrofitting privately and publicly owned structures.

23 (4) The need to reconvene the California Potable Reuse
24 Committee established by the department in 1993 or convene a
25 successor committee to update the committee's finding that planned
26 indirect potable reuse of recycled water by augmentation of surface
27 water supplies would not adversely affect drinking water quality
28 if certain conditions were met.

29 (5) The need to augment state water supplies using water use
30 efficiency strategies identified in the CALFED Bay-Delta Program.
31 In its report pursuant to subdivision (a), the department shall
32 identify ways to coordinate with CALFED to assist local
33 communities in educating the public with regard to the statewide
34 water supply benefits of local recycling projects and the level of
35 public health protection ensured by compliance with the uniform
36 statewide water recycling criteria developed by the State
37 Department of Health Services in accordance with Section 13521.

38 (6) Impediments or constraints, other than water rights, related
39 to increasing the use of recycled water in applications for

1 agricultural, environmental, or irrigation uses, as determined by
2 the department.
3 (e) (1) The task force shall be convened by the department and
4 be comprised of one representative from each of the following
5 state agencies:
6 (A) The department.
7 (B) The State Department of Health Services.
8 (C) The state board.
9 (D) The California Environmental Protection Agency.
10 (E) The CALFED Bay-Delta Program.
11 (F) The Department of Food and Agriculture.
12 (G) The Building Standards Commission.
13 (H) The University of California.
14 (I) The Resources Agency.
15 (2) The task force shall also include one representative from a
16 recognized environmental advocacy group and one representative
17 from a consumer advocacy group, as determined by the department,
18 and one representative of local agency health officers, one
19 representative of urban water wholesalers, one representative from
20 a groundwater management entity, one representative of water
21 districts, one representative from a nonprofit association of public
22 and private members created to further the use of recycled water,
23 one representative of commercial real estate, one representative
24 of land development, one representative of industrial interests, and
25 at least two representatives from each of the following as defined
26 in Section 13575:
27 (A) Recycled water producer.
28 (B) Recycled water wholesaler.
29 (C) Retail water supplier.
30 (d) The department and the task force shall report to the
31 Legislature not later than July 1, 2003.
32 (e) The department shall carry out the duties of this section only
33 to the extent that funds pursuant to Section 79145, enacted as part
34 of the Safe Drinking Water, Clean Water, Watershed Protection,
35 and Flood Protection Act (Division 26 (commencing with Section
36 79000)), are made available for the purposes of this section.