

ASSEMBLY BILL

No. 1100

Introduced by Assembly Member Duvall

February 27, 2009

An act to add Section 111187 to the Health and Safety Code, relating to bottled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as introduced, Duvall. Potable reuse demonstration water.

Under existing law, the State Department of Public Health licenses and regulates water bottlers, distributors, and vendors. Existing law prescribes various quality and labeling standards for bottled water and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime.

This bill would allow the bottling of potable reuse demonstration water, as defined, to be distributed, free of charge, for educational purposes or to promote water recycling. The bill would establish specific bottling, labeling, and sanitation for potable reuse demonstration water. Because this bill would create a new crime, it imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 111187 is added to the Health and Safety
2 Code, to read:

3 111187. (a) As used in this section, “potable reuse
4 demonstration water” means secondary effluent from a wastewater
5 treatment facility operated by a wastewater treatment agency with
6 a source control program that goes beyond conventional source
7 control, and that satisfies both of the following requirements:

8 (1) The secondary effluent is treated by means of all of the
9 following treatment processes:

10 (A) Microfiltration, ultrafiltration, or other filtration processes
11 to remove particulates before reverse osmosis.

12 (B) Reverse osmosis.

13 (C) Advanced oxidation by means of ultraviolet light and
14 peroxide.

15 (2) The secondary effluent meets or exceeds all federal and state
16 drinking water standards, and all maximum contaminant levels set
17 by the department for public drinking water.

18 (b) Except as expressly set forth in this section, the operator of
19 a facility producing potable reuse demonstration water may cause
20 that water to be bottled and distributed for educational purposes
21 and to promote water recycling, without complying with the
22 requirements of this article.

23 (c) Any operator seeking to bottle potable reuse demonstration
24 water shall collect water samples prior to the commencement of
25 the bottling process, and test that water in accordance with Section
26 111165. Potable reuse demonstration water shall not be distributed
27 unless that water meets or exceeds all federal and state drinking
28 water standards, all maximum contaminant levels established by
29 the department for public drinking water, and all conditions
30 imposed by regulatory agencies on the water quality of the product
31 water being used as potable reuse demonstration water.

32 (d) Potable reuse demonstration water may only be bottled at a
33 licensed water-bottling plant in compliance with Sections 111120,
34 111145, and 111155.

35 (e) Potable reuse demonstration water shall be handled from
36 the point of production to the completion of bottling in accordance
37 with all regulations governing the transportation, bottling, and
38 handling of bottled water, as defined in subdivision (a) of Section

1 111070, including, but not limited to, subdivisions (b), (f), and (h)
2 of Section 111075. A water bottling plant that bottles potable reuse
3 demonstration water in accordance with this section may also bottle
4 other potable water, subject to compliance with this article.

5 (f) Potable reuse demonstration water shall be bottled in
6 nonreturnable (one-way) bottles or packages with labels containing
7 the following information in an easily readable format that
8 complies with all of the following:

9 (1) The label shall state “not for sale” and “highly treated
10 recycled wastewater meeting all federal and state drinking water
11 standards.”

12 (2) The label shall set forth the name, address, telephone
13 number, and Internet Web site of the operator of the facility
14 producing the potable reuse demonstration water.

15 (3) The label shall include a brief description of the potable
16 reuse demonstration water, including its source and the treatment
17 processes to which the water is subjected.

18 (g) A specific water recycling facility may bottle not more than
19 ___ gallons of potable reuse demonstration water in a calendar
20 year.

21 (h) No potable reuse demonstration water shall be sold or
22 otherwise distributed in exchange for financial consideration.

23 (i) Bottled potable reuse demonstration water may be distributed
24 at no cost for educational purposes or to promote water recycling.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.