

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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 *requirements* for potable reuse demonstration water *and would require an operator seeking to bottle potable reuse demonstration water to establish a collection and recycling program for distributed bottles*. 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 111080,
34 111120, 111145, and 111155.

(e) Potable reuse demonstration water shall be handled from the point of production to the completion of bottling in accordance with all regulations governing the transportation, bottling, and handling of bottled water, as defined in subdivision (a) of Section 111070, including, but not limited to, subdivisions (b), (f), and (h) of Section 111075. A water bottling plant that bottles potable reuse demonstration water in accordance with this section may also bottle other potable water, subject to compliance with this article.

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

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

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

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

(g) A specific water recycling facility may bottle not more than 1,000 gallons of potable reuse demonstration water in a calendar year.

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

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

(j) An operator seeking to bottle potable reuse demonstration water shall establish a collection and recycling program for distributed bottles.

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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