

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 565**

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**Introduced by Senator Pavley**

February 27, 2009

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An act to add Part 5.5 (commencing with Section 12567) to Division 6 of the Water Code, relating to water recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 565, as amended, Pavley. Water recycling.

Existing law establishes the State Water Resources Control Board (~~state board~~) and the California regional water quality control boards as the principal state agencies with authority over matters relating to water quality. Existing law requires specified persons who discharge waste, as defined, in a manner that could affect the quality of the waters of the state, to pay an annual fee to the state board according to a fee schedule established by the ~~state~~ board.

This bill would require the ~~state~~ board, *in consultation with the Department of Water Resources and the State Department of Public Health*, to develop a plan to ensure that at least 50% of wastewater that is annually discharged into the ocean, as of the year 2009, is recycled and put to beneficial use by the year 2030. The bill would prescribe various requirements with respect to that plan. The bill would require the ~~state~~ board to impose a fee on each person discharging wastewater into the ocean and would require that fee to be deposited into the Ocean Discharge Recycling Fund, which the bill would establish. The bill would authorize the ~~state~~ board to expend the moneys in that fund, upon appropriation by the Legislature, for the purposes of carrying out the wastewater recycling plan.

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. Part 5.5 (commencing with Section 12567) is  
2 added to Division 6 of the Water Code, to read:

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4 PART 5.5. OCEAN DISCHARGE RECYCLING PLAN

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6 CHAPTER 1. GENERAL PROVISIONS

7

8 *12567. The Legislature finds and declares the following:*

9 (a) *Each year, urban water users in California discharge*  
10 *approximately 3,500,000 to 4,000,000 acre-feet of wastewater into*  
11 *the ocean. Unlike discharges into rivers and streams, which can*  
12 *be recaptured downstream and reused, ocean discharges are not*  
13 *reused. This water is truly wasted.*

14 (b) *Urban California continues to grow. The Department of*  
15 *Finance projects California’s population to reach almost*  
16 *60,000,000 people by the year 2050, an increase of over*  
17 *25,000,000 people since the 2000 decennial census. These new*  
18 *Californians will need water.*

19 (c) *It is critical that California find new ways to accommodate*  
20 *growth, with its resultant increase in water demand, in a manner*  
21 *that is as environmentally benign as possible.*

22 (d) *Water recycling has long been recognized as a method of*  
23 *helping to meet California’s water needs that is cost-effective and*  
24 *not affected by drought.*

25 ~~12567.~~

26 *12567.1.* For the purposes of this part, the following terms have  
27 the following meanings:

28 (a) “Fee” means the annual fee imposed pursuant to subdivision  
29 (a) of Section 12568.

30 ~~(a)~~

31 (b) “Fund” means the Ocean Discharge Recycling Fund  
32 established pursuant to subdivision (a) of Section 12568.4.

33 ~~(b)~~

34 (c) “Plan” means the statewide plan adopted pursuant to Section  
35 12567.2.

1 12567.2. (a) ~~The state board~~ board, in consultation with the  
2 department and the State Department of Public Health, shall adopt  
3 a statewide plan to ensure that at least 50 percent of the wastewater  
4 annually discharged directly into the ocean, as of the year 2009,  
5 is recycled and put to beneficial use by the year 2030.

6 (b) *The plan shall do all of the following:*

7 (1) *Identify the amount of water discharged directly into the*  
8 *ocean, the San Francisco Bay, and any other enclosed bay in the*  
9 *state, during the 2009 calendar year.*

10 (2) *Establish a statewide ocean discharge recycling goal that*  
11 *is one-half of the amount identified pursuant to paragraph (1).*

12 (3) *Identify all regulatory, financial, engineering, jurisdictional,*  
13 *and other impediments to meeting the statewide ocean discharge*  
14 *recycling goal.*

15 (4) *Identify all impediments to direct potable reuse of the water*  
16 *described in paragraph (1).*

17 (5) *Develop specific actions and strategies to remove the*  
18 *impediments identified pursuant to paragraphs (3) and (4).*

19 (c) *In developing the plan, the board shall seek input from*  
20 *wastewater dischargers, urban water suppliers, local government*  
21 *agencies, and other interested parties.*

22 (d) *The board may appoint an advisory committee, task force,*  
23 *or any other group or groups that the board determines to be*  
24 *necessary or desirable to assist the board in implementing this*  
25 *part.*

26 (e) *Upon adoption of the plan, the board shall submit copies of*  
27 *the plan to the Governor and the Legislature.*

28 ~~(b) The state~~

29 (f) *The board shall adopt measures that are necessary to*  
30 *implement the plan.*

31  
32 CHAPTER 2. FINANCING

33  
34 12568. (a) ~~The state board~~ shall impose an annual fee on  
35 discharges of wastewater into the ocean, subject to the following  
36 requirements:

37 (1) The fee shall be imposed on each person that discharges  
38 wastewater directly into the ocean, as determined by the ~~state~~  
39 board.

1 (2) The fee shall be in addition to any fees imposed pursuant to  
2 Section 13260.

3 (3) The fee shall be in an amount that is necessary to reimburse  
4 ~~the state board's board, the department, and the State Department~~  
5 *of Public Health* for the costs of developing the plan and any  
6 measures implementing the plan pursuant to Section 12567.2.

7 (4) ~~The state board~~ shall adopt a fee schedule and a timetable  
8 for purposes of collecting the fee.

9 (5) The fee shall be collected in the same manner as set forth  
10 in Section 13260.

11 (b) ~~The state board~~ shall adopt regulations to implement the fee  
12 collection procedures *set forth* in this section.

13 12568.2. Each person that is subject to the fee shall pay an  
14 annual fee to ~~the state board~~ in accordance with Section 12568.

15 12568.4. (a) All fees collected pursuant to this chapter shall  
16 be deposited in the Ocean Discharge Recycling Fund, which is  
17 hereby established in the State Treasury.

18 (b) The moneys in the fund shall be available for expenditure  
19 by ~~the state board~~, upon appropriation by the Legislature, for the  
20 purposes of carrying out this part.

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