

AMENDED IN SENATE MAY 4, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 565

Introduced by Senator Pavley

February 27, 2009

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 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 board.

This bill would require the 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 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 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:

SECTION 1. Part 5.5 (commencing with Section 12567) is added to Division 6 of the Water Code, to read:

PART 5.5. OCEAN DISCHARGE RECYCLING PLAN

CHAPTER 1. GENERAL PROVISIONS

12567. The Legislature finds and declares the following:

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

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

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

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

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

(a) "Fee" means the annual fee imposed pursuant to subdivision (a) of Section 12568.

(b) "Fund" means the Ocean Discharge Recycling Fund established pursuant to subdivision (a) of Section 12568.4.

(c) "Plan" means the statewide plan adopted pursuant to Section 12567.2.

12567.2. (a) The board, in consultation with the department and the State Department of Public Health, shall adopt a statewide plan to ensure that at least 50 percent of the wastewater annually

1 discharged directly into the ocean, as of the year 2009, is recycled
2 and put to beneficial use by the year 2030.

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

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

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

9 (3) Identify all regulatory, financial, engineering, jurisdictional,
10 and other impediments to meeting the statewide ocean discharge
11 recycling goal.

12 (4) Identify all impediments to direct potable reuse of the water
13 described in paragraph (1).

14 (5) Develop specific actions and strategies to remove the
15 impediments identified pursuant to paragraphs (3) and (4).

16 (c) In developing the plan, the board shall ~~seek input from~~ *do*
17 *all of the following:*

18 (1) *Seek input from* wastewater dischargers, urban water
19 suppliers, local government agencies, and other interested parties.

20 (2) *Ensure that any action authorized pursuant to this chapter*
21 *is consistent with the California Environmental Quality Act*
22 *(Division 13 (commencing with Section 21000) of the Public*
23 *Resources Code).*

24 (3) *Integrate research by the board regarding unregulated*
25 *pollutants, and consult with the Office of Environmental Health*
26 *Hazard Assessment, to evaluate the impact of unregulated*
27 *pollutants and determine whether there is a practical method for*
28 *eliminating unregulated pollutants from recycled water.*

29 (d) The board may appoint an advisory committee, task force,
30 or any other group or groups that the board determines to be
31 necessary or desirable to assist the board in implementing this part.

32 (e) Upon adoption of the plan, the board shall submit copies of
33 the plan to the Governor and the Legislature.

34 (f) The board shall adopt measures that are necessary to
35 implement the plan.

36 (g) *Any action authorized pursuant to this chapter shall be*
37 *consistent with the federal Clean Water Act (33 U.S.C. Sec. 1341*
38 *et seq.) and the Porter-Cologne Water Quality Control Act*
39 *(Division 7 (commencing with Section 13000)).*

CHAPTER 2. FINANCING

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3 12568. (a) The board shall impose an annual fee on discharges
4 of wastewater into the ocean, subject to the following requirements:
5 (1) The fee shall be imposed on each person that discharges
6 wastewater directly into the ocean, as determined by the board.
7 (2) The fee shall be in addition to any fees imposed pursuant to
8 Section 13260.
9 (3) The fee shall be in an amount that is necessary to reimburse
10 the board, the department, and the State Department of Public
11 Health for the costs of developing the plan and any measures
12 implementing the plan pursuant to Section 12567.2.
13 (4) The board shall adopt a fee schedule and a timetable for
14 purposes of collecting the fee.
15 (5) The fee shall be collected in the same manner as set forth
16 in Section 13260.
17 (b) The board shall adopt regulations to implement the fee
18 collection procedures set forth in this section.
19 12568.2. Each person that is subject to the fee shall pay an
20 annual fee to the board in accordance with Section 12568.
21 12568.4. (a) All fees collected pursuant to this chapter shall
22 be deposited in the Ocean Discharge Recycling Fund, which is
23 hereby established in the State Treasury.
24 (b) The moneys in the fund shall be available for expenditure
25 by the board, upon appropriation by the Legislature, for the
26 purposes of carrying out this part.

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