

AMENDED IN SENATE JUNE 2, 2009

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~~ *specified persons* discharging wastewater into the ocean, *the San Francisco Bay, or any other enclosed bay in the state*, 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:

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

5
6 CHAPTER 1. GENERAL PROVISIONS

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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 60,000,000
16 people by the year 2050, an increase of over 25,000,000 people
17 since the 2000 decennial census. These new Californians will need
18 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 12567.1. For the purposes of this part, the following terms have
26 the following meanings:

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

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

31 (c) “Plan” means the statewide plan adopted pursuant to Section
32 12567.2.

1 12567.2. (a) The board, in consultation with the department
2 and the State Department of Public Health, shall adopt a statewide
3 plan to ensure that at least 50 percent of the wastewater annually
4 discharged directly into the ocean, as of the year 2009, is recycled
5 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 is
11 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 do all of the
20 following:

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

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

27 (3) Integrate research by the board regarding unregulated
28 ~~pollutants, and consult with the Office of Environmental Health~~
29 ~~Hazard Assessment, to evaluate the impact of unregulated~~
30 ~~pollutants and determine whether there is a practical method for~~
31 ~~eliminating unregulated pollutants from recycled water.~~ *pollutants,*
32 *as developed pursuant to Section 10 of the Recycled Water Policy*
33 *adopted by State Water Resources Control Board Resolution No.*
34 *2009-0011.*

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

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

1 ~~(f) The board shall adopt measures that are necessary to~~
2 ~~implement the plan.~~

3 ~~(g)~~

4 (f) Any action authorized pursuant to this chapter shall be
5 consistent with the federal Clean Water Act (33 U.S.C. Sec. 1341
6 1251 et seq.) and the Porter-Cologne Water Quality Control Act
7 (Division 7 (commencing with Section 13000)).

8

9

CHAPTER 2. FINANCING

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11 12568. (a) The board shall impose an annual fee on discharges
12 of wastewater into the ocean, subject to the following requirements:

13 (1) ~~The (A) Except as provided in subparagraph (B), the fee~~
14 ~~shall be imposed on each person that discharges wastewater directly~~
15 ~~into the ocean, the San Francisco Bay, or any other enclosed bay~~
16 ~~in the state, as determined by the board.~~

17 (B) *The fee shall not be imposed on any person that discharges*
18 *less than 10,000,000 gallons of wastewater per day.*

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

21 (3) The fee shall be in an amount that ~~is~~ *does not exceed the*
22 *amount* necessary to reimburse the board, the department, and the
23 State Department of Public Health for the costs of developing the
24 plan and any measures implementing the plan pursuant to Section
25 12567.2.

26 (4) The board shall adopt a fee schedule and a timetable for
27 purposes of collecting the fee.

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

30 (b) The board shall adopt regulations to implement the fee
31 collection procedures set forth in this section.

32 12568.2. Each person that is subject to the fee shall pay an
33 annual fee to the board in accordance with Section 12568.

34 12568.4. (a) All fees collected pursuant to this chapter shall
35 be deposited in the Ocean Discharge Recycling Fund, which is
36 hereby established in the State Treasury.

1 (b) The moneys in the fund shall be available for expenditure
2 by the board, upon appropriation by the Legislature, for the
3 purposes of carrying out this part.

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