

Senate Bill No. 1173

Passed the Senate August 25, 2010

Secretary of the Senate

Passed the Assembly August 19, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 13550, 13551, 13552.2, and 13552.6 of, and to add Section 13052 to, the Water Code, relating to recycled water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1173, Wolk. Recycled water.

(1) The Porter-Cologne Water Quality Control Act establishes a statewide program for the control of the quality of all the waters in the state.

This bill would define rainwater and raw water for purposes of the act.

(2) Existing law declares that the use of potable domestic water for nonpotable uses is a waste or an unreasonable use of water if recycled water is available, as determined by the State Water Resources Control Board, and other requirements are met.

This bill, instead, would declare that the use of raw or potable domestic water for nonpotable municipal or industrial uses is a waste or unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met, including, but not limited to, a requirement that the source of recycled water is reliable for those uses.

(3) Existing law prohibits a person or public agency from using any water that is suitable for potable domestic use for nonpotable uses if suitable recycled water is available, as determined by the board, and other requirements are met.

This bill, instead, would prohibit a person or public agency from using raw or potable water that is suitable for nonpotable municipal or industrial uses if suitable recycled water is available, as determined by the board, and other requirements are met.

(4) Existing law declares that the use of potable domestic water for the irrigation of residential landscaping is a waste and unreasonable use of water if recycled water is available to residents, as determined by the board, and other requirements are met.

This bill, instead, would declare that the use of raw or potable water for the irrigation of landscaping is a waste and unreasonable

use of water if recycled water is available to users, as determined by the board, and other requirements are met.

(5) Existing law declares that the use of potable domestic water for floor trap priming, cooling towers, and air-conditioning devices is a waste and unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

This bill, instead, would declare that the use of raw or potable water for those purposes is a waste and unreasonable use of water if recycled water is available, as determined by the board, and other requirements are met.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Recycled water can serve as an alternative to potable and nonpotable municipal and industrial water supplies, with many potential benefits.

(b) Potential benefits of recycled water include, but are not limited to, all of the following:

(1) Recycled water provides a reliable water supply that is locally controlled.

(2) Use of recycled water may decrease the need to divert or import water from sensitive rivers and streams.

(3) Recycled water may also allow communities to become less dependent on groundwater and surface water sources.

(4) Additionally, water reuse may reduce the nutrient loads from wastewater discharges into waterways, thereby reducing and preventing pollution.

(c) Recycled water supplies utilized in place of raw or untreated municipal and industrial water, where appropriate, achieve many of the same benefits as replacement of potable water supplies.

(d) The state board currently has an equitable, useful, and effective process for determining the appropriate use of recycled water in place of potable supplies. This same process will be useful in determining the appropriate use of recycled water in place of raw water that could be used for other municipal and industrial purposes.

SEC. 2. Section 13052 is added to the Water Code, to read:

13052. As used in this division:

(a) “Rainwater” means rain or snowmelt that has not entered an offsite storm drain system or channel, a flood control channel, or any other stream channel, and has not previously been put to beneficial use.

(b) “Raw water” means surface water or groundwater that has not been treated. Raw water does not include remediated groundwater or rainwater.

SEC. 3. Section 13550 of the Water Code is amended to read:

13550. (a) The use of raw water or potable domestic water for nonpotable municipal or industrial uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the meaning of Section 2 of Article X of the California Constitution if recycled water is available that meets all of the following conditions, as determined by the state board, after notice to any person or entity that may be ordered to use recycled water or to cease using raw or potable water and a hearing held pursuant to Article 2 (commencing with Section 648) of Chapter 1.5 of Division 3 of Title 23 of the California Code of Regulations:

(1) The source of recycled water is of adequate quality for these uses and is available and reliable for these uses. In determining adequate quality, the state board shall consider all relevant factors, including, but not limited to, food and employee safety, and level and types of specific constituents in the recycled water affecting these uses, on a user-by-user basis. In determining reliability, the state board shall consider whether the recycled water supply is subject to interruption. In addition, the state board shall consider the effect of the use of recycled water in lieu of raw or potable water on the generation of hazardous waste and on the quality of wastewater discharges subject to regional, state, or federal permits.

(2) The recycled water may be furnished for these uses at a reasonable cost to the user. In determining reasonable cost, the state board shall consider all relevant factors, including, but not limited to, the present and projected costs of supplying and delivering raw or potable water, and treating potable water for these uses and the present and projected costs of supplying and delivering recycled water for these uses, and shall find that the

cost of supplying the treated recycled water is comparable to, or less than, the cost of supplying raw or potable water.

(3) After concurrence with the State Department of Public Health, the use of recycled water from the proposed source will not be detrimental to public health.

(4) The use of recycled water for these uses will not adversely affect downstream water rights, will not degrade water quality, and is determined not to be injurious to plantlife, fish, and wildlife.

(b) In making the determination pursuant to subdivision (a), the state board shall consider the impact of the cost and quality of the recycled water on each individual user.

(c) The state board may require a public agency or person subject to this article to furnish information that the state board determines to be relevant to making the determination required in subdivision (a).

SEC. 4. Section 13551 of the Water Code is amended to read:

13551. A person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, shall not use raw or potable water from any source of quality suitable for municipal or industrial use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses if suitable recycled water is available as provided in Section 13550. The use of recycled water in lieu of raw or potable water suitable for municipal or industrial use shall, to the extent of the recycled water so used, be deemed to constitute a reasonable beneficial use of that water and the use of recycled water shall not cause any loss or diminution of any existing water right.

SEC. 5. Section 13552.2 of the Water Code is amended to read:

13552.2. (a) The use of raw or potable water for the irrigation of landscaping is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for this use, is available to the user and meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

SEC. 6. Section 13552.6 of the Water Code is amended to read:

13552.6. (a) The use of raw or potable water for floor trap priming, cooling towers, and air-conditioning devices is a waste or an unreasonable use of water within the meaning of Section 2 of Article X of the California Constitution if recycled water, for these uses, is available to the user, and the water meets the requirements set forth in Section 13550, as determined by the state board after notice and a hearing.

(b) The state board may require a public agency or person subject to this section to submit information that the state board determines may be relevant in making the determination required in subdivision (a).

Approved _____, 2010

Governor