

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 803

Introduced by Assembly Member ~~Hueso~~ Gomez
(Principal coauthor: Senator Hueso)

February 21, 2013

An act to amend Section 5411.5 of, and to add Article 7.1 (commencing with Section 116600) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, and to add Section 13263.7 to, and to add Article 4.1 (commencing with Section 13529.5) to Chapter 7 of Division 7 of, the Water Code, relating to recycled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 803, as amended, ~~Hueso~~ Gomez. Water Recycling Act of 2013.

(1) Existing law requires the State Department of Public Health to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. Existing regulations prescribe various requirements and prohibitions relating to recycled water.

This bill, the Water Recycling Act of 2013, would codify some of these regulations to, among other things, ~~(1)~~ define various terms for the purpose of water recycling criteria, ~~(2)~~ require the use of certain quality recycled water for specified uses with prescribed prohibitions, and ~~(3)~~ modify prohibitions and requirements for dual-plumbed recycled water systems.

(2) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems, and imposes on the department various responsibilities and duties. Existing law authorizes the department to enact regulations and the department has enacted

regulations relating to the protection of public water systems from unapproved water, including recycled water.

This bill would codify some of these regulations to, among other things, ~~(1)~~ define various terms, ~~(2)~~ specify ~~plumping~~ plumbing requirements, ~~(3)~~ prescribe certain protection to prevent backflow into the public water supply, and ~~(4)~~ specify when a changeover device may be used.

(3) Existing law requires any person who, without regard to intent or negligence; causes or permits any sewage or other waste, or the effluent of treated sewage or other waste to be discharged in or on any waters of the state, or *where it probably will be* discharged in or on any waters of the state, to immediately notify the local health officer of the director of environmental health of the discharge, as prescribed.

This bill would provide that this notification requirement does not apply to an unauthorized discharge of effluent of treated sewage defined as recycled water, as defined.

(4) 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.

This bill would authorize compliance with effluent limitations and any other permit or waste discharge requirements for the release or discharge of advanced treated purified water, as defined, into a conveyance facility at the point where the advanced treated purified water enters the conveyance facility but prior to commingling with any raw water or other water source.

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. This act shall be known and may be cited as the
- 2 Water Recycling Act of 2013.
- 3 SEC. 2. Section 5411.5 of the Health and Safety Code is
- 4 amended to read:
- 5 5411.5. (a) Any person who, without regard to intent or
- 6 negligence, causes or permits any sewage or other waste; or the
- 7 effluent of treated sewage or other waste to be discharged in or on
- 8 any waters of the state, or discharged in or deposited where it is,
- 9 or probably will be, discharged in or on any waters of the state, as
- 10 soon as that person has knowledge of the discharge, shall

1 immediately notify the local health officer or the director of
2 environmental health of the discharge.

3 (b) Any person who fails to provide the notice required by this
4 section is guilty of a misdemeanor and shall be punished by a fine
5 of not less than five hundred dollars (\$500) nor more than one
6 thousand dollars (\$1,000), or imprisonment for less than one year,
7 or both the fine and imprisonment.

8 (c) The notification required by this section shall not apply to
9 a discharge authorized by law and in compliance with waste
10 discharge requirements or other requirements established by the
11 appropriate regional water quality control board or the State Water
12 Resources Control Board.

13 (d) The notification required by this section shall not apply to
14 an unauthorized discharge of effluent of treated sewage defined
15 as recycled water pursuant to Section 13050 or 13529.2 of the
16 Water Code.

17 SEC. 3. Article 7.1 (commencing with Section 116600) is
18 added to Chapter 4 of Part 12 of Division 104 of the Health and
19 Safety Code, to read:

20

21

Article 7.1. Protection of Water System

22

23 116600. The following terms have the following meanings:

24 (a) "Air-gap separation" or "AG" means a physical separation
25 between the free-flowing discharge end of a water supply pipeline
26 and an open or nonpressurized vessel. A plumbing gap separation
27 is not an air-gap separation.

28 (b) "Approved water supply" means a water supply whose
29 potability is regulated by a state or local health agency.

30 (c) "Auxiliary water supply" means any water supply other than
31 that received from a public water system including recycled water
32 as defined in Section 13050 of the Water Code.

33 (d) "Changeover device" means a fitting or assembly that is
34 used to change a supply of water from one source to another such
35 that nonpotable and potable supplies cannot be connected at the
36 same time.

37 (e) "Cross connection" means a physical connection between
38 a potable water system used to supply water for drinking purposes
39 and any source or system containing unapproved water or a
40 substance that is not or cannot be approved as safe, wholesome,

1 and potable. A plumbing gap separation is not a cross connection
2 if it complies with the conditions of use described in Section
3 116603.

4 (f) “Double check valve assembly” or “DC” means an assembly
5 of at least two independently acting check valves including tightly
6 closing shut-off valves on each side of the check valve assembly
7 and test cocks available for testing the watertightness of each check
8 valve.

9 (g) “Health agency” means the State Department of Public
10 Health or the local health officer with respect to a small water
11 system.

12 (h) “Plumbing gap separation” is a physical separation of a
13 water conveyance system such as a pipe. An example of a plumbing
14 gap separation is removal of a spool or length of pipe. An air-gap
15 separation is not a plumbing gap separation.

16 (i) “Recycled water” is a wastewater which as a result of
17 treatment is suitable for beneficial uses.

18 (j) “Reduced pressure principle backflow prevention device”
19 or “RP” means a backflow preventer incorporating not less than
20 two check valves, an automatically operated differential relief
21 valve located between the two check valves, a tightly closing
22 shut-off valve on each side of the check valve assembly, and
23 equipped with necessary test cocks for testing.

24 (k) “User connection” means the point of connection of a user’s
25 piping to the water supplier’s facilities.

26 (l) “User supervisor” means the person responsible for the
27 avoidance of cross connections during the installation, operation,
28 and maintenance of the water user’s pipelines and equipment.

29 (m) “Water supplier” means the person who owns or operates
30 or owns and operates the public water system.

31 (n) “Water user” means the person who owns or operates the
32 public water system.

33 116601. (a) An approved air gap shall be at least double
34 diameter of the supply pipe measured vertically above the overflow
35 rim of the vessel but at no time less than one inch. An approved
36 plumbing gap is a minimum of 12 inches and is installed and
37 maintained in compliance with Section 116603.

38 (b) A reduced pressure principle backflow assembly is required
39 on a changeover device to protect the alternative supply of water.

1 116602. The type of protection that shall be provided to prevent
 2 backflow into the public water supply shall be commensurate with
 3 the degree of hazard that exists on the consumer’s premises. The
 4 type of protective device that may be required (listed in an
 5 increasing level of protection) includes: Double Check Valve
 6 Assembly-(DC), Reduced Pressure Principle Backflow Prevention
 7 Device-(RP), and an Air-gap Separation-(AG). The water user
 8 may choose a higher level of protection than required by the water
 9 supplier. The minimum types of backflow protection required to
 10 protect the public water supply, at the water user’s connection to
 11 premises with various degrees of hazard are given in Table 1.
 12 Situations which are not covered in Table 1 shall be evaluated on
 13 a case-by-case basis and the appropriate backflow protection shall
 14 be determined by the water supplier or health agency.

15
 16 TABLE 1
 17 TYPE OF BACKFLOW PROTECTION REQUIRED

<i>Degree of Hazard</i>	<i>Minimum type of Backflow Prevention</i>
(a) Sewage and Hazardous Substances	
(1) Premises where there are waste water pumping and/or pumping , treatment plants, <i>or both</i> , and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(2) Premises where hazardous substances are handled in any manner in which the substances may enter the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and water supplier.	AG
(3) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	RP
(b) Auxiliary Water Supplies	
(1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu of an AG if approved by the health agency and water supplier.	AG

- 1 (2) ~~remises~~ *Premises* where there is an unapproved auxiliary RP
- 2 water supply and there are no interconnections with the public
- 3 water system. A DC may be provided in lieu of a RP if
- 4 approved by the health agency and water supplier.
- 5 (c) Recycled Water
- 6 (1) Premises where the public water system is used to AG
- 7 supplement the recycled water supply.
- 8 (2) Nonresidential premises where recycled water is used, RP
- 9 other than as allowed in paragraph (3), and there is no
- 10 interconnection with the potable water system.
- 11 (3) Residences using recycled water for landscape irrigation DC
- 12 as part of an approved dual plumbed use area established
- 13 pursuant to sections 60313 through 60316 unless the recycled
- 14 water supplier obtains approval of the local public water
- 15 supplier, or the ~~Department~~ *department* if the water supplier
- 16 is also the supplier of the recycled water, to utilize an
- 17 alternative backflow protection plan that includes an annual
- 18 inspection and annual shutdown test of the recycled water and
- 19 potable water systems pursuant to subsection 60316(a).
- 20 (d) Fire Protection Systems
- 21 (1) Premises where the fire system is directly supplied from DC
- 22 the public water system and there is an unapproved auxiliary
- 23 water supply on or to the premises (not interconnected).
- 24 (2) Premises where the fire system is supplied from the public AG
- 25 water system and interconnected with an unapproved auxiliary
- 26 water supply. A RP may be provided in lieu of an AG if
- 27 approved by the health agency and water supplier.
- 28 (3) Premises where the fire system is supplied from the public DC
- 29 water system and where either elevated storage tanks or fire
- 30 pumps which take suction from private reservoirs or tanks are
- 31 used.
- 32 (4) Buildings where the fire system is supplied from the public DC
- 33 water system and where recycled water is used in a separate
- 34 piping system within the same building.
- 35 (e) Dockside Watering Points and Marine Facilities
- 36 (1) Pier hydrants for supplying water to vessels for any RP
- 37 purpose.
- 38 (2) Premises where there are marine facilities. RP

- 1 (f) Premises where entry is restricted so that inspections for RP
2 cross connections cannot be made with sufficient frequency
3 or at sufficiently short notice to assure that they do not exist.
4 (g) Premises where there is a repeated history of cross RP
5 connections being established or reestablished.

6
7 116603. A changeover device may be used under all of the
8 following conditions:

9 (a) In emergency situations.

10 (b) When the alternative water supply is locked and under the
11 control of the permitted water agency such that the permitted water
12 agency must take action to make the alternative supply of water
13 available.

14 (c) If potable water is the alternative supply and is to be supplied
15 to a nonpotable system using a changeover device, the permitted
16 water agency shall approve and supervise the conversion.

17 (d) The reduced pressure principle backflow assembly that is
18 required on the alternative water supply shall be located as close
19 to the supply as practicable.

20 (e) The permitted water agency shall notify the department of
21 the installation of the changeover device within 24 hours of its
22 occurrence. The notification shall include when the changeover
23 device shall be removed.

24 116604. (a) (1) The Legislature finds and declares that
25 Sections 7583, 7604, and 7605 of Title 17 of the California Code
26 of Regulations are inconsistent with Sections 116600 to 116603,
27 inclusive.

28 (2) The department shall not apply the regulations specified in
29 paragraph (1) and shall repeal them.

30 (b) The department shall apply Sections 116600 to 116603,
31 inclusive, unless the department makes a finding that the adoption
32 of different water system protection provisions is required by
33 circumstances that are changed from those prevailing on January
34 1, 2014.

35 (c) If the department makes the finding described in subdivision
36 (b), the department shall adopt new regulations for the purposes
37 of Chapter 4 (commencing with Section 116270) of Part 12 of
38 Division 104 in accordance with the Administrative Procedure Act
39 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
40 Division 3 of Title 2 of the Government Code). Regulations

1 adopted pursuant to this subdivision shall prevail over the
2 provisions in Sections 116600 to 116603, inclusive.

3 SEC. 4. Section 13263.7 is added to the Water Code, to read:

4 13263.7. (a) Compliance with effluent limitations and any
5 other permit or waste discharge requirements, as appropriate, for
6 the release or discharge of advanced treated purified water into a
7 conveyance facility may be determined at the point where the
8 advanced treated purified water enters the conveyance facility but
9 prior to commingling with any raw water or other water source.

10 (b) For purposes of this section:

11 (1) "Advanced treated purified water" means water of
12 wastewater origin treated with a treatment method at least as
13 effective as membrane filtration, reverse osmosis, advanced
14 oxidation, disinfection, and engineered reliability features or other
15 suitable treatment as approved by the State Department of Public
16 Health.

17 (2) "Raw water" means surface water or groundwater in its
18 naturally occurring state prior to treatment.

19 SEC. 5. Article 4.1 (commencing with Section 13529.5) is
20 added to Chapter 7 of Division 7 of the Water Code, to read:

21

22 Article 4.1. Water Recycling Criteria

23

24 13529.5. The following terms have the following meanings:

25 (a) "Coagulated wastewater" means oxidized wastewater in
26 which colloidal and finely divided suspended matter have been
27 destabilized and agglomerated upstream from a filter by the
28 addition of suitable floc-forming chemicals or by biological
29 process.

30 (b) "Conventional treatment" means a treatment chain that
31 utilizes a sedimentation unit process and filtration process and
32 produces an effluent that meets the definition for disinfected
33 tertiary recycled water.

34 (c) "Dry weather period" means a period of little or no rainfall.

35 (d) "Dual plumbed system" or "dual plumbed" means a system
36 that utilizes separate piping systems for recycled water and potable
37 water within a facility and where the recycled water is used for
38 either of the following purposes:

39 (1) To serve plumbing outlets, excluding fire suppression
40 systems, within a building.

1 (2) Outdoor landscape irrigation at individual residences where
2 the water systems, including the irrigation systems, are under the
3 control and supervision of the owner or tenant and not a
4 homeowners' association or equal.

5 (e) "Filtered wastewater" means an oxidized wastewater that
6 meets both of the following criteria:

7 (1) Has been through natural undisturbed soils or a bed of filter
8 media so that the turbidity of the filtered wastewater does not
9 exceed any of the following:

10 (A) An average of 2 NTU within a 24-hour period.

11 (B) Five NTU more than 5 percent of the time within a 24-hour
12 period.

13 (C) Ten NTU at any time.

14 (2) Has been passed through a microfiltration, ultrafiltration,
15 nanofiltration, or reverse osmosis membrane so that the turbidity
16 of the filtered wastewater does not exceed either of the following:

17 (A) Two-tenths NTU more than 5 percent of the time within a
18 24-hour period.

19 (B) One-half NTU at any time.

20 (f) "NTU" means nephelometric turbidity unit.

21 (g) "Peak dry weather design flow" means the arithmetic mean
22 of the maximum peak flow rates sustained over three hours during
23 the maximum 24-hour dry weather period.

24 (h) "Regulatory agency" means the State Department of Public
25 Health or a regional water quality control board that has jurisdiction
26 over the recycling plant and use areas.

27 13529.55. (a) Recycled water used for the irrigation of the
28 following shall be a disinfected tertiary recycled water, except that
29 for filtration pursuant to paragraph (1) of subdivision (e) of Section
30 13529.5 coagulation need not be used as part of the treatment
31 process provided that the filter effluent turbidity does not exceed
32 2 NTU, the turbidity of the influent to the filters is continuously
33 measured, the influent turbidity does not exceed 5 NTU for more
34 than 15 minutes and never exceeds 10 NTU, and that there is the
35 capability to automatically activate chemical addition or divert the
36 wastewater should the filter influent turbidity exceed 5 NTU for
37 more than 15 minutes:

38 (1) Food crops, including all edible root crops, where the
39 recycled water comes into contact with the edible portion of the
40 crop.

- 1 (2) Parks and playgrounds.
- 2 (3) School yards.
- 3 (4) Residential landscaping.
- 4 (5) Unrestricted access golf courses.
- 5 (6) Any other irrigation use not specified in this section and not
- 6 prohibited by other sections of the California Code of Regulations.
- 7 (b) Recycled water used for the irrigation of food crops where
- 8 the edible portion is produced above ground and not contacted by
- 9 the recycled water shall be at least disinfected secondary-2.2
- 10 recycled water.
- 11 (c) Recycled water used for the irrigation of the following shall
- 12 be at least disinfected secondary-2.3 recycled water:
- 13 (1) Cemeteries.
- 14 (2) Freeway landscaping.
- 15 (3) Restricted access golf courses.
- 16 (4) Ornamental nursery stock and sod farms where access by
- 17 the general public is not restricted.
- 18 (5) Pasture for animals producing milk for human consumption.
- 19 (6) Any nonedible vegetation where access is controlled so that
- 20 the irrigated area cannot be used as if it were part of a park,
- 21 playground, or schoolyard.
- 22 (d) Recycled wastewater used for the irrigation of the following
- 23 shall be at least undisinfected secondary recycled water:
- 24 (1) Orchards where the recycled water does not come into
- 25 contact with the edible portion of the crop.
- 26 (2) Vineyards where the recycled water does not come into
- 27 contact with the edible portion of the crop.
- 28 (3) Nonfood-bearing trees. This category shall include a
- 29 Christmas tree farm provided no irrigation with recycled water
- 30 occurs for a period of 14 days prior to harvesting or allowing access
- 31 by the general public.
- 32 (4) Fodder and fiber crops and pasture for animals not producing
- 33 milk for human consumption.
- 34 (5) Seed crops not eaten by humans.
- 35 (6) Food crops that must undergo commercial
- 36 pathogen-destroying processing before being consumed by humans.
- 37 (7) Ornamental nursery stock and sod farms provided no
- 38 irrigation with recycled water occurs for a period of 14 days prior
- 39 to harvesting, retail sale, or allowing access by the general public.

1 (e) No recycled water used for irrigation, or soil that has been
2 irrigated with recycled water, shall come into contact with the
3 edible portion of food crops eaten raw by humans unless the
4 recycled water complies with subdivision (a).

5 13529.6. (a) Recycled water used for the following shall be
6 disinfected tertiary recycled water, except that for filtration being
7 provided pursuant to paragraph (1) of subdivision (e) of Section
8 13529.5 coagulation need not be used as part of the treatment
9 process provided that the filter effluent turbidity does not exceed
10 2 NTU, the turbidity of the influent to the filters is continuously
11 measured, the influent turbidity does not exceed 5 NTU for more
12 than 15 minutes and never exceeds 10 NTU, and that there is the
13 capability to automatically activate chemical addition or divert the
14 wastewater should the filter influent turbidity exceed 5 NTU for
15 more than 15 minutes:

- 16 (1) Flushing toilets and urinals.
- 17 (2) Priming drain traps.
- 18 (3) Industrial process water that may come into contact with
19 workers.
- 20 (4) Structural firefighting.
- 21 (5) Decorative fountains.
- 22 (6) Commercial laundries.
- 23 (7) Consolidation of backfill around potable water pipelines.
- 24 (8) Artificial snow making for commercial outdoor use.
- 25 (9) Vehicle washing, including hand washes if the recycled
26 water is not heated, where the general public is excluded from the
27 washing process.

28 (b) Recycled water used for the following uses shall be at least
29 disinfected secondary-23 recycled water:

- 30 (1) Industrial boiler feed.
- 31 (2) Nonstructural firefighting.
- 32 (3) Backfill consolidation around nonpotable piping.
- 33 (4) Soil compaction.
- 34 (5) Mixing concrete.
- 35 (6) Dust control on roads and streets.
- 36 (7) Cleaning roads, sidewalks, and outdoor work areas.
- 37 (8) Industrial process water that will not come into contact with
38 workers.

39 (c) Recycled water used for flushing sanitary sewers shall be at
40 least undisinfectated secondary recycled water.

1 13529.65. (a) No irrigation with disinfected tertiary recycled
 2 water shall take place within 50 feet of any domestic water supply
 3 well unless all of the following conditions have been met:
 4 (1) A geological investigation demonstrates that an aquitard
 5 exists at the well between the uppermost aquifer being drawn from
 6 and the ground surface.
 7 (2) The well contains an annular seal that extends from the
 8 surface into the aquitard.
 9 (3) The well is housed to prevent any recycled water spray from
 10 coming into contact with the wellhead facilities.
 11 (4) The ground surface immediately around the wellhead is
 12 contoured to allow surface water to drain away from the well.
 13 (5) The owner of the well approves of the elimination of the
 14 buffer zone requirement.
 15 (b) No impoundment of disinfected tertiary recycled water shall
 16 occur within 100 feet of any domestic water supply well.
 17 (c) No irrigation with, or impoundment of, disinfected
 18 secondary-2.2 or disinfected secondary-23 recycled water shall
 19 take place within 100 feet of any domestic water supply well.
 20 (d) No irrigation with, or impoundment of, undisinfected
 21 secondary recycled water shall take place within 150 feet of any
 22 domestic water supply well.
 23 (e) Any use of recycled water shall comply with the following:
 24 (1) Any irrigation runoff shall be confined to the recycled water
 25 use area, unless the runoff does not pose a public health threat and
 26 is authorized by the regulatory agency.
 27 (2) Spray, mist, or runoff shall not enter dwellings or food
 28 handling facilities.
 29 (3) Drinking water fountains shall be protected against contact
 30 with recycled water spray, mist, or runoff.
 31 (f) No spray irrigation of any recycled water, other than
 32 disinfected tertiary recycled water, shall take place within 100 feet
 33 of a residence or a place where public exposure could be similar
 34 to that of a park, playground, or schoolyard.
 35 (g) All use areas where recycled water is used that are accessible
 36 to the public shall be posted with signs that are visible to the public,
 37 in a size no less than four inches high by eight inches wide, that
 38 include the following wording: "RECYCLED WATER - DO NOT
 39 DRINK." Each sign shall display an international symbol similar
 40 to that shown in figure 60310-A. The State Department of Public

1 Health may accept alternative signage and wording, or an
2 educational program, provided the applicant demonstrates to the
3 State Department of Public Health that the alternative approach
4 will assure an equivalent degree of public notification.

5 (h) Except as allowed under Section 116602 of the Health and
6 Safety Code, no physical connection shall be made or allowed to
7 exist between any recycled water system and any separate system
8 conveying potable water.

9 (i) The portions of the recycled water piping system that are in
10 areas subject to access by the general public shall not include any
11 hose bibbs except where adequate signage and notification are in
12 place and regularly inspected to insure the general public has proper
13 notice. Only quick couplers that differ from those used on the
14 potable water system shall be used on the portions of the recycled
15 water piping system in areas subject to public access.

- 1 PRINTER PLEASE NOTE: TIP-IN MATERIAL TO BE
- 2 INSERTED

1 13529.7. (a) No person other than a recycled water agency
2 shall deliver recycled water to a dual-plumbed facility.

3 (b) No recycled water agency shall deliver recycled water to a
4 facility using a dual-plumbed system unless the report required
5 pursuant to Section 13522.5, and that meets the requirements set
6 forth in Section 13529.75, has been submitted to, and approved
7 by, the regulatory agency.

8 13529.75. The public water supply shall not be used as a
9 backup or supplemental source of water for a dual-plumbed
10 recycled water system unless the connection between the two
11 systems is protected by either of the following:

12 (a) An air-gap separation that complies with the requirements
13 of subdivision (a) of Section 7602 and subdivision (a) of Section
14 7603 of Title 17 of the California Code of Regulations, and the
15 approval of the public water system has been obtained.

16 (b) A plumbing gap separation that complies with the
17 requirements of Section 116603 of the Health and Safety Code
18 and the approval of the public water system has been obtained.

19 13529.8. (a) Prior to the initial operation of the dual-plumbed
20 recycled water system and annually thereafter, the recycled water
21 agency shall ensure that the dual-plumbed system within each
22 facility and use area is inspected for possible cross connections
23 with the potable water system. The recycled water system shall be
24 inspected and tested in accordance with the following:

25 (1) An initial cross-connection test before the initial operation
26 of the recycled water system.

27 (2) An annual visual system inspection.

28 (3) A cross-connection test when there is material reason to
29 believe that the potable water or recycled water system has been
30 compromised.

31 (4) A cross-connection test following remediation of a
32 discovered cross connection.

33 (b) A material reason to believe that the system has been
34 compromised may be based on, but is not limited to, evidence
35 gathered either of the following:

36 (1) During a visual inspection performed pursuant to this section.

37 (2) As a result of an inspection performed following complaints
38 of water quality or flow conditions consistent with a compromised
39 system.

1 (c) The testing shall be conducted in accordance with the method
2 described in the report submitted pursuant to Section 60314 of
3 Title 22 of the California Code of Regulations. The inspections
4 and the testing shall be performed by a cross-connection control
5 specialist certified by the California-Nevada section of the
6 American Water Works Association or an organization with
7 equivalent certification requirements. A written report documenting
8 the result of the inspection or testing for the prior year shall be
9 submitted to the department within 30 days following completion
10 of the inspection or testing.

11 (d) The recycled water agency shall notify the department of
12 any incidence of backflow from the dual-plumbed recycled water
13 system into the potable water system within 24 hours of the
14 discovery of the incident.

15 (e) Any backflow prevention device installed to protect the
16 public water system serving the dual-plumbed recycled water
17 system shall be inspected and maintained in accordance with
18 Section 116603 of the Health and Safety Code.

19 13529.9. (a) (1) The Legislature finds and declares that
20 Sections 60301.160, 60301.170, 60301.250, 60301.320, 60301.660,
21 60301.740, 60304, 60307, 60310, 60313, 60315, and 60316 of
22 Title 22 of the California Code of Regulations are inconsistent
23 with Sections 13529.5 to 13529.8, inclusive.

24 (2) The State Department of Public Health shall not apply the
25 regulations specified in paragraph (1) and shall repeal them.

26 (b) The State Department of Public Health shall apply Sections
27 13529.5 to 13529.8, inclusive, unless the State Department of
28 Public Health makes a finding that the adoption of different water
29 recycling criteria provisions is required by circumstances that are
30 changed from those prevailing on January 1, 2014.

31 (c) If the State Department of Public Health makes the finding
32 described in subdivision (b), the State Department of Public Health
33 shall adopt new regulations for the purposes of Article 4
34 (commencing with Section 13520) in accordance with the
35 Administrative Procedure Act (Chapter 3.5 (commencing with
36 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
37 Code). Regulations adopted pursuant to this subdivision shall

1 prevail over the provisions in Sections 13529.5 to 13529.8,
2 inclusive.

O