

Assembly Bill No. 1200

Passed the Assembly September 6, 2013

Chief Clerk of the Assembly

Passed the Senate September 3, 2013

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Chapter 7.7 (commencing with Section 13590) of Division 7 of the Water Code, relating to recycled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, Levine. Recycled water: agricultural irrigation impoundments: pilot project.

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, before October 1, 2014, and until January 1, 2018, permit the San Francisco Bay Regional Water Quality Board to authorize a voluntary pilot project for the purposes of investigating potential water quality impacts associated with maximizing the supplementation of agricultural irrigation impoundments with disinfected tertiary treated recycled water, if the regional board finds that the proposed pilot project satisfies specified criteria. This bill would require the pilot project to include a stakeholder advisory group, composed as prescribed, to review and provide input on pilot project design, implementation, and data analysis. This bill would require a prescribed final report to be issued to the San Francisco Bay Regional Water Quality Control Board and the state board, as specified, and upon review of the final report would authorize the regional board to develop a formula for future waste discharge requirements to be issued for similar purposes and report to the state board and the Legislature with any recommendations, as prescribed.

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

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

(a) California faces increasing demands on its freshwater resources. These demands are compounded by a growing state population, limited groundwater and surface water supplies, increased ecosystem conflicts, and a changing climate.

(b) Water recycling represents a tremendous opportunity to increase California’s water supply and to overcome the growing water resource challenges that threaten continued economic, ecosystem, and community prosperity.

(c) Recognizing the opportunity presented by water recycling, the State Water Resources Control Board adopted a recycled water policy in 2009 that mandates an increase in annual recycled water use by 200,000 acre-feet by 2020. The board also adopted a goal of increasing the use of recycled water over 2002 levels by one million acre-feet per year by 2020.

(d) Sonoma Valley County Sanitation District in the County of Sonoma produces an average of 3.5 million gallons of tertiary recycled water daily, much of which is produced in the winter months and discharged to a tributary to San Pablo Bay.

(e) The Napa Sanitation District in the County of Napa produces 612 million gallons annually of tertiary treated recycled water.

(f) In order to maximize the beneficial use of this resource in the Counties of Napa and Sonoma and in order to help inform future regulatory frameworks for the use of recycled water across California, it is in the state’s interest to promote pilot projects intended to quantify the impacts and benefits of innovative recycled water projects.

SEC. 2. Chapter 7.7 (commencing with Section 13590) is added to Division 7 of the Water Code, to read:

CHAPTER 7.7. AGRICULTURAL IRRIGATION IMPOUNDMENTS
PILOT PROJECT

13590. Before October 1, 2014, the San Francisco Bay Regional Water Quality Control Board may authorize a voluntary pilot project for the purposes of investigating potential water quality impacts and water supply benefits associated with maximizing the supplementation of agricultural irrigation impoundments with disinfected tertiary treated recycled water, if the San Francisco Bay Regional Water Quality Control Board finds that the proposed pilot project satisfies all of the following criteria:

(a) The pilot project is consistent with any applicable waste discharge requirements, including, but not limited to, having a NPDES permit, pursuant to Section 1251 et seq. of Title 33 of the United States Code for discharges covered by the pilot project,

and performs all tasks as needed to obtain the NPDES permit, including, but not limited to, preproject modeling and habitat evaluations, and other data collection efforts.

(b) The pilot project shall measure, analyze, and report water quality data collected upstream and downstream of agricultural irrigation impoundments before, during, and following at least five storm events that result in the release of commingled disinfected tertiary recycled water and surface water runoff from up to four agricultural irrigation impoundments into waters of the state.

(c) The pilot project includes a process for selecting up to four existing agricultural irrigation impoundments within the Counties of Napa and Sonoma for the purposes of the pilot project. A selected agricultural irrigation impoundment shall meet all of the following requirements:

(1) Have existed prior to January 1, 2013.

(2) Be not more than 200 acre-feet in volume.

(3) Be within a primarily agricultural region that currently receives disinfected tertiary treated recycled water, consistent with any waste discharge requirements, for the purposes of discharge, agricultural irrigation, and ecosystem restoration.

(d) The pilot project is designed to measure, analyze, and report at least the following water quality and environmental parameters:

(1) Constituents addressed by total maximum daily loads completed for the San Francisco Bay, Napa River watershed, and the Sonoma Creek watershed, including, but not limited to, mercury, Polychlorinated biphenyls, pathogens, nutrients, and selenium.

(2) Constituents associated with municipal recycled water, including, but not limited to, total suspended solids, total ammonia, copper, pH, temperature, biochemical oxygen demand, total chlorine residual, copper, nickel, and cyanide.

(e) The pilot project incorporates a stakeholder advisory group to review and provide input on pilot project design, implementation, and data analysis, and consists of the following membership:

(1) One representative from each of three nongovernmental organizations focused on San Francisco Bay region water quality and habitat issues.

(2) One representative from a regional agricultural organization.

(3) Two private landowners.

(4) A representative from the Sonoma Valley County Sanitation District.

(5) A representative from the Napa Sanitation District.

(6) A representative from the Sonoma County Water Agency.

(7) A representative from the San Francisco Bay Regional Water Quality Control Board.

(f) The pilot project will include an analysis of local water management implications associated with increasing the use of recycled water for agricultural irrigation impoundments, including, but not limited to, reduced reliance on surface and groundwater resources, reduced ecosystem conflicts, and increased local resilience to climate change.

(g) The project proponents have identified and secured funding for all costs associated with the development and implementation of the pilot project.

13591. (a) Within 12 months of final data collection pursuant to the pilot project authorized in Section 13590, data shall be analyzed and compiled and a draft report shall be made available for stakeholder advisory group review.

(b) A final report shall be issued to the San Francisco Bay Regional Water Quality Control Board and the state board within three months of the release of the draft report pursuant to subdivision (a) and shall include consideration of comments made by the stakeholder advisory group.

(c) (1) Upon review of the final report, the San Francisco Bay Regional Water Quality Control Board may work to develop a formula for future waste discharge requirements to be issued for similar purposes and report to the state board and the Legislature with any recommendations for similar policies within the regional board's region or statewide.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

13592. This chapter shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Approved _____, 2013

Governor