

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 322

Introduced by Senator ~~Price~~ *Hueso*

February 19, 2013

~~An act relating to healing arts.~~ *An act to amend Sections 13560, 13561, 13562, 13563, 13563.5, 13564, and 13565 of, and to add Section 13570 to, the Water Code, relating to water recycling.*

LEGISLATIVE COUNSEL'S DIGEST

SB 322, as amended, ~~Price~~ *Hueso*. ~~Applied behavioral analysis therapists: certification.~~ *Water recycling.*

(1) *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 the State Department of Public Health to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge, as defined, by December 31, 2013. Existing law requires the department to develop and adopt uniform water recycling criteria for surface water augmentation, as defined, by December 31, 2016, if a specified expert panel finds that the criteria would adequately protect public health. Existing law requires the department to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse, as defined, and to provide a final report on that investigation to the Legislature not later than December 31, 2016. Existing law also requires the department to complete a public review draft of its report by June 30, 2016. Existing law requires the department, in consultation with the State Water Resources Control Board, to report to the Legislature from 2011 to 2016, inclusive, as part of the annual budget process, on the progress toward developing*

and adopting the water recycling criteria for surface water augmentation and its investigation of the feasibility of developing water recycling criteria for direct potable reuse.

This bill would require the State Department of Public Health to develop and adopt uniform water recycling criteria for reservoir augmentation, as defined, by December 31, 2016, if a specified expert panel finds that the criteria would adequately protect public health. This bill would require the department to investigate the feasibility of developing uniform water recycling criteria for raw water augmentation, as defined, or direct potable reuse and to provide a final report on that investigation to the Legislature not later than December 31, 2016. This bill would also require the department to complete the public review draft of its report by September 1, 2016. This bill would require the department, in consultation with the State Water Resources Control Board, to report to the Legislature from 2011 to 2016, inclusive, as part of the annual budget process, on the progress toward developing and adopting the uniform water recycling criteria for reservoir augmentation and its investigation of the feasibility of developing uniform water recycling criteria for raw water augmentation or direct potable reuse.

(2) Existing law requires an expert panel, as described above, to be convened and administered by the department and requires the expert panel to be comprised of, at a minimum, an epidemiologist, a microbiologist, and a chemist, among others. Existing law authorizes the department to appoint an advisory group, task force, or other group, comprised of no fewer than 9 representatives of specified entities to advise the department regarding the development of uniform water recycling criteria for direct potable reuse.

This bill would instead require, no later than January 30, 2014, the National Water Research Institute to convene and administer the expert panel. The bill would require the expert panel, in addition to its existing responsibilities, to assess any additional areas of research that are needed to be able to establish uniform regulatory criteria for direct potable reuse and recommend an approach for accomplishing any of the additional needed research in a timely manner. The bill would also require the expert panel to include a limnologist. The bill would authorize the National Water Research Institute to appoint an advisory group, task force, or other group, and would expand the list of specified entities from which the representatives could be selected to include the department, the State Water Resources Control Board, and the United

States Environmental Protection Agency. The bill would also provide that, on or before June 30, 2016, the National Water Research Institute shall submit a draft report to the department summarizing the recommendations of the expert panel. The bill would authorize the expert panel, advisory panel, and report to be directly funded through nonstate donations, and would require the department to provide staff for specified activities and to use state funds for those activities to the extent state funds are available. The bill would also authorize the department to accept funds from any source and use those funds for certain purposes.

(3) The bill would make other technical, conforming changes to various provisions.

~~Existing law defines “applied behavioral analysis,” for purposes of provisions governing services for the developmentally disabled, to mean the design, implementation, and evaluation of systematic instructional and environmental modifications to promote positive social behavior and reduce or ameliorate behaviors that interfere with learning and social interaction. Existing law provides for the licensure and regulation of various healing arts practitioners, including, but not limited to, marriage and family therapists, clinical social workers, educational psychologists, and professional clinical counselors, by the Board of Behavioral Sciences in the Department of Consumer Affairs.~~

~~This bill would express the intent of the Legislature to enact legislation to provide for the certification of applied behavioral analysis therapists.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 13560 of the Water Code is amended to
- 2 read:
- 3 13560. The Legislature finds and declares the following:
- 4 (a) In February 2009, the state board unanimously adopted, as
- 5 Resolution No. 2009-0011, an updated water recycling policy,
- 6 which includes the goal of increasing the use of recycled water in
- 7 the state over 2002 levels by at least 1,000,000 acre-feet per year
- 8 by 2020 and by at least 2,000,000 acre-feet per year by 2030.
- 9 (b) Section 13521 requires the department to establish uniform
- 10 statewide recycling criteria for each varying type of use of recycled
- 11 water where the use involves the protection of public health.

1 (c) The use of recycled water for indirect potable reuse is critical
2 to achieving the state board’s goals for increased use of recycled
3 water in the state. If direct potable reuse can be demonstrated to
4 be safe and feasible, implementing direct potable reuse would
5 further aid in achieving the state board’s recycling goals.

6 (d) Although there has been much scientific research on public
7 health issues associated with indirect potable reuse through
8 groundwater recharge, there are a number of significant unanswered
9 questions regarding indirect potable reuse through surface reuse,
10 reservoir water augmentation, and direct potable reuse.

11 (e) Achievement of the state’s goals depends on the timely
12 development of uniform statewide recycling criteria for indirect
13 and direct potable water reuse.

14 (f) This chapter is not intended to delay, invalidate, or reverse
15 any study or project, or development of regulations by the
16 department, the state board, or the regional boards regarding the
17 use of recycled water for indirect potable reuse for groundwater
18 recharge, surface water augmentation, or direct potable reuse.

19 (g) This chapter shall not be construed to delay, invalidate, or
20 reverse the department’s ongoing review of projects consistent
21 with Section 116551 of the Health and Safety Code.

22 *SEC. 2. Section 13561 of the Water Code is amended to read:*

23 13561. For purposes of this chapter, the following terms have
24 the following meanings:

25 (a) *“Advanced treated purified water” means water of*
26 *wastewater origin treated by reverse osmosis, advanced oxidation,*
27 *and disinfection, or alternative treatment methods providing at*
28 *least the same level of public health protection as the processes*
29 *described above, as determined by the department.*

30 (a)

31 (b) *“Department” means the State Department of Public Health.*

32 (b)

33 (c) *“Direct potable reuse” means the planned introduction of*
34 *recycled advanced treated purified water either directly into a*
35 *public water system, as defined in Section 116275 of the Health*
36 *and Safety Code, for raw or into a raw treated water supply*
37 *immediately upstream of a water treatment plant. augmentation*
38 *that includes engineered reliability features as approved by the*
39 *department.*

40 (e)

1 (d) “Indirect potable reuse for groundwater recharge” means
2 the planned use of recycled water for replenishment of a
3 groundwater basin or an aquifer that has been designated as a
4 source of water supply for a public water system, as defined in
5 Section 116275 of the Health and Safety Code.

6 (e) “Raw water” means surface water or groundwater that has
7 not been treated for potable purposes.

8 (f) “Raw water augmentation” means the planned introduction
9 of advanced treated purified water into the raw water supply
10 immediately upstream of a treatment plant for a public water
11 system, as defined in Section 116275 of the Health and Safety
12 Code.

13 ~~(d) “Surface water~~

14 (g) “Reservoir augmentation” means the planned placement of
15 ~~recycled~~ advanced treated purified water into a surface water
16 reservoir used as a source of domestic drinking water supply.

17 (h) “Treated water augmentation” means the planned
18 introduction of advanced treated purified water into the treated
19 water supply for a public water system as defined in Section
20 116275 of the Health and Safety Code.

21 ~~(e)~~

22 (i) “Uniform water recycling criteria” has the same meaning as
23 in Section 13521.

24 SEC. 3. Section 13562 of the Water Code is amended to read:

25 13562. (a) (1) On or before December 31, 2013, the
26 department shall adopt uniform water recycling criteria for indirect
27 potable reuse for groundwater recharge.

28 (2) (A) Except as provided in subparagraph (C), on or before
29 December 31, 2016, the department shall develop and adopt
30 uniform water recycling criteria for ~~surface water~~ reservoir
31 augmentation.

32 (B) Prior to adopting uniform water recycling criteria for ~~surface~~
33 ~~water~~ reservoir augmentation, the department shall submit the
34 proposed criteria to the expert panel convened pursuant to
35 subdivision (a) of Section 13565. The expert panel shall review
36 the proposed criteria and shall adopt a finding as to whether, in its
37 expert opinion, the proposed criteria would adequately protect
38 public health.

39 (C) The department shall not adopt uniform water recycling
40 criteria for ~~surface water~~ reservoir augmentation pursuant to

1 subparagraph (A), unless and until the expert panel adopts a finding
2 that the proposed criteria would adequately protect public health.

3 (b) Adoption of uniform water recycling criteria by the
4 department is subject to the requirements of Chapter 3.5
5 (commencing with Section 11340) of Part 1 of Division 3 of Title
6 2 of the Government Code.

7 *SEC. 4. Section 13563 of the Water Code is amended to read:*

8 13563. (a) (1) ~~The department~~ *Not later than December 31,*
9 *2016, the department, in consultation with the state board, shall*
10 *investigate and report to the Legislature on the feasibility of*
11 *developing uniform water recycling criteria for raw water*
12 *augmentation or direct potable reuse.*

13 (2) The department shall complete a public review draft of its
14 report by ~~June 30~~, *September 1, 2016*. The department shall provide
15 the public not less than 45 days to review and comment on the
16 public review draft.

17 (3) The department shall provide a final report to the Legislature
18 by December 31, 2016. The department shall make the final report
19 available to the public.

20 (b) In conducting the investigation pursuant to subdivision (a),
21 the department shall examine all of the following:

22 (1) The availability and reliability of recycled water treatment
23 technologies necessary to ensure the protection of public health.

24 (2) Multiple barriers and sequential treatment processes that
25 may be appropriate at wastewater and water treatment facilities.

26 (3) Available information on health effects.

27 (4) Mechanisms that should be employed to protect public health
28 if problems are found in recycled water that is being served to the
29 public as a potable water supply, including, but not limited to, the
30 failure of treatment systems at the recycled water treatment facility.

31 (5) Monitoring needed to ensure protection of public health,
32 including, but not limited to, the identification of appropriate
33 indicator and surrogate constituents.

34 (6) Any other scientific or technical issues that may be
35 necessary, including, but not limited to, the need for additional
36 research.

37 (c) (1) Notwithstanding Section 10231.5 of the Government
38 Code, the requirement for submitting a report imposed under
39 paragraph (3) of subdivision (a) is inoperative on December 31,
40 2020.

1 (2) A report to be submitted pursuant to paragraph (3) of
2 subdivision (a) shall be submitted in compliance with Section 9795
3 of the Government Code.

4 *SEC. 5. Section 13563.5 of the Water Code is amended to read:*

5 13563.5. (a) The department, in consultation with the state
6 board, shall report to the Legislature as part of the annual budget
7 process, in each year from 2011 to 2016, inclusive, on the progress
8 towards developing and adopting uniform water recycling criteria
9 for ~~surface water~~ *reservoir* augmentation and its investigation of
10 the feasibility of developing uniform water recycling criteria for
11 *raw water augmentation* or direct potable reuse.

12 (b) (1) A written report submitted pursuant to subdivision (a)
13 shall be submitted in compliance with Section 9795 of the
14 Government Code.

15 (2) Pursuant to Section 10231.5 of the Government Code, this
16 section is repealed on January 1, 2017.

17 *SEC. 6. Section 13564 of the Water Code is amended to read:*

18 13564. In developing uniform *water* recycling criteria for
19 ~~surface water~~ *reservoir* augmentation, the department shall consider
20 all of the following:

21 (a) The final report from the National Water Research Institute
22 Independent Advisory Panel for the City of San Diego Indirect
23 Potable Reuse/Reservoir Augmentation (IPR/RA) Demonstration
24 Project.

25 (b) Monitoring results of research and studies regarding ~~surface~~
26 *water reservoir* augmentation.

27 (c) Results of demonstration studies conducted for purposes of
28 approval of projects using ~~surface water~~ *reservoir* augmentation.

29 (d) Epidemiological studies and risk assessments associated
30 with projects using ~~surface water~~ *reservoir* augmentation.

31 (e) Applicability of the advanced treatment technologies required
32 for recycled water projects, including, but not limited to, indirect
33 potable reuse for groundwater recharge projects.

34 (f) Water quality, limnology, and health risk assessments
35 associated with existing potable water supplies subject to
36 discharges from municipal wastewater, stormwater, and agricultural
37 runoff.

38 (g) Recommendations of the State of California Constituents
39 of Emerging Concern Recycled Water Policy Science Advisory
40 Panel.

1 (h) State funded research pursuant to Section 79144 and
2 subdivision (b) of Section 79145.

3 (i) Research and recommendations from the United States
4 Environmental Protection Agency Guidelines for Water Reuse.

5 (j) *The National Research Council of the National Academies’*
6 *report titled “Water Reuse: Potential for Expanding the Nation’s*
7 *Water Supply Through Reuse of Municipal Wastewater.”*

8 (j)

9 (k) Other relevant research and studies regarding indirect potable
10 reuse of recycled water.

11 *SEC. 7. Section 13565 of the Water Code is amended to read:*

12 13565. (a) (1) ~~The department~~ *Not later than January 30,*
13 *2014, the National Water Research Institute shall convene and*
14 *administer an expert panel for the purposes of advising the*
15 *department on public health issues and scientific and technical*
16 *matters regarding development of uniform water recycling criteria*
17 *for indirect potable reuse through ~~surface water reservoir~~*
18 *augmentation and investigation of the feasibility of developing*
19 *uniform water recycling criteria for direct potable reuse. The expert*
20 *panel shall assess what, if any, additional areas of research are*
21 *needed to be able to establish uniform regulatory criteria for direct*
22 *potable reuse. The expert panel shall then recommend an approach*
23 *for accomplishing any additional needed research in a timely*
24 *manner.*

25 (2) The expert panel shall be comprised, at a minimum, of a
26 toxicologist, an engineer licensed in the state with at least three
27 years’ experience in wastewater treatment, an engineer licensed
28 in the state with at least three years’ experience in treatment of
29 drinking water supplies and knowledge of drinking water standards,
30 an epidemiologist, a *limnologist*, a microbiologist, and a chemist.
31 *The department, in consultation with the National Water Research*
32 *Institute and the state board, shall select the expert panel members.*

33 (3) Members of the expert panel may be reimbursed for
34 reasonable and necessary travel expenses.

35 (b) (1) ~~The department~~ *National Water Research Institute may*
36 ~~appoint~~ *convene* an advisory group, task force, or other group,
37 comprised of no fewer than nine representatives of water and
38 wastewater agencies, local public health officers, environmental
39 organizations, environmental justice organizations, public health
40 nongovernmental organizations, *the department, the state board,*

1 *the United States Environmental Protection Agency, and the*
2 *business community, to advise the ~~department~~ National Water*
3 *Research Institute expert panel regarding the development of*
4 *uniform water recycling criteria for direct potable reuse. The*
5 *department, in consultation with the National Water Research*
6 *Institute and the state board, shall select the advisory group*
7 *members.*

8 (2) Environmental, environmental justice, and public health
9 nongovernmental organization representative members of the
10 advisory group, task force, or other group may be reimbursed for
11 reasonable and necessary travel expenses.

12 (c) *On or before June 30, 2016, the National Water Research*
13 *Institute shall submit a draft report to the department summarizing*
14 *the recommendations of the expert panel.*

15 *SEC. 8. Section 13570 is added to the Water Code, to read:*

16 *13570. The National Water Research Institute expert panel,*
17 *advisory group, and report may be directly funded through nonstate*
18 *donations. The department shall provide staff to select panel*
19 *members, participate in the advisory group, provide input to the*
20 *National Water Research Institute expert panel, and provide input*
21 *on ongoing research projects that will form the basis of*
22 *recommendations of the National Water Research Institute expert*
23 *panel. To the extent that state funds are available, the department*
24 *shall use state funds for staff time, the expert panel, and the report.*
25 *The department may accept funds from any source and may expend*
26 *these funds for purposes of completing its responsibilities under*
27 *this chapter.*

28 ~~SECTION 1. It is the intent of the Legislature to enact~~
29 ~~legislation to provide for the certification of applied behavioral~~
30 ~~analysis therapists.~~