

AMENDED IN SENATE MAY 8, 2013
AMENDED IN SENATE APRIL 22, 2013
AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 322

Introduced by Senator Hueso

February 19, 2013

An act to amend Sections 13563, 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, Hueso. Water recycling.

(1) Existing law establishes the State Water Resources Control Board, referred to as the state board, and the California regional water quality control boards, referred to as regional boards, as the principal state agencies with authority over matters relating to water quality. Existing law requires the State Department of Public Health 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.

This bill would require the department, in consultation with the state board, to investigate the feasibility of developing uniform water recycling criteria for 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.

(2) Existing law requires an expert panel 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~~ *the department* to convene and administer the expert panel *not later than January 30, 2014*. 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 *of the advisory group, task force, or other group* could be selected to include the department, the state 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~~ *department* shall ~~submit~~ *prepare* a draft report ~~to the department~~ summarizing the recommendations of the expert panel. *The bill would authorize the department to contract with a University of California, California State University, or other research institution, as prescribed.* 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.

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. Section 13563 of the Water Code is amended to
2 read:

1 13563. (a) (1) Not later than December 31, 2016, the
2 department, in consultation with the state board, shall investigate
3 and report to the Legislature on the feasibility of developing
4 uniform water recycling criteria for direct potable reuse.

5 (2) The department shall complete a public review draft of its
6 report by September 1, 2016. The department shall provide the
7 public not less than 45 days to review and comment on the public
8 review draft.

9 (3) The department shall provide a final report to the Legislature
10 by December 31, 2016. The department shall make the final report
11 available to the public.

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

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

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

18 (3) Available information on health effects.

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

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

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

29 (c) (1) Notwithstanding Section 10231.5 of the Government
30 Code, the requirement for submitting a report imposed under
31 paragraph (3) of subdivision (a) is inoperative on December 31,
32 2020.

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

36 SEC. 2. Section 13564 of the Water Code is amended to read:

37 13564. In developing uniform water recycling criteria for
38 surface water augmentation, the department shall consider all of
39 the following:

- 1 (a) The final report from the National Water Research Institute
2 Independent Advisory Panel for the City of San Diego Indirect
3 Potable Reuse/Reservoir Augmentation (IPR/RA) Demonstration
4 Project.
- 5 (b) Monitoring results of research and studies regarding surface
6 water augmentation.
- 7 (c) Results of demonstration studies conducted for purposes of
8 approval of projects using surface water augmentation.
- 9 (d) Epidemiological studies and risk assessments associated
10 with projects using surface water augmentation.
- 11 (e) Applicability of the advanced treatment technologies required
12 for recycled water projects, including, but not limited to, indirect
13 potable reuse for groundwater recharge projects.
- 14 (f) Water quality, limnology, and health risk assessments
15 associated with existing potable water supplies subject to
16 discharges from municipal wastewater, stormwater, and agricultural
17 runoff.
- 18 (g) Recommendations of the State of California Constituents
19 of Emerging Concern Recycled Water Policy Science Advisory
20 Panel.
- 21 (h) State funded research pursuant to Section 79144 and
22 subdivision (b) of Section 79145.
- 23 (i) Research and recommendations from the United States
24 Environmental Protection Agency Guidelines for Water Reuse.
- 25 (j) The National Research Council of the National Academies’
26 report titled “Water Reuse: Potential for Expanding the Nation’s
27 Water Supply Through Reuse of Municipal Wastewater.”
- 28 (k) Other relevant research and studies regarding indirect potable
29 reuse of recycled water.
- 30 SEC. 3. Section 13565 of the Water Code is amended to read:
31 13565. (a) (1) Not later than January 30, 2014, the ~~National~~
32 ~~Water Research Institute~~ *department* shall convene and administer
33 an expert panel for purposes of advising the department on public
34 health issues and scientific and technical matters regarding
35 development of uniform water recycling criteria for indirect potable
36 reuse through surface water augmentation and investigation of the
37 feasibility of developing uniform water recycling criteria for direct
38 potable reuse. The expert panel shall assess what, if any, additional
39 areas of research are needed to be able to establish uniform
40 regulatory criteria for direct potable reuse. The expert panel shall

1 then recommend an approach for accomplishing any additional
2 needed research in a timely manner.

3 (2) The expert panel shall be comprised, at a minimum, of a
4 toxicologist, an engineer licensed in the state with at least three
5 years' experience in wastewater treatment, an engineer licensed
6 in the state with at least three years' experience in treatment of
7 drinking water supplies and knowledge of drinking water standards,
8 an epidemiologist, a limnologist, a microbiologist, and a chemist.
9 The department, in consultation with the National Water Research
10 Institute and the state board, shall select the expert panel members.

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

13 (b) (1) ~~The National Water Research Institute~~ *department* may
14 convene an advisory group, task force, or other group, comprised
15 of no fewer than nine representatives of water and wastewater
16 agencies, local public health officers, environmental organizations,
17 environmental justice organizations, public health nongovernmental
18 organizations, the department, the state board, the United States
19 Environmental Protection Agency, and the business community,
20 to advise the ~~National Water Research Institute~~ expert panel
21 regarding the development of uniform water recycling criteria for
22 direct potable reuse. The department, in consultation with ~~the~~
23 ~~National Water Research Institute~~ and the state board, shall select
24 the advisory group members.

25 (2) Environmental, environmental justice, and public health
26 nongovernmental organization representative members of the
27 advisory group, task force, or other group may be reimbursed for
28 reasonable and necessary travel expenses.

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

32 (d) *The department may contract with a University of California,*
33 *California State University, or other research institution to meet*
34 *the requirements of this section should the department find that*
35 *the research institution is better able to fulfill the requirements of*
36 *this section by the required date.*

37 SEC. 4. Section 13570 is added to the Water Code, to read:

38 13570. ~~The National Water Research Institute~~ *department*
39 expert panel, advisory group, and report may be directly funded
40 through nonstate donations. The department shall provide staff to

1 select panel members, participate in the advisory group, provide
2 input to the ~~National Water Research Institute~~ *department* expert
3 panel, and provide input on ongoing research projects that will
4 form the basis of recommendations of the ~~National Water Research~~
5 ~~Institute~~ *department* expert panel. To the extent that state funds
6 are available, the department shall use state funds for staff time,
7 the expert panel, and the report. The department may accept funds
8 from any source and may expend these funds for purposes of
9 completing its responsibilities under this chapter.

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