

AMENDED IN ASSEMBLY JUNE 26, 2013

AMENDED IN SENATE MAY 28, 2013

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, 13565, and 13569 of 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~~ *on or before*

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 require the department to convene and administer the expert panel ~~not later than January 30, on or before February 15, 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 require the department to convene the advisory group, task force, or other group, on or before January 15, 2014, and would subject the advisory group to specific open meetings provisions.* The bill would further expand the list of specified entities from which the representatives of the advisory group, task force, or other group could be selected to include, *among others*, the department, the state board, *ratepayer or taxpayer advocate organizations*, and the United States Environmental Protection Agency. The bill would ~~also provide that require~~, on or before June 30, 2016, the department ~~shall to~~ prepare a draft report summarizing the recommendations of the expert panel. The bill would authorize the department to contract with a ~~University of California, California State University, public 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 for purposes of the expert panel.*

(3) Existing law also authorizes the department to accept funds from any source and use those funds, upon appropriation by the Legislature, for certain purposes.

This bill would instead authorize the department to accept funds from nonstate sources 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:
3 13563. (a) (1) ~~Not later than~~ *On or before* December 31, 2016,
4 the department, in consultation with the state board, shall
5 investigate and report to the Legislature on the feasibility of
6 developing uniform water recycling criteria for direct potable
7 reuse.
8 (2) The department shall complete a public review draft of its
9 report by September 1, 2016. The department shall provide the
10 public not less than 45 days to review and comment on the public
11 review draft.
12 (3) The department shall provide a final report to the Legislature
13 by December 31, 2016. The department shall make the final report
14 available to the public.
15 (b) In conducting the investigation pursuant to subdivision (a),
16 the department shall examine all of the following:
17 (1) The availability and reliability of recycled water treatment
18 technologies necessary to ensure the protection of public health.
19 (2) Multiple barriers and sequential treatment processes that
20 may be appropriate at wastewater and water treatment facilities.
21 (3) Available information on health effects.
22 (4) Mechanisms that should be employed to protect public health
23 if problems are found in recycled water that is being served to the
24 public as a potable water supply, including, but not limited to, the
25 failure of treatment systems at the recycled water treatment facility.
26 (5) Monitoring needed to ensure protection of public health,
27 including, but not limited to, the identification of appropriate
28 indicator and surrogate constituents.
29 (6) Any other scientific or technical issues that may be
30 necessary, including, but not limited to, the need for additional
31 research.
32 (c) (1) Notwithstanding Section 10231.5 of the Government
33 Code, the requirement for submitting a report imposed under
34 paragraph (3) of subdivision (a) is inoperative on December 31,
35 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. 2. Section 13564 of the Water Code is amended to read:

5 13564. In developing uniform water recycling criteria for
6 surface water augmentation, the department shall consider all of
7 the following:

8 (a) The final report from the National Water Research Institute
9 Independent Advisory Panel for the City of San Diego Indirect
10 Potable Reuse/Reservoir Augmentation (IPR/RA) Demonstration
11 Project.

12 (b) Monitoring results of research and studies regarding surface
13 water augmentation.

14 (c) Results of demonstration studies conducted for purposes of
15 approval of projects using surface water augmentation.

16 (d) Epidemiological studies and risk assessments associated
17 with projects using surface water augmentation.

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

21 (f) Water quality, limnology, and health risk assessments
22 associated with existing potable water supplies subject to
23 discharges from municipal wastewater, stormwater, and agricultural
24 runoff.

25 (g) Recommendations of the State of California Constituents
26 of Emerging Concern Recycled Water Policy Science Advisory
27 Panel.

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

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

32 (j) The National Research Council of the National Academies'
33 report titled "Water Reuse: Potential for Expanding the Nation's
34 Water Supply Through Reuse of Municipal Wastewater."

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

37 SEC. 3. Section 13565 of the Water Code is amended to read:

38 13565. (a) (1) ~~Not later than January 30,~~ *On or before*
39 *February 15, 2014,* the department shall convene and administer
40 an expert panel for purposes of advising the department on public

1 health issues and scientific and technical matters regarding
2 development of uniform water recycling criteria for indirect potable
3 reuse through surface water augmentation and investigation of the
4 feasibility of developing uniform water recycling criteria for direct
5 potable reuse. The expert panel shall assess what, if any, additional
6 areas of research are needed to be able to establish uniform
7 regulatory criteria for direct potable reuse. The expert panel shall
8 then recommend an approach for accomplishing any additional
9 needed research in a timely manner.

10 (2) The expert panel shall be comprised, at a minimum, of a
11 toxicologist, an engineer licensed in the state with at least three
12 years' experience in wastewater treatment, an engineer licensed
13 in the state with at least three years' experience in treatment of
14 drinking water supplies and knowledge of drinking water standards,
15 an epidemiologist, a limnologist, a microbiologist, and a chemist.
16 The department, in consultation with the ~~National Water Research~~
17 ~~Institute~~ *advisory group* and the state board, shall select the expert
18 panel members.

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

21 (b) (1) ~~The~~ *On or before January 15, 2014, the department may*
22 *shall* convene an advisory group, task force, or other group,
23 comprised of no fewer than nine representatives of water and
24 wastewater agencies, local public health officers, environmental
25 organizations, environmental justice organizations, public health
26 nongovernmental organizations, the department, the state board,
27 the United States Environmental Protection Agency, *ratepayer or*
28 *taxpayer advocate organizations*, and the business community, to
29 advise the expert panel regarding the development of uniform
30 water recycling criteria for direct potable reuse *and the draft report*
31 *required by Section 13563*. The department, in consultation with
32 the state board, shall select the advisory group members.

33 (2) Environmental, environmental justice, and public health
34 nongovernmental organization representative members of the
35 advisory group, task force, or other group may be reimbursed for
36 reasonable and necessary travel expenses.

37 (3) *In order to ensure public transparency, the advisory group*
38 *established pursuant to paragraph (1) shall be subject to the*
39 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*

1 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
2 *the Government Code).*

3 (c) On or before June 30, 2016, the department shall prepare a
4 draft report summarizing the recommendations of the expert panel.

5 (d) The department may contract with a ~~University of California,~~
6 ~~California State University,~~ *public university* or other research
7 institution *with experience in convening expert panels on water*
8 *quality or potable reuse* to meet *all or part of* the requirements
9 of this section should the department find that the research
10 institution is better able to fulfill the requirements of this section
11 by the required date.

12 SEC. 4. Section 13569 of the Water Code is amended to read:
13 13569. The department may accept funds from nonstate sources
14 and may expend these funds, upon appropriation by the Legislature,
15 for the purposes of this chapter.