

AMENDED IN ASSEMBLY JULY 3, 2013
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~~ *on or before* 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 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 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 *regarding uniform criteria for direct potable reuse* 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 require, on or before June 30, 2016, the department to prepare a draft report summarizing the recommendations of the expert panel. The bill would authorize the department to contract with a public university or other research institution 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) On or before December 31, 2016, the
4 department, in consultation with the state board, shall investigate
5 and report to the Legislature on the feasibility of developing
6 uniform water recycling criteria for direct potable reuse.

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

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

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

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

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

20 (3) Available information on health effects.

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

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

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

31 (c) (1) Notwithstanding Section 10231.5 of the Government
32 Code, the requirement for submitting a report imposed under
33 paragraph (3) of subdivision (a) is inoperative on December 31,
34 2020.

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

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

1 13564. In developing uniform water recycling criteria for
2 surface water augmentation, the department shall consider all of
3 the following:

4 (a) The final report from the National Water Research Institute
5 Independent Advisory Panel for the City of San Diego Indirect
6 Potable Reuse/Reservoir Augmentation (IPR/RA) Demonstration
7 Project.

8 (b) Monitoring results of research and studies regarding surface
9 water augmentation.

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

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

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

17 (f) Water quality, limnology, and health risk assessments
18 associated with existing potable water supplies subject to
19 discharges from municipal wastewater, stormwater, and agricultural
20 runoff.

21 (g) Recommendations of the State of California Constituents
22 of Emerging Concern Recycled Water Policy Science Advisory
23 Panel.

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

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

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

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

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

34 13565. (a) (1) On or before February 15, 2014, the department
35 shall convene and administer an expert panel for purposes of
36 advising the department on public health issues and scientific and
37 technical matters regarding development of uniform water recycling
38 criteria for indirect potable reuse through surface water
39 augmentation and investigation of the feasibility of developing
40 uniform water recycling criteria for direct potable reuse. The expert

1 panel shall assess what, if any, additional areas of research are
2 needed to be able to establish uniform regulatory criteria for direct
3 potable reuse. The expert panel shall then recommend an approach
4 for accomplishing any additional needed research *regarding*
5 *uniform criteria for direct potable reuse* in a timely manner.

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

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

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

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

32 (3) In order to ensure public transparency, the advisory group
33 established pursuant to paragraph (1) shall be subject to the
34 Bagley-Keene Open Meeting Act (Article 9 (commencing with
35 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
36 the Government Code).

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

39 (d) The department may contract with a public university or
40 other research institution with experience in convening expert

1 panels on water quality or potable reuse to meet all or part of the
2 requirements of this section should the department find that the
3 research institution is better able to fulfill the requirements of this
4 section by the required date.

5 SEC. 4. Section 13569 of the Water Code is amended to read:
6 13569. The department may accept funds from nonstate sources
7 and may expend these funds, upon appropriation by the Legislature,
8 for the purposes of this chapter.