

## Senate Bill No. 322

### CHAPTER 637

An act to amend Sections 13563, 13564, 13565, and 13569 of the Water Code, relating to water recycling.

[Approved by Governor October 8, 2013. Filed with  
Secretary of State October 8, 2013.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 322, 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 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.

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

SECTION 1. Section 13563 of the Water Code is amended to read:

13563. (a) (1) On or before December 31, 2016, the department, in consultation with the state board, shall investigate and report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse.

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

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

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

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

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

(3) Available information on health effects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13565. (a) (1) On or before February 15, 2014, the department shall convene and administer an expert panel for purposes of advising the department on public health issues and scientific and technical matters regarding development of uniform water recycling criteria for indirect potable reuse through surface water augmentation and investigation of the feasibility of developing uniform water recycling criteria for direct potable reuse. The expert panel shall assess what, if any, additional areas of research are needed to be able to establish uniform regulatory criteria for direct potable reuse. The expert panel shall then recommend an approach for accomplishing any additional needed research regarding uniform criteria for direct potable reuse in a timely manner.

(2) The expert panel shall be comprised, at a minimum, of a toxicologist, an engineer licensed in the state with at least three years' experience in wastewater treatment, an engineer licensed in the state with at least three

years' experience in treatment of drinking water supplies and knowledge of drinking water standards, an epidemiologist, a limnologist, a microbiologist, and a chemist. The department, in consultation with the advisory group and the state board, shall select the expert panel members.

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

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

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

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

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

(d) The department may contract with a public university or other research institution with experience in convening expert panels on water quality or potable reuse to meet all or part of the requirements of this section should the department find that the research institution is better able to fulfill the requirements of this section by the required date.

SEC. 4. Section 13569 of the Water Code is amended to read:

13569. The department may accept funds from nonstate sources and may expend these funds, upon appropriation by the Legislature, for the purposes of this chapter.