

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 725

Introduced by Assembly Member Wagner

February 25, 2015

An act to ~~amend Section 13050 of~~ *add Section 13529.6 to* the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 725, as amended, Wagner. Water quality: ~~Porter-Cologne Water Quality Control Act.~~ *recycled water: storm-induced overflow.*

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). ~~The state act defines various terms for purposes of the act. Act. Existing law requires any person who causes or permits an unauthorized discharge of a specified amount of recycled water in any waters of the state or where the recycled water is, or probably will be, discharged in or on any waters of the state, to notify the appropriate regional board, as prescribed.~~

~~This bill would make various nonsubstantive changes to these definitions.~~

This bill, on or before December 31, 2016, would require the state board, in consultation with stakeholders, to adopt a policy to address the potential for a storm-induced overflow from an impoundment in which recycled water is stored for subsequent beneficial use or aesthetic purposes.

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 13529.6 is added to the Water Code, to
2 read:

3 13529.6. On or before December 31, 2016, the state board, in
4 consultation with stakeholders, shall adopt a policy to address the
5 potential for a storm-induced overflow from an impoundment in
6 which recycled water is stored for subsequent beneficial use or
7 aesthetic purposes. This policy shall be developed to maximize the
8 use of available recycled water storage capacity and the potential
9 for recycled water to be used in impoundments designed for
10 aesthetic purposes. In developing this policy, the state board shall
11 consider all of the following:

- 12 (a) The need for long- and short-term water supply availability.
- 13 (b) Efficient use of water resources.
- 14 (c) The need for storage of recycled water to optimize the uses
- 15 contemplated in this chapter, including uses that vary seasonally.
- 16 (d) Protection of long- and short-term economic opportunities.
- 17 (e) Human health.
- 18 (f) Property protection.
- 19 (g) Environmental protection.
- 20 (h) Water conservation.

21 SECTION 1. ~~Section 13050 of the Water Code is amended to~~
22 ~~read:~~

23 ~~13050. As used in this division:~~

- 24 ~~(a) "State board" means the State Water Resources Control~~
- 25 ~~Board.~~
- 26 ~~(b) "Regional board" means any California regional water~~
- 27 ~~quality control board for a region as specified in Section 13200.~~
- 28 ~~(c) "Person" includes any city, county, district, the state, and~~
- 29 ~~the United States, to the extent authorized by federal law.~~
- 30 ~~(d) "Waste" includes sewage and any and all other waste~~
- 31 ~~substances, liquid, solid, gaseous, or radioactive, associated with~~
- 32 ~~human habitation, or of human or animal origin, or from any~~
- 33 ~~producing, manufacturing, or processing operation, including waste~~
- 34 ~~placed within containers of whatever nature prior to, and for~~
- 35 ~~purposes of, disposal.~~

1 ~~(e) “Waters of the state” means any surface water or~~
2 ~~groundwater, including saline waters, within the boundaries of the~~
3 ~~state.~~

4 ~~(f) “Beneficial uses” of the waters of the state that may be~~
5 ~~protected against quality degradation include, but are not limited~~
6 ~~to, domestic, municipal, agricultural and industrial supply; power~~
7 ~~generation; recreation; aesthetic enjoyment; navigation; and~~
8 ~~preservation and enhancement of fish, wildlife, and other aquatic~~
9 ~~resources or preserves.~~

10 ~~(g) “Quality of the water” refers to chemical, physical,~~
11 ~~biological, bacteriological, radiological, and other properties and~~
12 ~~characteristics of water that affect its use.~~

13 ~~(h) “Water quality objectives” means the limits or levels of~~
14 ~~water quality constituents or characteristics that are established~~
15 ~~for the reasonable protection of beneficial uses of water or the~~
16 ~~prevention of nuisance within a specific area.~~

17 ~~(i) “Water quality control” means the regulation of any activity~~
18 ~~or factor that may affect the quality of the waters of the state and~~
19 ~~includes the prevention and correction of water pollution and~~
20 ~~nuisance.~~

21 ~~(j) “Water quality control plan” consists of a designation or~~
22 ~~establishment for the waters within a specified area of all of the~~
23 ~~following:~~

24 ~~(1) Beneficial uses to be protected.~~

25 ~~(2) Water quality objectives.~~

26 ~~(3) A program of implementation needed for achieving water~~
27 ~~quality objectives.~~

28 ~~(k) “Contamination” means an impairment of the quality of the~~
29 ~~waters of the state by waste to a degree which creates a hazard to~~
30 ~~the public health through poisoning or through the spread of~~
31 ~~disease. “Contamination” includes any equivalent effect resulting~~
32 ~~from the disposal of waste, whether or not waters of the state are~~
33 ~~affected.~~

34 ~~(l) (1) “Pollution” means an alteration of the quality of the~~
35 ~~waters of the state by waste to a degree which unreasonably affects~~
36 ~~either of the following:~~

37 ~~(A) The waters for beneficial uses.~~

38 ~~(B) Facilities that serve these beneficial uses.~~

39 ~~(2) “Pollution” may include “contamination.”~~

1 (m) “Nuisance” means anything that meets all of the following
2 requirements:

3 (1) Is injurious to health, or is indecent or offensive to the senses;
4 or an obstruction to the free use of property, so as to interfere with
5 the comfortable enjoyment of life or property.

6 (2) ~~Affects at the same time an entire community or~~
7 ~~neighborhood, or any considerable number of persons, although~~
8 ~~the extent of the annoyance or damage inflicted upon individuals~~
9 ~~may be unequal.~~

10 (3) ~~Occurs during, or as a result of, the treatment or disposal of~~
11 ~~wastes.~~

12 (n) ~~“Recycled water” means water that, as a result of treatment~~
13 ~~of waste, is suitable for a direct beneficial use or a controlled use~~
14 ~~that would not otherwise occur and is therefor considered a~~
15 ~~valuable resource.~~

16 (o) ~~“Citizen or domiciliary” of the state includes a foreign~~
17 ~~corporation having substantial business contacts in the state or that~~
18 ~~is subject to service of process in this state.~~

19 (p) (1) ~~“Hazardous substance” means either of the following:~~

20 (A) ~~For discharge to surface waters, any substance determined~~
21 ~~to be a hazardous substance pursuant to Section 311(b)(2) of the~~
22 ~~Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).~~

23 (B) ~~For discharge to groundwater, any substance listed as a~~
24 ~~hazardous waste or hazardous material pursuant to Section 25140~~
25 ~~of the Health and Safety Code, without regard to whether the~~
26 ~~substance is intended to be used, reused, or discarded, except that~~
27 ~~“hazardous substance” does not include any substance excluded~~
28 ~~from Section 311(b)(2) of the Federal Water Pollution Control Act~~
29 ~~because it is within the scope of Section 311(a)(1) of that act.~~

30 (2) ~~“Hazardous substance” does not include any of the~~
31 ~~following:~~

32 (A) ~~Nontoxic, nonflammable, and noncorrosive stormwater~~
33 ~~runoff drained from underground vaults, chambers, or manholes~~
34 ~~into gutters or storm sewers.~~

35 (B) ~~Any pesticide that is applied for agricultural purposes or is~~
36 ~~applied in accordance with a cooperative agreement authorized by~~
37 ~~Section 116180 of the Health and Safety Code, and is not~~
38 ~~discharged accidentally or for purposes of disposal, the application~~
39 ~~of which is in compliance with all applicable state and federal laws~~
40 ~~and regulations.~~

1 ~~(C) Any discharge to surface water of a quantity less than a~~
2 ~~reportable quantity as determined by regulations issued pursuant~~
3 ~~to Section 311(b)(4) of the Federal Water Pollution Control Act.~~

4 ~~(D) Any discharge to land that results, or probably will result,~~
5 ~~in a discharge to groundwater if the amount of the discharge to~~
6 ~~land is less than a reportable quantity, as determined by regulations~~
7 ~~adopted pursuant to Section 13271, for substances listed as~~
8 ~~hazardous pursuant to Section 25140 of the Health and Safety~~
9 ~~Code. No discharge shall be deemed a discharge of a reportable~~
10 ~~quantity until regulations set a reportable quantity for the substance~~
11 ~~discharged.~~

12 ~~(q) (1) "Mining waste" means all solid, semisolid, and liquid~~
13 ~~waste materials from the extraction, beneficiation, and processing~~
14 ~~of ores and minerals. Mining waste includes, but is not limited to,~~
15 ~~soil, waste rock, and overburden, as defined in Section 2732 of~~
16 ~~the Public Resources Code, and tailings, slag, and other processed~~
17 ~~waste materials, including cementitious materials that are managed~~
18 ~~at the cement manufacturing facility where the materials were~~
19 ~~generated.~~

20 ~~(2) For the purposes of this subdivision, "cementitious material"~~
21 ~~means cement, cement kiln dust, clinker, and clinker dust.~~

22 ~~(r) "Master recycling permit" means a permit issued to a supplier~~
23 ~~or a distributor, or both, of recycled water, that includes waste~~
24 ~~discharge requirements prescribed pursuant to Section 13263 and~~
25 ~~water recycling requirements prescribed pursuant to Section~~
26 ~~13523.1.~~