

AMENDED IN ASSEMBLY MARCH 31, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2022

Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Jones, Kim, and Olsen)
(Coauthors: Senators Bates, Hertzberg, and Wolk)

February 16, 2016

An act to add Section 13570 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2022, as amended, Gordon. Advanced purified demonstration water.

Existing law requires the State Department of Public Health to, on or before December 31, 2013, adopt uniform water recycling criteria for indirect potable reuse for groundwater recharge and to investigate and, on or before December 31, 2016, report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse. Existing law transferred these powers and responsibilities to the State Water Resources Control Board on July 1, 2014.

Under existing law, the State Department of Public Health licenses and regulates water bottlers, distributors, and vendors. Existing law prescribes various quality and labeling standards for bottled water and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime.

This bill would authorize the operator of an advanced water purification facility ~~producing advanced purified demonstration water~~ to cause ~~that~~ *advanced purified demonstration* water to be bottled and

distributed as samples for educational purposes and to promote water recycling, as specified. The bill would prohibit the advanced purified demonstration water *in each bottle from exceeding 8 ounces and would prohibit that water* from being distributed unless the water, among other requirements, meets or exceeds all federal and state drinking water standards and goals. The bill would authorize advanced purified demonstration water to be bottled at a licensed water-bottling plant in compliance with specified provisions. The bill would further establish bottling and labeling requirements for advanced purified demonstration water and would prohibit a facility from bottling more than 1,000 gallons of the water in a calendar year. The bill would require an operator of an advanced water purification facility seeking to bottle advanced purified demonstration water to establish a collection and recycling program for distributed bottles. The bill would specify that a violation of these provisions does not constitute a crime.

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 13570 is added to the Water Code, to
 2 read:
 3 13570. (a) As used in this section, “advanced purified
 4 demonstration water” means product water from an advanced water
 5 purification facility that satisfies both of the following
 6 requirements:
 7 (1) The product water is treated by means of all of the following
 8 treatment processes:
 9 (A) Microfiltration, ultrafiltration, or other filtration processes
 10 to remove particulates before reverse osmosis.
 11 (B) Reverse osmosis.
 12 (C) Advanced oxidation.
 13 (2) The product water meets or exceeds all federal and state
 14 drinking water standards and is produced in accordance with the
 15 advanced treatment criteria for purified water specified in Section
 16 60320.201 of Title 22 of the California Code of Regulations.
 17 (b) As used in this section, “advanced water purification facility”
 18 means a water recycling treatment plant that produces advanced
 19 purified demonstration water in accordance with the advanced

1 treatment criteria specified in Section 60320.201 of Title 22 of the
2 California Code of Regulations.

3 (c) As used in this section, “batch” means an increment of
4 advanced purified treatment water that has completed the treatment
5 process, is separate from incoming water, and is not receiving any
6 additional source water.

7 (d) Except as expressly set forth in this section, the operator of
8 an advanced water purification facility may cause ~~that~~ *advanced*
9 *purified demonstration* water to be bottled and distributed as
10 samples for educational purposes and to promote water recycling,
11 without complying with the requirements of Article 12
12 (commencing with Section 111070) of Chapter 5 of Part 5 of
13 Division 104 of the Health and Safety Code. *The volume of*
14 *advanced purified demonstration water in each bottle shall not*
15 *exceed eight ounces.*

16 (e) Any operator of an advanced water purification facility
17 seeking to bottle advanced purified demonstration water shall
18 collect water samples from the batch prior to the commencement
19 of the bottling process, and test that batch in accordance with
20 Section 111165 of the Health and Safety Code. Advanced purified
21 demonstration water shall not be distributed unless the following
22 requirements are met:

23 (1) The water meets or exceeds all federal and state drinking
24 water standards and goals, including all maximum contaminant
25 levels applicable to public drinking water systems.

26 (2) All water purification requirements imposed by regulatory
27 agencies on the advanced water purification facility used to produce
28 the advanced purified demonstration water, including the removal
29 of constituents of emerging concern where the removal is otherwise
30 required of an advanced water purification facility by the state
31 board.

32 (3) The water is produced using a treatment process that is
33 consistent with the advanced treatment criteria for purified water
34 specified in Section 60320.201 of Title 22 of the California Code
35 of Regulations and, if established by the state board, in accordance
36 with any uniform statewide water recycling treatment criteria
37 developed for the direct consumption of advanced purified
38 demonstration water.

39 (f) (1) Advanced purified demonstration water may be bottled
40 only at a licensed water-bottling plant in compliance with Sections

1 111080, 111120, 111145, and 111155 of the Health and Safety
2 Code.

3 (2) Before bottling advanced purified demonstration water, an
4 advanced water purification facility shall follow all pretreatment
5 and labeling regulations for water bottling, including the
6 requirements for bottled water and vended water pursuant to
7 Section 111080 of the Health and Safety Code.

8 (g) Advanced purified demonstration water shall be handled
9 from the point of production to the completion of bottling in
10 accordance with all regulations governing the transportation,
11 bottling, and handling of bottled water, as defined in subdivision
12 (a) of Section 111070 of the Health and Safety Code, including,
13 but not limited to, subdivisions (b), (f), and (h) of Section 111075
14 of the Health and Safety Code. A water bottling plant that bottles
15 advanced purified demonstration water in accordance with this
16 section may also bottle other potable water, subject to compliance
17 with Article 12 (commencing with Section 111070) of Chapter 5
18 of Part 5 of Division 104 of the Health and Safety Code.

19 (h) Advanced purified demonstration water shall be bottled in
20 nonreturnable (one-way) bottles or packages with labels containing
21 the following information in an easily readable format that
22 complies with all of the following:

23 (1) The label shall state “sample water--not for sale” and
24 “advanced purified water meeting all federal and state drinking
25 water standards.”

26 (2) The label shall set forth the name, address, telephone
27 number, and Internet Web site of the operator of the facility
28 producing the advanced purified demonstration water.

29 (3) The label shall include a brief description of the advanced
30 purified demonstration water, including its source and the treatment
31 processes to which the water is subjected.

32 (i) A single *advanced* water purification facility ~~may~~ *shall* not
33 bottle more than 1,000 gallons of advanced purified demonstration
34 water in a calendar year.

35 (j) Advanced purified demonstration water shall not be sold or
36 otherwise distributed in exchange for financial consideration.

37 (k) Any operator of an advanced water purification facility
38 seeking to bottle advanced purified demonstration water shall
39 establish a collection and recycling program for distributed bottles.

- 1 (l) A violation of this section shall not be subject to Section
- 2 111825 of the Health and Safety Code.
- 3 (m) *This section does not exempt an advanced water purification*
- 4 *facility from any standard for bottling water imposed pursuant to*
- 5 *federal law.*

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