

ASSEMBLY BILL

No. 1247

Introduced by Assembly Member Setencich

February 23, 1995

An act to amend Section 1421 of the Fish and Game Code, to amend Sections 25703 and 65597, of the Government Code, to amend Sections 4049.54, 5415, 6512, 6520.9, 6952, and 44535 of the Health and Safety Code, to amend Section 455.1 of the Public Utilities Code, to amend Section 92.3 of the Streets and Highways Code, and to amend Sections 1010, 10631, 10826, 11960, 11963, 13050, 13142, 13142.5, 13260, 13263, 13400, 13411, 13426, 13500, 13510, 13511, 13512, 13520, 13521, 13522, 13522.5, 13524, 13525, 13525.5, 13526, 13527, 13540, 13550, 13551, 13552.2, 13552.4, 13552.6, 13552.8, 13553, 13554, 13555.2, 13555.3, 13556, 13605, 31144.71, 31145, 31630.5, 31631, 31633, 60221, 71610, 72303, and 74593 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1247, as introduced, Setencich. Recycled water.

Existing law includes provisions relating to “reclaimed water” and “reclamation” in the Fish and Game Code, Government Code, Health and Safety Code, Public Utilities Code, Streets and Highways Code, and the Water Code.

This bill would substitute the term “recycled water” for “reclaimed water” and the term “recycling” for “reclamation” in those codes.

The bill would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 1421 of the Fish and Game Code
2 is amended to read:

3 1421. When creating new wetlands, the board shall
4 give preference to lands most suitable for this purpose
5 due to elevations, existence of levees, proximity to
6 existing wetlands that are protected, and potential
7 sources of water. These potential sources of water are
8 limited to all of the following:

9 (a) Water rights which are attached to the land to be
10 restored including groundwater associated with the
11 property.

12 (b) Water willingly made available for a wetlands
13 conservation project through water conservation.

14 (c) ~~Reclaimed~~ *Recycled* water.

15 (d) Undeveloped water supplies of the state.

16 (e) Water marketed for wetlands purposes by a willing
17 seller.

18 (f) Water otherwise made available for wetlands
19 purposes by private, nonprofit, local, and regional
20 entities.

21 SEC. 2. Section 25703 of the Government Code is
22 amended to read:

23 25703. The board of supervisors may dispose of
24 *recycled* water—~~reclaimed~~ and any byproducts of ~~such~~
25 ~~reclamation that recycling~~, pursuant to this article, in any
26 one or more of the following ways:

27 (a) Sale to the county and the inhabitants thereof.

28 (b) Sale to any water district, water conservation
29 district, flood control district, or any other district of
30 which the board of supervisors is ex officio the governing
31 body.

32 (c) Replenishment of the underground water supplies
33 anywhere within the county.

34 (d) Sale to any city or, with the consent of the city
35 legislative body expressed by ordinance, to the
36 inhabitants thereof.

37 SEC. 3. Section 65597 of the Government Code is
38 amended to read:



1 65597. The proposed model ordinance shall contain,
2 but not be limited to, the following:

3 (a) Provisions for water conservation through the
4 appropriate use and groupings of plants that are well
5 adapted to particular sites and to particular climatic,
6 geological, or topographical conditions. The model
7 ordinance shall not prohibit or require specific plant
8 species, but it may include conditions for the use of plant
9 species. However, the model shall not include conditions
10 which have the effect of prohibiting or requiring specific
11 plant species.

12 (b) Provisions for the use of automatic irrigation
13 systems and seasonal irrigation schedules, incorporating
14 water conservation design and utilizing methods
15 appropriate for specific terrains, soil types, wind
16 conditions, temperatures, and other environmental
17 factors, in order to ensure a high degree of water
18 efficiency.

19 (c) Provisions for grading and drainage to promote
20 healthy plant growth and to prevent excessive erosion
21 and runoff, and the use of mulches in shrub areas, garden
22 beds, and landscaped areas where appropriate.

23 (d) Provisions for the use of ~~reclaimed~~ *recycled* water
24 supplied through dual distribution systems, if feasible and
25 cost effective, and subject to appropriate health
26 standards.

27 (e) Provisions to educate water users on the efficient
28 use of water and the benefits of doing so.

29 (f) Provisions addressing regional differences where
30 necessary and feasible, including fire prevention needs.

31 (g) Provisions to exempt landscaping which is part of
32 a registered historical site, where feasible.

33 (h) Provisions for the use of economic incentives to
34 promote the efficient use of water, where feasible.

35 (i) Provisions for landscape maintenance practices
36 which foster long-term landscape water conservation.
37 Landscape maintenance practices may include, but are
38 not limited to, performing routine irrigation system
39 repair and adjustments, scheduling irrigation based on
40 CIMIS (California Irrigation Management Information



1 System), conducting water audits, and prescribing the
2 amount of water applied per landscaped acre.

3 SEC. 4. Section 4049.54 of the Health and Safety Code
4 is amended to read:

5 4049.54. (a) All pipes installed above or below the
6 ground, on and after June 1, 1993, that are designed to
7 carry ~~reclaimed~~ *recycled* water, shall be colored purple
8 or distinctively wrapped with purple tape.

9 (b) Subdivision (a) shall apply only in areas served by
10 a water supplier delivering water for municipal and
11 industrial purposes, and in no event shall apply to any of
12 the following:

13 (1) Municipal or industrial facilities that have
14 established a labeling or marking system for ~~reclaimed~~
15 *recycled* water on their premises, as otherwise required
16 by a local agency, that clearly distinguishes ~~reclaimed~~
17 *recycled* water from potable water.

18 (2) Water delivered for agricultural use.

19 (c) For purposes of this section, “~~reclaimed~~ “*recycled*
20 water” has the same meaning as defined in subdivision
21 (n) of Section 13050 of the Water Code.

22 SEC. 5. Section 5415 of the Health and Safety Code is
23 amended to read:

24 5415. No provision in this chapter is a limitation on
25 any of the following:

26 (a) The authority of a city or county to adopt and
27 enforce additional regulations not in conflict with this
28 chapter imposing additional conditions, restrictions, or
29 limitations relating to the disposal of sewage or other
30 waste.

31 (b) The authority of any city or county to declare,
32 prohibit, and abate nuisances.

33 (c) The authority of a state agency in the enforcement
34 or administration of any provision of law which it is
35 specifically permitted or required to enforce or
36 administer.

37 (d) The right of any person to maintain at any time any
38 appropriate action for relief against any private nuisance
39 as defined in the Civil Code or for relief against any
40 contamination or pollution.



1 (e) The authority of a city or county to adopt and
2 enforce regulations relating to the use of ~~reclaimed~~
3 *recycled* water in accordance with Chapter 7
4 (commencing with Section 13500) of Division 7 of the
5 Water Code.

6 SEC. 6. Section 6512 of the Health and Safety Code is
7 amended to read:

8 6512. (a) A district may acquire, plan, construct,
9 reconstruct, alter, enlarge, lay, renew, replace, maintain,
10 and operate garbage dump sites and garbage collection
11 and disposal systems, sewers, drains, septic tanks, and
12 sewerage collection, outfall, treatment works and other
13 sanitary disposal systems, and storm water drains and
14 storm water collection, outfall and disposal systems, and
15 water ~~reclamation~~ *recycling* and distribution systems, as
16 the board deems necessary and proper, and in the
17 performance of these functions, either in or out of the
18 district, it may join through joint powers agreements
19 pursuant to the provisions of Chapter 5 (commencing
20 with Section 6500) of Division 7 of Title 1 of the
21 Government Code, or through other means with any
22 county or municipality or any other district or
23 governmental agency.

24 (b) Before any garbage dump is established, the
25 location shall first be approved by the county health
26 officer, and, in addition, if the location is within two miles
27 of any city the consent of the governing body of the city
28 shall first be secured.

29 (c) If the district includes any part of a city, water
30 district, or other local agency which provides water
31 service to any territory in the district, the district shall not
32 supply water service to the territory unless the district
33 first obtains the consent of the city, water district, or other
34 local agency. The consent shall not be revoked, if
35 revocation will result in a decrease of the revenues
36 available to pay the outstanding bonds of the district.

37 (d) The Department of Water Resources may assist
38 sanitary districts in applying for, and in obtaining
39 approval of, federal and state funding and permits for
40 cost-effective water ~~reclamation~~ *recycling* projects and



1 shall confer and cooperate with the legislative body of the
2 district during the application and approval process.

3 SEC. 7. Section 6520.9 of the Health and Safety Code
4 is amended to read:

5 6520.9. It may construct, maintain, and operate such
6 pipelines or other works as may be necessary to conserve
7 and put to beneficial use any water or ~~sewage~~ *recycled*
8 effluent recovered from the operation of the sewerage
9 system, plant, or works, by sale or disposition for
10 agricultural or industrial purposes, or by discharging or
11 spreading the water or ~~sewage~~ *recycled* effluent in such
12 a manner as to percolate into the underground gravels
13 and replenish the natural water resources.

14 The addition of this section made at the 1972 Regular
15 Session of the Legislature does not constitute a change in,
16 but is declaratory of, the existing law.

17 SEC. 8. Section 6952 of the Health and Safety Code is
18 amended to read:

19 6952. “On-site wastewater disposal system” means
20 any of several works, facilities, devices, or other
21 ~~mechanisms~~ *mechanisms* used to collect, treat, ~~reclaim~~
22 *recycle*, or dispose of waste water without the use of
23 community-wide sanitary sewers or sewage systems.

24 SEC. 9. Section 44535 of the Health and Safety Code
25 is amended to read:

26 44535. The authority may separately approve
27 financing for projects the purpose of which is to prevent
28 or reduce environmental pollution resulting from the
29 disposal of solid or liquid waste.

30 The following projects shall be considered for
31 financing:

32 (a) Projects utilizing recognized resource recovery or
33 energy conversion processes.

34 (b) Projects utilizing new technologies or processes
35 for resource recovery or energy conversion.

36 (c) Projects utilizing technologies designed to reduce
37 the level of pollutants found in water.

38 (d) ~~Reclaimed~~ *Recycled* water facilities.

39 (e) Water main replacements.

40 (f) Water filtration facilities.



1 (g) Other projects for the reduction of environmental
2 pollution resulting from the disposal of solid or liquid
3 waste.

4 Those projects may include elements which provide for
5 new refuse removal vehicles, transfer stations, resource
6 recovery or energy conversion plants, source separation,
7 or any solid or liquid waste disposal facilities involved in
8 resource recovery systems. “Solid or liquid waste disposal
9 facilities” means any property, or portion thereof, used
10 for the collection, storage, treatment, utilization,
11 processing, or final disposal of solid or liquid waste in
12 resource recovery systems.

13 SEC. 10. Section 455.1 of the Public Utilities Code is
14 amended to read:

15 455.1. Whenever a water corporation files with the
16 commission, pursuant to an advice letter submitted in
17 accordance with commission procedures for this means of
18 submission, a schedule stating rates, classifications,
19 contracts, practices, or rules for the service of ~~reclaimed~~
20 *recycled* water, the policies and standards for which are
21 provided for in Article 7 (commencing with Section
22 13550) of Chapter 7 of Division 7 of the Water Code, the
23 commission shall observe the following procedures:

24 (a) Unless the commission determines, pursuant to
25 subdivision (b), that the schedule filed by a water
26 corporation for the service of ~~reclaimed~~ *recycled* water
27 is not justified or, pursuant to subdivision (c), any other
28 party protests in writing the filing of the schedule, the
29 schedule shall become effective upon the expiration of 40
30 days from the time of filing thereof.

31 (b) Notwithstanding the filing of notice of changes or
32 amendments as provided in subdivision (c) or a protest
33 as provided in subdivision (d), the schedule as filed shall
34 become effective on an interim basis upon the expiration
35 of 30 days from the time of filing thereof, subject to refund
36 of any amount of the rate subsequently found by the
37 commission to be in excess of a just and reasonable rate.

38 (c) If, upon its own initiative, the commission, acting
39 through the staff organization with responsibility for
40 reviewing advice letter filings, determines that the



1 schedule filed by a water corporation for the service of
2 ~~reclaimed~~ *recycled* water is not justified, it shall notify the
3 water corporation of the determination in writing within
4 40 days from the time of filing of the schedule and shall
5 state in the notice all changes or amendments to the
6 schedule that are required to make it just and reasonable.
7 Upon the refiling by the water corporation within 10 days
8 of the receipt of the notice of a revised schedule
9 incorporating all changes and amendments specified by
10 the commission, the revised schedule shall become
11 effective on an interim basis subject to refund upon the
12 expiration of five days from the time of the refiling
13 thereof, and shall become final upon formal commission
14 action approving the schedule, as revised.

15 (d) If any other party, including the commission
16 organization or division created pursuant to Section 309.5,
17 protests in writing the schedule filed by a water
18 corporation for the service of ~~reclaimed~~ *recycled* water,
19 the commission shall set the matter for a hearing on the
20 protest to be held within a reasonable time from the time
21 that the party files its written protest with the
22 commission.

23 (e) The provisions of subdivision (d) of Section 311
24 shall govern the timing of actions by the commission after
25 the close of the record in any proceeding pursuant to
26 subdivision (d).

27 SEC. 11. Section 92.3 of the Streets and Highways
28 Code is amended to read:

29 92.3. (a) The department shall do both of the
30 following:

31 (1) Discontinue further water intensive freeway
32 landscaping and use drought resistant landscaping
33 whenever feasible, taking into consideration such factors
34 as erosion control and fire retardant needs.

35 (2) Eliminate any dependency on imported water for
36 landscaping as soon as practicable.

37 (b) The department shall require the use of ~~reclaimed~~
38 *recycled* water for the irrigation of freeway landscaping
39 when it finds and determines that all of the following
40 conditions exist:



1 (1) The ~~reclaimed~~ *recycled* water is of adequate
2 quality and is available in adequate quantity for the
3 proposed use.

4 (2) The proposed use of the ~~reclaimed~~ *recycled* water
5 is approved by the California regional water quality
6 control board having jurisdiction.

7 (3) There is a direct benefit to the state highway
8 program for the proposed use of ~~reclaimed~~ *recycled*
9 water.

10 (4) The ~~reclaimed~~ *recycled* water is supplied by a local
11 public agency or water public utility able to contract for
12 delivery of water and the installation, maintenance, and
13 repair of facilities to deliver the water.

14 (5) The installation of the water delivery facilities does
15 not unreasonably increase any hazard to vehicles on the
16 freeway or create unreasonable problems of highway
17 maintenance and repair.

18 (c) The department shall report to the Legislature on
19 or before January 1, 1988, and every three years
20 thereafter, on the progress of the department in
21 complying with this section. For each landscaping project
22 subject to this section which is listed in the most recently
23 adopted state transportation improvement program, the
24 department shall identify the closest potable water
25 supply and the closest ~~reclaimed~~ *recycled* water supply,
26 together with a statement explaining which water source
27 was selected for irrigation purposes, and the reasons why
28 that source was selected.

29 (d) In cooperation with local public agencies and
30 water public utilities, the department shall permit local
31 public agencies and water public utilities to place
32 transmission lines for ~~reclaimed~~ *recycled* water in
33 freeway rights-of-way for use by the local public agencies
34 and water public utilities to transmit ~~reclaimed~~ *recycled*
35 water to others, when to do so will promote a beneficial
36 use of ~~reclaimed~~ *recycled* water and that transmission
37 does not unreasonably interfere with use of the freeway
38 or unreasonably increase any hazard to vehicles on the
39 freeway, subject to paragraphs (1) to (5), inclusive, of



1 subdivision (b) and the following additional
2 requirements:

3 (1) The local public agency or water public utility
4 holds the department harmless for any liability caused by
5 a disruption of service to other users of the ~~reclaimed~~
6 *recycled* water and will defend the department in any
7 resulting legal action and pay any damages awarded as a
8 result of that disruption.

9 (2) The department, in cooperation with the local
10 public agency or water public utility, may temporarily
11 interrupt service in order to add to or modify its facilities
12 without liability, as specified in paragraph (1).

13 (3) The local public agency or water public utility
14 obtains and furnishes the department an agreement by all
15 other users of ~~reclaimed~~ *recycled* water from the
16 transmission system holding the department harmless for
17 any disruption in service.

18 (4) The local public agency or water public utility has
19 furnished the department a list of other ~~reclaimed~~
20 *recycled* water users and information on any backup
21 system or other source of water available for use in case
22 of a service disruption.

23 (5) The local public agency is responsible for the initial
24 cost or any relocation cost of the ~~reclaimed~~ *recycled*
25 water transmission lines for service to other users in the
26 right-of-way and waives its rights to require the
27 department to pay the relocation costs pursuant to
28 Sections 702 and 704.

29 (6) The local public agency or water public utility
30 maintains the water transmission system subject to
31 reasonable access for maintenance purposes to be
32 negotiated between the department and the local public
33 agency or water public utility.

34 (7) The department has first priority with respect to
35 the ~~reclaimed~~ *recycled* water supply contracted for by
36 the department.

37 (8) The local public agency or water public utility
38 installs an automatic control system which will allow the
39 water transmission system to be shut down in case of an



1 emergency. The department shall have access to all parts
2 of the transmission system for purposes of the agreement.

3 (9) All transmission lines are placed underground and
4 as close as possible to the freeway right-of-way boundary
5 or at other locations authorized by the department.

6 (10) The plans and specifications for the ~~reclaimed~~
7 *recycled* water transmission facilities have been
8 approved by the department prior to construction.

9 (e) As used in this section:

10 (1) “Local public agency” means any local public
11 agency which transmits or supplies ~~reclaimed~~ *recycled*
12 water to others.

13 (2) “Water public utility” means any privately owned
14 water corporation which is subject to the jurisdiction and
15 control of the Public Utilities Commission.

16 SEC. 12. Section 1010 of the Water Code is amended
17 to read:

18 1010. (a) (1) The cessation of, or reduction in, the
19 use of water under any existing right regardless of the
20 basis of right, as the result of the use of ~~reclaimed~~ *recycled*
21 water, desalinated water, or water polluted by waste to a
22 degree which unreasonably affects the water for other
23 beneficial uses, is deemed equivalent to, and for purposes
24 of maintaining any right shall be construed to constitute,
25 a reasonable beneficial use of water to the extent and in
26 the amount that the ~~reclaimed~~ *recycled*, desalinated, or
27 polluted water is being used not exceeding, however, the
28 amount of such reduction.

29 (2) No lapse, reduction, or loss of any existing right
30 shall occur under a cessation of, or reduction in, the use
31 of water pursuant to this subdivision, and, to the extent
32 and in the amount that ~~reclaimed~~ *recycled*, desalinated,
33 or polluted water is used in lieu of water appropriated by
34 a permittee pursuant to Chapter 6 (commencing with
35 Section 1375) of Part 2, the board shall not reduce the
36 appropriation authorized in the user’s permit.

37 (3) The use of ~~reclaimed~~ *recycled*, desalinated, or
38 polluted water constitutes good cause under Section 1398
39 to extend the period specified in a permit for application
40 of appropriated water to beneficial use to the extent and



1 in the amount that ~~reclaimed~~ *recycled*, desalinated, or
2 polluted water is used. The extension by the board shall
3 be granted upon the same terms as are set forth in the
4 user's permit, and for a period sufficient to enable the
5 permittee to perfect his appropriation, while continuing
6 to use ~~reclaimed~~ *recycled*, desalinated, or polluted water.

7 (4) The board, in issuing a license pursuant to Article
8 3 (commencing with Section 1610) of Chapter 9 of Part
9 2, shall not reduce the appropriation authorized by
10 permit, to the extent and in the amount that reduction in
11 a permittee's use, during the perfection period, including
12 any ~~extension~~ *extension* as provided in this section, has
13 resulted from the use of ~~reclaimed~~ *recycled*, desalinated,
14 or polluted water in lieu of the permittee's authorized
15 appropriation.

16 (5) The board may require any user of water who
17 seeks the benefit of this section to file periodic reports
18 describing the extent and amount of the use of ~~reclaimed~~
19 *recycled*, desalinated, or polluted water. To the
20 maximum extent possible, the reports shall be made a
21 part of other reports required by the board relating to the
22 use of water.

23 (6) For purposes of this section, the term "~~reclaimed~~
24 *recycled* water" has the same meaning as in Division 7
25 (commencing with Section 13000).

26 (b) Water, or the right to the use of water, the use of
27 which has ceased or been reduced as the result of the use
28 of ~~reclaimed~~ *recycled*, desalinated, or polluted water as
29 described in subdivision (a), may be sold, leased,
30 exchanged, or otherwise transferred pursuant to any
31 provision of law relating to the transfer of water or water
32 rights, including, but not limited to, provisions of law
33 governing any change in point of diversion, place of use,
34 and purpose of use due to the transfer.

35 SEC. 13. Section 10631 of the Water Code is amended
36 to read:

37 10631. A plan shall be adopted in accordance with this
38 chapter and shall do all of the following:

39 (a) Include an estimate of past, current, and projected
40 potable and recycled water use and, to the extent records



1 are available, segregate those uses between residential,
2 industrial, commercial, and governmental uses.

3 (b) (1) Identify conservation and ~~reclamation~~
4 *recycling* measures currently adopted and being
5 practiced.

6 (2) Urban water suppliers that are members of the
7 California Urban Water Conservation Council and
8 submit annual reports to that council in accordance with
9 the “Memorandum of Understanding Regarding Urban
10 Water Conservation in California,” dated September
11 1991, may submit the annual reports for the purposes of
12 identifying conservation measures as required by
13 paragraph (1).

14 (c) Describe alternative conservation measures,
15 including, but not limited to, consumer education,
16 metering, water saving fixtures and appliances, pool
17 covers, lawn and garden irrigation techniques, and low
18 water use landscaping, that would improve the efficiency
19 of water use with an evaluation of their costs and their
20 environmental and other significant impacts.

21 (d) Provide a schedule of implementation for
22 proposed actions as indicated by the plan.

23 (e) Provide an urban water shortage contingency plan
24 that includes all of the following elements that are within
25 the authority of the urban water supplier:

26 (1) Past, current, and projected water use and, to the
27 extent records are available, a breakdown of those uses on
28 the basis of single-family residential, multifamily
29 residential, commercial, industrial, governmental, and
30 agricultural use.

31 (2) An estimate of the minimum water supply
32 available at the end of 12, 24, and 36 months, assuming the
33 worst case water supply shortages.

34 (3) Stages of action to be undertaken by the urban
35 water supplier in response to water supply shortages,
36 including up to a 50 percent reduction in water supply,
37 and an outline of specific water supply conditions that are
38 applicable to each stage.

- 1 (4) Mandatory provisions to reduce water use that
- 2 include prohibitions against specific wasteful practices,
- 3 such as gutter flooding.
- 4 (5) Consumption limits in the most restrictive stages.
- 5 Each urban water supplier may use any type of
- 6 consumption limit in its water shortage contingency plan
- 7 that would reduce water use and is appropriate for its
- 8 area. Examples of consumption limits that may be used
- 9 include, but are not limited to, percentage reductions in
- 10 water allotments, per capita allocations, an increasing
- 11 block rate schedule for high usage of water with
- 12 incentives for conservation, or restrictions on specific
- 13 uses.
- 14 (6) Penalties or charges for excessive use.
- 15 (7) An analysis of the impacts of the plan on the
- 16 revenues and expenditures of the urban water supplier,
- 17 and proposed measures to overcome those impacts, such
- 18 as the development of reserves and rate adjustments.
- 19 (8) A draft water shortage contingency resolution or
- 20 ordinance to carry out the urban water shortage
- 21 contingency plan.
- 22 (9) A mechanism for determining actual reductions in
- 23 water use pursuant to the urban water shortage
- 24 contingency plan.
- 25 (f) Describe the frequency and magnitude of supply
- 26 deficiencies, based on available historic data and future
- 27 projected conditions comparing water supply and
- 28 demand, including a description of deficiencies in time of
- 29 drought and emergency and the ability to meet
- 30 deficiencies.
- 31 (g) To the extent feasible, describe the method which
- 32 will be used to evaluate the effectiveness of each
- 33 conservation measure implemented under the plan.
- 34 (h) Describe the steps which would be necessary to
- 35 implement any proposed actions in the plan.
- 36 (i) Describe findings, actions, and planning relating to
- 37 all of the following:
- 38 (1) The use of internal and external water audits for
- 39 single-family residential, multifamily residential,
- 40 institutional, commercial, industrial, and governmental



1 customers, and the use of incentive programs to
2 encourage customer audits and program participation.

3 (2) The use of distribution system water audits.

4 (3) Leak detection and repair.

5 (4) The use of large landscape water audits.

6 (j) Describe actions and planning to eliminate the use
7 of once-through cooling systems, nonrecirculating water
8 systems, and nonrecycling decorative water fountains,
9 and to encourage the recirculation of water if proper
10 public health and safety standards are maintained.

11 (k) Describe actions and plans to enforce conservation
12 measures.

13 (l) To the extent feasible, describe the amount of
14 water saved through water conservation measures
15 employed by user groups.

16 (m) Describe actions and planning to ensure the
17 involvement of community members within the service
18 area with regard to water management planning.

19 SEC. 14. Section 10826 of the Water Code is amended
20 to read:

21 10826. To the extent information is available, the
22 plans shall address all of the following:

23 (a) The quantity and source of surface water,
24 groundwater, and ~~reclaimed~~ *recycled* water delivered to
25 and by the supplier.

26 (b) A description of all of the following:

27 (1) The water delivery system used in the area
28 supplied.

29 (2) The beneficial uses of the water supplied,
30 including noncrop beneficial uses.

31 (3) Conjunctive use programs.

32 (4) Incidental and planned groundwater recharge.

33 (5) Water ~~reclamation~~ *recycling* programs, including
34 treatment and distribution facilities.

35 (6) The amounts of the delivered water that are lost to
36 further beneficial use to unusable bodies of water or
37 moisture-deficient soils through the following:

38 (A) Crop evapotranspiration.

39 (B) Noncrop evapotranspiration.

40 (C) Evaporation from water surfaces.



1 (D) Surface flow or percolation.

2 (c) An identification of cost-effective and
3 economically feasible measures for water conservation
4 and ~~reclamation~~ *recycling*, their resulting detriments and
5 benefits, and the impacts on amounts of downstream
6 surface water supply and immediately adjacent
7 groundwater supply.

8 (d) An evaluation of other significant impacts,
9 including impacts within the service area and
10 downstream on fish and wildlife habitat, water quality,
11 energy use, and other factors of either local or statewide
12 concern or interstate concern, where applicable.
13 Alternatives should be designed to minimize impacts on
14 other beneficial users currently being served both within
15 and without the service area and to result in improved
16 overall water management.

17 (e) A schedule prepared by the supplier to implement
18 those water management practices that it determines to
19 be cost-effective and economically feasible. Priority shall
20 be given to those water management practices, or
21 combination of practices, that offer lower incremental
22 costs than expanded or additional water supplies.

23 SEC. 15. Section 11960 of the Water Code is amended
24 to read:

25 11960. Any water supplier or user of water in the state
26 that has an existing right which permits the supplier or
27 user to sell water may enter into a contract under this
28 chapter to finance the conservation or ~~reclamation~~
29 *recycling* of water and to sell the conserved or ~~reclaimed~~
30 *recycled* water to another water supplier or water user.

31 SEC. 16. Section 11963 of the Water Code is amended
32 to read:

33 11963. Any contract entered into pursuant to this
34 chapter for the transfer or sale of conserved or ~~reclaimed~~
35 *recycled* water may provide for the recall of water and
36 may include terms for that recall. Any recall provisions
37 shall include a notice period of not less than five years
38 unless otherwise agreed by the parties.

39 SEC. 17. Section 13050 of the Water Code is amended
40 to read:



1 13050. As used in this division:

2 (a) "State board" means the State Water Resources
3 Control Board.

4 (b) "Regional board" means any California regional
5 water quality control board for a region as specified in
6 Section 13200.

7 (c) "Person" includes any city, county, district, the
8 state, and the United States, to the extent authorized by
9 federal law.

10 (d) "Waste" includes sewage and any and all other
11 waste substances, liquid, solid, gaseous, or radioactive,
12 associated with human habitation, or of human or animal
13 origin, or from any producing, manufacturing, or
14 processing operation, including waste placed within
15 containers of whatever nature prior to, and for purposes
16 of, disposal.

17 (e) "Waters of the state" means any surface water or
18 groundwater, including saline waters, within the
19 boundaries of the state.

20 (f) "Beneficial uses" of the waters of the state that may
21 be protected against quality degradation include, but are
22 not limited to, domestic, municipal, agricultural and
23 industrial supply; power generation; recreation; aesthetic
24 enjoyment; navigation; and preservation and
25 enhancement of fish, wildlife, and other aquatic resources
26 or preserves.

27 (g) "Quality of the water" refers to chemical, physical,
28 biological, bacteriological, radiological, and other
29 properties and characteristics of water which affect its
30 use.

31 (h) "Water quality objectives" means the limits or
32 levels of water quality constituents or characteristics
33 which are established for the reasonable protection of
34 beneficial uses of water or the prevention of nuisance
35 within a specific area.

36 (i) "Water quality control" means the regulation of
37 any activity or factor which may affect the quality of the
38 waters of the state and includes the prevention and
39 correction of water pollution and nuisance.



1 (j) “Water quality control plan” consists of a
2 designation or establishment for the waters within a
3 specified area of all of the following:

- 4 (1) Beneficial uses to be protected.
- 5 (2) Water quality objectives.
- 6 (3) A program of implementation needed for
7 achieving water quality objectives.

8 (k) “Contamination” means an impairment of the
9 quality of the waters of the state by waste to a degree
10 which creates a hazard to the public health through
11 poisoning or through the spread of disease.
12 “Contamination” includes any equivalent effect resulting
13 from the disposal of waste, whether or not waters of the
14 state are affected.

15 (l) “Pollution” means an alteration of the quality of
16 the waters of the state by waste to a degree which
17 unreasonably affects either of the following:

- 18 (1) The waters for beneficial uses.
 - 19 (2) Facilities which serve these beneficial uses.
- 20 “Pollution” may include “contamination.”

21 (m) “Nuisance” means anything which meets all of
22 the following requirements:

- 23 (1) Is injurious to health, or is indecent or offensive to
24 the senses, or an obstruction to the free use of property,
25 so as to interfere with the comfortable enjoyment of life
26 or property.
- 27 (2) Affects at the same time an entire community or
28 neighborhood, or any considerable number of persons,
29 although the extent of the annoyance or damage inflicted
30 upon individuals may be unequal.

31 (3) Occurs during, or as a result of, the treatment or
32 disposal of wastes.

33 (n) ~~“Reclaimed water” or “recycled~~ *“Recycled*
34 *water”* means water which, as a result of treatment of
35 waste, is suitable for a direct beneficial use or a controlled
36 use that would not otherwise occur and is therefor
37 considered a valuable resource.

38 (o) “Citizen or domiciliary” of the state includes a
39 foreign corporation having substantial business contacts



1 in the state or which is subject to service of process in this
2 state.

3 (p) (1) “Hazardous substance” means either of the
4 following:

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

9 (B) For discharge to groundwater, any substance
10 listed as a hazardous waste or hazardous material
11 pursuant to Section 25140 of the Health and Safety Code,
12 without regard to whether the substance is intended to be
13 used, reused, or discarded, except that “hazardous
14 substance” does not include any substance excluded from
15 Section 311(b)(2) of the Federal Water Pollution Control
16 Act because it is within the scope of Section 311(a)(1) of
17 that act.

18 (2) “Hazardous substance” does not include any of the
19 following:

20 (A) Nontoxic, nonflammable, noncorrosive
21 stormwater runoff drained from underground vaults,
22 chambers, or manholes into gutters or storm sewers.

23 (B) Any pesticide which is applied for agricultural
24 purposes or is applied in accordance with a cooperative
25 agreement authorized by Section 2426 of the Health and
26 Safety Code, and is not discharged accidentally or for
27 purposes of disposal, the application of which is in
28 compliance with all applicable state and federal laws and
29 regulations.

30 (C) Any discharge to surface water of a quantity less
31 than a reportable quantity as determined by regulations
32 issued pursuant to Section 311(b)(4) of the Federal
33 Water Pollution Control Act.

34 (D) Any discharge to land which results, or probably
35 will result, in a discharge to groundwater if the amount
36 of the discharge to land is less than a reportable quantity,
37 as determined by regulations issued pursuant to Section
38 13271, for substances listed as hazardous pursuant to
39 Section 25140 of the Health and Safety Code. No
40 discharge shall be deemed a discharge of a reportable



1 quantity until regulations set a reportable quantity for the
2 substance discharged.

3 (q) “Mining waste” means all solid, semisolid, and
4 liquid waste materials from the extraction, beneficiation,
5 and processing of ores and minerals. Mining waste
6 includes, but is not limited to, soil, waste rock, and
7 overburden, as defined in Section 2732 of the Public
8 Resources Code, and tailings, slag, and other processed
9 waste materials.

10 (r) “Master ~~reclamation~~ *recycling* permit” means a
11 permit issued to a supplier or a distributor, or both, of
12 ~~reclaimed~~ *recycled* water, that includes waste discharge
13 requirements prescribed pursuant to Section 13263 and
14 water—~~reclamation~~ *recycling* requirements prescribed
15 pursuant to Section 13523.1.

16 SEC. 18. Section 13142 of the Water Code is amended
17 to read:

18 13142. State policy for water quality control shall
19 consist of all or any of the following:

20 (a) Water quality principles and guidelines for
21 long-range resource planning, including ground water
22 and surface water management programs and control
23 and use of ~~reclaimed~~ *recycled* water.

24 (b) Water quality objectives at key locations for
25 planning and operation of water resource development
26 projects and for water quality control activities.

27 (c) Other principles and guidelines deemed essential
28 by the state board for water quality control.

29 The principles, guidelines, and objectives shall be
30 consistent with the state goal of providing a decent home
31 and suitable living environment for every Californian.

32 SEC. 19. Section 13142.5 of the Water Code is
33 amended to read:

34 13142.5. In addition to any other policies established
35 pursuant to this division, the policies of the state with
36 respect to water quality as it relates to the coastal marine
37 environment are that:

38 (a) ~~Waste—water~~ *Wastewater* discharges shall be
39 treated to protect present and future beneficial uses, and,
40 where feasible, to restore past beneficial uses of the



1 receiving waters. Highest priority shall be given to
2 improving or eliminating discharges that adversely affect
3 any of the following:

4 (1) Wetlands, estuaries, and other biologically
5 sensitive sites.

6 (2) Areas important for water contact sports.

7 (3) Areas that produce shellfish for human
8 consumption.

9 (4) Ocean areas subject to massive waste discharge.

10 Ocean chemistry and mixing processes, marine life
11 conditions, other present or proposed outfalls in the
12 vicinity, and relevant aspects of areawide waste
13 treatment management plans and programs, but not of
14 convenience to the discharger, shall for the purposes of
15 this section, be considered in determining the effects of
16 such discharges. Toxic and hard-to-treat substances
17 should be pretreated at the source if such substances
18 would be incompatible with effective and economical
19 treatment in municipal treatment plants.

20 (b) For each new or expanded coastal powerplant or
21 other industrial installation using seawater for cooling,
22 heating, or industrial processing, the best available site,
23 design, technology, and mitigation measures feasible shall
24 be used to minimize the intake and mortality of all forms
25 of marine life.

26 (c) Where otherwise permitted, new warmed or
27 cooled water discharges into coastal wetlands or into
28 areas of special biological importance, including marine
29 reserves and kelp beds, shall not significantly alter the
30 overall ecological balance of the receiving area.

31 (d) Independent baseline studies of the existing
32 marine system should be conducted in the area that could
33 be affected by a new or expanded industrial facility using
34 seawater in advance of the carrying out of the
35 development.

36 (e) (1) Adequately treated ~~reclaimed~~ *recycled* water
37 should, where feasible, be made available to supplement
38 existing surface and underground supplies and to assist in
39 meeting future water requirements of the coastal zone,
40 and consideration, in statewide programs of financial



1 assistance for water pollution or water quality control,
2 shall be given to providing optimum water ~~reclamation~~
3 *recycling* and use of ~~reclaimed~~ *recycled* water.

4 (2) If ~~reclaimed~~ *recycled* water is available for
5 industrial use, any discharge to waters in the coastal zone,
6 including the San Francisco Bay, after industrial use, may
7 be authorized if all of the following conditions are met:

8 (A) The discharge will not unreasonably affect
9 beneficial uses.

10 (B) The discharge is consistent with applicable water
11 quality control plans and state policy for water quality
12 control.

13 (C) The use of ~~reclaimed~~ *recycled* water is consistent
14 with Chapter 7 (commencing with Section 13500).

15 (D) The discharge is consistent with all applicable
16 requirements of Chapter 5.5 (commencing with Section
17 13370).

18 (E) The discharge is to the same general receiving
19 water location as that to which the wastewater would be
20 discharged if not reused.

21 (3) Any requirement imposed pursuant to Section
22 13263 or 13377 shall be adjusted to reflect a credit for
23 waste present in the ~~reclaimed~~ *recycled* water before
24 reuse. The credit shall be limited to the difference
25 between the amount of waste present in the
26 ~~nonreclaimed~~ *nonrecycled* water supply otherwise
27 available to the industry and the amount of waste present
28 in the ~~reclaimed~~ *recycled* water.

29 (4) If the amount of waste in the discharge exceeds
30 prescribed requirements because the amount of waste in
31 the ~~reclaimed~~ *recycled* water is in excess of that agreed
32 to be furnished by the supplier to the discharger, no
33 enforcement action shall be taken against the discharger
34 unless both of the following statements apply:

35 (A) The supplier of the ~~reclaimed~~ *recycled* water fails
36 to correct the problem within 30 days after the cause of
37 the problem is identified, or within any greater period of
38 time agreed to by the appropriate regional board.

39 (B) The discharger continues to receive the ~~reclaimed~~
40 *recycled* water from the supplier.



1 (f) This section shall not apply to industrial discharges
2 into publicly owned treatment works.

3 SEC. 20. Section 13260 of the Water Code is amended
4 to read:

5 13260. (a) All of the following persons shall file with
6 the appropriate regional board a report of the discharge,
7 containing the information which may be required by the
8 regional board:

9 (1) Any person discharging waste, or proposing to
10 discharge waste, within any region that could affect the
11 quality of the waters of the state, other than into a
12 community sewer system.

13 (2) Any person who is a citizen, domiciliary, or
14 political agency or entity of this state discharging waste,
15 or proposing to discharge waste, outside the boundaries
16 of the state in a manner that could affect the quality of the
17 waters of the state within any region.

18 (3) Any person operating, or proposing to construct,
19 an injection well.

20 (b) No report of waste discharge need be filed
21 pursuant to subdivision (a) if the requirement is waived
22 pursuant to Section 13269.

23 (c) Every person subject to subdivision (a) shall file
24 with the appropriate regional board a report of waste
25 discharge relative to any material change or proposed
26 change in the character, location, or volume of the
27 discharge.

28 (d) (1) Each person for whom waste discharge
29 requirements have been prescribed pursuant to Section
30 13263 shall submit an annual fee not to exceed ten
31 thousand dollars (\$10,000) according to a reasonable fee
32 schedule established by the state board. Fees shall be
33 calculated on the basis of total flow, volume, number of
34 animals, or area involved.

35 (2) Any fees collected pursuant to this section shall be
36 deposited in the Waste Discharge Permit Fund which is
37 hereby created. The money in the fund is available for
38 expenditure by the state board, upon appropriation by
39 the Legislature, for the purposes of carrying out this
40 division.



1 (3) Any person who would be required to pay the
2 annual fee prescribed by paragraph (1) for waste
3 discharge requirements applicable to discharges of solid
4 waste, as defined in Section 40191 of the Public Resources
5 Code, at a waste management unit that is also regulated
6 under Division 30 (commencing with Section 40000) of
7 the Public Resources Code, and who is or will be subject
8 to the fee imposed pursuant to Section 46801 of the Public
9 Resources Code in the same fiscal year, shall be entitled
10 to a waiver of the annual fee for the discharge of solid
11 waste at the waste management unit imposed by
12 paragraph (1) upon verification by the state board of
13 payment of the fee imposed by Section 48000 of the Public
14 Resources Code, and provided that the fee established
15 pursuant to Section 48000 of the Public Resources Code
16 generates revenues sufficient to fund the programs
17 specified in Section 48004 of the Public Resources Code
18 and the amount appropriated by the Legislature for those
19 purposes is not reduced.

20 (e) Each report of waste discharge for a new discharge
21 submitted under this section shall be accompanied by a
22 fee equal in amount to the annual fee for the discharge.
23 If waste discharge requirements are issued, the fee shall
24 serve as the first annual fee. If waste discharge
25 requirements are waived pursuant to Section 13269, all or
26 part of the fee shall be refunded.

27 (f) (1) On or before January 1, 1990, the state board
28 shall adopt, by emergency regulations, a schedule of fees
29 authorized under subdivisions (d) and (j). The total
30 revenue collected each year through annual and filing
31 fees shall be set at an amount equal to the revenue levels
32 set forth in the Budget Act for this activity. The state
33 board shall automatically adjust the annual and filing fees
34 each fiscal year to conform with the revenue levels set
35 forth in the Budget Act for this activity. If the state board
36 determines that the revenue collected during the
37 preceding year was greater than, or less than, the revenue
38 levels set forth in the Budget Act, the state board may
39 further adjust the annual filing fees to compensate for the
40 over and under collection of revenue.



1 (2) The emergency regulations adopted pursuant to
2 this subdivision, or subsequent adjustments to the annual
3 fees, shall be adopted by the state board in accordance
4 with Chapter 3.5 (commencing with Section 11340) of
5 Part 1 of Division 3 of Title 2 of the Government Code.
6 The adoption of these regulations is an emergency and
7 shall be considered by the Office of Administrative Law
8 as necessary for the immediate preservation of the public
9 peace, health, safety, and general welfare.
10 Notwithstanding Chapter 3.5 (commencing with Section
11 11340) of Part 1 of Division 3 of Title 2 of the Government
12 Code, any emergency regulations adopted by the state
13 board, or adjustments to the annual fees made by the state
14 board pursuant to this section, shall not be subject to
15 review by the Office of Administrative Law and shall
16 remain in effect until revised by the state board.

17 (g) The state board shall adopt regulations setting
18 forth reasonable time limits within which the regional
19 board shall determine the adequacy of a report of waste
20 discharge submitted under this section.

21 (h) Each report submitted under this section shall be
22 sworn to, or submitted under penalty of perjury.

23 (i) The regulations adopted by the state board
24 pursuant to subdivision (f) shall include a provision that
25 annual fees shall not be imposed on those who pay fees
26 under the National Pollutant Discharge Elimination
27 System until the time when those fees are again due, at
28 which time the fees shall become due on an annual basis.

29 (j) Facilities for confined animal feeding or holding
30 operations, including dairy farms, which have been issued
31 waste discharge requirements or exempted from waste
32 discharge requirements prior to January 1, 1989, are
33 exempt from subdivision (d). If the facility is required to
34 file a report under subdivision (c) after January 1, 1989,
35 the report shall be accompanied by a filing fee, to be
36 established by the state board in accordance with
37 subdivision (f), not to exceed two thousand dollars
38 (\$2,000), and the facility shall be exempt from any annual
39 fee.

1 (k) Any person operating or proposing to construct an
2 oil, gas, or geothermal injection well subject to paragraph
3 (3) of subdivision (a), shall not be required to pay a fee
4 pursuant to subdivision (d), if the injection well is
5 regulated by the Division of Oil and Gas of the
6 Department of Conservation, in lieu of the appropriate
7 California regional water quality control board, pursuant
8 to the memorandum of understanding, entered into
9 between the state board and the Department of
10 Conservation on May 19, 1988. This subdivision shall
11 remain operative until the memorandum of
12 understanding is revoked by the state board or the
13 Department of Conservation.

14 (l) In addition to the report required by subdivision
15 (a), before any person discharges mining waste, the
16 person shall first submit the following to the regional
17 board:

18 (1) A report on the physical and chemical
19 characteristics of the waste that could affect its potential
20 to cause pollution or contamination. The report shall
21 include the results of all tests required by regulations
22 adopted by the board, any test adopted by the
23 Department of Toxic Substances Control pursuant to
24 Section 25141 of the Health and Safety Code for
25 extractable, persistent, and bioaccumulative toxic
26 substances in a waste or other material, and any other
27 tests that the state board or regional board may require,
28 including, but not limited to, tests needed to determine
29 the acid-generating potential of the mining waste or the
30 extent to which hazardous substances may persist in the
31 waste after disposal.

32 (2) A report that evaluates the potential of the
33 discharge of the mining waste to produce, over the long
34 term, acid mine drainage, the discharge or leaching of
35 heavy metals, or the release of other hazardous
36 substances.

37 (m) Except upon the written request of the regional
38 board, a report of waste discharge need not be filed
39 pursuant to subdivision (a) or (c) by a user of ~~reclaimed~~
40 *recycled* water that is being supplied by a supplier or



1 distributor of ~~reclaimed~~ *recycled* water for whom a
2 master ~~reclamation~~ *recycling* permit has been issued
3 pursuant to Section 13523.1.

4 SEC. 21. Section 13263 of the Water Code is amended
5 to read:

6 13263. (a) The regional board, after any necessary
7 hearing, shall prescribe requirements as to the nature of
8 any proposed discharge, existing discharge, or material
9 change therein, except discharges into a community
10 sewer system, with relation to the conditions existing
11 from time to time in the disposal area or receiving waters
12 upon, or into which, the discharge is made or proposed.
13 The requirements shall implement relevant water
14 quality control plans, if any have been adopted, and shall
15 take into consideration the beneficial uses to be
16 protected, the water quality objectives reasonably
17 required for that purpose, other waste discharges, the
18 need to prevent nuisance, and the provisions of Section
19 13241.

20 (b) A regional board, in prescribing requirements,
21 need not authorize the utilization of the full waste
22 assimilation capacities of the receiving waters.

23 (c) The requirements may contain a time schedule,
24 subject to revision in the discretion of the board.

25 (d) The board may prescribe requirements although
26 no discharge report has been filed.

27 (e) Upon application by any affected person, or on its
28 own motion, the regional board may review and revise
29 requirements. All requirements shall be reviewed
30 periodically.

31 (f) The regional board shall notify in writing the
32 person making or proposing the discharge or the change
33 therein of the discharge requirements to be met. After
34 receipt of the notice, the person so notified shall provide
35 adequate means to meet the requirements.

36 (g) No discharge of waste into the waters of the state,
37 whether or not the discharge is made pursuant to waste
38 discharge requirements, shall create a vested right to
39 continue the discharge. All discharges of waste into
40 waters of the state are privileges, not rights.



1 (h) The regional board may incorporate the
2 requirements prescribed pursuant to this section into a
3 master ~~reclamation~~ *recycling* permit for either a supplier
4 or distributor, or both, of ~~reclaimed~~ *recycled* water.

5 SEC. 22. Section 13400 of the Water Code is amended
6 to read:

7 13400. As used in this chapter, unless otherwise
8 apparent from the context:

9 (a) “Fund” means the State Water Quality Control
10 Fund.

11 (b) “Public agency” means any city, county, city and
12 county, district, or other political subdivision of the state.

13 (c) “Facilities” means: (1) facilities for the collection,
14 treatment, or export of waste when necessary to prevent
15 water pollution, (2) facilities to ~~reclaim—waste—waters~~
16 *recycle wastewater* and to convey ~~reclaimed~~ *recycled*
17 water, (3) facilities or devices to conserve water, or (4)
18 any combination of the foregoing.

19 SEC. 23. Section 13411 of the Water Code is amended
20 to read:

21 13411. Upon a determination by the state board, after
22 consultation with the State Department of Health, that

23 (a) the facilities proposed by an applicant are necessary
24 to the health or welfare of the inhabitants of the state, (b)
25 that the proposed facilities meet the needs of the
26 applicant, (c) that funds of the public agency are not
27 available for financing such facilities and that the sale of
28 revenue or general obligation bonds through private
29 financial institutions is impossible or would impose an
30 unreasonable burden on the public agency, (d) that the
31 proposed plan for repayment is feasible, (e) in the case
32 of facilities proposed under Section 13400(c)(1) that such
33 facilities are necessary to prevent water pollution, (f) in
34 the case of facilities proposed under Section 13400(c)(2)
35 that such facilities will produce ~~reclaimed~~ *recycled* water
36 and that the public agency has adopted a feasible
37 program for use thereof, and (g) in the case of facilities
38 proposed under Section 13400(c)(3) that such facilities
39 are a cost effective means of conserving water, the state
40 board, subject to approval by the Director of Finance,



1 may loan to the applicant such sum as it determines is not
2 otherwise available to the public agency to construct the
3 proposed facilities.

4 SEC. 24. Section 13426 of the Water Code is amended
5 to read:

6 13426. The state board, subject to approval by the
7 Director of Finance, may agree to provide a guarantee
8 pursuant to this article for all or a specified part of the
9 proposed local agency bond issue upon making, after
10 consultation with the State Department of Health
11 Services, all of the following determinations:

12 (a) The facilities proposed by an applicant are
13 necessary to the health or welfare of the inhabitants of the
14 state and are consistent with water quality control plans
15 adopted by regional boards.

16 (b) The proposed facilities meet the needs of the
17 applicant.

18 (c) The proposed bond issue and plan repayment are
19 sound and feasible.

20 (d) In the case of facilities proposed under paragraph
21 (2) of subdivision (c) of Section 13400, the facilities will
22 produce ~~reclaimed~~ *recycled* water and the applicant has
23 adopted a feasible program for the use of the facilities.
24 The state board may adopt criteria for ranking and setting
25 priorities among applicants for those guarantees.

26 SEC. 25. Section 13500 of the Water Code is amended
27 to read:

28 13500. This chapter shall be known as and may be
29 cited as the ~~Water Reclamation~~ *Recycling* Law.

30 SEC. 26. Section 13510 of the Water Code is amended
31 to read:

32 13510. It is hereby declared that the people of the
33 state have a primary interest in the development of
34 facilities to ~~reclaim~~ *recycle* water containing waste to
35 supplement existing surface and underground water
36 supplies and to assist in meeting the future water
37 requirements of the state.

38 SEC. 27. Section 13511 of the Water Code is amended
39 to read:



1 13511. The Legislature finds and declares that a
2 substantial portion of the future water requirements of
3 this state may be economically met by beneficial use of
4 ~~reclaimed~~ *recycled* water.

5 The Legislature further finds and declares that the
6 utilization of ~~reclaimed~~ *recycled* water by local
7 communities for domestic, agricultural, industrial,
8 recreational, and fish and wildlife purposes will
9 contribute to the peace, health, safety and welfare of the
10 people of the state. Use of ~~reclaimed~~ *recycled* water
11 constitutes the development of “new basic water
12 supplies” as that term is used in Chapter 5 (commencing
13 with Section 12880) of Part 6 of Division 6.

14 SEC. 28. Section 13512 of the Water Code is amended
15 to read:

16 13512. It is the intention of the Legislature that the
17 state undertake all possible steps to encourage
18 development of water ~~reclamation~~ *recycling* facilities so
19 that ~~reclaimed~~ *recycled* water may be made available to
20 help meet the growing water requirements of the state.

21 SEC. 29. Section 13520 of the Water Code is amended
22 to read:

23 13520. As used in this article “~~reclamation~~ “*recycling*
24 criteria” are the levels of constituents of ~~reclaimed~~
25 *recycled* water, and means for assurance of reliability
26 under the design concept which will result in ~~reclaimed~~
27 *recycled* water safe from the standpoint of public health,
28 for the uses to be made.

29 SEC. 30. Section 13521 of the Water Code is amended
30 to read:

31 13521. The State Department of Health Services shall
32 establish uniform statewide ~~reclamation~~ *recycling*
33 criteria for each varying type of use of ~~reclaimed~~ *recycled*
34 water where the use involves the protection of public
35 health.

36 SEC. 31. Section 13522 of the Water Code is amended
37 to read:

38 13522. (a) Whenever the State Department of
39 Health Services or any local health officer finds that a
40 contamination exists as a result of the use of ~~reclaimed~~



1 *recycled* water, the department or local health officer
2 shall order the contamination abated in accordance with
3 the procedure provided for in Chapter 6 (commencing
4 with Section 5400) of Part 3 of Division 5 of the Health and
5 Safety Code.

6 (b) The use of ~~reclaimed~~ *recycled* water in accordance
7 with the uniform statewide ~~reclamation~~ *recycling* criteria
8 established pursuant to Section 13521, for the purpose of
9 this section, does not cause, constitute, or contribute to,
10 any form of contamination, unless the department or the
11 regional board determines that contamination exists.

12 SEC. 32. Section 13522.5 of the Water Code is
13 amended to read:

14 13522.5. (a) Except as provided in subdivision (e),
15 any person ~~reclaiming~~ *recycling* or proposing to ~~reclaim~~
16 *recycle* water, or using or proposing to use ~~reclaimed~~
17 *recycled* water, within any region for any purpose for
18 which ~~reclamation~~ *recycling* criteria have been
19 established, shall file with the appropriate regional board
20 a report containing information required by the regional
21 board.

22 (b) Except as provided in subdivision (e), every
23 person ~~reclaiming~~ *recycling* water or using ~~reclaimed~~
24 *recycled* water shall file with the appropriate regional
25 board a report of any material change or proposed change
26 in the character of the ~~reclaimed~~ *recycled* water or its use.

27 (c) Each report under this section shall be sworn to, or
28 submitted under penalty of perjury.

29 (d) This section shall not be construed so as to require
30 any report in the case of any producing, manufacturing,
31 or processing operation involving the ~~reclamation~~
32 *recycling* of water solely for use in the producing,
33 manufacturing, or processing operation.

34 (e) Except upon the written request of the regional
35 board, a report is not required pursuant to this section
36 from any user of ~~reclaimed~~ *recycled* water which is being
37 supplied by a supplier or distributor for whom a master
38 ~~reclamation~~ *recycling* permit has been issued pursuant to
39 Section 13523.1.



1 SEC. 33. Section 13524 of the Water Code is amended
2 to read:

3 13524. No person shall ~~reclaim~~ *recycle* water or use
4 ~~reclaimed~~ *recycled* water for any purpose for which
5 ~~reclamation~~ *recycling* criteria have been established until
6 water ~~reclamation~~ *recycling* requirements have been
7 established pursuant to this article or a regional board
8 determines that no requirements are necessary.

9 SEC. 34. Section 13525 of the Water Code is amended
10 to read:

11 13525. Upon the refusal or failure of any person or
12 persons ~~reclaiming~~ *recycling* water or using ~~reclaimed~~
13 *recycled* water to comply with the provisions of this
14 article, the Attorney General, at the request of the
15 regional board, shall petition the superior court for the
16 issuance of a temporary restraining order, preliminary
17 injunction, or permanent injunction, or combination
18 thereof, as may be appropriate, prohibiting forthwith any
19 person or persons from violating or threatening to violate
20 the provisions of this article.

21 SEC. 35. Section 13525.5 of the Water Code is
22 amended to read:

23 13525.5. Any person ~~reclaiming~~ *recycling* water or
24 using ~~reclaimed~~ *recycled* water in violation of Section
25 13524, after such violation has been called to his attention
26 in writing by the regional board, is guilty of a
27 misdemeanor. Each day of such ~~reclaiming~~ *recycling* or
28 use shall constitute a separate offense.

29 SEC. 36. Section 13526 of the Water Code is amended
30 to read:

31 13526. Any person who, after such action has been
32 called to his attention in writing by the regional board,
33 uses ~~reclaimed~~ *recycled* water for any purpose for which
34 ~~reclamation~~ *recycling* criteria have been established
35 prior to the establishment of water ~~reclamation~~ *recycling*
36 requirements, is guilty of a misdemeanor.

37 SEC. 37. Section 13527 of the Water Code is amended
38 to read:

39 13527. (a) In administering any statewide program
40 of financial assistance for water pollution or water quality



1 control which may be delegated to it pursuant to Chapter
2 6 (commencing with Section 13400) of this division, the
3 state board shall give added consideration to water
4 quality control facilities providing optimum water
5 ~~reclamation~~ *recycling* and use of ~~reclaimed~~ *recycled*
6 water.

7 (b) Nothing in this chapter prevents the appropriate
8 regional board from establishing waste discharge
9 requirements if a discharge is involved.

10 SEC. 38. Section 13540 of the Water Code is amended
11 to read:

12 13540. No person shall construct, maintain or use any
13 waste well extending to or into a subterranean
14 water-bearing stratum that is used or intended to be used
15 as, or is suitable for, a source of water supply for domestic
16 purposes. Notwithstanding the foregoing, when a
17 regional board finds that water quality considerations do
18 not preclude controlled recharge of such stratum by
19 direct injection, and when the State Department of
20 Health Services, following a public hearing, finds the
21 proposed recharge will not impair the quality of water in
22 the receiving aquifer as a source of water supply for
23 domestic purposes, ~~reclaimed~~ *recycled* water may be
24 injected by a well into such stratum. The State
25 Department of Health Services may make and enforce
26 such regulations pertaining thereto as it deems proper.
27 Nothing in this section shall be construed to affect the
28 authority of the state board or regional boards to
29 prescribe and enforce requirements for such discharge.

30 SEC. 39. Section 13550 of the Water Code is amended
31 to read:

32 13550. (a) The Legislature hereby finds and declares
33 that the use of potable domestic water for nonpotable
34 uses, including, but not limited to, cemeteries, golf
35 courses, parks, highway landscaped areas, and industrial
36 and irrigation uses, is a waste or an unreasonable use of
37 the water within the meaning of Section 2 of Article X of
38 the California Constitution if ~~reclaimed~~ *recycled* water is
39 available which meets all of the following conditions, as
40 determined by the state board, after notice to any person



1 or entity who may be ordered to use ~~reclaimed~~ *recycled*
2 water or to cease using potable water and a hearing held
3 pursuant to Article 2 (commencing with Section 648) of
4 Chapter 1.5 of Division 3 of Title 23 of the California Code
5 of Regulations:

6 (1) The source of ~~reclaimed~~ *recycled* water is of
7 adequate quality for these uses and is available for these
8 uses. In determining adequate quality, the state board
9 shall consider all relevant factors, including, but not
10 limited to, food and employee safety, and level and types
11 of specific constituents in the ~~reclaimed~~ *recycled* water
12 affecting these uses, on a user-by-user basis. In addition,
13 the state board shall consider the effect of the use of
14 ~~reclaimed~~ *recycled* water in lieu of potable water on the
15 generation of hazardous waste and on the quality of
16 wastewater discharges subject to regional, state, or
17 federal permits.

18 (2) The ~~reclaimed~~ *recycled* water may be furnished
19 for these uses at a reasonable cost to the user. In
20 determining reasonable cost, the state board shall
21 consider all relevant factors, including, but not limited to,
22 the present and projected costs of supplying, delivering,
23 and treating potable domestic water for these uses and
24 the present and projected costs of supplying and
25 delivering ~~reclaimed~~ *recycled* water for these uses, and
26 shall find that the cost of supplying the treated ~~reclaimed~~
27 *recycled* water is comparable to, or less than, the cost of
28 supplying potable domestic water.

29 (3) After concurrence with the State Department of
30 Health Services, the use of ~~reclaimed~~ *recycled* water
31 from the proposed source will not be detrimental to
32 public health.

33 (4) The use of ~~reclaimed~~ *recycled* water for these uses
34 will not adversely affect downstream water rights, will
35 not degrade water quality, and is determined not to be
36 injurious to plantlife, fish, and wildlife.

37 (b) In making the determination pursuant to
38 subdivision (a), the state board shall consider the impact
39 of the cost and quality of the nonpotable water on each
40 individual user.



1 (c) The state board may require a public agency or
2 person subject to this article to furnish information which
3 the state board determines to be relevant to making the
4 determination required in subdivision (a).

5 SEC. 40. Section 13551 of the Water Code is amended
6 to read:

7 13551. A person or public agency, including a state
8 agency, city, county, city and county, district, or any other
9 political subdivision of the state, shall not use water from
10 any source of quality suitable for potable domestic use for
11 nonpotable uses, including cemeteries, golf courses,
12 parks, highway landscaped areas, and industrial and
13 irrigation uses if suitable—~~reclaimed~~ *recycled* water is
14 available as provided in Section 13550; however, any use
15 of ~~reclaimed~~ *recycled* water in lieu of water suitable for
16 potable domestic use shall, to the extent of the ~~reclaimed~~
17 *recycled* water so used, be deemed to constitute a
18 reasonable beneficial use of that water and the use of
19 ~~reclaimed~~ *recycled* water shall not cause any loss or
20 diminution of any existing water right.

21 SEC. 41. Section 13552.2 of the Water Code is
22 amended to read:

23 13552.2. (a) The Legislature hereby finds and
24 declares that the use of potable domestic water for the
25 irrigation of residential landscaping is a waste or an
26 unreasonable use of water within the meaning of Section
27 2 of Article X of the California Constitution if ~~reclaimed~~
28 *recycled* water, for this use, is available to the residents
29 and meets the requirements set forth in Section 13550, as
30 determined by the state board after notice and a hearing.

31 (b) The state board may require a public agency or
32 person subject to this section to submit information that
33 the state board determines may be relevant in making
34 the determination required in subdivision (a).

35 SEC. 42. Section 13552.4 of the Water Code is
36 amended to read:

37 13552.4. (a) Any public agency, including a state
38 agency, city, county, city and county, district, or any other
39 political subdivision of the state, may require the use of



1 ~~reclaimed~~ *recycled* water for irrigation of residential
2 landscaping, if all of the following requirements are met:

3 (1) ~~Reclaimed~~ *Recycled* water, for this use, is available
4 to the user and meets the requirements set forth in
5 Section 13550, as determined by the state board after
6 notice and a hearing.

7 (2) The use of ~~reclaimed~~ *recycled* water does not
8 cause any loss or diminution of any existing water right.

9 (3) The irrigation systems are constructed in
10 accordance with Chapter 3 (commencing with Section
11 60301) of Division 4 of Title 22 of the California Code
12 Regulations.

13 (b) This section applies to both of the following:

14 (1) New subdivisions for which the building permit is
15 issued on or after March 15, 1994, or, if a building permit
16 is not required, new structures for which construction
17 begins on or after March 15, 1994, for which the State
18 Department of Health Services has approved the use of
19 ~~reclaimed~~ *recycled* water.

20 (2) Any residence that is retrofitted to permit the use
21 of ~~reclaimed~~ *recycled* water for landscape irrigation and
22 for which the State Department of Health Services has
23 approved the use of ~~reclaimed~~ *recycled* water.

24 (c) (1) Division 13 (commencing with Section 21000)
25 of the Public Resources Code does not apply to any
26 project which only involves the repiping, redesign, or use
27 of ~~reclaimed~~ *recycled* water for irrigation of residential
28 landscaping necessary to comply with a requirement
29 prescribed by a public agency under subdivision (a).

30 (2) The exemption in paragraph (1) does not apply to
31 any project to develop ~~reclaimed~~ *recycled* water, to
32 construct conveyance facilities for—~~reclaimed~~ *recycled*
33 water, or any other project not specified in this
34 subdivision.

35 SEC. 43. Section 13552.6 of the Water Code is
36 amended to read:

37 13552.6. (a) The Legislature hereby finds and
38 declares that the use of potable domestic water for floor
39 trap priming, cooling towers, and air-conditioning
40 devices is a waste or an unreasonable use of water within



1 the meaning of Section 2 of Article X of the California
2 Constitution if ~~reclaimed~~ *recycled* water, for these uses,
3 is available to the user, and the water meets the
4 requirements set forth in Section 13550, as determined by
5 the state board after notice and a hearing.

6 (b) The state board may require a public agency or
7 person subject to this section to submit information that
8 the state board determines may be relevant in making
9 the determination required in subdivision (a).

10 SEC. 44. Section 13552.8 of the Water Code is
11 amended to read:

12 13552.8. (a) Any public agency, including a state
13 agency, city, county, city and county, district, or any other
14 political subdivision of the state, may require the use of
15 ~~reclaimed~~ *recycled* water in floor trap priming, cooling
16 towers, and air-conditioning devices, if all of the following
17 requirements are met:

18 (1) ~~Reclaimed~~ *Recycled* water, for these uses, is
19 available to the user and meets the requirements set forth
20 in Section 13550, as determined by the state board after
21 notice and a hearing.

22 (2) The use of ~~reclaimed~~ *recycled* water does not
23 cause any loss or diminution of any existing water right.

24 (3) If public exposure to aerosols, mist, or spray may
25 occur, appropriate mist mitigation or mist control is
26 provided, such as the use of mist arrestors or the addition
27 of biocides to the water in accordance with criteria
28 established pursuant to Section 13521.

29 (4) The person intending to use ~~reclaimed~~ *recycled*
30 water has prepared an engineering report pursuant to
31 Section 60323 of Title 22 of the California Code of
32 Regulations that includes plumbing design,
33 cross-connection control, and monitoring requirements
34 for the public agency, which are in compliance with
35 criteria established pursuant to Section 13521.

36 (b) This section applies to both of the following:

37 (1) New industrial facilities and subdivisions for which
38 the building permit is issued on or after March 15, 1994,
39 or, if a building permit is not required, new structures for
40 which construction begins on or after March 15, 1994, for



1 which the State Department of Health Services has
2 approved the use of ~~reclaimed~~ *recycled* water.

3 (2) Any structure that is retrofitted to permit the use
4 of ~~reclaimed~~ *recycled* water for floor traps, cooling
5 towers, or air-conditioning devices, for which the State
6 Department of Health Services has approved the use of
7 ~~reclaimed~~ *recycled* water.

8 (c) (1) Division 13 (commencing with Section 21000)
9 of the Public Resources Code does not apply to any
10 project which only involves the repiping, redesign, or use
11 of ~~reclaimed~~ *recycled* water for floor trap priming,
12 cooling towers, or air-conditioning devices necessary to
13 comply with a requirement prescribed by a public
14 agency under subdivision (a).

15 (2) The exemption in paragraph (1) does not apply to
16 any project to develop ~~reclaimed~~ *recycled* water, to
17 construct conveyance facilities for ~~reclaimed~~ *recycled*
18 water, or any other project not specified in this
19 subdivision.

20 SEC. 45. Section 13553 of the Water Code is amended
21 to read:

22 13553. (a) The Legislature hereby finds and declares
23 that the use of potable domestic water for toilet and urinal
24 flushing in nonresidential structures and those structures
25 defined in Group I-3 in Table No. 5-A of the Uniform
26 Building Code is a waste or an unreasonable use of water
27 within the meaning of Section 2 of Article X of the
28 California Constitution if ~~reclaimed~~ *recycled* water, for
29 these uses, is available to the user and meets the
30 requirements set forth in Section 13550, as determined by
31 the state board after notice and a hearing.

32 (b) The state board may require a public agency or
33 person subject to this section to furnish whatever
34 information may be relevant to making the
35 determination required in subdivision (a).

36 SEC. 46. Section 13554 of the Water Code is amended
37 to read:

38 13554. (a) Any public agency, including a state
39 agency, city, county, city and county, district, or any other
40 political subdivision of the state, may require the use of



1 ~~reclaimed~~ *recycled* water for toilet and urinal flushing in
2 nonresidential structures and those structures defined in
3 Group I-3 in Table No. 5-A of the Uniform Building Code,
4 except a mental hospital or other facility operated by a
5 public agency for the treatment of persons with mental
6 disorders, if all of the following requirements are met:

7 (1) ~~Reclaimed~~ *Recycled* water, for these uses, is
8 available to the user and meets the requirements set forth
9 in Section 13550, as determined by the state board after
10 notice and a hearing.

11 (2) The use of ~~reclaimed~~ *recycled* water does not
12 cause any loss or diminution of any existing water right.

13 (3) The public agency has prepared an engineering
14 report pursuant to Section 60323 of Title 22 of the
15 California Code of Regulations that includes plumbing
16 design, cross-connection control, and monitoring
17 requirements for the use site, which are in compliance
18 with criteria established pursuant to Section 13521.

19 (b) This section applies only to either of the following:

20 (1) New structures for which the building permit is
21 issued on or after March 15, 1992, or, if a building permit
22 is not required, new structures for which construction
23 begins on or after March 15, 1992.

24 (2) Any construction pursuant to subdivision (a) for
25 which the State Department of Health Services has, prior
26 to January 1, 1992, approved the use of ~~reclaimed~~ *recycled*
27 water.

28 (c) Division 13 (commencing with Section 21000) of
29 the Public Resources Code does not apply to any project
30 which only involves the repiping, redesign, or use of
31 ~~reclaimed~~ *recycled* water by a nonresidential structure
32 necessary to comply with a requirement issued by a
33 public agency under subdivision (a). This exemption
34 does not apply to any project to develop ~~reclaimed~~
35 *recycled* water, to construct conveyance facilities for
36 ~~reclaimed~~ *recycled* water, or any other project not
37 specified in this subdivision.

38 SEC. 47. Section 13555.2 of the Water Code is
39 amended to read:



1 13555.2. The Legislature hereby finds and declares
2 that many local agencies deliver ~~reclaimed~~ *recycled*
3 water for nonpotable uses and that the use of ~~reclaimed~~
4 *recycled* water is an effective means of meeting the
5 demands for new water caused by drought conditions or
6 population increases in the state. It is the intent of the
7 Legislature to encourage the design and construction of
8 water delivery systems on private property that deliver
9 water for both potable and nonpotable uses in separate
10 pipelines.

11 SEC. 48. Section 13555.3 of the Water Code is
12 amended to read:

13 13555.3. (a) Water delivery systems on private
14 property that could deliver ~~reclaimed~~ *recycled* water for
15 nonpotable uses described in Section 13550, that are
16 constructed on and after January 1, 1993, shall be
17 designed to ensure that the water to be used for only
18 potable domestic uses is delivered, from the point of entry
19 to the private property to be served, in a separate
20 pipeline which is not used to deliver the ~~reclaimed~~
21 *recycled* water.

22 (b) This section applies to water delivery systems on
23 private property constructed within either of the
24 following jurisdictions:

25 (1) One that has an urban water management plan
26 that includes the intent to develop ~~reclaimed~~ *recycled*
27 water use.

28 (2) One that does not have an urban water
29 management plan that includes—~~reclaimed~~ *recycled*
30 water use, but that is within five miles of a jurisdiction that
31 does have an urban water management plan that includes
32 ~~reclaimed~~ *recycled* water use, and has indicated a
33 willingness to serve the water delivery system.

34 (c) This section does not preempt local regulation of
35 the delivery of water for potable and nonpotable uses and
36 any local governing body may adopt requirements which
37 are more restrictive than the requirements of this section.

38 SEC. 49. Section 13556 of the Water Code is amended
39 to read:



1 13556. In addition to any other authority provided in
2 law, any water supplier described in subdivision (b) of
3 Section 1745 may acquire, store, provide, sell, and deliver
4 ~~reclaimed~~ *recycled* water for any beneficial use,
5 including, but not limited to, municipal, industrial,
6 domestic, and irrigation uses, if the water use is in
7 accordance with statewide ~~reclamation~~ *recycling* criteria
8 and regulations established pursuant to this chapter.

9 SEC. 50. Section 13605 of the Water Code is amended
10 to read:

11 13605. For the purpose of reviewing applications for
12 grants made pursuant to authority granted in Section
13 13600, the state board shall give added consideration to
14 applicants having facilities providing optimum water
15 ~~reclamation~~ *recycling* and use of ~~reclaimed~~ *recycled*
16 water.

17 SEC. 51. Section 31144.71 of the Water Code is
18 amended to read:

19 31144.71. (a) For the common benefit of the district
20 and for the purpose of managing the groundwater basin
21 and managing, replenishing, regulating, and protecting
22 the groundwater supplies within the district, the Malaga
23 County Water District may exercise any of the following
24 powers:

25 (1) Provide for the conjunctive use of groundwater
26 and surface water resources within the district.

27 (2) Store water in underground water basins or
28 reservoirs within or outside of the district.

29 (3) Exchange water.

30 (4) Distribute water to persons in exchange for
31 ceasing or reducing groundwater extractions.

32 (5) Transport, ~~reclaim~~ *recycle*, purify, treat, inject,
33 extract, or otherwise manage and control water for the
34 beneficial use of persons or property within the district
35 and to improve and protect the quality of groundwater
36 supplies within the district.

37 (b) The district may, pursuant to Sections 31020 and
38 31021, enter into an agreement or agreements with other
39 public agencies for the purpose of participating in
40 basinwide groundwater management activities.



1 SEC. 52. Section 31145 of the Water Code is amended
2 to read:

3 31145. In addition to the other powers provided by
4 law, the Stinson Beach County Water District, Marin
5 County, shall have all of the following powers and shall
6 promptly and effectively exercise such powers as may be
7 appropriate for improving water quality and supply,
8 reducing use of water, and preventing nuisance,
9 pollution, waste, and contamination of water:

10 (a) To carry on technical and other investigations,
11 examinations, or tests, of all kinds, make measurements,
12 collect data, and make analyses, studies, and inspections
13 pertaining to the water supply, use of water, water
14 quality, nuisance, pollution, waste, and contamination of
15 water, both within and without the district, including, but
16 not limited to, such activities related to use of public,
17 combined, or private septic and septic tank disposal
18 systems.

19 (b) To regulate, prohibit, or control the discharge of
20 pollutants, waste, or any other materials into the ground
21 or surface waters of the district or the contiguous
22 seashores of the district by requiring dischargers to obtain
23 a permit from the district prior to any such discharge and
24 by prohibiting the discharge of pollutants, sewage, septic
25 drainage, or any other material which does or may cause
26 a nuisance into the ground or surface waters of the district
27 or the contiguous seashores of the district without a
28 permit having first been obtained from the district; to
29 charge fees for the issuance and periodic renewal of such
30 permits in such amount as will defray all or a portion of
31 the costs of exercising the powers provided in this article;
32 to require all permittees to indemnify the district from
33 any and all damages, penalties, or other expenses imposed
34 on or required of the district by federal, state, regional, or
35 local agencies due to any discharge by such permittees
36 into ground or surface waters of the district or the
37 contiguous seashores of the district; to require as a
38 condition of obtaining discharge permits from the district
39 that all such dischargers also obtain state and federal



1 waste discharge permits and any other permits required
2 by federal, state, regional, or local law.

3 (c) To adopt and enforce regulations within the
4 incorporated and unincorporated areas of the district,
5 after holding a public hearing on reasonable notice
6 thereof, to control and enhance the quality of the ground
7 and surface waters of the district, to eliminate the
8 pollution, waste, and contamination of water flowing into,
9 through, or originating within water courses and
10 impoundments, both natural and artificial, within the
11 district, to prevent contamination, nuisance, pollution, or
12 otherwise rendering unfit for beneficial use the surface or
13 ground water used or useful in the district, and to expend
14 such amounts as are necessary to exercise such powers
15 from the funds of the district.

16 (d) To increase, to improve the quality of, and to
17 prevent the waste or diminution of the water supply in,
18 or unlawful exportation of water from, the district; to
19 obtain, retain, conserve, treat by physical, chemical, or
20 biological processes, or otherwise ~~reclaim~~ *recycle*
21 sanitary, sewage, drainage, storm, flood, and other water
22 for beneficial use within the district or for storage,
23 discharge, or disposal in accordance with legally
24 established water quality specifications; and, whenever
25 the board of directors shall find it to be in the best
26 interests of the district so to do, to sell such water for
27 agricultural, domestic, or other beneficial purposes
28 within or without the district upon such terms and
29 conditions as may be prescribed by the board.

30 SEC. 53. Section 31630.5 of the Water Code is
31 amended to read:

32 31630.5. As used in this chapter:

33 (a) “Annual” or “year” means a calendar year unless
34 the context indicates a contrary meaning.

35 (b) “District” means the Coachella Valley Water
36 District.

37 (c) “Fiscal year” means the period of July 1 through
38 June 30, inclusive.

39 (d) “Production” or “produce” means the extraction
40 of groundwater by pumping or any other method within



1 the boundaries of the district or the diversion within the
2 district of surface supplies which naturally replenish the
3 groundwater supplies within the district and are used
4 therein.

5 (e) “Producer” means any individual, partnership,
6 association or group of individuals, lessee, firm, private
7 corporation, or any public agency or public corporation,
8 including, but not limited to, the Coachella Valley Water
9 District.

10 (f) “Minimal pumper” means any producer who
11 produces 25 or fewer acre-feet in any year.

12 (g) “Replenishment” and “replenishing” include
13 incentive programs encouraging producers to use
14 ~~reclaimed~~ *recycled* water supplied by the district, or
15 Colorado River water from the district’s Coachella
16 Branch Canal, for irrigation or other purposes, instead of
17 groundwater.

18 (h) “Supplemental water” means water from the
19 State Water Resources Development System, or from the
20 Colorado River Aqueduct of the Metropolitan Water
21 District of Southern California, or from any other source
22 which is not part of the natural replenishment of the
23 groundwater supplies within the district, including
24 ~~reclaimed~~ *recycled* water.

25 SEC. 54. Section 31631 of the Water Code is amended
26 to read:

27 31631. By May 1 of each year the board shall have
28 prepared and presented to it an engineering survey and
29 report concerning the groundwater supplies within the
30 district. The report shall include the condition of the
31 groundwater supplies, the need for replenishment, and
32 recommendations for any replenishment program,
33 including the source and amount of replenishment water,
34 the cost of purchasing or producing, transporting, and
35 spreading this water, and the cost of “in lieu” programs,
36 including incentives to use Colorado River water or
37 ~~reclaimed~~ *recycled* water in place of groundwater. In
38 connection with any proposed replenishment program,
39 the report shall also describe the area or areas benefited,
40 either directly or indirectly, the amount of water



1 production produced in each area during the prior year,
2 and shall recommend the amount of assessment to be
3 levied upon all production within the benefited area or
4 areas.

5 SEC. 55. Section 31633 of the Water Code is amended
6 to read:

7 31633. The amount of any replenishment assessment
8 levied within an area of benefit shall be established at the
9 discretion of the board, except that no assessment shall
10 exceed the sum of the following costs and charges:

11 (a) Those charges imposed under the contract
12 between the district and the state for an imported water
13 supply from the State Water Resources Development
14 System consisting of all of the following:

15 (1) The variable operation, maintenance, power, and
16 replacement component of the transportation charge.

17 (2) The off-aqueduct power facilities component of
18 the transportation charge.

19 (3) The delta water charge.

20 (4) Any surplus water or unscheduled water charge.

21 (5) Sums paid by the district to the Desert Water
22 Agency for payment of similar charges under a similar
23 contract the agency has with the state as provided in the
24 water management agreement of July 1, 1976, as
25 amended.

26 (b) The cost of importing and recharging water from
27 sources other than the State Water Resources
28 Development System.

29 (c) The cost of treatment and distribution of
30 ~~reclaimed~~ *recycled* water for recharge or for direct use in
31 lieu of groundwater.

32 (d) The cost of programs providing incentives to use
33 ~~reclaimed~~ *recycled* water or Colorado River water in
34 place of groundwater.

35 SEC. 56. Section 60221 of the Water Code is amended
36 to read:

37 60221. Without being limited to the following
38 enumerations, a district may, among other things but only
39 for the purposes of replenishing the ~~ground—water~~
40 *groundwater* supplies within the district:



- 1 (a) Buy and sell water;
2 (b) Exchange water;
3 (c) Distribute water to persons in exchange for
4 ceasing or reducing ground water extractions;
5 (d) Spread, sink and inject water into the
6 underground;
7 (e) Store, transport, recapture, ~~reclaim~~ *recycle*,
8 purify, treat or otherwise manage and control water for
9 the beneficial use of persons or property within the
10 district.
11 (f) Build the necessary works to achieve ground water
12 replenishment.

13 SEC. 57. Section 71610 of the Water Code is amended
14 to read:

15 71610. A district may acquire, control, distribute,
16 store, spread, sink, treat, purify, ~~reclaim~~ *recycle*,
17 recapture, and salvage any water, including sewage and
18 storm waters, for the beneficial use or uses of the district,
19 its inhabitants, or the owners of rights to water in the
20 district.

21 SEC. 58. Section 72303 of the Water Code is amended
22 to read:

23 72303. Any district whose territory, or any portion
24 thereof, is included within a metropolitan water district,
25 shall be entitled, without penalty or sanction from the
26 metropolitan water district, to purchase or acquire water
27 to serve any territory within the district, whether or not
28 such territory is within the metropolitan water district,
29 from the following specified sources without such water
30 being deemed an acquisition or purchase of water from
31 the State Water Resources development system:

32 (a) ~~Reclaimed~~ *Recycled* water, as defined in Section
33 13050, regardless of the source of such water prior to its
34 use and ~~reclamation~~ *recycling*.

35 (b) Water produced incidentally to the exercise of
36 bona fide property rights to divert or pump local waters,
37 regardless of the origin of such waters.

38 SEC. 59. Section 74593 of the Water Code is amended
39 to read:



1 74593. A district, whenever the board deems it to be
2 to the advantage of the district so to do, may:

3 (a) Enter into contracts with municipalities, sanitary
4 districts or other incorporated bodies, either within or
5 without the district, providing for the delivery to the
6 district of sewage or storm water produced by or coming
7 from such municipalities, sanitary districts, or other
8 incorporated bodies.

9 (b) Treat, purify, and ~~reclaim~~ *recycle* such water for
10 beneficial use.

11 (c) Store, distribute, sell, or otherwise dispose of the
12 water and byproducts resulting from such treatment,
13 purification, or ~~reclamation~~ *recycling*.

14 The district may construct and operate the works
15 necessary for such purposes, and may acquire or
16 construct and may maintain pipelines, flumes, ditches,
17 and reservoirs suitable or adaptable for the prevention of
18 the wastage of water.

19 Whenever the district receives a revenue from the sale
20 of water and byproducts in excess of the cost of operating
21 and maintaining the works authorized in this section, it
22 may, for the purpose of enlarging, extending, or
23 improving such works, issue its certificates of
24 indebtedness payable out of such excess revenues, and
25 pledge the same for the payment of the indebtedness so
26 created.

