

AMENDED IN ASSEMBLY APRIL 26, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1247**

**Introduced by Assembly Member Setencich**

February 23, 1995

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An act to amend Section 1421 of, *and to add Section 89 to*, the Fish and Game Code, to amend Sections 25703 and 65597; ~~of~~ *and to add Section 26 to*, the Government Code, to amend Sections 4049.54, 5415, 6512, 6520.9, 6952, and 44535 of, *and to add Section 27 to*, the Health and Safety Code, to amend Section 455.1 of, *and to add Section 20.5 to*, the Public Utilities Code, to amend Section 92.3 of, *and to add Section 36 to*, 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, *and to add Section 26 to*, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1247, as amended, Setencich. Recycled water.

Existing law includes *prescribed* 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.

*The Porter-Cologne Water Quality Control Act defines “reclaimed water” or “recycled water” to mean water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.*

This bill would substitute the term “recycled water” for “reclaimed water” and the term “recycling” for “reclamation” in those ~~codes~~ provisions, and would make that definition applicable to those terms as used in the above 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 89 is added to the Fish and Game  
2 Code, to read:

3 89. For the purposes of this code, “recycled water” or  
4 “reclaimed water” has the same meaning as recycled  
5 water as defined in subdivision (n) of Section 13050 of the  
6 Water Code.

7 SEC. 1.5. Section 1421 of the Fish and Game Code is  
8 amended to read:

9 1421. When creating new wetlands, the board shall  
10 give preference to lands most suitable for this purpose  
11 due to elevations, existence of levees, proximity to  
12 existing wetlands that are protected, and potential  
13 sources of water. These potential sources of water are  
14 limited to all of the following:

15 (a) Water rights which are attached to the land to be  
16 restored including groundwater associated with the  
17 property.

18 (b) Water willingly made available for a wetlands  
19 conservation project through water conservation.

20 (c) Recycled water.

21 (d) Undeveloped water supplies of the state.

22 (e) Water marketed for wetlands purposes by a willing  
23 seller.



1 (f) Water otherwise made available for wetlands  
2 purposes by private, nonprofit, local, and regional  
3 entities.

4 *SEC. 1.7. Section 26 is added to the Government  
5 Code, to read:*

6 *26. For the purposes of this code, “recycled water” or  
7 “reclaimed water” has the same meaning as recycled  
8 water as defined in subdivision (n) of Section 13050 of the  
9 Water Code.*

10 SEC. 2. Section 25703 of the Government Code is  
11 amended to read:

12 25703. The board of supervisors may dispose of  
13 recycled water and any byproducts of that recycling,  
14 pursuant to this article, in any one or more of the  
15 following ways:

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

17 (b) Sale to any water district, water conservation  
18 district, flood control district, or any other district of  
19 which the board of supervisors is ex officio the governing  
20 body.

21 (c) Replenishment of the underground water supplies  
22 anywhere within the county.

23 (d) Sale to any city or, with the consent of the city  
24 legislative body expressed by ordinance, to the  
25 inhabitants thereof.

26 SEC. 3. Section 65597 of the Government Code is  
27 amended to read:

28 65597. The proposed model ordinance shall contain,  
29 but not be limited to, the following:

30 (a) Provisions for water conservation through the  
31 appropriate use and groupings of plants that are well  
32 adapted to particular sites and to particular climatic,  
33 geological, or topographical conditions. The model  
34 ordinance shall not prohibit or require specific plant  
35 species, but it may include conditions for the use of plant  
36 species. However, the model shall not include conditions  
37 which have the effect of prohibiting or requiring specific  
38 plant species.

39 (b) Provisions for the use of automatic irrigation  
40 systems and seasonal irrigation schedules, incorporating



1 water conservation design and utilizing methods  
2 appropriate for specific terrains, soil types, wind  
3 conditions, temperatures, and other environmental  
4 factors, in order to ensure a high degree of water  
5 efficiency.

6 (c) Provisions for grading and drainage to promote  
7 healthy plant growth and to prevent excessive erosion  
8 and runoff, and the use of mulches in shrub areas, garden  
9 beds, and landscaped areas where appropriate.

10 (d) Provisions for the use of recycled water supplied  
11 through dual distribution systems, if feasible and cost  
12 effective, and subject to appropriate health standards.

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

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

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

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

21 (i) Provisions for landscape maintenance practices  
22 which foster long-term landscape water conservation.  
23 Landscape maintenance practices may include, but are  
24 not limited to, performing routine irrigation system  
25 repair and adjustments, scheduling irrigation based on  
26 CIMIS (California Irrigation Management Information  
27 System), conducting water audits, and prescribing the  
28 amount of water applied per landscaped acre.

29 *SEC. 3.5. Section 27 is added to the Health and Safety*  
30 *Code, to read:*

31 *27. For the purposes of this code, 'recycled water or*  
32 *'reclaimed water' has the same meaning as recycled*  
33 *water as defined in subdivision (n) of Section 13050 of the*  
34 *Water Code.*

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

37 4049.54. (a) All pipes installed above or below the  
38 ground, on and after June 1, 1993, that are designed to  
39 carry recycled water, shall be colored purple or  
40 distinctively wrapped with purple tape.



1 (b) Subdivision (a) shall apply only in areas served by  
2 a water supplier delivering water for municipal and  
3 industrial purposes, and in no event shall apply to any of  
4 the following:

5 (1) Municipal or industrial facilities that have  
6 established a labeling or marking system for recycled  
7 water on their premises, as otherwise required by a local  
8 agency, that clearly distinguishes recycled water from  
9 potable water.

10 (2) Water delivered for agricultural use.

11 (c) For purposes of this section, “recycled water” has  
12 the same meaning as defined in subdivision (n) of Section  
13 13050 of the Water Code.

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

16 5415. No provision in this chapter is a limitation on  
17 any of the following:

18 (a) The authority of a city or county to adopt and  
19 enforce additional regulations not in conflict with this  
20 chapter imposing additional conditions, restrictions, or  
21 limitations relating to the disposal of sewage or other  
22 waste.

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

25 (c) The authority of a state agency in the enforcement  
26 or administration of any provision of law which it is  
27 specifically permitted or required to enforce or  
28 administer.

29 (d) The right of any person to maintain at any time any  
30 appropriate action for relief against any private nuisance  
31 as defined in the Civil Code or for relief against any  
32 contamination or pollution.

33 (e) The authority of a city or county to adopt and  
34 enforce regulations relating to the use of recycled water  
35 in accordance with Chapter 7 (commencing with Section  
36 13500) of Division 7 of the Water Code.

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

39 6512. (a) A district may acquire, plan, construct,  
40 reconstruct, alter, enlarge, lay, renew, replace, maintain,



1 and operate garbage dump sites and garbage collection  
 2 and disposal systems, sewers, drains, septic tanks, and  
 3 sewerage collection, outfall, treatment works and other  
 4 sanitary disposal systems, and storm water drains and  
 5 storm water collection, outfall and disposal systems, and  
 6 water recycling and distribution systems, as the board  
 7 deems necessary and proper, and in the performance of  
 8 these functions, either in or out of the district, it may join  
 9 through joint powers agreements pursuant to the  
 10 provisions of Chapter 5 (commencing with Section 6500)  
 11 of Division 7 of Title 1 of the Government Code, or  
 12 through other means with any county or municipality or  
 13 any other district or governmental agency.

14 (b) Before any garbage dump is established, the  
 15 location shall first be approved by the county health  
 16 officer, and, in addition, if the location is within two miles  
 17 of any city the consent of the governing body of the city  
 18 shall first be secured.

19 (c) If the district includes any part of a city, water  
 20 district, or other local agency which provides water  
 21 service to any territory in the district, the district shall not  
 22 supply water service to the territory unless the district  
 23 first obtains the consent of the city, water district, or other  
 24 local agency. The consent shall not be revoked, if  
 25 revocation will result in a decrease of the revenues  
 26 available to pay the outstanding bonds of the district.

27 (d) The Department of Water Resources may assist  
 28 sanitary districts in applying for, and in obtaining  
 29 approval of, federal and state funding and permits for  
 30 cost-effective water recycling projects and shall confer  
 31 and cooperate with the legislative body of the district  
 32 during the application and approval process.

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

35 6520.9. It may construct, maintain, and operate such  
 36 pipelines or other works as may be necessary to conserve  
 37 and put to beneficial use any water or recycled effluent  
 38 recovered from the operation of the ~~sewerage~~  
 39 *wastewater* system, plant, or works, by sale or disposition  
 40 for agricultural or industrial purposes, or by discharging



1 or spreading the water or recycled effluent in such a  
2 manner as to percolate into the underground gravels and  
3 replenish the natural water resources.

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

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

9 6952. "On-site wastewater disposal system" means  
10 any of several works, facilities, devices, or other  
11 mechanisms used to collect, treat, recycle, or dispose of  
12 ~~waste—water~~ *wastewater* without the use of  
13 community-wide sanitary sewers or sewage systems.

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

16 44535. The authority may separately approve  
17 financing for projects the purpose of which is to prevent  
18 or reduce environmental pollution resulting from the  
19 disposal of solid or liquid waste.

20 The following projects shall be considered for  
21 financing:

22 (a) Projects utilizing recognized resource recovery or  
23 energy conversion processes.

24 (b) Projects utilizing new technologies or processes  
25 for resource recovery or energy conversion.

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

28 (d) Recycled water facilities.

29 (e) Water main replacements.

30 (f) Water filtration facilities.

31 (g) Other projects for the reduction of environmental  
32 pollution resulting from the disposal of solid or liquid  
33 waste.

34 Those projects may include elements which provide for  
35 new refuse removal vehicles, transfer stations, resource  
36 recovery or energy conversion plants, source separation,  
37 or any solid or liquid waste disposal facilities involved in  
38 resource recovery systems. "Solid or liquid waste disposal  
39 facilities" means any property, or portion thereof, used  
40 for the collection, storage, treatment, utilization,



1 processing, or final disposal of solid or liquid waste in  
2 resource recovery systems.

3 *SEC. 9.5. Section 20.5 is added to the Public Utilities*  
4 *Code, to read:*

5 *20.5. For the purposes of this code, “recycled water”*  
6 *or “reclaimed water” has the same meaning as recycled*  
7 *water as defined in subdivision (n) of Section 13050 of the*  
8 *Water Code.*

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

11 455.1. Whenever a water corporation files with the  
12 commission, pursuant to an advice letter submitted in  
13 accordance with commission procedures for this means of  
14 submission, a schedule stating rates, classifications,  
15 contracts, practices, or rules for the service of recycled  
16 water, the policies and standards for which are provided  
17 for in Article 7 (commencing with Section 13550) of  
18 Chapter 7 of Division 7 of the Water Code, the  
19 commission shall observe the following procedures:

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

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

34 (c) If, upon its own initiative, the commission, acting  
35 through the staff organization with responsibility for  
36 reviewing advice letter filings, determines that the  
37 schedule filed by a water corporation for the service of  
38 recycled water is not justified, it shall notify the water  
39 corporation of the determination in writing within 40  
40 days from the time of filing of the schedule and shall state



1 in the notice all changes or amendments to the schedule  
 2 that are required to make it just and reasonable. Upon the  
 3 refiling by the water corporation within 10 days of the  
 4 receipt of the notice of a revised schedule incorporating  
 5 all changes and amendments specified by the  
 6 commission, the revised schedule shall become effective  
 7 on an interim basis subject to refund upon the expiration  
 8 of five days from the time of the refiling thereof, and shall  
 9 become final upon formal commission action approving  
 10 the schedule, as revised.

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

19 (e) The provisions of subdivision (d) of Section 311  
 20 shall govern the timing of actions by the commission after  
 21 the close of the record in any proceeding pursuant to  
 22 subdivision (d).

23 *SEC. 10.5. Section 36 is added to the Streets and*  
 24 *Highways Codes, to read:*

25 *36. For the purposes of this code, 'recycled water' or*  
 26 *'reclaimed water' has the same meaning as recycled*  
 27 *water as defined in subdivision (n) of Section 13050 of the*  
 28 *Water Code.*

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

31 92.3. (a) The department shall do both of the  
 32 following:

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

37 (2) Eliminate any dependency on imported water for  
 38 landscaping as soon as practicable.

39 (b) The department shall require the use of recycled  
 40 water for the irrigation of freeway landscaping when it



1 finds and determines that all of the following conditions  
2 exist:

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

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

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

10 (4) The recycled water is supplied by a local public  
11 agency or water public utility able to contract for delivery  
12 of water and the installation, maintenance, and repair of  
13 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 recycled water supply, together  
26 with a statement explaining which water source was  
27 selected for irrigation purposes, and the reasons why that  
28 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 recycled water in freeway  
33 rights-of-way for use by the local public agencies and  
34 water public utilities to transmit recycled water to others,  
35 when to do so will promote a beneficial use of recycled  
36 water and that transmission does not unreasonably  
37 interfere with use of the freeway or unreasonably  
38 increase any hazard to vehicles on the freeway, subject to  
39 paragraphs (1) to (5), inclusive, of subdivision (b) and  
40 the following additional requirements:



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

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

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

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

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

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

32 (7) The department has first priority with respect to  
33 the recycled water supply contracted for by the  
34 department.

35 (8) The local public agency or water public utility  
36 installs an automatic control system which will allow the  
37 water transmission system to be shut down in case of an  
38 emergency. The department shall have access to all parts  
39 of the transmission system for purposes of the agreement.



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

4 (10) The plans and specifications for the recycled  
5 water transmission facilities have been approved by the  
6 department prior to construction.

7 (e) As used in this section:

8 (1) “Local public agency” means any local public  
9 agency which transmits or supplies recycled water to  
10 others.

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

14 *SEC. 11.5. Section 26 is added to the Water Code, to*  
15 *read:*

16 *26. For the purposes of this code, “recycled water” or*  
17 *“reclaimed water” has the same meaning as recycled*  
18 *water as defined in subdivision (n) of Section 13050.*

19 *SEC. 12. Section 1010 of the Water Code is amended*  
20 *to read:*

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

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



1 (3) The use of recycled, desalinated, or polluted water  
2 constitutes good cause under Section 1398 to extend the  
3 period specified in a permit for application of  
4 appropriated water to beneficial use to the extent and in  
5 the amount that recycled, desalinated, or polluted water  
6 is used. The extension by the board shall be granted upon  
7 the same terms as are set forth in the user's permit, and  
8 for a period sufficient to enable the permittee to perfect  
9 his appropriation, while continuing to use recycled,  
10 desalinated, or polluted water.

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

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

25 (6) For purposes of this section, the term "recycled  
26 water" has the same meaning as in Division 7  
27 (commencing with Section 13000).

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

37 SEC. 13. Section 10631 of the Water Code is amended  
38 to read:

39 10631. A plan shall be adopted in accordance with this  
40 chapter and shall do all of the following:



- 1 (a) Include an estimate of past, current, and projected  
2 potable and recycled water use and, to the extent records  
3 are available, segregate those uses between residential,  
4 industrial, commercial, and governmental uses.
- 5 (b) (1) Identify conservation and recycling measures  
6 currently adopted and being practiced.
- 7 (2) Urban water suppliers that are members of the  
8 California Urban Water Conservation Council and  
9 submit annual reports to that council in accordance with  
10 the “Memorandum of Understanding Regarding Urban  
11 Water Conservation in California,” dated September  
12 1991, may submit the annual reports for the purposes of  
13 identifying conservation measures as required by  
14 paragraph (1).
- 15 (c) Describe alternative conservation measures,  
16 including, but not limited to, consumer education,  
17 metering, water saving fixtures and appliances, pool  
18 covers, lawn and garden irrigation techniques, and low  
19 water use landscaping, that would improve the efficiency  
20 of water use with an evaluation of their costs and their  
21 environmental and other significant impacts.
- 22 (d) Provide a schedule of implementation for  
23 proposed actions as indicated by the plan.
- 24 (e) Provide an urban water shortage contingency plan  
25 that includes all of the following elements that are within  
26 the authority of the urban water supplier:
- 27 (1) Past, current, and projected water use and, to the  
28 extent records are available, a breakdown of those uses on  
29 the basis of single-family residential, multifamily  
30 residential, commercial, industrial, governmental, and  
31 agricultural use.
- 32 (2) An estimate of the minimum water supply  
33 available at the end of 12, 24, and 36 months, assuming the  
34 worst case water supply shortages.
- 35 (3) Stages of action to be undertaken by the urban  
36 water supplier in response to water supply shortages,  
37 including up to a 50 percent reduction in water supply,  
38 and an outline of specific water supply conditions that are  
39 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 recycled water delivered to and by the  
25 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 recycling programs, including treatment  
34 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 recycling, their resulting detriments and benefits,  
5 and the impacts on amounts of downstream surface water  
6 supply and immediately adjacent groundwater supply.

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

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

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

24 11960. Any water supplier or user of water in the state  
25 that has an existing right which permits the supplier or  
26 user to sell water may enter into a contract under this  
27 chapter to finance the conservation or recycling of water  
28 and to sell the conserved or recycled water to another  
29 water supplier or water user.

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

32 11963. Any contract entered into pursuant to this  
33 chapter for the transfer or sale of conserved or recycled  
34 water may provide for the recall of water and may  
35 include terms for that recall. Any recall provisions shall  
36 include a notice period of not less than five years unless  
37 otherwise agreed by the parties.

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

40 13050. As used in this division:



1 (a) “State board” means the State Water Resources  
2 Control Board.

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

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

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

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

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

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

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

35 (i) “Water quality control” means the regulation of  
36 any activity or factor which may affect the quality of the  
37 waters of the state and includes the prevention and  
38 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) “Recycled water” means water which, as a result  
34 of treatment of waste, is suitable for a direct beneficial use  
35 or a controlled use that would not otherwise occur and is  
36 therefor considered a valuable resource.

37 (o) “Citizen or domiciliary” of the state includes a  
38 foreign corporation having substantial business contacts  
39 in the state or which is subject to service of process in this  
40 state.



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

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

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

16 (2) “Hazardous substance” does not include any of the  
17 following:

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

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

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

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



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

8 (r) “Master recycling permit” means a permit issued  
9 to a supplier or a distributor, or both, of recycled water,  
10 that includes waste discharge requirements prescribed  
11 pursuant to Section 13263 and water recycling  
12 requirements prescribed pursuant to Section 13523.1.

13 SEC. 18. Section 13142 of the Water Code is amended  
14 to read:

15 13142. State policy for water quality control shall  
16 consist of all or any of the following:

17 (a) Water quality principles and guidelines for  
18 long-range resource planning, including ground water  
19 and surface water management programs and control  
20 and use of recycled water.

21 (b) Water quality objectives at key locations for  
22 planning and operation of water resource development  
23 projects and for water quality control activities.

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

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

29 SEC. 19. Section 13142.5 of the Water Code is  
30 amended to read:

31 13142.5. In addition to any other policies established  
32 pursuant to this division, the policies of the state with  
33 respect to water quality as it relates to the coastal marine  
34 environment are that:

35 (a) Wastewater discharges shall be treated to protect  
36 present and future beneficial uses, and, where feasible, to  
37 restore past beneficial uses of the receiving waters.  
38 Highest priority shall be given to improving or  
39 eliminating discharges that adversely affect any of the  
40 following:



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

3 (2) Areas important for water contact sports.

4 (3) Areas that produce shellfish for human  
5 consumption.

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

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

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

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

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

33 (e) (1) Adequately treated recycled water should,  
34 where feasible, be made available to supplement existing  
35 surface and underground supplies and to assist in meeting  
36 future water requirements of the coastal zone, and  
37 consideration, in statewide programs of financial  
38 assistance for water pollution or water quality control,  
39 shall be given to providing optimum water recycling and  
40 use of recycled water.



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

5 (A) The discharge will not unreasonably affect  
6 beneficial uses.

7 (B) The discharge is consistent with applicable water  
8 quality control plans and state policy for water quality  
9 control.

10 (C) The use of recycled water is consistent with  
11 Chapter 7 (commencing with Section 13500).

12 (D) The discharge is consistent with all applicable  
13 requirements of Chapter 5.5 (commencing with Section  
14 13370).

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

18 (3) Any requirement imposed pursuant to Section  
19 13263 or 13377 shall be adjusted to reflect a credit for  
20 waste present in the recycled water before reuse. The  
21 credit shall be limited to the difference between the  
22 amount of waste present in the nonrecycled water supply  
23 otherwise available to the industry and the amount of  
24 waste present in the recycled water.

25 (4) If the amount of waste in the discharge exceeds  
26 prescribed requirements because the amount of waste in  
27 the recycled water is in excess of that agreed to be  
28 furnished by the supplier to the discharger, no  
29 enforcement action shall be taken against the discharger  
30 unless both of the following statements apply:

31 (A) The supplier of the recycled water fails to correct  
32 the problem within 30 days after the cause of the problem  
33 is identified, or within any greater period of time agreed  
34 to by the appropriate regional board.

35 (B) The discharger continues to receive the recycled  
36 water from the supplier.

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

39 SEC. 20. Section 13260 of the Water Code is amended  
40 to read:



1 13260. (a) All of the following persons shall file with  
2 the appropriate regional board a report of the discharge,  
3 containing the information which may be required by the  
4 regional board:

5 (1) Any person discharging waste, or proposing to  
6 discharge waste, within any region that could affect the  
7 quality of the waters of the state, other than into a  
8 community sewer system.

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

14 (3) Any person operating, or proposing to construct,  
15 an injection well.

16 (b) No report of waste discharge need be filed  
17 pursuant to subdivision (a) if the requirement is waived  
18 pursuant to Section 13269.

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

24 (d) (1) Each person for whom waste discharge  
25 requirements have been prescribed pursuant to Section  
26 13263 shall submit an annual fee not to exceed ten  
27 thousand dollars (\$10,000) according to a reasonable fee  
28 schedule established by the state board. Fees shall be  
29 calculated on the basis of total flow, volume, number of  
30 animals, or area involved.

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

37 (3) Any person who would be required to pay the  
38 annual fee prescribed by paragraph (1) for waste  
39 discharge requirements applicable to discharges of solid  
40 waste, as defined in Section 40191 of the Public Resources



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

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

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

37 (2) The emergency regulations adopted pursuant to  
38 this subdivision, or subsequent adjustments to the annual  
39 fees, shall be adopted by the state board in accordance  
40 with Chapter 3.5 (commencing with Section 11340) of



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

13 (g) The state board shall adopt regulations setting  
14 forth reasonable time limits within which the regional  
15 board shall determine the adequacy of a report of waste  
16 discharge submitted under this section.

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

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

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

36 (k) Any person operating or proposing to construct an  
37 oil, gas, or geothermal injection well subject to paragraph  
38 (3) of subdivision (a), shall not be required to pay a fee  
39 pursuant to subdivision (d), if the injection well is  
40 regulated by the Division of Oil and Gas of the



1 Department of Conservation, in lieu of the appropriate  
2 California regional water quality control board, pursuant  
3 to the memorandum of understanding, entered into  
4 between the state board and the Department of  
5 Conservation on May 19, 1988. This subdivision shall  
6 remain operative until the memorandum of  
7 understanding is revoked by the state board or the  
8 Department of Conservation.

9 (l) In addition to the report required by subdivision  
10 (a), before any person discharges mining waste, the  
11 person shall first submit the following to the regional  
12 board:

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

27 (2) A report that evaluates the potential of the  
28 discharge of the mining waste to produce, over the long  
29 term, acid mine drainage, the discharge or leaching of  
30 heavy metals, or the release of other hazardous  
31 substances.

32 (m) Except upon the written request of the regional  
33 board, a report of waste discharge need not be filed  
34 pursuant to subdivision (a) or (c) by a user of recycled  
35 water that is being supplied by a supplier or distributor  
36 of recycled water for whom a master recycling permit has  
37 been issued pursuant to Section 13523.1.

38 SEC. 21. Section 13263 of the Water Code is amended  
39 to read:



1 13263. (a) The regional board, after any necessary  
2 hearing, shall prescribe requirements as to the nature of  
3 any proposed discharge, existing discharge, or material  
4 change therein, except discharges into a community  
5 sewer system, with relation to the conditions existing  
6 from time to time in the disposal area or receiving waters  
7 upon, or into which, the discharge is made or proposed.  
8 The requirements shall implement relevant water  
9 quality control plans, if any have been adopted, and shall  
10 take into consideration the beneficial uses to be  
11 protected, the water quality objectives reasonably  
12 required for that purpose, other waste discharges, the  
13 need to prevent nuisance, and the provisions of Section  
14 13241.

15 (b) A regional board, in prescribing requirements,  
16 need not authorize the utilization of the full waste  
17 assimilation capacities of the receiving waters.

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

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

22 (e) Upon application by any affected person, or on its  
23 own motion, the regional board may review and revise  
24 requirements. All requirements shall be reviewed  
25 periodically.

26 (f) The regional board shall notify in writing the  
27 person making or proposing the discharge or the change  
28 therein of the discharge requirements to be met. After  
29 receipt of the notice, the person so notified shall provide  
30 adequate means to meet the requirements.

31 (g) No discharge of waste into the waters of the state,  
32 whether or not the discharge is made pursuant to waste  
33 discharge requirements, shall create a vested right to  
34 continue the discharge. All discharges of waste into  
35 waters of the state are privileges, not rights.

36 (h) The regional board may incorporate the  
37 requirements prescribed pursuant to this section into a  
38 master recycling permit for either a supplier or  
39 distributor, or both, of recycled water.



1 SEC. 22. Section 13400 of the Water Code is amended  
2 to read:

3 13400. As used in this chapter, unless otherwise  
4 apparent from the context:

5 (a) "Fund" means the State Water Quality Control  
6 Fund.

7 (b) "Public agency" means any city, county, city and  
8 county, district, or other political subdivision of the state.

9 (c) "Facilities" means: (1) facilities for the collection,  
10 treatment, or export of waste when necessary to prevent  
11 water pollution, (2) facilities to recycle wastewater and  
12 to convey recycled water, (3) facilities or devices to  
13 conserve water, or (4) any combination of the foregoing.

14 SEC. 23. Section 13411 of the Water Code is amended  
15 to read:

16 13411. Upon a determination by the state board, after  
17 consultation with the State Department of Health, that

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

39 SEC. 24. Section 13426 of the Water Code is amended  
40 to read:



1 13426. The state board, subject to approval by the  
2 Director of Finance, may agree to provide a guarantee  
3 pursuant to this article for all or a specified part of the  
4 proposed local agency bond issue upon making, after  
5 consultation with the State Department of Health  
6 Services, all of the following determinations:

7 (a) The facilities proposed by an applicant are  
8 necessary to the health or welfare of the inhabitants of the  
9 state and are consistent with water quality control plans  
10 adopted by regional boards.

11 (b) The proposed facilities meet the needs of the  
12 applicant.

13 (c) The proposed bond issue and plan repayment are  
14 sound and feasible.

15 (d) In the case of facilities proposed under paragraph  
16 (2) of subdivision (c) of Section 13400, the facilities will  
17 produce recycled water and the applicant has adopted a  
18 feasible program for the use of the facilities. The state  
19 board may adopt criteria for ranking and setting priorities  
20 among applicants for those guarantees.

21 SEC. 25. Section 13500 of the Water Code is amended  
22 to read:

23 13500. This chapter shall be known as and may be  
24 cited as the Water Recycling Law.

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

27 13510. It is hereby declared that the people of the  
28 state have a primary interest in the development of  
29 facilities to recycle water containing waste to supplement  
30 existing surface and underground water supplies and to  
31 assist in meeting the future water requirements of the  
32 state.

33 SEC. 27. Section 13511 of the Water Code is amended  
34 to read:

35 13511. The Legislature finds and declares that a  
36 substantial portion of the future water requirements of  
37 this state may be economically met by beneficial use of  
38 recycled water.

39 The Legislature further finds and declares that the  
40 utilization of recycled water by local communities for



1 domestic, agricultural, industrial, recreational, and fish  
2 and wildlife purposes will contribute to the peace, health,  
3 safety and welfare of the people of the state. Use of  
4 recycled water constitutes the development of “new  
5 basic water supplies” as that term is used in Chapter 5  
6 (commencing with Section 12880) of Part 6 of Division 6.

7 SEC. 28. Section 13512 of the Water Code is amended  
8 to read:

9 13512. It is the intention of the Legislature that the  
10 state undertake all possible steps to encourage  
11 development of water recycling facilities so that recycled  
12 water may be made available to help meet the growing  
13 water requirements of the state.

14 SEC. 29. Section 13520 of the Water Code is amended  
15 to read:

16 13520. As used in this article “recycling criteria” are  
17 the levels of constituents of recycled water, and means for  
18 assurance of reliability under the design concept which  
19 will result in recycled water safe from the standpoint of  
20 public health, for the uses to be made.

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

23 13521. The State Department of Health Services shall  
24 establish uniform statewide recycling criteria for each  
25 varying type of use of recycled water where the use  
26 involves the protection of public health.

27 SEC. 31. Section 13522 of the Water Code is amended  
28 to read:

29 13522. (a) Whenever the State Department of  
30 Health Services or any local health officer finds that a  
31 contamination exists as a result of the use of recycled  
32 water, the department or local health officer shall order  
33 the contamination abated in accordance with the  
34 procedure provided for in Chapter 6 (commencing with  
35 Section 5400) of Part 3 of Division 5 of the Health and  
36 Safety Code.

37 (b) The use of recycled water in accordance with the  
38 uniform statewide recycling criteria established pursuant  
39 to Section 13521, for the purpose of this section, does not  
40 cause, constitute, or contribute to, any form of



1 contamination, unless the department or the regional  
2 board determines that contamination exists.

3 SEC. 32. Section 13522.5 of the Water Code is  
4 amended to read:

5 13522.5. (a) Except as provided in subdivision (e),  
6 any person recycling or proposing to recycle water, or  
7 using or proposing to use recycled water, within any  
8 region for any purpose for which recycling criteria have  
9 been established, shall file with the appropriate regional  
10 board a report containing information required by the  
11 regional board.

12 (b) Except as provided in subdivision (e), every  
13 person recycling water or using recycled water shall file  
14 with the appropriate regional board a report of any  
15 material change or proposed change in the character of  
16 the recycled water or its use.

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

19 (d) This section shall not be construed so as to require  
20 any report in the case of any producing, manufacturing,  
21 or processing operation involving the recycling of water  
22 solely for use in the producing, manufacturing, or  
23 processing operation.

24 (e) Except upon the written request of the regional  
25 board, a report is not required pursuant to this section  
26 from any user of recycled water which is being supplied  
27 by a supplier or distributor for whom a master recycling  
28 permit has been issued pursuant to Section 13523.1.

29 SEC. 33. Section 13524 of the Water Code is amended  
30 to read:

31 13524. No person shall recycle water or use recycled  
32 water for any purpose for which recycling criteria have  
33 been established until water recycling requirements  
34 have been established pursuant to this article or a  
35 regional board determines that no requirements are  
36 necessary.

37 SEC. 34. Section 13525 of the Water Code is amended  
38 to read:

39 13525. Upon the refusal or failure of any person or  
40 persons recycling water or using recycled water to



1 comply with the provisions of this article, the Attorney  
2 General, at the request of the regional board, shall  
3 petition the superior court for the issuance of a temporary  
4 restraining order, preliminary injunction, or permanent  
5 injunction, or combination thereof, as may be  
6 appropriate, prohibiting forthwith any person or persons  
7 from violating or threatening to violate the provisions of  
8 this article.

9 SEC. 35. Section 13525.5 of the Water Code is  
10 amended to read:

11 13525.5. Any person recycling water or using recycled  
12 water in violation of Section 13524, after such violation has  
13 been called to his attention in writing by the regional  
14 board, is guilty of a misdemeanor. Each day of such  
15 recycling or use shall constitute a separate offense.

16 SEC. 36. Section 13526 of the Water Code is amended  
17 to read:

18 13526. Any person who, after such action has been  
19 called to his attention in writing by the regional board,  
20 uses recycled water for any purpose for which recycling  
21 criteria have been established prior to the establishment  
22 of water recycling requirements, is guilty of a  
23 misdemeanor.

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

26 13527. (a) In administering any statewide program  
27 of financial assistance for water pollution or water quality  
28 control which may be delegated to it pursuant to Chapter  
29 6 (commencing with Section 13400) of this division, the  
30 state board shall give added consideration to water  
31 quality control facilities providing optimum water  
32 recycling and use of recycled water.

33 (b) Nothing in this chapter prevents the appropriate  
34 regional board from establishing waste discharge  
35 requirements if a discharge is involved.

36 SEC. 38. Section 13540 of the Water Code is amended  
37 to read:

38 13540. No person shall construct, maintain or use any  
39 waste well extending to or into a subterranean  
40 water-bearing stratum that is used or intended to be used



1 as, or is suitable for, a source of water supply for domestic  
2 purposes. Notwithstanding the foregoing, when a  
3 regional board finds that water quality considerations do  
4 not preclude controlled recharge of such stratum by  
5 direct injection, and when the State Department of  
6 Health Services, following a public hearing, finds the  
7 proposed recharge will not impair the quality of water in  
8 the receiving aquifer as a source of water supply for  
9 domestic purposes, recycled water may be injected by a  
10 well into such stratum. The State Department of Health  
11 Services may make and enforce such regulations  
12 pertaining thereto as it deems proper. Nothing in this  
13 section shall be construed to affect the authority of the  
14 state board or regional boards to prescribe and enforce  
15 requirements for such discharge.

16 SEC. 39. Section 13550 of the Water Code is amended  
17 to read:

18 13550. (a) The Legislature hereby finds and declares  
19 that the use of potable domestic water for nonpotable  
20 uses, including, but not limited to, cemeteries, golf  
21 courses, parks, highway landscaped areas, and industrial  
22 and irrigation uses, is a waste or an unreasonable use of  
23 the water within the meaning of Section 2 of Article X of  
24 the California Constitution if recycled water is available  
25 which meets all of the following conditions, as  
26 determined by the state board, after notice to any person  
27 or entity who may be ordered to use recycled water or to  
28 cease using potable water and a hearing held pursuant to  
29 Article 2 (commencing with Section 648) of Chapter 1.5  
30 of Division 3 of Title 23 of the California Code of  
31 Regulations:

32 (1) The source of recycled water is of adequate quality  
33 for these uses and is available for these uses. In  
34 determining adequate quality, the state board shall  
35 consider all relevant factors, including, but not limited to,  
36 food and employee safety, and level and types of specific  
37 constituents in the recycled water affecting these uses, on  
38 a user-by-user basis. In addition, the state board shall  
39 consider the effect of the use of recycled water in lieu of  
40 potable water on the generation of hazardous waste and



1 on the quality of wastewater discharges subject to  
2 regional, state, or federal permits.

3 (2) The recycled water may be furnished for these  
4 uses at a reasonable cost to the user. In determining  
5 reasonable cost, the state board shall consider all relevant  
6 factors, including, but not limited to, the present and  
7 projected costs of supplying, delivering, and treating  
8 potable domestic water for these uses and the present and  
9 projected costs of supplying and delivering recycled  
10 water for these uses, and shall find that the cost of  
11 supplying the treated recycled water is comparable to, or  
12 less than, the cost of supplying potable domestic water.

13 (3) After concurrence with the State Department of  
14 Health Services, the use of recycled water from the  
15 proposed source will not be detrimental to public health.

16 (4) The use of recycled water for these uses will not  
17 adversely affect downstream water rights, will not  
18 degrade water quality, and is determined not to be  
19 injurious to plantlife, fish, and wildlife.

20 (b) In making the determination pursuant to  
21 subdivision (a), the state board shall consider the impact  
22 of the cost and quality of the nonpotable water on each  
23 individual user.

24 (c) The state board may require a public agency or  
25 person subject to this article to furnish information which  
26 the state board determines to be relevant to making the  
27 determination required in subdivision (a).

28 SEC. 40. Section 13551 of the Water Code is amended  
29 to read:

30 13551. A person or public agency, including a state  
31 agency, city, county, city and county, district, or any other  
32 political subdivision of the state, shall not use water from  
33 any source of quality suitable for potable domestic use for  
34 nonpotable uses, including cemeteries, golf courses,  
35 parks, highway landscaped areas, and industrial and  
36 irrigation uses if suitable recycled water is available as  
37 provided in Section 13550; however, any use of recycled  
38 water in lieu of water suitable for potable domestic use  
39 shall, to the extent of the recycled water so used, be  
40 deemed to constitute a reasonable beneficial use of that



1 water and the use of recycled water shall not cause any  
2 loss or diminution of any existing water right.

3 SEC. 41. Section 13552.2 of the Water Code is  
4 amended to read:

5 13552.2. (a) The Legislature hereby finds and  
6 declares that the use of potable domestic water for the  
7 irrigation of residential landscaping is a waste or an  
8 unreasonable use of water within the meaning of Section  
9 2 of Article X of the California Constitution if recycled  
10 water, for this use, is available to the residents and meets  
11 the requirements set forth in Section 13550, as  
12 determined by the state board after notice and a hearing.

13 (b) The state board may require a public agency or  
14 person subject to this section to submit information that  
15 the state board determines may be relevant in making  
16 the determination required in subdivision (a).

17 SEC. 42. Section 13552.4 of the Water Code is  
18 amended to read:

19 13552.4. (a) Any public agency, including a state  
20 agency, city, county, city and county, district, or any other  
21 political subdivision of the state, may require the use of  
22 recycled water for irrigation of residential landscaping, if  
23 all of the following requirements are met:

24 (1) Recycled water, for this use, is available to the user  
25 and meets the requirements set forth in Section 13550, as  
26 determined by the state board after notice and a hearing.

27 (2) The use of recycled water does not cause any loss  
28 or diminution of any existing water right.

29 (3) The irrigation systems are constructed in  
30 accordance with Chapter 3 (commencing with Section  
31 60301) of Division 4 of Title 22 of the California Code  
32 Regulations.

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

34 (1) New subdivisions for which the building permit is  
35 issued on or after March 15, 1994, or, if a building permit  
36 is not required, new structures for which construction  
37 begins on or after March 15, 1994, for which the State  
38 Department of Health Services has approved the use of  
39 recycled water.



1 (2) Any residence that is retrofitted to permit the use  
2 of recycled water for landscape irrigation and for which  
3 the State Department of Health Services has approved  
4 the use of recycled water.

5 (c) (1) Division 13 (commencing with Section 21000)  
6 of the Public Resources Code does not apply to any  
7 project which only involves the repiping, redesign, or use  
8 of recycled water for irrigation of residential landscaping  
9 necessary to comply with a requirement prescribed by a  
10 public agency under subdivision (a).

11 (2) The exemption in paragraph (1) does not apply to  
12 any project to develop recycled water, to construct  
13 conveyance facilities for recycled water, or any other  
14 project not specified in this subdivision.

15 SEC. 43. Section 13552.6 of the Water Code is  
16 amended to read:

17 13552.6. (a) The Legislature hereby finds and  
18 declares that the use of potable domestic water for floor  
19 trap priming, cooling towers, and air-conditioning  
20 devices is a waste or an unreasonable use of water within  
21 the meaning of Section 2 of Article X of the California  
22 Constitution if recycled water, for these uses, is available  
23 to the user, and the water meets the requirements set  
24 forth in Section 13550, as determined by the state board  
25 after notice and a hearing.

26 (b) The state board may require a public agency or  
27 person subject to this section to submit information that  
28 the state board determines may be relevant in making  
29 the determination required in subdivision (a).

30 SEC. 44. Section 13552.8 of the Water Code is  
31 amended to read:

32 13552.8. (a) Any public agency, including a state  
33 agency, city, county, city and county, district, or any other  
34 political subdivision of the state, may require the use of  
35 recycled water in floor trap priming, cooling towers, and  
36 air-conditioning devices, if all of the following  
37 requirements are met:

38 (1) Recycled water, for these uses, is available to the  
39 user and meets the requirements set forth in Section



1 13550, as determined by the state board after notice and  
2 a hearing.

3 (2) The use of recycled water does not cause any loss  
4 or diminution of any existing water right.

5 (3) If public exposure to aerosols, mist, or spray may  
6 occur, appropriate mist mitigation or mist control is  
7 provided, such as the use of mist arrestors or the addition  
8 of biocides to the water in accordance with criteria  
9 established pursuant to Section 13521.

10 (4) The person intending to use recycled water has  
11 prepared an engineering report pursuant to Section  
12 60323 of Title 22 of the California Code of Regulations that  
13 includes plumbing design, cross-connection control, and  
14 monitoring requirements for the public agency, which  
15 are in compliance with criteria established pursuant to  
16 Section 13521.

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

18 (1) New industrial facilities and subdivisions for which  
19 the building permit is issued on or after March 15, 1994,  
20 or, if a building permit is not required, new structures for  
21 which construction begins on or after March 15, 1994, for  
22 which the State Department of Health Services has  
23 approved the use of recycled water.

24 (2) Any structure that is retrofitted to permit the use  
25 of recycled water for floor traps, cooling towers, or  
26 air-conditioning devices, for which the State Department  
27 of Health Services has approved the use of recycled  
28 water.

29 (c) (1) Division 13 (commencing with Section 21000)  
30 of the Public Resources Code does not apply to any  
31 project which only involves the repiping, redesign, or use  
32 of recycled water for floor trap priming, cooling towers,  
33 or air-conditioning devices necessary to comply with a  
34 requirement prescribed by a public agency under  
35 subdivision (a).

36 (2) The exemption in paragraph (1) does not apply to  
37 any project to develop recycled water, to construct  
38 conveyance facilities for recycled water, or any other  
39 project not specified in this subdivision.



1 SEC. 45. Section 13553 of the Water Code is amended  
2 to read:

3 13553. (a) The Legislature hereby finds and declares  
4 that the use of potable domestic water for toilet and urinal  
5 flushing in nonresidential structures and those structures  
6 defined in Group I-3 in Table No. 5-A of the Uniform  
7 Building Code is a waste or an unreasonable use of water  
8 within the meaning of Section 2 of Article X of the  
9 California Constitution if recycled water, for these uses,  
10 is available to the user and meets the requirements set  
11 forth in Section 13550, as determined by the state board  
12 after notice and a hearing.

13 (b) The state board may require a public agency or  
14 person subject to this section to furnish whatever  
15 information may be relevant to making the  
16 determination required in subdivision (a).

17 SEC. 46. Section 13554 of the Water Code is amended  
18 to read:

19 13554. (a) Any public agency, including a state  
20 agency, city, county, city and county, district, or any other  
21 political subdivision of the state, may require the use of  
22 recycled water for toilet and urinal flushing in  
23 nonresidential structures and those structures defined in  
24 Group I-3 in Table No. 5-A of the Uniform Building Code,  
25 except a mental hospital or other facility operated by a  
26 public agency for the treatment of persons with mental  
27 disorders, if all of the following requirements are met:

28 (1) Recycled water, for these uses, is available to the  
29 user and meets the requirements set forth in Section  
30 13550, as determined by the state board after notice and  
31 a hearing.

32 (2) The use of recycled water does not cause any loss  
33 or diminution of any existing water right.

34 (3) The public agency has prepared an engineering  
35 report pursuant to Section 60323 of Title 22 of the  
36 California Code of Regulations that includes plumbing  
37 design, cross-connection control, and monitoring  
38 requirements for the use site, which are in compliance  
39 with criteria established pursuant to Section 13521.

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

1 (1) New structures for which the building permit is  
2 issued on or after March 15, 1992, or, if a building permit  
3 is not required, new structures for which construction  
4 begins on or after March 15, 1992.

5 (2) Any construction pursuant to subdivision (a) for  
6 which the State Department of Health Services has, prior  
7 to January 1, 1992, approved the use of recycled water.

8 (c) Division 13 (commencing with Section 21000) of  
9 the Public Resources Code does not apply to any project  
10 which only involves the repiping, redesign, or use of  
11 recycled water by a nonresidential structure necessary to  
12 comply with a requirement issued by a public agency  
13 under subdivision (a). This exemption does not apply to  
14 any project to develop recycled water, to construct  
15 conveyance facilities for recycled water, or any other  
16 project not specified in this subdivision.

17 SEC. 47. Section 13555.2 of the Water Code is  
18 amended to read:

19 13555.2. The Legislature hereby finds and declares  
20 that many local agencies deliver recycled water for  
21 nonpotable uses and that the use of recycled water is an  
22 effective means of meeting the demands for new water  
23 caused by drought conditions or population increases in  
24 the state. It is the intent of the Legislature to encourage  
25 the design and construction of water delivery systems on  
26 private property that deliver water for both potable and  
27 nonpotable uses in separate pipelines.

28 SEC. 48. Section 13555.3 of the Water Code is  
29 amended to read:

30 13555.3. (a) Water delivery systems on private  
31 property that could deliver recycled water for  
32 nonpotable uses described in Section 13550, that are  
33 constructed on and after January 1, 1993, shall be  
34 designed to ensure that the water to be used for only  
35 potable domestic uses is delivered, from the point of entry  
36 to the private property to be served, in a separate  
37 pipeline which is not used to deliver the recycled water.

38 (b) This section applies to water delivery systems on  
39 private property constructed within either of the  
40 following jurisdictions:



1 (1) One that has an urban water management plan  
2 that includes the intent to develop recycled water use.

3 (2) One that does not have an urban water  
4 management plan that includes recycled water use, but  
5 that is within five miles of a jurisdiction that does have an  
6 urban water management plan that includes recycled  
7 water use, and has indicated a willingness to serve the  
8 water delivery system.

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

13 SEC. 49. Section 13556 of the Water Code is amended  
14 to read:

15 13556. In addition to any other authority provided in  
16 law, any water supplier described in subdivision (b) of  
17 Section 1745 may acquire, store, provide, sell, and deliver  
18 recycled water for any beneficial use, including, but not  
19 limited to, municipal, industrial, domestic, and irrigation  
20 uses, if the water use is in accordance with statewide  
21 recycling criteria and regulations established pursuant to  
22 this chapter.

23 SEC. 50. Section 13605 of the Water Code is amended  
24 to read:

25 13605. For the purpose of reviewing applications for  
26 grants made pursuant to authority granted in Section  
27 13600, the state board shall give added consideration to  
28 applicants having facilities providing optimum water  
29 recycling and use of recycled water.

30 ~~SEC. 51. Section 31144.71 of the Water Code is~~  
31 ~~amended to read:~~

32 ~~31144.71. (a) For the common benefit of the district~~  
33 ~~and for the purpose of managing the groundwater basin~~  
34 ~~and managing, replenishing, regulating, and protecting~~  
35 ~~the groundwater supplies within the district, the Malaga~~  
36 ~~County Water District may exercise any of the following~~  
37 ~~powers:~~

38 ~~(1) Provide for the conjunctive use of groundwater~~  
39 ~~and surface water resources within the district.~~



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

3 ~~(3) Exchange water.~~

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

6 ~~(5) Transport, recycle, purify, treat, inject, extract, or~~  
7 ~~otherwise manage and control water for the beneficial~~  
8 ~~use of persons or property within the district and to~~  
9 ~~improve and protect the quality of groundwater supplies~~  
10 ~~within the district.~~

11 ~~(b) The district may, pursuant to Sections 31020 and~~  
12 ~~31021, enter into an agreement or agreements with other~~  
13 ~~public agencies for the purpose of participating in~~  
14 ~~basinwide groundwater management activities.~~

15 ~~SEC. 52. Section 31145 of the Water Code is amended~~  
16 ~~to read:~~

17 ~~31145. In addition to the other powers provided by~~  
18 ~~law, the Stinson Beach County Water District, Marin~~  
19 ~~County, shall have all of the following powers and shall~~  
20 ~~promptly and effectively exercise such powers as may be~~  
21 ~~appropriate for improving water quality and supply,~~  
22 ~~reducing use of water, and preventing nuisance,~~  
23 ~~pollution, waste, and contamination of water:~~

24 ~~(a) To carry on technical and other investigations,~~  
25 ~~examinations, or tests, of all kinds, make measurements,~~  
26 ~~collect data, and make analyses, studies, and inspections~~  
27 ~~pertaining to the water supply, use of water, water~~  
28 ~~quality, nuisance, pollution, waste, and contamination of~~  
29 ~~water, both within and without the district, including, but~~  
30 ~~not limited to, such activities related to use of public,~~  
31 ~~combined, or private septic and septic tank disposal~~  
32 ~~systems.~~

33 ~~(b) To regulate, prohibit, or control the discharge of~~  
34 ~~pollutants, waste, or any other materials into the ground~~  
35 ~~or surface waters of the district or the contiguous~~  
36 ~~seashores of the district by requiring dischargers to obtain~~  
37 ~~a permit from the district prior to any such discharge and~~  
38 ~~by prohibiting the discharge of pollutants, sewage, septic~~  
39 ~~drainage, or any other material which does or may cause~~  
40 ~~a nuisance into the ground or surface waters of the district~~



1 ~~or the contiguous seashores of the district without a~~  
2 ~~permit having first been obtained from the district; to~~  
3 ~~charge fees for the issuance and periodic renewal of such~~  
4 ~~permits in such amount as will defray all or a portion of~~  
5 ~~the costs of exercising the powers provided in this article;~~  
6 ~~to require all permittees to indemnify the district from~~  
7 ~~any and all damages, penalties, or other expenses imposed~~  
8 ~~on or required of the district by federal, state, regional, or~~  
9 ~~local agencies due to any discharge by such permittees~~  
10 ~~into ground or surface waters of the district or the~~  
11 ~~contiguous seashores of the district; to require as a~~  
12 ~~condition of obtaining discharge permits from the district~~  
13 ~~that all such dischargers also obtain state and federal~~  
14 ~~waste discharge permits and any other permits required~~  
15 ~~by federal, state, regional, or local law.~~

16 (c) ~~To adopt and enforce regulations within the~~  
17 ~~incorporated and unincorporated areas of the district,~~  
18 ~~after holding a public hearing on reasonable notice~~  
19 ~~thereof, to control and enhance the quality of the ground~~  
20 ~~and surface waters of the district, to eliminate the~~  
21 ~~pollution, waste, and contamination of water flowing into,~~  
22 ~~through, or originating within water courses and~~  
23 ~~impoundments, both natural and artificial, within the~~  
24 ~~district, to prevent contamination, nuisance, pollution, or~~  
25 ~~otherwise rendering unfit for beneficial use the surface or~~  
26 ~~ground water used or useful in the district, and to expend~~  
27 ~~such amounts as are necessary to exercise such powers~~  
28 ~~from the funds of the district.~~

29 (d) ~~To increase, to improve the quality of, and to~~  
30 ~~prevent the waste or diminution of the water supply in,~~  
31 ~~or unlawful exportation of water from, the district; to~~  
32 ~~obtain, retain, conserve, treat by physical, chemical, or~~  
33 ~~biological processes, or otherwise recycle sanitary,~~  
34 ~~sewage, drainage, storm, flood, and other water for~~  
35 ~~beneficial use within the district or for storage, discharge,~~  
36 ~~or disposal in accordance with legally established water~~  
37 ~~quality specifications; and, whenever the board of~~  
38 ~~directors shall find it to be in the best interests of the~~  
39 ~~district so to do, to sell such water for agricultural,~~  
40 ~~domestic, or other beneficial purposes within or without~~



1 ~~the district upon such terms and conditions as may be~~  
2 ~~prescribed by the board.~~

3 ~~SEC. 53. Section 31630.5 of the Water Code is~~  
4 ~~amended to read:~~

5 ~~31630.5. As used in this chapter:~~

6 ~~(a) “Annual” or “year” means a calendar year unless~~  
7 ~~the context indicates a contrary meaning.~~

8 ~~(b) “District” means the Coachella Valley Water~~  
9 ~~District.~~

10 ~~(c) “Fiscal year” means the period of July 1 through~~  
11 ~~June 30, inclusive.~~

12 ~~(d) “Production” or “produce” means the extraction~~  
13 ~~of groundwater by pumping or any other method within~~  
14 ~~the boundaries of the district or the diversion within the~~  
15 ~~district of surface supplies which naturally replenish the~~  
16 ~~groundwater supplies within the district and are used~~  
17 ~~therein.~~

18 ~~(e) “Producer” means any individual, partnership,~~  
19 ~~association or group of individuals, lessee, firm, private~~  
20 ~~corporation, or any public agency or public corporation,~~  
21 ~~including, but not limited to, the Coachella Valley Water~~  
22 ~~District.~~

23 ~~(f) “Minimal pumper” means any producer who~~  
24 ~~produces 25 or fewer acre feet in any year.~~

25 ~~(g) “Replenishment” and “replenishing” include~~  
26 ~~incentive programs encouraging producers to use~~  
27 ~~recycled water supplied by the district, or Colorado River~~  
28 ~~water from the district’s Coachella Branch Canal, for~~  
29 ~~irrigation or other purposes, instead of groundwater.~~

30 ~~(h) “Supplemental water” means water from the~~  
31 ~~State Water Resources Development System, or from the~~  
32 ~~Colorado River Aqueduct of the Metropolitan Water~~  
33 ~~District of Southern California, or from any other source~~  
34 ~~which is not part of the natural replenishment of the~~  
35 ~~groundwater supplies within the district, including~~  
36 ~~recycled water.~~

37 ~~SEC. 54. Section 31631 of the Water Code is amended~~  
38 ~~to read:~~

39 ~~31631. By May 1 of each year the board shall have~~  
40 ~~prepared and presented to it an engineering survey and~~



1 ~~report concerning the groundwater supplies within the~~  
2 ~~district. The report shall include the condition of the~~  
3 ~~groundwater supplies, the need for replenishment, and~~  
4 ~~recommendations for any replenishment program,~~  
5 ~~including the source and amount of replenishment water,~~  
6 ~~the cost of purchasing or producing, transporting, and~~  
7 ~~spreading this water, and the cost of “in lieu” programs,~~  
8 ~~including incentives to use Colorado River water or~~  
9 ~~recycled water in place of groundwater. In connection~~  
10 ~~with any proposed replenishment program, the report~~  
11 ~~shall also describe the area or areas benefited, either~~  
12 ~~directly or indirectly, the amount of water production~~  
13 ~~produced in each area during the prior year, and shall~~  
14 ~~recommend the amount of assessment to be levied upon~~  
15 ~~all production within the benefited area or areas.~~

16 ~~SEC. 55. Section 31633 of the Water Code is amended~~  
17 ~~to read:~~

18 ~~31633. The amount of any replenishment assessment~~  
19 ~~levied within an area of benefit shall be established at the~~  
20 ~~discretion of the board, except that no assessment shall~~  
21 ~~exceed the sum of the following costs and charges:~~

22 ~~(a) Those charges imposed under the contract~~  
23 ~~between the district and the state for an imported water~~  
24 ~~supply from the State Water Resources Development~~  
25 ~~System consisting of all of the following:~~

26 ~~(1) The variable operation, maintenance, power, and~~  
27 ~~replacement component of the transportation charge.~~

28 ~~(2) The off-aqueduct power facilities component of~~  
29 ~~the transportation charge.~~

30 ~~(3) The delta water charge.~~

31 ~~(4) Any surplus water or unscheduled water charge.~~

32 ~~(5) Sums paid by the district to the Desert Water~~  
33 ~~Agency for payment of similar charges under a similar~~  
34 ~~contract the agency has with the state as provided in the~~  
35 ~~water management agreement of July 1, 1976, as~~  
36 ~~amended.~~

37 ~~(b) The cost of importing and recharging water from~~  
38 ~~sources other than the State Water Resources~~  
39 ~~Development System.~~



1 ~~(c) The cost of treatment and distribution of recycled~~  
2 ~~water for recharge or for direct use in lieu of~~  
3 ~~groundwater.~~

4 ~~(d) The cost of programs providing incentives to use~~  
5 ~~recycled water or Colorado River water in place of~~  
6 ~~groundwater.~~

7 ~~SEC. 56.~~

8 *SEC. 51.* Section 60221 of the Water Code is amended  
9 to read:

10 60221. Without being limited to the following  
11 enumerations, a district may, among other things but only  
12 for the purposes of replenishing the groundwater  
13 supplies within the district:

14 (a) Buy and sell water;

15 (b) Exchange water;

16 (c) Distribute water to persons in exchange for  
17 ceasing or reducing ground water extractions;

18 (d) Spread, sink and inject water into the  
19 underground;

20 (e) Store, transport, recapture, recycle, purify, treat or  
21 otherwise manage and control water for the beneficial  
22 use of persons or property within the district.

23 (f) Build the necessary works to achieve ground water  
24 replenishment.

25 ~~SEC. 57.~~

26 *SEC. 52.* Section 71610 of the Water Code is amended  
27 to read:

28 71610. A district may acquire, control, distribute,  
29 store, spread, sink, treat, purify, recycle, recapture, and  
30 salvage any water, including sewage and storm waters,  
31 for the beneficial use or uses of the district, its inhabitants,  
32 or the owners of rights to water in the district.

33 ~~SEC. 58.~~

34 *SEC. 53.* Section 72303 of the Water Code is amended  
35 to read:

36 72303. Any district whose territory, or any portion  
37 thereof, is included within a metropolitan water district,  
38 shall be entitled, without penalty or sanction from the  
39 metropolitan water district, to purchase or acquire water  
40 to serve any territory within the district, whether or not



1 such territory is within the metropolitan water district,  
2 from the following specified sources without such water  
3 being deemed an acquisition or purchase of water from  
4 the State Water Resources development system:

5 (a) Recycled water, as defined in Section 13050,  
6 regardless of the source of such water prior to its use and  
7 recycling.

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

11 ~~SEC. 59.~~

12 *SEC. 54.* Section 74593 of the Water Code is amended  
13 to read:

14 74593. A district, whenever the board deems it to be  
15 to the advantage of the district so to do, may:

16 (a) Enter into contracts with municipalities, sanitary  
17 districts or other incorporated bodies, either within or  
18 without the district, providing for the delivery to the  
19 district of sewage or storm water produced by or coming  
20 from such municipalities, sanitary districts, or other  
21 incorporated bodies.

22 (b) Treat, purify, and recycle such water for beneficial  
23 use.

24 (c) Store, distribute, sell, or otherwise dispose of the  
25 water and byproducts resulting from such treatment,  
26 purification, or recycling.

27 The district may construct and operate the works  
28 necessary for such purposes, and may acquire or  
29 construct and may maintain pipelines, flumes, ditches,  
30 and reservoirs suitable or adaptable for the prevention of  
31 the wastage of water.

32 Whenever the district receives a revenue from the sale  
33 of water and byproducts in excess of the cost of operating  
34 and maintaining the works authorized in this section, it  
35 may, for the purpose of enlarging, extending, or  
36 improving such works, issue its certificates of  
37 indebtedness payable out of such excess revenues, and



1 pledge the same for the payment of the indebtedness so  
2 created.

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