

**ASSEMBLY BILL**

**No. 2270**

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**Introduced by Assembly Members Laird and Feuer**

February 21, 2008

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An act to amend Sections 10004.6, 10633, 13523.1, 13576, and 13577 of the Water Code, relating to recycled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2270, as introduced, Laird. Recycled water.

(1) Existing law establishes a statewide recycling goal of 700,000 acre-feet of water by 2000 and 1,000,000 acre-feet of water by 2010. Existing law requires the Department of Water Resources to prepare and update every 5 years the California Water Plan, which is the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state. Existing law requires each urban water supplier to prepare, and update every 5 years, an urban water management plan with specified components, including information, to the extent available, on recycled water and its potential for use as a water source in the service area of the urban water supplier.

This bill would refer to the statewide recycling goals as targets, and would require the department to update these targets every 5 years, based on information provided in the urban water management plans. The department would be required to include the revised targets in the California Water Plan beginning in 2013. The bill would require an urban water supplier to include in its urban water management plan information on recycled water, including, in acre-feet of water per year, a description of the quantity of treated wastewater that meets recycled water standards, a description and quantification of the potential uses

of recycled water, and the projected use of recycled water within the supplier’s service area.

(2) Existing law authorizes each California regional water quality control board to issue a master reclamation permit to a supplier or distributor of recycled water and requires the permittee to submit quarterly reports summarizing recycled water use.

This bill would require the permittee to submit the recycled water use information to the WaterReuse Foundation for entry into its national database.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Water use efficiency is a key component of water  
4 management and water supply reliability in California.

5 (2) Increasing population, climate change, and the need to reduce  
6 greenhouse gas emissions and protect California’s fish and wildlife  
7 resources make it essential that state and local water suppliers  
8 manage water resources as efficiently as possible.

9 (3) Recycled water provides additional water supplies that are  
10 a cost effective and reliable method of helping to meet California’s  
11 water needs.

12 (4) The Water Recycling Act of 1991 established a statewide  
13 goal to recycle a total of 700,000 acre-feet of water per year by  
14 2000, and one million acre-feet of water by 2010.

15 (5) In 2005, based upon information in the California Water  
16 Plan, the state is 20 years behind in reaching its recycling goals.  
17 The California Water Plan indicates that the statewide potential  
18 for recycled water use by 2030 is between 900,000 acre-feet to  
19 1.4 million acre-feet.

20 (b) By enacting this act, it is the intent of the Legislature to  
21 maximize the use of recycled water in California by removing  
22 barriers and providing incentives for recycled water use, including  
23 using recycled water for groundwater recharge and other  
24 appropriate uses while ensuring the protection of public and  
25 environmental health.

26 SEC. 2. Section 10004.6 of the Water Code is amended to read:

1 10004.6. (a) As part of updating The California Water Plan  
2 every five years pursuant to subdivision (b) of Section 10004, the  
3 department shall conduct a study to determine the amount of water  
4 needed to meet the state's future needs and to recommend  
5 programs, policies, and facilities to meet those needs.

6 (b) The department shall consult with the advisory committee  
7 established pursuant to subdivision (b) of Section 10004 in carrying  
8 out this section.

9 (c) On or before January 1, 2002, and one year prior to issuing  
10 each successive update to The California Water Plan, the  
11 department shall release a preliminary draft of the assumptions  
12 and other estimates upon which the study will be based, to  
13 interested persons and entities throughout the state for their review  
14 and comments. The department shall provide these persons and  
15 entities an opportunity to present written or oral comments on the  
16 preliminary draft. The department shall consider these documents  
17 when adopting the final assumptions and estimates for the study.  
18 For the purpose of carrying out this subdivision, the department  
19 shall release, at a minimum, assumptions and other estimates  
20 relating to all of the following:

21 (1) Basin hydrology, including annual rainfall, estimated  
22 unimpaired streamflow, depletions, and consumptive uses.

23 (2) Groundwater supplies, including estimates of sustainable  
24 yield, supplies necessary to recover overdraft basins, and supplies  
25 lost due to pollution and other groundwater contaminants.

26 (3) Current and projected land use patterns, including the mix  
27 of residential, commercial, industrial, agricultural, and undeveloped  
28 lands.

29 (4) Environmental water needs, including regulatory instream  
30 flow requirements, nonregulated instream uses, and water needs  
31 by wetlands, preserves, refuges, and other managed and unmanaged  
32 natural resource lands.

33 (5) Current and projected population.

34 (6) Current and projected water use for all of the following:

35 (A) Interior uses in a single-family dwelling.

36 (B) Exterior uses in a single-family dwelling.

37 (C) All uses in a multifamily dwelling.

38 (D) Commercial uses.

39 (E) Industrial uses.

40 (F) Parks and open spaces.

1 (G) Agricultural water diversion and use.

2 (7) Evapotranspiration rates for major crop types, including  
 3 estimates of evaporative losses by irrigation practice and the extent  
 4 to which evaporation reduces transpiration.

5 (8) Current and projected adoption of urban and agricultural  
 6 conservation practices.

7 (9) Current and projected supplies of water provided by water  
 8 recycling and reuse.

9 (d) The department shall include *in the study* a discussion of  
 10 the potential for alternative water pricing policies to change current  
 11 and projected water uses identified pursuant to paragraph (6) of  
 12 subdivision (c).

13 (e) *The department shall include in the study the statewide water*  
 14 *recycling targets established pursuant to Section 13577 as required*  
 15 *by that section.*

16 (e)

17 (f) Nothing in this section requires or prohibits the department  
 18 from updating any data necessary to update The California Water  
 19 Plan pursuant to subdivision (b) of Section 10004.

20 SEC. 3. Section 10633 of the Water Code is amended to read:

21 10633. The plan shall provide, ~~to the extent available,~~  
 22 information on recycled water and its potential for use as a water  
 23 source in the service area of the urban water supplier. The  
 24 preparation of the plan shall be coordinated with local water,  
 25 wastewater, groundwater, and planning agencies that operate within  
 26 the supplier’s service area, and shall include all of the following:

27 (a) A description of the wastewater collection and treatment  
 28 systems in the supplier’s service area, including a quantification  
 29 of the amount of wastewater collected and treated and the methods  
 30 of wastewater disposal.

31 (b) A description *in acre-feet of water per year* of the quantity  
 32 of treated wastewater that meets recycled water standards, is being  
 33 discharged, and is otherwise available for use in a recycled water  
 34 project.

35 (c) A description of the recycled water currently being used in  
 36 the supplier’s service area, including, but not limited to, the type,  
 37 place, and quantity of use.

38 (d) A description and quantification *in acre-feet of water per*  
 39 *year* of the potential uses of recycled water, including, but not  
 40 limited to, agricultural irrigation, landscape irrigation, wildlife

1 habitat enhancement, wetlands, industrial reuse, groundwater  
2 recharge, and other appropriate uses, and a determination with  
3 regard to the technical and economic feasibility of serving those  
4 uses.

5 (e) The projected use *in acre-feet of water per year* of recycled  
6 water within the supplier's service area at the end of 5, 10, 15, and  
7 20 years, and a description of the actual use of recycled water in  
8 comparison to uses previously projected pursuant to this  
9 subdivision.

10 (f) A description of actions, including financial incentives, which  
11 may be taken to encourage the use of recycled water, and the  
12 projected results of these actions in terms of acre-feet of recycled  
13 water used per year.

14 (g) A plan for optimizing the use of recycled water in the  
15 supplier's service area, including actions to facilitate the installation  
16 of dual distribution systems, to promote recirculating uses, to  
17 facilitate the increased use of treated wastewater that meets  
18 recycled water standards, and to overcome any obstacles to  
19 achieving that increased use.

20 SEC. 4. Section 13523.1 of the Water Code is amended to read:

21 13523.1. (a) Each regional board, after consulting with, and  
22 receiving the recommendations of, the State Department of ~~Health~~  
23 ~~Services~~ *Public Health* and any party who has requested in writing  
24 to be consulted, with the consent of the proposed permittee, and  
25 after any necessary hearing, may, in lieu of issuing waste discharge  
26 requirements pursuant to Section 13263 or water reclamation  
27 requirements pursuant to Section 13523 for a user of reclaimed  
28 water, issue a master reclamation permit to a supplier or distributor,  
29 or both, of reclaimed water.

30 (b) A master reclamation permit shall include, at least, all of  
31 the following:

32 (1) Waste discharge requirements, adopted pursuant to Article  
33 4 (commencing with Section 13260) of Chapter 4.

34 (2) A requirement that the permittee comply with the uniform  
35 statewide reclamation criteria established pursuant to Section  
36 13521. Permit conditions for a use of reclaimed water not addressed  
37 by the uniform statewide water reclamation criteria shall be  
38 considered on a case-by-case basis.

39 (3) A requirement that the permittee establish and enforce rules  
40 or regulations for reclaimed water users, governing the design and

1 construction of reclaimed water use facilities and the use of  
2 reclaimed water, in accordance with the uniform statewide  
3 reclamation criteria established pursuant to Section 13521.

4 (4) A requirement that the permittee submit a quarterly report  
5 summarizing reclaimed water use, including the total amount of  
6 reclaimed water supplied, the total number of reclaimed water use  
7 sites, and the locations of those sites, including the names of the  
8 hydrologic areas underlying the reclaimed water use sites.

9 (5) A requirement that the permittee conduct periodic inspections  
10 of the facilities of the reclaimed water users to monitor compliance  
11 by the users with the uniform statewide reclamation criteria  
12 established pursuant to Section 13521 and the requirements of the  
13 master reclamation permit.

14 (6) *A requirement that the permittee submit the information*  
15 *required in paragraph (4) to the WateReuse Foundation for entry*  
16 *into its national database.*

17 ~~(6)~~

18 (7) Any other requirements determined to be appropriate by the  
19 regional board.

20 SEC. 5. Section 13576 of the Water Code is amended to read:  
21 13576. The Legislature hereby makes the following findings  
22 and declarations:

23 (a) The State of California is subject to periodic drought  
24 conditions.

25 (b) The development of traditional water resources in California  
26 has not kept pace with the state's population, which is growing at  
27 the rate of over 700,000 per year and which is anticipated to reach  
28 36 million by the year 2010.

29 (c) There is a need for a reliable source of water for uses not  
30 related to the supply of potable water to protect investments in  
31 agriculture, greenbelts, and recreation and to replenish groundwater  
32 basins, and protect and enhance fisheries, wildlife habitat, and  
33 riparian areas.

34 (d) The environmental benefits of recycled water include a  
35 reduced demand for water in the Sacramento-San Joaquin Delta  
36 which is otherwise needed to maintain water quality, reduced  
37 discharge of waste into the ocean, and the enhancement of  
38 groundwater basins, recreation, fisheries, and wetlands.

39 (e) *In many areas of the state, recycled water is the least energy*  
40 *intensive source of new water supply. Increased statewide use of*

1 *recycled water will reduce California's energy consumption and*  
2 *help to meet the state's goal of reducing greenhouse gas emissions*  
3 *to 1990 levels.*

4 ~~(e)~~

5 (f) The use of recycled water has proven to be safe from a public  
6 health standpoint, and the State Department of ~~Health Services is~~  
7 ~~updating~~ *Public Health has updated its* regulations for the use of  
8 recycled water.

9 ~~(f)~~

10 (g) The use of recycled water is a cost-effective, reliable method  
11 of helping to meet California's water supply needs.

12 ~~(g)~~

13 (h) The development of the infrastructure to distribute recycled  
14 water will provide jobs and enhance the economy of the state.

15 ~~(h)~~

16 (i) Retail water suppliers and recycled water producers and  
17 wholesalers should promote the substitution of recycled water for  
18 potable water and imported water in order to maximize the  
19 appropriate cost-effective use of recycled water in California.

20 ~~(i)~~

21 (j) Recycled water producers, retail water suppliers, and entities  
22 responsible for groundwater replenishment should cooperate in  
23 joint technical, economic, and environmental studies, as  
24 appropriate, to determine the feasibility of providing recycled  
25 water service.

26 ~~(j)~~

27 (k) Retail water suppliers and recycled water producers and  
28 wholesalers should be encouraged to enter into contracts to  
29 facilitate the service of recycled and potable water by the retail  
30 water suppliers in their service areas in the most efficient and  
31 cost-effective manner.

32 ~~(k)~~

33 (l) Recycled water producers and wholesalers and entities  
34 responsible for groundwater replenishment should be encouraged  
35 to enter into contracts to facilitate the use of recycled water for  
36 groundwater replenishment if recycled water is available and the  
37 authorities having jurisdiction approve its use.

38 ~~(l)~~

39 (m) Wholesale prices set by recycled water producers and  
40 recycled water wholesalers, and rates that retail water suppliers

1 are authorized to charge for recycled water, should reflect an  
2 equitable sharing of the costs and benefits associated with the  
3 development and use of recycled water.

4 SEC. 6. Section 13577 of the Water Code is amended to read:

5 13577. This chapter establishes a statewide ~~goal~~ *target* to  
6 recycle a total of 700,000 acre-feet of water per year by the year  
7 2000 and 1,000,000 acre-feet of water per year by the year 2010.

8 *The department shall update the statewide water recycling target*  
9 *every five years, based on information provided in the urban water*  
10 *management plans prepared pursuant to Chapter 2.6 (commencing*  
11 *with Section 10610) of Division 6. Beginning in 2013, the*  
12 *department shall include the revised targets in the California Water*  
13 *Plan in accordance with subdivision (b) of Section 10004.*

14 SEC. 7. The Legislature hereby finds and declares that the  
15 development, adoption, and implementation of water recycling  
16 targets as provided by this act is an issue of statewide significance  
17 that is critical to the effective implementation of integrated regional  
18 water management in California. It is the intent of the Legislature  
19 that funds made available by Section 75026 of the Public Resources  
20 Code should be expended, consistent with Division 43  
21 (commencing with Section 25001) of the Public Resources Code  
22 and upon appropriation by the Legislature, for grants and direct  
23 expenditures to implement this act.