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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2270

**Introduced by Assembly Members Laird and Feuer
(Coauthor: Assembly Member Strickland)**

February 21, 2008

An act to amend Sections 10004.6, 10633, 13523.1, 13576, and 13577 of, and to add Sections 13148 and 13523.3 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2270, as amended, Laird. Recycled water: water quality.

(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 consideration of all relevant information, including, but not limited to, specified information from appropriate regional boards and 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 instead require the permittee to submit the recycled water use information on an annual basis. The bill would require any person that is authorized to supply or distribute recycled water to annually report to the appropriate regional board the amount of recycled water supplied or distributed in the previous year, as provided.

(3) Existing law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control.

This bill would authorize any local agency that maintains a community sewer system to take action to control residential salinity inputs, including those from water softeners, to protect the quality of the waters of the state, if the state board or an appropriate regional water quality control board makes a finding that the control of residential salinity input will contribute to the achievement of water quality objectives.

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.

1 (3) Recycled water provides additional water supplies that are
2 a cost effective and reliable method of helping to meet California's
3 water needs.

4 (4) The Water Recycling Act of 1991 established a statewide
5 goal to recycle a total of 700,000 acre-feet of water per year by
6 2000, and one million acre-feet of water by 2010.

7 (5) In 2005, based upon information in the California Water
8 Plan, the state is 20 years behind in reaching its recycling goals.
9 The California Water Plan indicates that the statewide potential
10 for recycled water use by 2030 is between 900,000 acre-feet to
11 1.4 million acre-feet.

12 (b) By enacting this act, it is the intent of the Legislature to
13 maximize the use of recycled water in California by removing
14 barriers and providing incentives for recycled water use, including
15 using recycled water for groundwater recharge and other
16 appropriate uses while ensuring the protection of public and
17 environmental health.

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

19 10004.6. (a) As part of updating The California Water Plan
20 every five years pursuant to subdivision (b) of Section 10004, the
21 department shall conduct a study to determine the amount of water
22 needed to meet the state's future needs and to recommend
23 programs, policies, and facilities to meet those needs.

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

27 (c) On or before January 1, 2002, and one year prior to issuing
28 each successive update to The California Water Plan, the
29 department shall release a preliminary draft of the assumptions
30 and other estimates upon which the study will be based, to
31 interested persons and entities throughout the state for their review
32 and comments. The department shall provide these persons and
33 entities an opportunity to present written or oral comments on the
34 preliminary draft. The department shall consider these documents
35 when adopting the final assumptions and estimates for the study.
36 For the purpose of carrying out this subdivision, the department
37 shall release, at a minimum, assumptions and other estimates
38 relating to all of the following:

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

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

4 (3) Current and projected land use patterns, including the mix
5 of residential, commercial, industrial, agricultural, and undeveloped
6 lands.

7 (4) Environmental water needs, including regulatory instream
8 flow requirements, nonregulated instream uses, and water needs
9 by wetlands, preserves, refuges, and other managed and unmanaged
10 natural resource lands.

11 (5) Current and projected population.

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

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

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

15 (C) All uses in a multifamily dwelling.

16 (D) Commercial uses.

17 (E) Industrial uses.

18 (F) Parks and open spaces.

19 (G) Agricultural water diversion and use.

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

23 (8) Current and projected adoption of urban and agricultural
24 conservation practices.

25 (9) Current and projected supplies of water provided by water
26 recycling and reuse.

27 (d) The department shall include in the study a discussion of
28 the potential for alternative water pricing policies to change current
29 and projected water uses identified pursuant to paragraph (6) of
30 subdivision (c).

31 (e) The department shall include in the study the statewide water
32 recycling targets established pursuant to Section 13577 as required
33 by that section.

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

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

38 10633. The plan shall provide information on recycled water
39 and its potential for use as a water source in the service area of the
40 urban water supplier. The preparation of the plan shall be

1 coordinated with local water, wastewater, groundwater, and
2 planning agencies that operate within the supplier's service area,
3 and shall include all of the following:

4 (a) A description of the wastewater collection and treatment
5 systems in the supplier's service area, including a quantification
6 of the amount of wastewater collected and treated and the methods
7 of wastewater disposal.

8 (b) A description in acre-feet of water per year of the quantity
9 of treated wastewater that meets recycled water standards, is being
10 discharged, and is otherwise available for use in a recycled water
11 project.

12 (c) A description of the recycled water currently being used in
13 the supplier's service area, including, but not limited to, the type,
14 place, and quantity of use.

15 (d) A description and quantification in acre-feet of water per
16 year of the potential uses of recycled water, including, but not
17 limited to, agricultural irrigation, landscape irrigation, wildlife
18 habitat enhancement, wetlands, industrial reuse, groundwater
19 recharge, and other appropriate uses, and a determination with
20 regard to the technical and economic feasibility of serving those
21 uses.

22 (e) The projected use in acre-feet of water per year of recycled
23 water within the supplier's service area at the end of 5, 10, 15, and
24 20 years, and a description of the actual use of recycled water in
25 comparison to uses previously projected pursuant to this
26 subdivision.

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

31 (g) A plan for optimizing the use of recycled water in the
32 supplier's service area, including actions to facilitate the installation
33 of dual distribution systems, to promote recirculating uses, to
34 facilitate the increased use of treated wastewater that meets
35 recycled water standards, and to overcome any obstacles to
36 achieving that increased use.

37 SEC. 4. Section 13148 is added to the Water Code, to read:

38 13148. (a) Notwithstanding Article 1 (commencing with
39 Section 116775) of Chapter 5 of Part 12 of Division 104 of the
40 Health and Safety Code, if the state board or an appropriate

1 regional board makes a finding at a public hearing that the control
2 of residential salinity input will contribute to the achievement of
3 water quality objectives, any local agency that maintains a
4 community sewer system in an area affected by the finding may
5 by ordinance take action to control residential salinity inputs,
6 including those from water softeners, to protect the quality of the
7 waters of the state. The finding may be made in any of the
8 following water quality actions adopted by the state board or a
9 regional board:

- 10 (1) Water quality control plans.
- 11 (2) Water quality control policies.
- 12 (3) Waste discharge requirements.
- 13 (4) Master reclamation permits.
- 14 (5) Water recycling requirements.
- 15 (6) Cease and desist orders.

16 (b) Actions to control residential salinity inputs authorized under
17 subdivision (a) may include, but are not limited to, the following:

18 (1) Require that residential self-regenerating water softeners
19 sold within the jurisdiction of the local agency be at the highest
20 efficiency commercially available.

21 (2) Require that plumbing permits be obtained prior to
22 installation of residential self-regenerating water softeners.

23 (3) Require that residential self-regenerating water softeners be
24 plumbed to hook up to hot water only.

25 (4) Require the removal of previously installed residential
26 self-regenerating water softeners.

27 (5) Prohibit the installation of residential self-regenerating water
28 softeners.

29 (c) If a local agency adopts an ordinance to require the removal
30 of previously installed residential self-regenerating water softeners
31 pursuant to paragraph (4) of subdivision (b), the local agency shall
32 make available to owners of residential self-regenerating water
33 softeners within its service area a program to compensate the owner
34 of the softener for the reasonable value of the removed softener,
35 *as determined by the local agency.*

36 (d) *The state or regional board making a finding pursuant to*
37 *subdivision (a) shall base its finding on the evidence in the record.*

38 The standard of judicial review required for a finding made
39 pursuant to subdivision (a) shall be the same as the standard of

1 review required for the water quality action ~~that in which the~~
2 finding is made in.

3 SEC. 5. Section 13523.1 of the Water Code is amended to read:

4 13523.1. (a) Each regional board, after consulting with, and
5 receiving the recommendations of, the State Department of Public
6 Health and any party who has requested in writing to be consulted,
7 with the consent of the proposed permittee, and after any necessary
8 hearing, may, in lieu of issuing waste discharge requirements
9 pursuant to Section 13263 or water reclamation requirements
10 pursuant to Section 13523 for a user of reclaimed water, issue a
11 master reclamation permit to a supplier or distributor, or both, of
12 reclaimed water.

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

15 (1) Waste discharge requirements, adopted pursuant to Article
16 4 (commencing with Section 13260) of Chapter 4.

17 (2) A requirement that the permittee comply with the uniform
18 statewide reclamation criteria established pursuant to Section
19 13521. Permit conditions for a use of reclaimed water not addressed
20 by the uniform statewide water reclamation criteria shall be
21 considered on a case-by-case basis.

22 (3) A requirement that the permittee establish and enforce rules
23 or regulations for reclaimed water users, governing the design and
24 construction of reclaimed water use facilities and the use of
25 reclaimed water, in accordance with the uniform statewide
26 reclamation criteria established pursuant to Section 13521.

27 (4) A requirement that the permittee submit an annual report
28 summarizing reclaimed water use, including the total amount of
29 reclaimed water supplied, the total number of reclaimed water use
30 sites, and the locations of those sites, including the names of the
31 hydrologic areas underlying the reclaimed water use sites.

32 (5) A requirement that the permittee conduct periodic inspections
33 of the facilities of the reclaimed water users to monitor compliance
34 by the users with the uniform statewide reclamation criteria
35 established pursuant to Section 13521 and the requirements of the
36 master reclamation permit.

37 (6) Any other requirements determined to be appropriate by the
38 regional board.

39 SEC. 6. Section 13523.3 is added to the Water Code, to read:

1 13523.3. A person that is authorized to supply or distribute
2 recycled water pursuant to any of the following requirements or
3 permits, shall annually report to the appropriate regional board the
4 amount of recycled water supplied or distributed in the previous
5 year:

6 (a) Water reclamation requirements issued pursuant to Section
7 13523.

8 (b) A master reclamation permit issued pursuant to Section
9 13523.1.

10 (c) Waste discharge requirements issued pursuant to Article 4
11 (commencing with Section 13260) of Chapter 4.

12 SEC. 7. Section 13576 of the Water Code is amended to read:

13 13576. The Legislature hereby makes the following findings
14 and declarations:

15 (a) The State of California is subject to periodic drought
16 conditions.

17 (b) The development of traditional water resources in California
18 has not kept pace with the state's population, which is growing at
19 the rate of over 700,000 per year and which is anticipated to reach
20 36 million by the year 2010.

21 (c) There is a need for a reliable source of water for uses not
22 related to the supply of potable water to protect investments in
23 agriculture, greenbelts, and recreation and to replenish groundwater
24 basins, and protect and enhance fisheries, wildlife habitat, and
25 riparian areas.

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

31 (e) In many areas of the state, recycled water is the least energy
32 intensive source of new water supply. Increased statewide use of
33 recycled water will reduce California's energy consumption and
34 help to meet the state's goal of reducing greenhouse gas emissions
35 to 1990 levels.

36 (f) The use of recycled water has proven to be safe from a public
37 health standpoint, and the State Department of Public Health has
38 updated its regulations for the use of recycled water.

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

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

3 (i) Retail water suppliers and recycled water producers and
4 wholesalers should promote the substitution of recycled water for
5 potable water and imported water in order to maximize the
6 appropriate cost-effective use of recycled water in California.

7 (j) Recycled water producers, retail water suppliers, and entities
8 responsible for groundwater replenishment should cooperate in
9 joint technical, economic, and environmental studies, as
10 appropriate, to determine the feasibility of providing recycled
11 water service.

12 (k) Retail water suppliers and recycled water producers and
13 wholesalers should be encouraged to enter into contracts to
14 facilitate the service of recycled and potable water by the retail
15 water suppliers in their service areas in the most efficient and
16 cost-effective manner.

17 (l) Recycled water producers and wholesalers and entities
18 responsible for groundwater replenishment should be encouraged
19 to enter into contracts to facilitate the use of recycled water for
20 groundwater replenishment if recycled water is available and the
21 authorities having jurisdiction approve its use.

22 (m) Wholesale prices set by recycled water producers and
23 recycled water wholesalers, and rates that retail water suppliers
24 are authorized to charge for recycled water, should reflect an
25 equitable sharing of the costs and benefits associated with the
26 development and use of recycled water.

27 SEC. 8. Section 13577 of the Water Code is amended to read:

28 13577. (a) This chapter establishes a statewide target to recycle
29 a total of 700,000 acre-feet of water per year by the year 2000 and
30 1,000,000 acre-feet of water per year by the year 2010. The
31 department shall update the statewide water recycling target every
32 five years, based on consideration of all relevant information,
33 including, but not limited to, information from appropriate regional
34 boards pursuant to Section 13523.3 and urban water management
35 plans prepared pursuant to Chapter 2.6 (commencing with Section
36 10610) of Division 6. Beginning in 2013, the department shall
37 include the revised targets in the California Water Plan in
38 accordance with subdivision (b) of Section 10004.

39 (b) The California Water Plan as updated in 2005 identifies
40 water use efficiency as a foundational action to ensure sustainable

1 water uses in California. In order to achieve the goals established
2 in this section, the department and the state board shall promote
3 the California Water Plan policies related to water use efficiency
4 in the priorities for awarding state water management grants and
5 loans.

6 SEC. 9. The Legislature hereby finds and declares that the
7 development, adoption, and implementation of water recycling
8 targets as provided by this act is an issue of statewide significance
9 that is critical to the effective implementation of integrated regional
10 water management in California. It is the intent of the Legislature
11 that funds made available by Section 75026 of the Public Resources
12 Code should be expended, consistent with Division 43
13 (commencing with Section 75001) of the Public Resources Code
14 and upon appropriation by the Legislature, for grants and direct
15 expenditures to implement Section 13577.