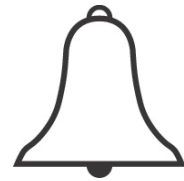


*Santa Margarita Water District*



**MEETING HANDOUT**

**Meeting:** Board of Directors Meeting

**Date:** April 21, 2017

AMENDED IN ASSEMBLY APRIL 18, 2017

AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 574**

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**Introduced by Assembly Member Quirk**

February 14, 2017

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An act to amend Sections 13560 and 13561 of, to amend the heading of Chapter 7.3 (commencing with Section 13560) of Division 7 of, and to add Sections 13560.5 and 13561.2 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 574, as amended, Quirk. Potable reuse.

Existing law establishes the State Water Resources Control Board and the California regional water quality control boards as the principal state agencies with authority over matters relating to water quality. Existing law required the State Department of Public Health to, on or before December 31, 2013, adopt uniform water recycling criteria for indirect potable reuse for groundwater recharge. Existing law also required the department to develop and adopt uniform water recycling criteria for surface water augmentation, as defined, by December 31, 2016, if a specified expert panel found that the criteria would adequately protect public health, and required the department to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse and to provide a final report on that investigation to the Legislature by December 31, 2016. Existing law defined the terms “direct potable reuse,” “indirect potable reuse for groundwater recharge,” and “surface water augmentation” for these purposes. Existing law

transferred these powers and responsibilities to the State Water Resources Control Board on July 1, 2014.

This bill would remove certain references to “direct potable reuse,” “indirect potable reuse for groundwater recharge,” and “surface water augmentation,” and would instead specify the four different types of potable reuse projects as “groundwater augmentation,” “reservoir augmentation,” “raw water augmentation,” and “treated *drinking* water augmentation.”

The bill would require the state board, on or before December 31, 2021, to adopt uniform water recycling criteria for potable reuse through raw water augmentation, as specified, and would allow the board to extend this date if certain criteria is met. The bill would permit the state board to adopt the uniform water recycling criteria as emergency regulations, as specified.

This bill would make certain findings and declarations relating to potable reuse, including a finding that the state board, on or before June 1, 2018, should establish a framework for the regulation of potable reuse projects.

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. The heading of Chapter 7.3 (commencing with  
2 Section 13560) of Division 7 of the Water Code is amended to  
3 read:

4  
5 CHAPTER 7.3. POTABLE REUSE  
6

7 SEC. 2. Section 13560 of the Water Code is amended to read:  
8 13560. The Legislature finds and declares the following:

9 (a) In February 2009, the state board unanimously adopted, as  
10 Resolution No. 2009-0011, an updated water recycling policy,  
11 which includes the goal of increasing the use of recycled water in  
12 the state over 2002 levels by at least 1,000,000 acre-feet per year  
13 by 2020 and by at least 2,000,000 acre-feet per year by 2030.

14 (b) Section 13521 requires the department to establish uniform  
15 statewide recycling criteria for each varying type of use of recycled  
16 water where the use involves the protection of public health.

1 (c) Achievement of the state’s goals depends on the timely  
2 development of uniform statewide recycling criteria for potable  
3 water reuse and of a clear pathway for approval of potable reuse  
4 projects.

5 (d) This chapter is not intended to delay, invalidate, or reverse  
6 any study or project, or development of regulations by the  
7 department, the state board, or the regional boards regarding the  
8 use of recycled water for potable reuse.

9 (e) This chapter shall not be construed to delay, invalidate, or  
10 reverse the state board’s ongoing review of projects consistent  
11 with Section 116551 of the Health and Safety Code.

12 (f) The water recycling goals of 700,000 acre-feet of water per  
13 year by the year 2000 and 1,000,000 acre-feet of water per year  
14 by the year 2010, established in Section 13577, have not been met.

15 (g) It is the intent of the Legislature to encourage the  
16 development of potable reuse to mitigate the impact of long-term  
17 drought and climate change.

18 (h) A 2014 report by the WaterReuse Research Foundation, “The  
19 Opportunities and Economics of Direct Potable Reuse” found that  
20 potable reuse could provide up to 1.1 million acre-feet per year of  
21 new drinking water supplies for California.

22 (i) The state board adopted uniform water recycling criteria for  
23 the replenishment of groundwater basins in June 2014 and is  
24 developing uniform water recycling criteria for the augmentation  
25 of surface water reservoirs pursuant to Section 13562.

26 (j) The state board report to the Legislature, “Investigation on  
27 the Feasibility of Developing Uniform Water Recycling Criteria  
28 for Direct Potable Reuse,” found that it is feasible to develop  
29 uniform water recycling criteria for direct potable reuse that is  
30 protective of public health.

31 (k) The state board report to the Legislature stated that the state  
32 board should develop a common framework across various types  
33 of direct potable reuse projects to help avoid discontinuities in the  
34 risk assessment and then sequentially develop uniform water  
35 recycling criteria.

36 SEC. 3. Section 13560.5 is added to the Water Code, to read:

37 13560.5. The Legislature finds and declares that on or before  
38 June 1, 2018, the state board should establish a framework for the  
39 regulation of potable reuse projects. When establishing the  
40 framework, the state board should include all of the following:

1 (a) The consideration of recommendations provided in the state  
2 board's "Investigation on the Feasibility of Developing Uniform  
3 Water Recycling Criteria for Direct Potable Reuse."

4 (b) A schedule for completing the recommended research  
5 described in "Investigation on the Feasibility of Developing  
6 Uniform Water Recycling Criteria for Direct Potable Reuse."

7 (c) A regulatory framework for potable reuse projects that will  
8 be protective of public health.

9 (d) A process and timeline for updating, if necessary, uniform  
10 water recycling criteria for potable reuse through reservoir  
11 augmentation.

12 SEC. 4. Section 13561 of the Water Code is amended to read:  
13 13561. For purposes of this chapter, the following terms have  
14 the following meanings:

15 (a) "Department" or "state board" means the State Water  
16 Resources Control Board.

17 (b) "Potable reuse" means the planned use of municipal  
18 wastewater that has gone through multiple barrier treatment  
19 processes to produce or supplement a drinking water supply that  
20 has at least an equivalent level of public health protection as other  
21 sources of water supply permitted under the California Safe  
22 Drinking Water Act (Chapter 4 (commencing with Section 116270)  
23 of Part 12 of Division 104 of the Health and Safety Code). A  
24 potable reuse project is any one of the following:

25 (1) "Groundwater augmentation" means the planned placement  
26 of recycled water for replenishment of a groundwater basin or an  
27 aquifer that has been designated as the source of water supply for  
28 a public water system, as defined in Section 116275 of the Health  
29 and Safety Code.

30 (2) "Reservoir augmentation" means the planned placement of  
31 recycled water into a raw surface water reservoir used as a source  
32 of domestic drinking water supply for a public water system, as  
33 defined in Section 116275 of the Health and ~~Safety Code~~. *Code,*  
34 *or into a constructed system conveying water to such a reservoir.*

35 (3) "Raw water augmentation" means the planned placement  
36 of recycled water into a system of pipelines or aqueducts that  
37 deliver raw water to a drinking water treatment ~~plan~~ *plant* that  
38 provides water to a public water system, as defined in Section  
39 116275 of the Health and Safety Code.

1 (4) “Treated *drinking* water augmentation” means the planned  
2 placement of recycled water into the water distribution system of  
3 a public water system, as defined in Section 116275 of the Health  
4 and Safety Code.

5 (c) “Uniform water recycling criteria” has the same meaning  
6 as in Section 13521.

7 SEC. 5. Section 13561.2 is added to the Water Code, to read:

8 13561.2. (a) (1) On or before December 31, 2021, the state  
9 board shall adopt uniform water recycling criteria for potable reuse  
10 through raw water augmentation. The state board shall develop  
11 the uniform water recycling criteria *for potable reuse through raw*  
12 *water augmentation* after soliciting stakeholder input from water  
13 agencies, wastewater agencies, local public health officers,  
14 environmental organizations, environmental justice organizations,  
15 public health nongovernmental organizations, and the business  
16 community.

17 (2) If the state board finds that the recommended research  
18 described in subdivision (b) of Section 13560.5 is insufficient to  
19 adopt the uniform water recycling criteria by December 31, 2021,  
20 the state board may, by June 30, 2021, extend the uniform water  
21 recycling criteria deadline by up to 18 months.

22 (3) If the state board finds that it needs longer than the date  
23 specified in paragraph (2), the state board shall do both of the  
24 following:

25 (A) Consult with an independent expert review panel to  
26 determine why the additional 18-month extension cannot be met.  
27 The review panel shall also make the following determinations:

28 (i) The outstanding tasks necessary for the state board to  
29 complete the uniform water recycling criteria.

30 (ii) A revised completion date for the state board to complete  
31 the uniform water recycling criteria.

32 (B) No later than December 31, 2021, submit to the Legislature  
33 the findings and determinations made by the independent expert  
34 review panel under subparagraph (A).

35 (b) Nothing in this section shall prohibit the state board from  
36 using its existing authority to permit potable reuse projects pursuant  
37 to Section 116550 of the Health and Safety Code before the  
38 adoption of uniform recycling criteria pursuant to this section.

39 (c) Regulations adopted by the state board pursuant to this  
40 section, and any amendment thereto, shall be adopted as emergency

1 regulations in accordance with Chapter 3.5 (commencing with  
2 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
3 Code. The adoption of these regulations is an emergency and shall  
4 be considered by the Office of Administrative Law as necessary  
5 for the immediate preservation of the public peace, health, safety,  
6 and general welfare. Notwithstanding Chapter 3.5 (commencing  
7 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
8 Government Code, any emergency regulations adopted by the state  
9 board shall remain in effect until revised by the state board. Before  
10 adopting the regulations under this section, the state board shall  
11 allow for public comment and hearing. The state board shall  
12 provide an opportunity for public review and comment on the  
13 proposed regulations for at least 60 days and shall consider public  
14 comments before adopting the regulations.

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