Date of Hearing: April 10, 2012

ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE

Jared Huffman, Chair

AB 2398 (Hueso) – As Amended: March 29, 2012

SUBJECT: Water Recycling Act of 2012

SUMMARY: Deletes much of the existing statutory and regulatory language governing recycled
water, and consolidates similar, and in some cases identical, provisions into a new division of the
Water Code entitled the Water Recycling Act of 2012 (WRA). Adds new definitions and other new requirements to recycled water permitting. Specifies that the Department of Public Health (DPH) shall permit advanced treated purified water (ATPW) for potable uses and adds a new section to the Health and Safety Code regulating ATPW. Specifies that the Regional Water Quality Control Boards (Regional Boards) and State Water Resources Control Board (State Board) (collectively "Water Boards") shall permit recycled water for nonpotable uses. Makes technical conforming changes. Specifically, this bill:

1) Defines ATPW as wastewater treated with a method at least as effective as membrane filtration, reverse osmosis, advanced oxidation, or disinfection and that includes engineered reliability features approved by DPH.
2) Defines "recycled water" as municipal wastewater that is treated to a disinfected tertiary level
or greater, including ATPW. Creates a regulatory scheme where recycled water is not deemed a waste discharge, ATPW projects are permitted by DPH, and recycled water that is not ATPW is permitted by the Water Boards under the WRA.
3) Specifies all other water reuse besides ATPW and recycled water shall permitted as a waste discharge by the Water Boards under the existing statutory scheme in the Porter Cologne Water Quality Act (Porter-Cologne) (Water Code §§ 13000 and sequence).
4) Allows government agencies to charge fees for permitting and other services required pursuant to the WRA.
5) Repeals the Water Recycling in Landscaping Act (Government Code §§ 65601 and seq.) and
integrates specific portions of that Act into Chapter 5, Article 3 of the WRA (§§ 18120-18123).

6) Amends the Health and Safety Code to:
a) Exempt recycled water that is being used in accordance with the WRA from classification as a waste discharge.
b) Add recycled water to the existing exemption for waste discharges permitted by the Water Boards.
c) Declare ATPW, as defined, is being used for groundwater recharge.
d) Declare that the planned introduction of ATPW into a raw water (i.e. water for a potable use prior to drinking water treatment) can help meet the State's recycled water goals and that rigorous safety review and clear permitting authority for such uses is needed.
e) Reference the definitions of ATPW, potable reuse, raw water, raw water augmentation, treated water augmentation, and uniform drinking water criteria found in the WRA.
f) Specify that recycled water is a source of supply and, as such, no change to the method of treatment or distribution can be made unless first authorized by DPH. Distinguishes recycled water from wastewater that would be subject to the permitting jurisdiction of the Water Boards.
g) Set out the specific criteria DPH must meet in permitting a raw water augmentation project ("Augmentation Project") using recycled water, including an engineering evaluation, establishment of drinking water criteria under the WRA, consultation with the Water Boards regarding any relevant water quality control plan or other applicable plan or policy, and a public hearing. Allows case-by-case permitting of Augmentation Projects prior to DPH's establishment of drinking water criteria but requires DPH consider current and potential future public health consequences of the project prior to permitting.
h) Allow DPH to charge fees necessary to recoup regulatory costs for issuing Augmentation Project permits and requires those funds be placed in the Augmentation Permit Fund.
i) Require holders of both DPH permits for Augmentation Projects and Water Board permits for recycled water to pay an annual fee to DPH to support investigations, inspections, adjudications of permits, and consultations between DPH and the Water Boards. Requires annual fees be placed in the Augmentation Permit Fund.

7) Repeals the Health and Safety Code requirement that all recycled water be conveyed via purple pipes and inserts language regarding the use of purple pipes for recycled water into WRA section 18140.
8) Makes technical conforming changes to the Public Utilities Code and Water Code to redefine
"reclaimed water" as "recycled water," and "wastewater recycling" as "water recycling," respectively.
9) Repeals the Water Reuse Law of 1974 (Water Code §§ 460 and seq.), which calls for studies
to promote the use of reclaimed water, and incorporates it into WRA sections 18110-18111.
10) Repeals the Groundwater Quality Monitoring Act of 2001 (Water Code §§ 10780), which calls for the creation of a comprehensive groundwater monitoring program. That program was created by the State Board in 2000 as the Groundwater Ambient Monitoring and Assessment Program (GAMA Program).

11) Amends the Water Code, Division 6, Part 2.76 regarding groundwater quality monitoring to
require that:
a) Constituents of emerging concern (CECs) be included in the State Board's GAMA Program rather than in salt and nutrient plans.
b) Requires the State Board to integrate existing monitoring programs and design new program elements in order to establish comprehensive groundwater monitoring. Requires the State Board to monitor CECs consistent with the recommendations of the advisory panel established pursuant to the State Boards' Recycled Water Policy.
c) Requires the State Board create an interagency task force (Task Force) to determine what constituents other than CECs should be monitored. States the Task Force shall consists of the State Board, the Department of Water Resources (DWR), DPH, the Department of Pesticide Regulation, the Department of Toxic Substances Control, and the Department of Food and Agriculture.
d) Requires the State Board to convene an advisory committee to the Task Force with two representatives each from federal agencies opting to participate, public water systems, environmental organizations, the business community, agriculture, groundwater management entities; and one representative from a local agency managing groundwater pursuant to an implemented groundwater management plan.

12) Deletes master recycling permits from Porter Cologne and establishes water recycling permits will be issued under the WRA.

13) Specifies existing permits to use recycled water issued before December 31, 2012, including
master permits, will remain valid until expiration or modification.

14) Deletes chapters 7 ("Water Reclamation"), 7.3 ("Direct and Indirect Potable Reuse"), and 7.5
("Water Recycling Act of 1991") from Porter-Cologne and makes conforming changes to Porter-Cologne to delete references to Chapters 7, 7.3, 7.5, and recycled water permitting.

15) Amends language regarding the prohibition on waste wells back in to Porter-Cologne chapter 7, but excludes groundwater recharge using recycled water from the waste well definition.
16) Amends the Water Code to create the WRA (Division 8, §§ 18000 and seq.), which replicates
much, but not all, of the language from deleted Porter-Cologne chapters 7, 7.3, and 7.5 and consolidates, reorganizes, and revises that language.
17) Makes findings regarding the safety, necessity, societal and environmental value of using recycled water to help meet California's future water needs. States water that is recycled, supplied, stored and used in accordance with the WRA is not a discharge of waste or sewage or a nuisance, except as provided in the WRA.
18) Incorporates the State Board's Recycled Water Policy, but converts it into the numeric goals
of recycling 1.5 million acre-feet of water per year by 2020 and 2.5 million acre-feet by

2030. States that the relevant public agencies shall use their authorities to encourage the use of recycled water and that such use under the WRA counts towards meeting the goals.
19) States that actions authorized pursuant to the WRA shall be consistent, to the extent applicable, with the federal Clean Water Act and the federal Safe Drinking Water Act and that nothing in the WRA shall alter or affect any existing water rights.
20) Authorizes the State Board and DPH to adopt regulations to carry out the act. Allows DPH
to accept public or private funds from any source and to expend those fund, upon appropriation by the Legislature, for the purposes of the WRA.
21) Requires DPH to establish and maintain uniform water recycling criteria for each varying type of nonpotable use where the water use requires protection of public health. (Modeled on Porter-Cologne §§ 13521, 13562(b).)

22) Requires DPH to investigate, develop, maintain appropriate criteria for, and report to the legislature on, potable reuse projects, including treated water augmentation and raw water augmentation, as defined by the WRA.
a) Requires, by December 31, 2013, that DPH to adopt drinking water criteria for groundwater projects utilizing recycled water.
b) Requires, by December 31, 2016, that DPH to adopt drinking water criteria for projects that augment raw water supplies with ATPW.
c) Requires, by December 31, 2016, that DPH report to the Legislature on the feasibility of developing drinking water criteria for direct potable reuse including, but not limited to, the treatments and technologies necessary to ensure the protection of public health.
d) Requires that criteria for proposed raw water augmentation projects and direct potable reuse be submitted to an expert panel for a review as to whether criteria adequately protect public health, which is consistent with existing law.
e) Makes mandatory existing discretionary requirement for DPH to appoint a task force of stakeholders, including industry and environmental interests, to advise DPH regarding the development of drinking water criteria for potable reuse projects.
f) Models these requirements on Porter-Cologne sections 13560, 13562, 13563, 13566.

23) Declares that the use of potable domestic water for nonpotable uses including, but not limited
to, toilet flushing, landscape irrigation, cooling towers or air conditioning devices, is a waste or unreasonable use of water in accordance with the California Constitution if recycled water, as specified, is available. Models these requirements on Porter-Cologne sections 13550, 13552, and 13553 which state that a State Board or a Regional Board must determine:
a) Recycled water of adequate specified quality and comparable cost is available;
b) The use of recycled water from the proposed source will not be detrimental to the public health and DPH concurs; and
c) The use recycled water will not adversely affect downstream water rights, will not degrade water quality, except in accordance with the applicable water quality control plan, and will not be injurious to plantlife, fish, and wildlife.

24) Allows any state, local or public agency, if there will be no loss or diminution of existing water rights, to require the use of recycled water for:
a) Residential landscaping if proper irrigations systems are constructed. (Modeled on Porter-Cologne § 13552.4.)
b) Cooling if the new or retrofitted structure is approved by DPH to use recycled water and, if there could be public exposure to mists, mist mitigation or mist control is provided. (Modeled on Porter-Cologne § 13552.8.)
c) Toilet and urinal flushing, except in a mental facility, if the public agency has prepared

an engineering report, as specified. For condominiums adds additional requirements regarding notice and consistency with recycled water laws and regulations. (Modeled on Porter-Cologne § 13553-4.)

25) Exempts the retrofit of an existing plumbing system to accommodate the use of recycled water from the California Environmental Quality Act (CEQA). Models this exemption on multiple existing statutory and categorical exemptions.
26) Incorporates existing language recognizing the use of sea water to flush urinals and toilets is
corrosive and allows a state or local public agency, where there is a separate distribution system for the sea water, to use recycled if it meets DPH criteria. (Modeled on Porter-

Cologne § 13553.1.)
27) Allows a recycled water producer, wholesaler, or supplier (collectively "recycled water entity") to provide notice to the Department of Transportation (DOT) and the Department of General Services (DGS) that, within 10 years , the recycled water entity will provide recycled water that meets all necessary standards for use for state landscape irrigation. Thereafter, DOT and DGS must install dual piping ("purple pipe") that meets applicable requirements. (Modeled on Porter-Cologne § 13555.5.)
28) Requires a local land use agency to adopt a recycled water ordinance, as specified, if it is notified by a recycled water entity that recycled water will be provided within the boundaries of the local land use agency within 10 years. Requires, if relevant criteria are met, that new industrial, commercial or residential subdivisions include a separate plumbing system to apply recycled water to nonpotable uses. (Modeled on the Water Recycling in Landscaping Act, Government Code §§ 65604-65607.)
29) Allows any local public agency or private company supplying or storing water, or a mutual
water company, to acquire, store, provide, sell, and deliver recycled water if the water is used in accordance with the uniform water recycling criteria and regulations established pursuant to the WRA or the drinking water criteria developed for ATPW by DPH. (Modeled on Porter-Cologne 13556.)
30) States that retailer water suppliers shall, and recycled water producers and wholesalers may
assist in, identifying potential uses for recycled water and potential customers. Allows cooperation on groundwater replenishment feasibility studies. Mandates that a recycled water supplier shall provide recycled water to a requesting customer. Restricts a customer to receiving recycled water from the local service area retail water supplier unless otherwise permitted by that supplier. (Modeled on Porter-Cologne §§ 13579, 13580, and 13580.5.)
31) Requires the use of separate purple pipe systems for recycled water, with specified exceptions. (Modeled on Porter-Cologne § 13555.3 and Health and Safety Code § 116815.)
32) Specifies that ATPW, other than ATPW blended with recycled water, shall be regulated by
DPH as a source of drinking water supply in consultation with the Regional Boards and accordance with the new requirements and procedures added to the Health and Safety Code by this bill.
33) Requires permits for recycled groundwater recharge projects using soil aquifer treated purified water to implement the drinking water criteria adopted by DPH.
34) Specifies that raw water augmentation projects not subject to drinking water criteria, and using other than ATPW, shall be permitted on a case-by-case basis in consultation with DPH.
35) Requires DPH to review reports of intent to recycle water and make any recommendations for the proposed recycled water projects to the state board and regional boards as appropriate for the protection of public health.
36) Specifies that permits for nonpotable use must include requirements to:
a) Assure compliance with uniform water recycling criteria;
b) Submit an annual report summarizing the recycled water use;

c) Create a program of oversight and compliance with the uniform water recycling criteria;
d) Comply with the program described in the permittee's report of intent to recycle water, and,
e) Implement the DPH recommendations protective of public health.

(Requirements (a)-(c) above are modeled on Porter-Cologne §13523.1(b).)

37) Specifies that where water recycling occurs within an area covered by a municipal separate
storm sewer system (MS4) permit issued pursuant to the federal National Pollutant Discharge Elimination System (NPDES), the Water Boards shall regulate incidental runoff as a low threat nonstorm water discharge under the MS4.
38) Specifies that the Water Boards shall regulate the filling and storm-induced overflow of nonpotable surface water augmentation reservoirs and other nonpotable impoundments on a case-by-case basis as necessary to avoid or minimize adverse impacts relating to the individual impoundment that are not addressed by uniform water recycling criteria.
39) In lieu of issuing water recycling permits for nonpotable reuse to a recycling entity, allows the Water Boards to issue general permits to that entity.
40) Specifies that the Water Boards may issue a recycled water groundwater recharge permit to a
recycled water entity, an entity responsible for groundwater replenishment, or both, for a project using soil aquifer treated purified water, with or without ATPW, if that permit implements the recommendations of DPH to protect public health and includes:
a) Requirements to assure compliance with drinking water criteria for recycled water groundwater recharge projects, including source control requirements;
b) Monitoring and reporting in order to demonstrate compliance with the permit;
c) Technical specifications with regard to buffer zones, travel times, diluent ratios and groundwater retention requirements, as recommended by DPH; and,
d) A requirement to comply with the permittee's intent to recycle water.

41) Requires recycled water producers, wholesalers, and suppliers of recycled water for nonpotable purposes for which uniform water recycling criteria have been established to file a report of intent to recycle water with the appropriate Regional Board that incorporates:
a) An engineering report which includes, but is not limited to:
i. information required by DPH in accordance Title 22 of the California Code of Regulations;
ii. methods of treatment;
iii. system installation, operation, maintenance and emergency backup systems;
iv. recycled water use areas; and,

v. a monitoring and reporting program to demonstrate compliance with permit terms.

b) An implementation plan for demonstrating that the recycled water use will not cause the receiving water to exceed any water quality objective specified for the receiving water in the applicable water quality control plan, except a salinity standard in the basin plan. Allows that where a salt and nutrient management plan is in place for the basin or subbasin, the implementation plan may consist of the implementation provisions of that plan.
c) As applicable, the recycled water entity's established rules or general rules or regulations as approved by DPH for recycled water entities in accordance with the uniform water

recycling criteria.

42) Exempts the filing of a report where a producing, manufacturing or processing operation recycles water solely for its own use.
43) Requires any person proposing a groundwater recharge project to file a report of intent to recycle water that includes:
a) An engineering report containing relevant technical information;
b) An implementation plan demonstrating that the use of recycled water will not cause the underlying groundwater to exceed any water quality objective specified in the applicable water quality control plan, except as allowed with regard to salinity. Where a salt/nutrient plan is in place, the implementation plan may consist of the implementation provisions of the salt/nutrient plan.

44) Mandates that if there is any material change or proposed change in the character of recycled
water or its use, the recycled water entity must file a report with the appropriate Regional Board. (Modeled on Porter-Cologne § 13522.5(b).)
45) Specifies that all reports of intent to recycle water and reports of changes are sworn statements submitted under penalty of perjury. (Modeled on Porter-Cologne §13522.5(c).)
46) Requires a Regional Board to determine the adequacy of a report of intent to recycle water within the time frames set out in the Permit Streamlining Act (PSA)(Government Code §65920 and seq.) . (Modeled on California Code of Regulations (CCR), Title 23, § 2205 regarding Regional Board approval of a waste discharge report under Porter-Cologne.)
47) If the Regional Board fails to act within the statutory period, allows the applicant to recycle
water until the Regional Board acts to adopt a water recycling permit or recycled water groundwater recharge permit. (Modeled on CCR, Title 23, § 2208.)
48) Further requires the Water Boards, in issuing a water recycling permit, to:
a) Consult with, and receive the recommendations of DPH;
b) Provide notice and a minimum of 30 days to comment; and,
c) Hold a public hearing.

49) Requires a permit filing fee when a report of intent to recycle water is filed and states the payment of fees may deem the application complete. Requires the payment of annual fees. Allows the Board to adjust fees periodically, as appropriate, after notice and hearing. Limits what costs are recoverable through fees. (Modeled on Water Code § 1535(a) and Porter-Cologne § 13260.)
50) Allows any aggrieved person to petition the State Board to review any action or failure to act of a Regional Board in the same manner as provided in Porter-Cologne.
51) Allows any person aggrieved by a decision or order to obtain review of that decision in superior court in the same manner as provided in Porter-Cologne.
52) Requires immediate notification to the Board, as soon as practicable, for the discharge of

50,000 gallons or more of tertiary recycled water in or on, or projected to be in or on, waters

of the state. (Modeled on Porter-Cologne § 13529.2.)
53) States storm-induced overflow, as defined, is not an unauthorized release.
54) Establishes the Water Recycling Research Fund. Sets out fines for the unauthorized release
of water. Requires any fines to be deposited into the Water Recycling Research Fund. (Modeled on Porter-Cologne § 13267.)
55) Prohibits the use of recycled water without a permit for any purpose for which uniform water
recycling criteria or drinking water were established. Imposes a misdemeanor fine for each day the recycled water is distributed. Allows the Regional Board to impose administrative liability, taking into account the nature, circumstances, extent and gravity of violations. Requires fines to be deposited in the Water Recycling Research Funds. Allows funds to be used for environmentally beneficial projects (Modeled on Porter-Cologne §§ 13323, 13326-8, 13330, 13351, 13524, 13525, and 13550.) Does not include strict liability.
56) Allows for the issuance of cease and desist orders directly by the State Board, after notice and hearing. Allows civil penalties. Requires funds be deposited in the State Water Pollution Cleanup and Abatement Account. (Modeled on Porter-Cologne § 13308.)
57) Allows DPH to order contamination abated if the use of recycled water contaminates potable
supplies. Establishes a presumption that the use of water in accordance with the uniform water recycling criteria does not constitute contamination. (Modeled on Porter-Cologne § 13522.)
58) Allows DWR to assist local agencies and public utilities in applying for and receiving funding for cost-effective recycled water projects. Authorizes the State Board to provide loans for the development of recycled water projects and mandates added consideration for water quality control facilities providing optimum water recycling and recycled water use. (Modeled on Water Code § 465 and Porter-Cologne 13515, 13527.)

EXISTING LAW:

1) Provides the State Board has the ultimate authority over State water rights and water quality
policy under Porter-Cologne. However, Porter-Cologne also establishes nine Regional Boards to oversee water quality on a day-to-day basis at the local and regional level.

2) Requires the Regional Boards, and sometimes the State Board, to prepare and periodically update Basin Plans (water quality control plans). Each Basin Plan establishes:
a) Beneficial uses of water designated for each water body to be protected;

b) Water quality standards, known as water quality objectives, for both surface water and groundwater; and,
c) The actions necessary to maintain these standards in order to control point sources (end of pipe discharges) and non-point sources of pollution to the State's waters.
3) Mandates permits issued to control pollution (i.e. waste-discharge requirements and NPDES
permits) must implement Basin Plan requirements (i.e. water quality standards), taking into

consideration beneficial uses to be protected.
4) Requires any person proposing to discharge waste within any region to file a report of waste
discharge with the appropriate Regional Board. No discharge may take place until the Regional Board issues waste discharge requirements or a waiver of the waste discharge requirements.
5) Empowers the Water Boards, under the auspices of the U.S. Environmental Protection Agency, to grant Clean Water Act NPDES permits for certain point-source discharges. In practice, California routinely issues NPDES permits to selected point-source dischargers and either waste discharge requirements or conditioned water quality certification for other discharges.

6) Requires any discretionary decision by a public agency with the potential for significant impacts of the environment to undergo environmental review pursuant to the California Environmental Quality Act (CEQA), unless otherwise exempt.

FISCAL EFFECT: Unknown

COMMENTS: In January 2012 the National Academy of Sciences (NAS) issued a report entitled: Water Reuse: Potential for Expanding the Nation's Water Supply Through Reuse of Municipal Wastewater. In that report the NAS states that approximately 12 billion gallons of municipal wastewater effluent is discharged each day to an ocean or estuary and that reusing these coastal discharges could directly augment public supply by 27 percent. Unlike water that is
discharged into a stream and potentially used by another downstream party, water discharged to
the ocean is considered "irrecoverable."

In California, the 2009 update of the California Water Plan, also known as "Bulletin 160," projected that 0.9 million to 1.4 million acre-feet of "new water" could be achieved by 2030 through the recycling of municipal wastewater that is currently discharged into the ocean or saline bays. An acre-foot is enough water to flood an acre of land a foot deep and supply, on average, five people for one year. In 2008, the Legislative Analyst's Office, in California's Water: An LAO Primer, found that using a "least cost, highest gain" criterion for long-term water
supply options," investing in the long–term solution of recycled municipal water would be the first funding priority."

This January, the National Water Research Institute (NWRI), in a white paper entitled Direct Potable Reuse: Benefits for Public Water Supplies, Agriculture, the Environment, and Energy Conservation, concluded that treating a significant fraction of the municipal wastewater now being discharged to the ocean to drinking water standards and introducing direct potable reuse of
municipal wastewater could stabilize the water supply in Southern California by augmenting reduced State Water Project deliveries and ensuring against water supply interruptions due to unforeseen events, such as a natural or human-made disasters.

Supporting Arguments: The author of this bill states that recycled water is an important component of California's sustainable water future and economic strength and that this bill "would expand the use of recycled water in California by improving and streamlining the existing regulatory and permitting process to reflect current scientific study and advances in treatment technology." The author concludes that by "establishing a consistent and appropriate

regulatory and permitting framework for this important alternative water supply, this bill will help secure California's water supply reliability and provide the foundation for California's future economic stability." Supporters state that while many of their member agencies "participate in recycled water projects, the projects themselves can be difficult to get off of the ground because of the complicated and fragmented permitting processes that currently exist." They believe that "creating a streamlined process of clear regulations and permits will encourage
local governments to pursue recycled water projects as a means of local water supply sustainability."

Opposition Arguments: Opponents are concerned that the changing the definition of waste in this bill to exclude certain types of recycled water could have negative impacts on the environment and human health. Opponents question how "tertiary treatment is differentiated from the most advanced technologies that supposedly produce 'purified' water in some Southern
California treatment systems" and are concerned that "incidental runoff will not be reported until
50,000 gallons has been spilled by each recycler." Opponents state that "100 gallons is the most
that should be considered 'incidental'" and cite to studies on the negative impacts of low doses
of endocrine disrupting chemicals in water and wastewater.

Why is recycled water no longer called waste in this bill? The purpose of this bill is to define water recycled to a tertiary disinfected level or higher as "recycled water" and then consolidate
many of the provisions governing recycled water into one section with clear permitting processes, while eliminating redundant and obsolete code sections. If recycled water was still also called waste, it could create a greater redundancy by requiring permitting under the new WRA created by this bill in addition to, as opposed to instead of, Porter-Cologne.

Unintended consequences? This bill merges much of existing Porter-Cologne and other statutes
into one consolidated recycled water provision, with some changes and refinements. For example, the reporting threshold for unauthorized discharges of disinfected tertiary recycled water is currently 50,000 gallons. This bill only addresses water treated to a level of disinfected
tertiary or higher, so that standard is unchanged. However, an unintended consequence of deleting the original chapter was to remove a reference that required unauthorized releases of

water treated at less than a disinfected tertiary level to be reported at levels of 1,000 gallons or more. The author states there is no intention to reduce an existing health or environmental standard and reports that the reporting requirement for discharges of 1,000 gallons or more is maintained elsewhere in Porter-Cologne. Nevertheless, the author advises he is willing to clarify
this and any other unintended consequence if necessary. In addition, the author was asked whether language was too broad when it indicated that "storm-induced overflow is not an unauthorized release." The author points out that language appears in a section regarding reporting only and is not meant to indicate such releases are somehow authorized. The author advises, moving forward, that language could be added to specify that the statement is only for
the purposes of the reporting section.

Will adequate health, safety, and environmental standards be maintained? The author believes that processes for the adequate protection of human health and safety as well as the environment
are maintained in this bill. For example, the bill requires DPH, who has authority over drinking
water standards, to permit potable uses using ATPW and retains the Water Boards' authority over permitting all other uses. In response to concerns over the this bill creating a new process for monitoring of salt and nutrient plans, etc., the author will be removing sections 14 and 15 and
reverting to existing law.

Is the CEQA exemption created under this bill new? The author has taken a variety of exemptions and exclusions added over the years with regard to recycled water and tried to merge
them into a single stand-alone exemption advising the intent was not to expand the exemption but to consolidate. However, upon further review the author feels that the language in this bill arguably expands the CEQA exemption. Moving forward the author intends to revise the language of the exemption to narrow the scope back to existing law but, for clarity, amend the provision into CEQA where other statutory exemptions to CEQA are found.

REGISTERED SUPPORT / OPPOSITION:

Support

Eastern Municipal Water District (Sponsor)

Irvine Ranch Water District (Sponsor)

San Diego County Water Authority (Sponsor)

WateReuse (Sponsor)

BIOCOM

California Association of Sanitation Agencies

Dublin San Ramon Services District

Las Virgenes Municipal Water District

Metropolitan Water District of Southern California

Sonoma County Water Agency

Opposition

Russian River Watershed Protection Committee

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