

# WateReuse California Los Angeles Chapter Meeting



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Legislation & Regulation Update

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# 2016 Legislative Dates

- Apr. 22 Last day for policy committee to hear & report fiscal bills introduced in their house
- May 13 Last day for policy committees until June 6<sup>th</sup>
- May 27 Last day for fiscal committees until June 6<sup>th</sup>
- June 3 Last day for bills to pass house of origin
- June 15 Budget bill must be passed
- Aug. 31 Last day for any bill to be passed
- Sept. 30 Last day for Governor to sign or veto bills
- Nov. 30 Adjournment
- See: <http://assembly.ca.gov/legislativedeadlines>

# 2016 Recycled Water Legislation

- SB 163 – WWTP: Recycled Water
- AB 1463 – Onsite Recycled Water
- AB 1738 – Building Standards: dark graywater
- AB 1749 – CEQA Exemption for Recycled Water Pipelines
- AB 2022 – Advanced Purified Demonstration Water
- AB 2076 – Water Recycling: beer and wine
- AB 2438 – CEQA Exemption for Recycled Water Pipelines
- AB 2601 – Building Standards: residential graywater
- AB 2890 – Drinking & Wastewater Operator Certification

# SB 163: Wastewater Treatment: Recycled Water (Hertzberg )

- Declares ocean wastewater discharge a “waste and unreasonable use”
- Requires ocean dischargers to reuse  $\geq 50\%$  by 2026 & prohibits ocean dischargers after 2036.
- Concerns include: mandatory prohibition, timeline, cost, uncertain regulatory requirements, equity among WWTP dischargers, seasonal RW demand, and public acceptance
- Propose Task Force to develop action plan to meet RW goals and report progress to legislature.
- WRCA position: oppose
- Last Action: CASA/ACWA/WRCA Coalition letter - 3/14/16

# AB 1463: Onsite Treated Water (Gatto)

- Establish WQ standards, distribution, monitoring, & reporting requirements for onsite treated water systems (OSTW)
- OSTW is defined to mean water including graywater, rainwater, and other water captured or recycled onsite, that has been sourced, treated, and used onsite in a building in a manner that is protective of public health, safety and the environment. Does not include blackwater.
- Concerns: clear distinction between graywater or OSTW and municipal recycled water and distribution requirements.
- Sierra Club and BIA among supporters; no known opposition
- WRCA position: amend
- Last Action: 4/7/16 – Meeting for interested parties

# AB 1738: Building Standards – Dark Graywater (McCarty)

- Defines “dark graywater” as wastewater that comes from kitchen sinks and dishwashers and not contaminated.
- Require State to develop building standards at next triennial review for construction, installation, and alteration of dark graywater systems for indoor and outdoor uses.
- Convene stakeholder group to ensure protection of water quality, existing research, use for irrigation, etc.
- Consult with SWRCB when developing standards
- WRCA position: amend; sent letter requesting local control
- Last Action: 03/30/16 – Refer to Com. On Appropriations



# AB 1749: CEQA Exemption for Recycled Water Pipelines (Mathis)

- Existing law exempts recycled water pipelines from CEQA during declared drought or until January 1, 2017.
- RW pipeline and related infrastructure construction or expansion projects within existing right-of-way, directly related to groundwater replenishment, where project avoids wetlands or sensitive habitat, and construction impacts are fully mitigated
- This bill extends sunset provision for 2 years (until 2019).
- No reimbursement by state or local agencies or schools
- WRCA position: watch
- Last Action: 04/04/16 – Hearing in Com. On Nat. Resources

# AB 2022: Advanced Purified Demonstration Water (Gordon)

- Authorize operator of advance purified demonstration water to bottle and distribute samples for educational purposes
- Must meet all water bottling and drinking water standards
- APDW is water treated by MF or UF, RO, AO and meet T22
- May bottle up to 1,000 gallons a year;  $\leq$  8 oz. per bottle
- Require bottle collection and recycling program
- Can not sell water
- Sponsored by OCWA, OCSD, & WRCA
- Last Action: 04/04/16 – Re-referred to on Appropriations



# AB 2076: Water Recycling; beer and wine (Garcia and Eggman)

- Require SWRCB to adopt uniform water recycling criteria for use of recycle water in the manufacture of beer and wine
- Staff comments: Need to define manufacture; WQ would exceed DWS; estimate 7 gallons of water for 1 gallon of beer; San Francisco hosted taste test using RW beer; Oregon has approved use of RW in beer for specific events; not for sale to public yet.
- WRCA position: watch
- Last Action: 04/05/16 – Gut & Amend to Brewery Water/Energy Efficiency Certification

# AB 2438: CEQA Exemption for Recycled Water Pipelines (Waldron & Nazarian)

- Exempts recycled water pipelines up to 8 miles in length for construction, installation, repair, replacement, etc.
- Must be within a public street, highway, or right-of-way
- Does not apply if adjacent to another pipeline exemption or located in a resource area such as park or open space
- File a NOE & hold public hearing for traffic mitigation
- Similar to AB 2417 in 2014 with Jan. 2020 sunset
- Concerns: hearing, open space limits, trench size, etc.
- Last Action: 04/04/16 – Hearing cancelled by author

# AB 2601: Building Standards: residential property: graywater (Eggman)

- Require HCD, on or after Jan 2017, to adopt & submit amendments to BSC
- Require all new single family and duplex residential dwelling units to include specific components to allow separate discharge of graywater for direct irrigation
- Require segregated building drains for lavatories, showers, and bathtubs to allow for future installation of distributed graywater system.
- WRCA position: discuss
- Last Action: 03/10/16 – Referred to Com on H. & C.D.

# AB 2890: Drinking Water and Wastewater Operator Certification

- Overhaul drinking water and wastewater operator certification programs
- Establish advisory committee to assist SWRCB
- Adopt emergency regulations and schedule of fees
- Issue a operator and distribution certificate by reciprocity
- Renew certificates every 3 years instead of 2 years
- Establish civil liability & penalty provisions
- Conduct board hearing prior to suspension or revocation of a valid operator certificate
- Sponsored by SWRCB    WRCA position: discuss
- Last Action: 3/28/16 – Referred to Com. On E.S. & T. M.

# Federal Legislation – 114<sup>th</sup> Congress

- HR 2993 - Water Recycling Acceleration Act of 2015
- HR 3045 - California Water Recycling and Drought Relief Act
- HR 3143 - Smart Energy and Water Efficiency Act of 2015
- HR 4610 - Reclamation Wastewater and Groundwater Study and Facilities Act
- S 2776 - Amend the Safe Drinking Water Act
- S 2533 - California Emergency Drought Relief Act of 2016
- S 2673 - Water Technology Acceleration Act of 2016

# S. 2533 - California Emergency Drought Relief Act of 2016 (Feinstein)

- Authorize \$1.6 B over 10 years
- Authorize \$150 M for Title XVI Grants
  - Require feasibility study to request funding
  - Remove Congressional authorization requirement
  - Includes Metropolitan on list of potential projects
- Reauthorize Desalination Act and authorize \$100M
- Authorize additional \$150M for WaterSMART



# Important Regulatory Dates

- Recycled water general permit Hearing 4/19/16
- Surface Water Augmentation regs. by 12/31/16
- DPR feasibility study to legislature by 12/31/16
- Evaluate Recycled water use for animals by 12/31/16
- Develop RW Building Standards -> 2016 adoption cycle
- Title 17 and 22 changes -> TBD
- Operator certification requirements -> TBD
- Drinking water permit fees -> TBD

# Recycled Water General Permit

- Use for all non-potable uses except GW recharge
- Limited use of permit since introduction in June 2014
- Concerns over monitoring above existing permits
- Proposed changes to address:
  - Reporting of agronomic rates for landscape irrigation
  - Reduce quarterly reporting
  - Monitoring & reporting of priority pollutants
  - 4-year testing of cross-connections
  - Required consultation for adding new users
- SWRCB hearing in April 18, 2016
- Expect revisions and 2<sup>nd</sup> hearing in May

# Surface Water Augmentation

- Defined as the planned placement of RW into surface reservoir used as source of domestic drinking water supply
- SWRCB must adopt uniform water recycling criteria for SWA by 12/31/16
- Recycling Criteria means the levels of constituents of RW and assurance or reliability which is safe for public health
- Recycling criteria limits the use of RW for any purpose which RWC have been established or a RWCQB determines that no requirements are necessary
- SWRCB must submit proposed criteria to expert panel
- SWRCB shall not adopt SWA criteria unless expert panel finds that criteria protects public health

# Questions?

If you have any questions, please contact:

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