WateReuse California
Los Angeles Chapter Meeting

June 14, 2016
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 6th
May 27  Last day for fiscal committees until June 6th
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/legislative deadlines
2016 Recycled Water Legislation

- SB 163 — Wastewater Treatment: 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 (held in committee)
- AB 2438 — CEQA Exemption for Recycled Water Pipelines
- AB 2601 — Building Stds: residential graywater (held in committee)
- AB 2890 — Drinking & Wastewater Operator Certification
SB 163: Wastewater Treatment: Recycled Water (Hertzberg)

- Declares ocean and bay wastewater discharge a “waste and unreasonable use”
- Prohibit water supplier or replenishment district from not taking treated wastewater made available for GW recharge, SWA, or landscape irrigation
- Require SWRCB to promulgate regulations by 2020
- Require ocean and bay dischargers to submit plan to use maximum extent practicable by 2033
- Requires ocean and bay dischargers to reuse >50% by 2033.
- Concerns include: mandatory RW of 50% of WWTP, mandatory use by purveyors, cost, uncertain regulatory requirements, equity among WWTP dischargers, RW demand, and public acceptance of RW.

Last Amendment: 06/08/16 – Amended in Assembly
WRCA position: Oppose/Amend
Establish monitoring & reporting requirements for nonpotable uses of onsite treated water (OSTW) for use in multifamily, commercial and industrial buildings (prohibit use in SFH).

OSTW is defined to mean water including graywater, rainwater, and other water captured onsite, that has been sourced, used, and treated as needed onsite in a building.

Last Action: 6/6/16 – Amend and re-refer to committee

Sierra Club and BIA among supporters; no known opposition

Concerns: clear distinction between graywater or OSTW and municipal recycled water quality and distribution requirements.

WRCA position: Amend
AB 1738: Building Standards – Dark Graywater (McCarty)

- Require State to develop and submit building standards at next triennial review for construction, installation, and alteration of dark graywater systems for indoor and outdoor uses.
- Defines “dark graywater” as wastewater that comes from kitchen sinks and dishwashers.
- Consult with SWRCB when developing standards
- Convene stakeholder group to ensure protection of water quality, existing research, use for irrigation, etc.
- Last Amendment: 03/28/16 – Amended in Assembly
- Last Action: 6/2/16 – In Senate refer to committee
- WRCA position: Concern/Amend
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.
- 04/27/16 amendment - only for construction of RW treatment facility located on city owned property and directly related pipelines > 1 mile within existing developed rights of way, where project avoids wetlands or sensitive habitat, and construction impacts are fully mitigated
- Extends sunset condition until 2018
- Targets proposed WR projects in Porterville - author's district
- Last Action: 06/09/16 – Referred to Com. on E.Q
- WRCA position: Watch
Authorize operator of advanced 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; ≤ 8 oz. per bottle.

Require bottle collection and recycling program.

Can not sell water.

Last Action: 05/05/16 – Referred to Com. on E.Q.

Sponsored by OCWA, OCSD, & WRCA.
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: 06/09/16 – Referred to Com. on E.Q

WRCA position: Watch
AB 2890: Drinking Water and Wastewater Operator Certification

- Overhaul and align 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

Last Action: 06/06/16 – Hearing canceled by author

Sponsored by SWRCB | WRCA position: Watch
Federal Legislation – 114th 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
- HR 4954 - Water Quality Protection and Job Creation Act
- S 2012 - N. American Energy Security and Infrastructure Act
- S 2776 - Amend the Safe Drinking Water Act
- S 2848 – Water Resources Development Act of 2016
- S 2533 - California Emergency Drought Relief Act of 2016
- S 2673 - Water Technology Acceleration Act of 2016
Important Regulatory Dates

- Recycled Water General Order adopted 6/7/16
- Surface Water Augmentation regulations by 12/31/16
- DPR feasibility study to legislature by 12/31/16
  - Expert Panel release additional research 6/30/16
  - Expert Panel Final Report to SWRCB 7/01/16
  - Expert Panel Final Report released to public 9/1/16
  - LA Chapter DPR Workshop – September
- Evaluate recycled water use for animals by 12/31/16
- Develop RW Building Standards - 6/2016 - > 6/2017
- Operator certification requirements -> TBD
Recycled Water General Order

- SWRCB adopted General Order (permit) on June 7, 2016
- Use for all non-potable uses except GW recharge
- Maintain streamlined approach
- Cover larger projects over multiple RWQCB’s
- Requires permits to be in compliance with SNMP’s
- Adds language on CEC’s & EDC’s
- Only SWRCB can increase monitoring requirements

Some concerns remain:
- Mandatory consistency with GO & RW Policy
- Mandatory use of GO with in 3 years instead of opt-in
- Monitoring & reporting above existing permits
- Required consultation for adding new users
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
Additional Items

- Feasibility of Direct Potable Reuse – LA Chapter briefing & workgroup

- Statewide Recycled Water Survey

- Operator Certification for Potable Reuse Survey by July 7, 2016

- Potential update of State Recycled Water Policy
Questions?

If you have any questions, please contact:

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