

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 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




AB 1463: Onsite Treated Water (Gatto)

- 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



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
- Last Action: 05/05/16 – Referred to Com. on E.Q.
- Sponsored by OCWA, OCSD, & WRCA



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: 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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