

# LEGISLATIVE-REGULATORY CHAPTER UPDATE

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WaterReuse California

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Volumetric Annual Report  
(VAR) of Wastewater and  
Recycled Water

# Volumetric Annual Report

- The State Water Resource Control Board's Recycled Water Policy requires wastewater treatment plants and recycled water producers to report monthly volumes of influent and effluent each year from the previous calendar year every April

### Volumetric Annual Reporting of Wastewater and Recycled Water 2022 Calendar Year Results



- The State Water Resource Control Board's Recycled Water Policy requires wastewater treatment plants and recycled water producers to report monthly volumes of influent and effluent each year from the previous calendar year every April.
- Reporting includes treatment level and discharge type and, as applicable, recycled water use by category.
- Wastewater treatment plants and recycled water producers have been required to submit data in GeoTracker since the 2019 calendar year.
- These annual data support policy decisions across the Water Boards and sister agencies, and enable the State Water Board to track progress toward the three Recycled Water Policy Goals to:

| Goal            | Description   |
|-----------------|---|
| <b>INCREASE</b> | the volume of recycled water used to at least 2.5 million acre-feet a year in the next decade         |
| <b>REUSE</b>    | all dry weather discharge to enclosed bays, estuaries, coastal lagoons, and ocean waters, as feasible |
| <b>MAXIMIZE</b> | reuse where groundwater supplies are in a state of overdraft  |



# Regulations for Direct Potable Reuse

# DPR Regulations went into effect on October 1, 2024



# DPR Member Tool Kit

- WRCA press release: [California's Direct Potable Reuse Regulations Flow into Action](#)
- [Two pager](#)
- Quotes document: [WateReuse California Members react](#)



## CALIFORNIA'S DIRECT POTABLE REUSE REGULATIONS: MAJOR PROVISIONS

The Direct Potable Reuse (DPR) regulations, adopted unanimously in December 2023 by the State Water Resources Control Board (Water Board), are extremely protective of public health and are among the most rigorous potable reuse regulations in the nation. The regulations, which became effective October 1, 2024, were developed following decades of research and studies by experts. The following provides a summary of some of the major provisions of the DPR regulations. For a full understanding of the DPR requirements, WateReuse California recommends consulting the text of the regulation.

### ● NEW ORGANIZATIONAL STRUCTURE

The DPR regulations require a single agency to be ultimately responsible for compliance with the regulations. This Direct Potable Reuse Responsible Agency (DiPRRA) must be a public water system, but a DPR project may include other Partner Agencies such as those providing wastewater collection, wastewater treatment, or other public water systems.

### ● HIGHEST LEVEL OPERATOR CERTIFICATION REQUIRED WITH 24/7 STAFFING

Intensive monitoring and oversight will be required for the operation of DPR projects. Therefore, the regulations require the highest level of drinking water treatment certification (T5) for the chief operator that oversees the DPR advanced purification processes. Furthermore, the chief and shift operator at the advance water treatment facility must hold AWT5 and AWT3 levels of the new Advanced Water Treatment Operator certification, respectively. The shift operators at the facility must also obtain at least a Grade 3 certification. Either the chief or shift operator is required to be on-site at all times—24/7—unless in the future it can be demonstrated that an equivalent degree of operational oversight and reliability can be maintained with less than 24/7 staffing.

### FOR MORE INFORMATION

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Managing Director,  
WateReuse California  
[bmckenna@watreuse.org](mailto:bmckenna@watreuse.org)

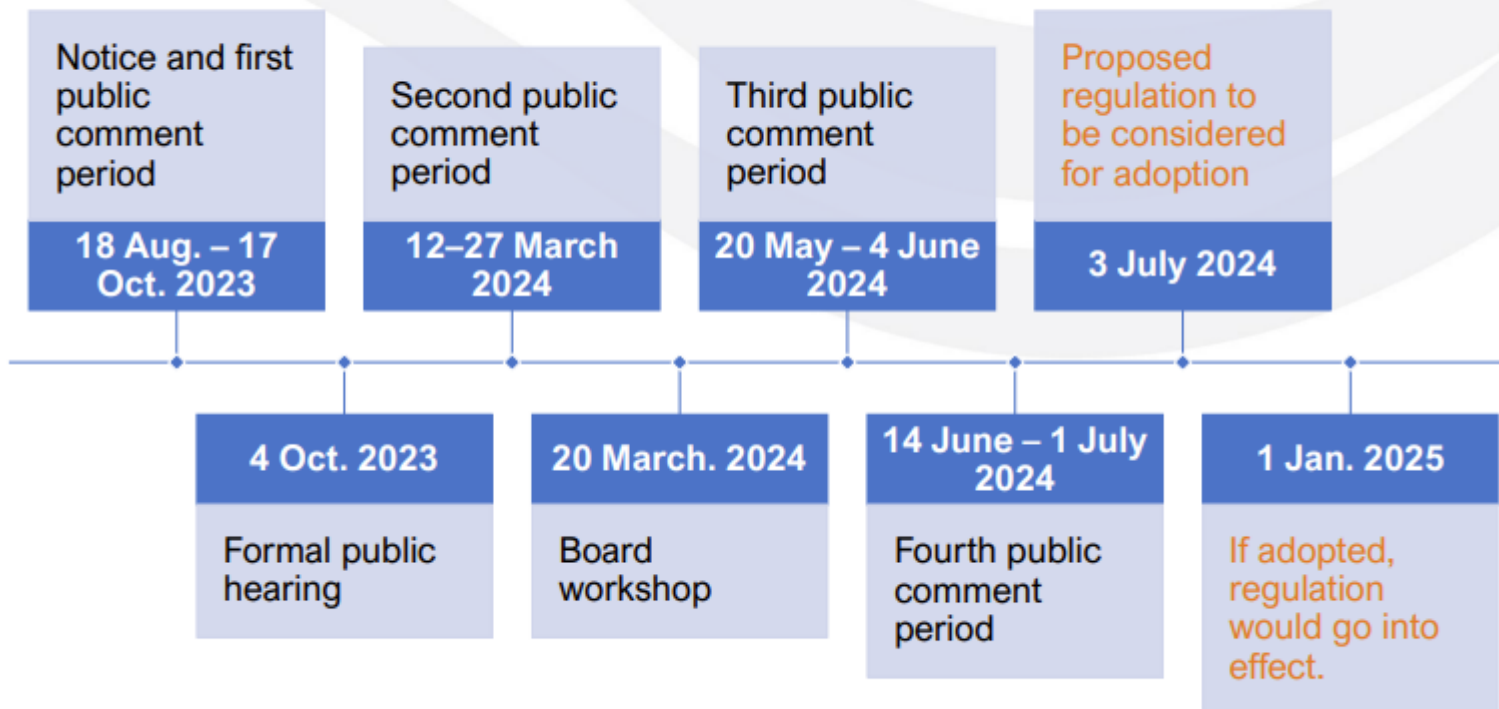
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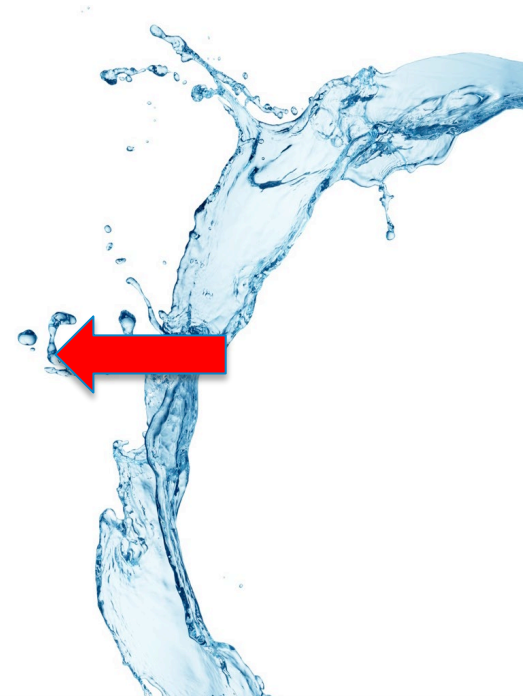
Rulemaking to Make  
Conservation a California  
Way of Life

# State Water Resources Control Board Slide: Timeline

## Where we are in the formal rulemaking process



California Water Boards





# Regulations approved by OAL on October 22, 2024

- State Water Resources Control Board (SWRCB) received approval from the Office of Administrative Law (OAL) for the Making Conservation a California Way of Life regulation
- Regulation effective date: 1/1/2025
- Final text of the [Regulation to Make Conservation a California Way of Life](#)
- Urban Retail Water Suppliers are required to submit their Urban Water Use Objective [Reporting Form \[and guidance documents\]](#) to the SWRCB by January 1, 2025



# WRCA Laser Focused on Reuse Issues

- Recycled Water Landscape Irrigation: Maintain 1.0 ET
  - Develop a High TDS Variance for Landscape Irrigation
- Ensure potable reuse bonus incentive for all types of Potable Reuse
- For impacts from lowered indoor water use -- include process for addressing negative impacts to wastewater collection, treatment and reuse systems



A dynamic splash of clear blue water, captured in mid-air, forming a large, irregular shape that frames the central text. The water droplets are sharp and detailed, creating a sense of movement and freshness.

# Recycled Water Permit Fees

# Recycled Water Permit Fees: Background

- As a result of:
  - [State Fiscal Year 2023-24 budget change proposal](#) “BCP” and
  - Public resources budget trailer bill ([SB 122](#), statutes of 2023)
- The State Water Resources Control Board now has authority to assess fees for recycled water permits



# Recycled Water Permit Fees: Purpose and Initial Implementation

- Per BCP, fees intended to cover 15 Regional Board staff for permitting recycled water projects
  - Page 1: “allowing the Water Boards to effectively carry out recycled water permitting responsibilities”
- 13 of 15 Regional Board positions, as well as 2 positions for desalination and 4 positions for Water Supply Strategy, already funded in Fiscal Year 2023-24
  - 2.7% increase in all existing Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permit fees
  - These fee increases were already invoiced to projects last year

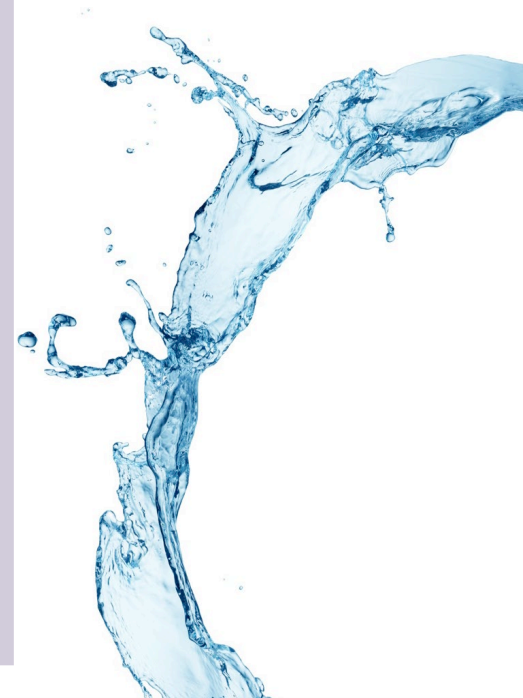
# Path to path forward

## State Board Fee Unit's Guiding Principles

- Remain Revenue Neutral
- Be implementable statewide
- Minimize yearly swings
- Spread the fees broadly
- Based on relative size - actual flow from Volumetric Annual Report (VAR)
- No “fee for service”

## WateReuse California Guiding Principles

- Not be one-size-fits-all
- Increase proposals be transparent and capped
- Avoid duplicative charges
- Fee should be fair
- State Board provide meaningful stakeholder engagement



# Approved Option [formerly known as “Option F”]: Fee by Type of Recycled Water Produced and Distribution/Use

- Continuing to fund the new Personnel Years (PYs) via the existing WDR Fees and NPDES Fees, with an additional surcharge added on recycled water projects
- Fee would distinguish between potable and non-potable recycled water produced
- Would be assessed as a surcharge for:
  - National Pollutant Discharge Elimination System (NPDES) Wastewater (WW) permits and
  - Waste Discharge Requirements (WDRs) that contain recycling requirements
- For projects that produce *both* potable and non-potable water under a single permit, the higher potable surcharge would be assessed
- Fee will likely increase annually by 4-6% to keep up with inflationary increases
- Small fee also assessed on Water Recycling Requirements (WRRs) for recycled water distribution/use only



# State Board slide on “Option F”: Fee by Type of Recycled Water Produced and Distribution/Use

## Recycled Water Permits Fee Option

### Option F: Fee by Type of Recycled Water Produced and Distribution/Use

For facilities producing recycled water consistent with California Code of Regulations, Title 22, a fee would be assessed based on the type of recycled water produced. The fee would distinguish between potable and non-potable recycled water produced and would be assessed as a surcharge for National Pollutant Discharge Elimination System (NPDES) Wastewater (WW) permits and Waste Discharge Requirements (WDRs) that contain recycling requirements and as a flat fee for Water Recycling Requirements (WRRs).

For permits for the distribution or use of recycled water (exclusive of production), the fee would be a flat fee.

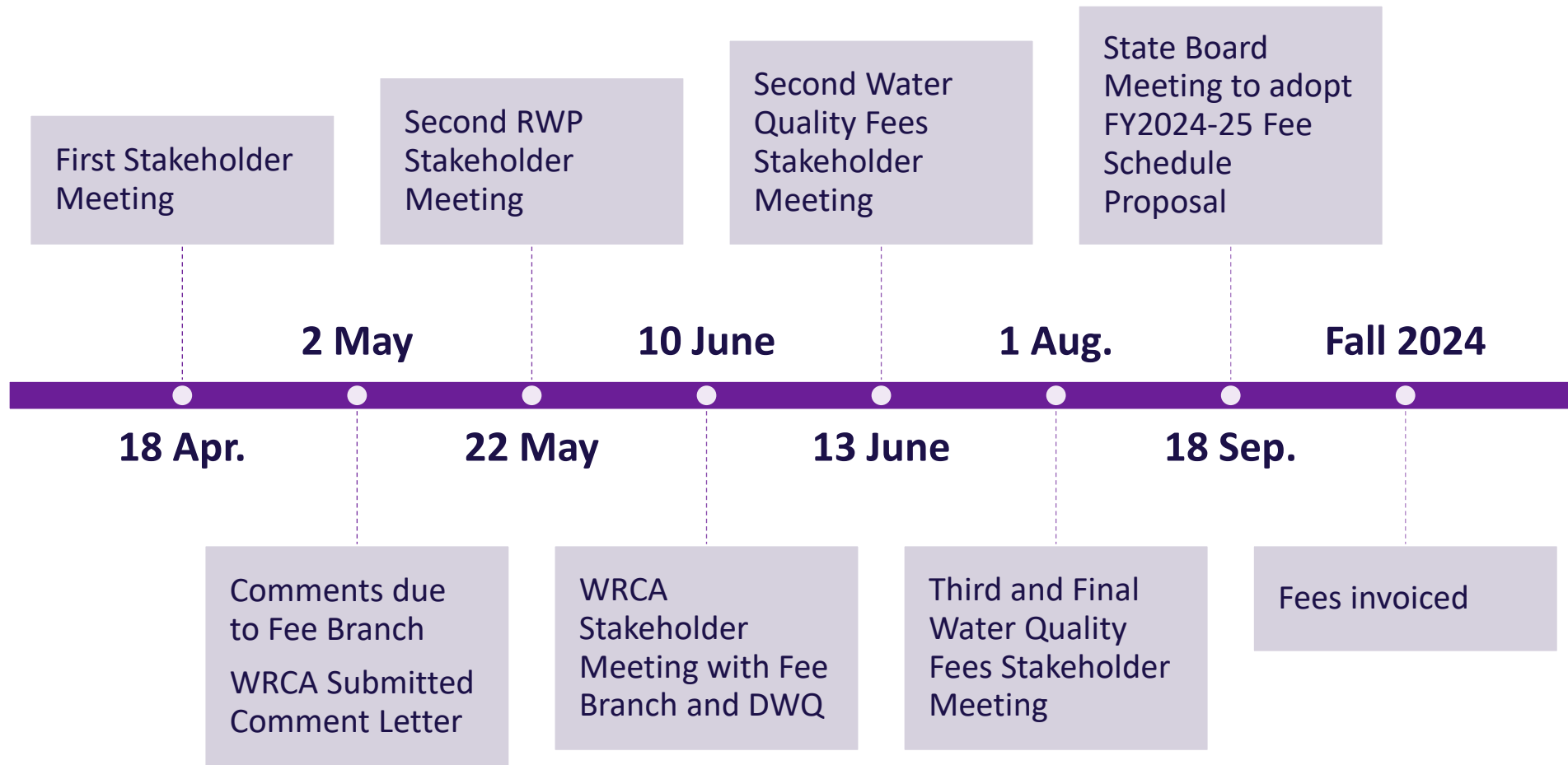
| Recycled Water Production                    | Potable Fee | Non-Potable Fee |
|--|-------------|-----------------|
| Permits issued for recycled water production | \$16,000    | \$2,800         |

| Recycled Water Distribution and/or Use                         | Fee     |
|--|---------|
| Permits issued for recycled water distribution and/or use only | \$1,500 |





# Recycled Water Permit Fees – Timeline



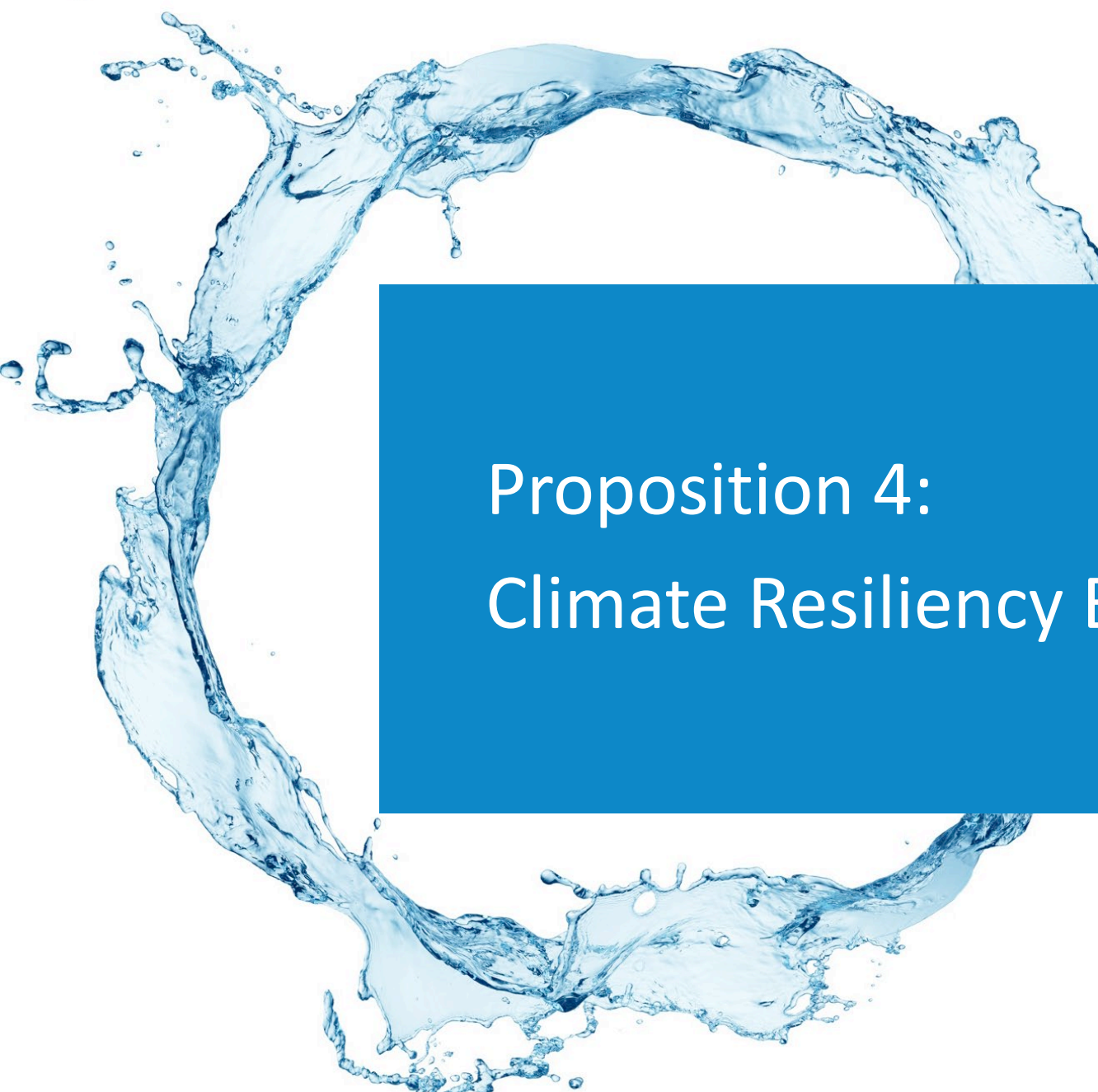
# State Water Resources Control Board Meeting to adopt FY2024-25 Fee Schedule Proposal

- Wednesday, September 18, 2024
- [Agenda](#)
- See **Item 7** for all related documents:

7. Consideration of a proposed Resolution adopting emergency regulations revising the Core Water Quality Regulatory Fee Schedules contained in Title 23, Division 3, Chapter 9, Article 1, Sections 2200, 2200.6, 2200.7 and 2200.8 of the California Code of Regulations.

- [Agenda Item](#)
- [Draft Resolution](#)
- [Proposed Regulation Text](#)





Proposition 4:  
Climate Resiliency Bond

# Proposition 4

- WRCA Position: Support
  - August 9: WRCA Legislative-Regulatory Committee makes recommendation to support
  - September 15: This recommendation went to our full WRCA Board of Trustees, and they approved the position to support
- November Ballot
  - Authorizes \$10 billion in general obligation bonds for water, wildfire prevention, and protection of communities and lands. Requires annual audits.
  - [Official Voter Information Guide](#)





# Clean Water State Revolving Fund

# Clean Water State Revolving Fund

- State Water Resources Control Board (SWRCB) Division of Financial Assistance (DFA) recently released proposed revisions to the Clean Water State Revolving Fund Policy, or “Policy Amendments.”
- [CWSRF Policy Notice](#)
- CWSRF [Webpage](#)



# Summary of the proposed changes

- Change One: Primary Score
- Change Two: Replace Secondary Score with Affordability Score
- Change Three: Readiness Score
- Other significant proposed changes:
  - Deputy Director Authority to remove a project when applicant fails to meet deadlines established in Intended Use Plan.
  - Eligible Projects:
    - Cost of purchasing a wastewater system
    - Septic decommissioning and private laterals



# Clean Water State Revolving Fund

- November 22, 2024 WRCA joint comment letter with CASA
- If you have any questions, please reach out to [Brenley](#) and [Beth](#)



November 22, 2024

Submitted electronically to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Courtney Tyler, Clerk to the Board  
State Water Resources Control Board  
1001 I Street, 24th Floor Sacramento, CA 95814

RE: Comment Letter – November 5, 2024 Board Workshop – CWSRF Policy Amendment

Dear Ms. Tyler,

On behalf of WaterReuse California (WRCA) and the California Association of Sanitation Agencies (CASA), thank you for the opportunity to provide comments on the November 2024 draft Clean Water State Revolving Fund (CWSRF or SRF) policy amendments (Draft Policy Amendments). WRCA represents 220 public agencies, consulting firms, and companies committed to expanding the use of recycled water in California. CASA represents more than 130 public agencies and municipalities that engage in wastewater collection, treatment, recycling, and resource recovery. Together, our member agencies are engaged in advancing recycled water production and beneficial reuse, committed to developing renewable energy supplies, and actively maximizing water reuse in the state of California.

In summary, our recommendation on the process for the Draft Policy Amendments are three-fold:

- (1) Adopt streamlining and consensus-based non-scoring amendments, near-term;
- (2) Defer adoption of substantive scoring amendments until later in 2025;
- (3) Utilize the SRF Stakeholder Advisory Group (SRF SAG) in the interim to develop consensus-recommendations for the Secondary Score, Affordability Score, and Readiness Score.

We have divided our substantive comments on the Draft Policy Amendments into two sections: the first pertains to the proposed non-scoring amendments, and the second to the proposed scoring amendments.

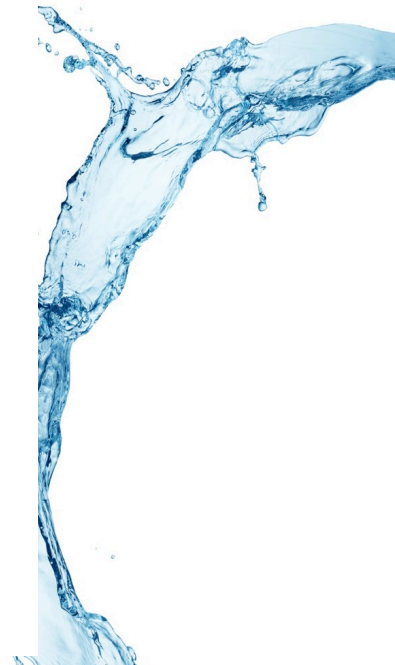
#### Proposed Non-Scoring Amendments

##### 1. Clarify the Proposed Language in the Construction Completion Date Provision

*"XIV. Construction/Implementation Financing Payments*

*D. The Recipient must make its first annual payment not later than one year following the Completion of Construction date, as established in the originally executed Financing Agreement. The Division will generally not extend the initial repayment date, but shall have discretion to extend on a case-by-case basis, upon justification from the Recipient."*

State Water Resources Control Board (SWRCB) staff have done an excellent job explaining the rationale and need for this amendment, after our organizations reached out to dialogue about initial impressions and concerns with this new language. We now understand that the intent of the change is to better manage the health of the fund by ensuring funds return to the program for further utilization. We propose a few clarifications to eliminate any unintended financial consequences with this new provision.







Questions?

For further information:

Rosario Cortés 💧 [rcortes@watereuse.org](mailto:rcortes@watereuse.org)