

March 26, 1999

To: Board of Directors (Communications and Legislation Committee--Action)

From: General Manager _____

Submitted by: Jack R. Maloy, Chief _____
Communications

Subject: AB 237 (Machado): Water Recycling

RECOMMENDATION

It is recommended that the Board adopt a “support” position on AB 237 (Machado) to fund research related to water recycling.

EXECUTIVE SUMMARY

Assemblyman Mike Machado (Stockton) has introduced AB 237 on behalf of the WateReuse Association (attached). This legislation would provide \$6 million from the State General Fund for research related to water recycling. The monies would be administered by the State Water Resources Control Board and would be provided to public agencies, universities and charitable non-profit organizations in the form of grants for water recycling studies, investigations, and research and development. The bill also provides \$1.5 million for a study to be administered by the State Water Resources Control Board that would assess the state-wide impacts of water softening and other sources of salinity on water supplies. Support for AB 237 is recommended because it would assist local resource development in Metropolitan’s service area.

DETAILED REPORT

Assemblyman Mike Machado has introduced AB 237 (attached) at the request of the WateReuse Association. This legislation would provide \$6 million from the State General Fund for research related to water recycling and \$1.5 million for a state-wide study to assess the impacts of water softening and other sources of salinity on surface waters, groundwater and recycled water supplies. The monies would be administered by the State Water Resources Control Board and would be provided to public agencies, universities and charitable non-profit organizations in the form of grants for water recycling studies, investigations, and research and development.

The ongoing CALFED process has emphasized the importance of recycled water to the future of California’s water supply. CALFED’s water use efficiency program envisions a significant increase in recycled water use as an essential element of its Bay-Delta solution. While Southern California has lead the nation in water recycling, future opportunities are challenged by regulatory, cost and public acceptance hurdles. A key to overcoming those obstacles is through a technical research and development program that specifically targets the following general water recycling research categories:

- Matters related to public health
- New technologies and techniques
- Irrigation of agriculture and horticulture
- Institutional, cost/benefit and public education aspects
- Environmental enhancement uses

Increased salinity in wastewater is a major constraint to water recycling in many locations. Desalting recycled water supplies is expensive and the option of last resort. The debate regarding the contribution of water softening devices to salinity in wastewater has received increased attention in recent years and is still unresolved.

Efforts by agencies to restrict the use of self-regenerative water softeners where they are harmful to good water resource management have been rebuffed by the courts because water-softening standards have been established by State law. As a result, legislative remedy appears to be the only recourse for those agencies. It is important that any solution related to water softeners be based on thorough scientific analysis to assure that use of water softeners by the public is not unduly constrained.

The State Water Resources Control Board is the logical entity to administer the study because of their role relative to protection and beneficial uses of State water resources. The bill provides for concerned industry to participate in the water softening study and requires that a list of proposed strategies be developed to minimize the impacts of water softening. The Water Quality Association and Pacific Water Quality Association - organizations representing the water softening manufacturers and services industry - have opposed inclusion of water softening study provisions in the bill. These associations have consistently opposed legislation that might adversely affect sales of water softeners.

Adopted Board policy principles for water recycling related to this bill include support of legislation and regulation that:

- Develop new financing for water recycling consistent with the following objectives: research leading to advances in science and technology; health effects assessments; facility and regional planning; desalting; and innovative demonstration projects;
- Serve to increase public education and awareness of water recycling, its benefits and safety; and
- Protect or improve the quality of wastewater and source water supplies from constituent concentrations that are adverse to recycled water use.

Support of AB 237 is also consistent with the proposed salinity management policy and action plan to be considered separately by the Board this month.

KMK:cl

Attachment 8-12A

AB 237

Attachment 8-12A

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 237

Introduced by Assembly Member Machado

January 28, 1999

An act to add Chapter 6.4 (commencing with Section 13473) to Division 7 of the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 237, as introduced, Machado. Recycled water. Under existing law, the State Water Resources Control Board is among the principal state agencies with primary authority over water quality. Existing law regulates the use of recycled water.

This bill would require the board to award grants to public agencies, universities, and charitable nonprofit organizations for the purpose of conducting, or assisting in the financing of, prescribed water recycling studies, investigations, and research and development. The bill would require the board, in consultation with local agencies, affected industry, and other interested parties, to conduct a study to assess the impacts of discharges from residential self-regenerating water softeners and other sources of salinity on the quality of surface water and groundwater and water recycling, and would require the board to submit the study to the Legislature by January 1, 2001. The bill would make related findings and declarations.

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The bill would appropriate from the General Fund to the board \$6,000,000 to carry out the grant program and \$1,500,000 to conduct the study.

Vote: 2/3 . Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature makes all of the
- 2 following findings and declarations:
- 3 (a) The State of California is subject to periodic
- 4 drought conditions.
- 5 (b) The development of traditional water resources in
- 6 California has not kept pace with the state's population,
- 7 which is growing at the rate of over 700,000 per year and
- 8 which is anticipated to reach 50 million by the year 2020.
- 9 (c) There is a need for a reliable source of potable and
- 10 nonpotable water to protect investments in industry,
- 11 agriculture, greenbelts, and recreation and to protect and
- 12 enhance fisheries, wildlife habitat, and riparian areas.
- 13 (d) The Department of Water Resources has
- 14 estimated that more than 450,000 acre-feet of water was
- 15 recycled in 1997. The department estimates a statewide
- 16 water recycling potential of 1.5 million acre-feet per year
- 17 by 2020.
- 18 (e) The CALFED Bay-Delta Program is relying on
- 19 water recycling as an essential element of the state's
- 20 future water supply. Water recycling is a common
- 21 element of all of the San Francisco Bay/Sacramento-San
- 22 Joaquin Delta alternatives which have been studied by
- 23 CALFED, which will help reduce pressures on the
- 24 bay-delta system.
- 25 (f) An expanded recycled water supply would reduce
- 26 the need for additional diversions from the delta, which
- 27 would promote carry over storage, enhance water supply
- 28 reliability, improve water quality, enhance ecosystem
- 29 vitality, and reduce wastewater discharge to waters of the
- 30 state.
- 31 (g) The use of recycled water has proven to be safe
- 32 from a public health standpoint, and the State

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1 Department of Health Services is updating regulations
2 for the use of recycled water.
3 Recycled water is a cost-effective new water
4 supply that can be developed in discrete increments,
5 thereby offering a high degree of flexibility as to the
6 timing of water supply investments.
7 Large scale water recycling projects are
8 particularly complex undertakings for local agencies and
9 require the assistance and support of state and federal
10 agencies to maximize opportunities.
11 Various constraints on water recycling should be
12 recognized and addressed if the benefits of an expanded
13 water supply are to be realized.

14 SEC. 2. Chapter 6.4 (commencing with Section
15 is added to Division 7 of the Water Code, to read:

16
17 Chapter 6.4. Water Recycling Program

18
19 13473. Unless the context otherwise requires, the
20 following definitions govern the construction of this
21 chapter:

22 (a) "Charitable nonprofit organization" means any
23 California corporation organized under Section
24 501(c)(3) of the Internal Revenue Code for purposes
25 related to expanding the use of recycled water.

26 (b) "Public agency" means any city, county, city and
27 county, district, or other political subdivision of this state.

28 (c) "University" means a campus of the University of
29 California or California State University.

30 (d) "Water Recycling Committee" means a
31 committee consisting of the Director of Health Services,
32 the executive director of the board, the Secretary of Food
33 and Agriculture, the director, and the Director of Fish
34 and Game, or their designees, and three public agency
35 members from entities operating water recycling
36 facilities selected by the executive director of the board.

37 13473.2. (a) The board shall award grants and enter
38 into contracts to conduct, or assist in the financing of,
39 water recycling studies, investigations, and research and
40 development related to each of the following:

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1 (1) Matters related to public health, including, but not
2 limited to, health effects monitoring, operational
3 protocols, suitability of treatment technology for removal
4 of pathogens and pollutants, and risk assessment.

5 (2) New technologies and techniques, including, but
6 not limited to, the development, testing, and certification
7 of new treatment technologies, and water quality
8 monitoring and management techniques.

9 (3) The use of recycled water for irrigation of
10 agriculture and horticulture.

11 (4) The identification and development of
12 institutional arrangements to facilitate regional recycling
13 opportunities, the assessment of the cost and benefits of
14 water recycling, and the dissemination of water recycling
15 economic, scientific, and research data through public
16 education and outreach programs.

17 (5) The restoration and enhancement of fish and
18 wildlife habitat using recycled water, including, but not
19 limited to, the creation of artificial wetlands, aquatic
20 habitat restoration and enhancement, and an assessment
21 with regard to the suitability of recycled water for the
22 maintenance of fish and wildlife habitat.

23 (b) The board shall convene the Water Recycling
24 Committee. The committee shall review and make
25 recommendations to the board regarding the grants
26 awarded pursuant to subdivision (a) to ensure the
27 effective utilization of the state's long-term funding for
28 water recycling public education and basic and applied
29 research.

30 (c) For the purposes of this section, grants may be
31 made to a public agency, university, and charitable
32 nonprofit organization to pay up to 100 percent of the
33 costs of the water recycling studies, investigations, or
34 research and development. A preference may be given
35 to grant applications with matching funds from sources
36 other than the state.

37 13473.4. (a) The board, in consultation with local
38 agencies, affected industry, and other interested parties
39 shall conduct a study to assess the statewide, regional, and
40 local impacts of discharges from residential

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1 self-regenerating water softeners and other sources of
2 salinity on the quality of surface water and groundwater
3 and water recycling, and shall provide a list of proposed
4 strategies to minimize those impacts, if any.

5 (b) Pursuant to subdivision (a), the board shall ensure
6 that the study is completed, and a final report is submitted
7 to the Legislature, on or before January 1, 2001.

8 SEC. 3. (a) The following amounts are hereby
9 appropriated from the General Fund to the State Water
10 Resources Control Board for the following purposes:

11 (1) Six million dollars (\$6,000,000) to carry out Section
12 of the Water Code.

13 (2) One million five hundred thousand dollars
14 (\$1,500,000) to carry out Section 13473.4 of the Water
15 Code.

16 (b) Not more than 3 percent of the total amount
17 appropriated pursuant to this section may be used to pay
18 the costs incurred by the board in connection with the
19 administration of Chapter 6.4 (commencing with Section
20 of Division 7 of the Water Code.