



● **Board of Directors**
Communications and Legislation Committee

May 12, 2009 Board Meeting

8-4

Subject

Express support for AB 1100 (Duvall, R-Brea) – Potable reuse demonstration water

Description

AB 1100 ([Attachment 1](#)) by Assembly Member Mike Duvall and sponsored by the Orange County Water District would allow the bottling of potable reuse demonstration water, which is recycled water from a wastewater treatment facility that has undergone defined advanced treatment to meet all federal and state drinking water standards. This water would be distributed free of charge for educational purposes or to promote water recycling. This bill would establish specific bottling, labeling and sanitation requirements. As with other bottled water, it would be a crime to misbrand or adulterate this water.

Staff is recommending that Metropolitan support AB 1100. This recommendation is consistent with the Board's adopted policy principles on water recycling ([Attachment 2](#)) to increase public education and awareness.

Background

The Orange County Water District and Orange County Sanitation District partnered to construct the Groundwater Replenishment (GWR) System, the largest indirect potable water recycling project in the world. In January 2008, the GWR System began operations to purify about 70 million gallons per day. To date, the system has produced more than 10.5 billion gallons of highly purified water that is available for local use. However, maximizing the benefits of recycled water on a statewide basis has been hindered due to misinformation and public perception. Agencies are continually seeking opportunities to further educate the public on the value of this resource and expanding potential uses. This bill would permit bottling of potable reuse demonstration water for educational purposes.

Although the project is receiving financial incentives from Metropolitan's Local Resource Program, bottled water is beyond the scope of its financial support.

Existing Law

Under existing law, the State Department of Public Health licenses and regulates water bottlers, distributors and vendors. Statutes prescribe quality and labeling standards for bottled water and limit the levels of certain constituents that may be contained in bottled water. The Department currently classifies recycled water as effluent and prohibits its bottling.

Impact to Metropolitan

Use of recycled water is a benefit to the Metropolitan service area by offsetting a demand for imported water and can improve regional water supply reliability. The educational benefits associated with this bill may help public acceptance of other potential groundwater recharge projects as well as strengthen acceptance of traditional non-potable projects.

Policy

By Minute Item 42287, dated February 11, 1997, the Board adopted a set of Policy Principles on Water Recycling.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determination and authorize the General Manager to express Metropolitan’s support for AB 1100.

Fiscal Impact: None

Business Analysis: Educating the public on the benefits of recycled water and demonstrating its use as a potable water resource could increase the potential use of recycled water while improving supply reliability.

Option #2

Take no position on AB 1100.

Fiscal Impact: None

Business Analysis: Additional use of recycled water, such as for drinking water and other potable uses, has been limited due to misinformation and public perception. Without additional educational efforts, the maximum potential for recycled water use will not be accomplished.

Staff Recommendation

Option #1


Linda D. Waade
Deputy General Manager, External Affairs

5/5/2009
Date


Jeffrey Kightlinger
General Manager

5/5/2009
Date

Attachment 1 – Assembly Bill 1100

Attachment 2 – Metropolitan Policy Principle on Water Recycling

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL**No. 1100****Introduced by Assembly Member Duvall**

February 27, 2009

An act to add Section 111187 to the Health and Safety Code, relating to bottled water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1100, as introduced, Duvall. Potable reuse demonstration water.

Under existing law, the State Department of Public Health licenses and regulates water bottlers, distributors, and vendors. Existing law prescribes various quality and labeling standards for bottled water and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime.

This bill would allow the bottling of potable reuse demonstration water, as defined, to be distributed, free of charge, for educational purposes or to promote water recycling. The bill would establish specific bottling, labeling, and sanitation for potable reuse demonstration water. Because this bill would create a new crime, it imposes a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

AB 1100

— 2 —

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

1 SECTION 1. Section 111187 is added to the Health and Safety
2 Code, to read:

3 111187. (a) As used in this section, “potable reuse
4 demonstration water” means secondary effluent from a wastewater
5 treatment facility operated by a wastewater treatment agency with
6 a source control program that goes beyond conventional source
7 control, and that satisfies both of the following requirements:

8 (1) The secondary effluent is treated by means of all of the
9 following treatment processes:

10 (A) Microfiltration, ultrafiltration, or other filtration processes
11 to remove particulates before reverse osmosis.

12 (B) Reverse osmosis.

13 (C) Advanced oxidation by means of ultraviolet light and
14 peroxide.

15 (2) The secondary effluent meets or exceeds all federal and state
16 drinking water standards, and all maximum contaminant levels set
17 by the department for public drinking water.

18 (b) Except as expressly set forth in this section, the operator of
19 a facility producing potable reuse demonstration water may cause
20 that water to be bottled and distributed for educational purposes
21 and to promote water recycling, without complying with the
22 requirements of this article.

23 (c) Any operator seeking to bottle potable reuse demonstration
24 water shall collect water samples prior to the commencement of
25 the bottling process, and test that water in accordance with Section
26 111165. Potable reuse demonstration water shall not be distributed
27 unless that water meets or exceeds all federal and state drinking
28 water standards, all maximum contaminant levels established by
29 the department for public drinking water, and all conditions
30 imposed by regulatory agencies on the water quality of the product
31 water being used as potable reuse demonstration water.

32 (d) Potable reuse demonstration water may only be bottled at a
33 licensed water-bottling plant in compliance with Sections 111120,
34 111145, and 111155.

35 (e) Potable reuse demonstration water shall be handled from
36 the point of production to the completion of bottling in accordance
37 with all regulations governing the transportation, bottling, and
38 handling of bottled water, as defined in subdivision (a) of Section

1 111070, including, but not limited to, subdivisions (b), (f), and (h)
2 of Section 111075. A water bottling plant that bottles potable reuse
3 demonstration water in accordance with this section may also bottle
4 other potable water, subject to compliance with this article.

5 (f) Potable reuse demonstration water shall be bottled in
6 nonreturnable (one-way) bottles or packages with labels containing
7 the following information in an easily readable format that
8 complies with all of the following:

9 (1) The label shall state “not for sale” and “highly treated
10 recycled wastewater meeting all federal and state drinking water
11 standards.”

12 (2) The label shall set forth the name, address, telephone
13 number, and Internet Web site of the operator of the facility
14 producing the potable reuse demonstration water.

15 (3) The label shall include a brief description of the potable
16 reuse demonstration water, including its source and the treatment
17 processes to which the water is subjected.

18 (g) A specific water recycling facility may bottle not more than
19 ___ gallons of potable reuse demonstration water in a calendar
20 year.

21 (h) No potable reuse demonstration water shall be sold or
22 otherwise distributed in exchange for financial consideration.

23 (i) Bottled potable reuse demonstration water may be distributed
24 at no cost for educational purposes or to promote water recycling.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.



Metropolitan Water District of Southern California

POLICY PRINCIPLE ON

WATER RECYCLING

Issue: Promote water recycling and to guide staff regarding regulatory and legislative review with respect to financing, resource management, institutional arrangements, regulatory flexibility and public awareness.

Policy Adopted:

- Support federal and state regulatory and legislative proposals to develop new financing for water recycling consistent with the following objectives:
 - Increased water recycling in California and the Colorado River Basin.
 - Research leading to advances in science and technology, health effects assessments, facility and regional planning, desalting and innovative demonstration projects.
 - Streamlining administrative procedures for state low interest-rate loans and federal grants for projects and research.
- Support legislation and regulations that protect or improve the quality of wastewater and source water supplies from constituent concentrations that are adverse to recycled water use.
- Support legislation that encourages voluntary cooperation and partnership among involved agencies to foster workable strategies for recycled water project implementation.
- Support continuous review, appropriate revision and streamlining of water recycling regulations and uniform administration consistent with experience gained in operations, public health and environmental protection.
- Support legislation and regulations that serve to increase public education and awareness of water recycling, its benefits and safety.
- Support legislation and regulations that expand the types of recycled water uses consistent with protection of public health.

M.I. 42287 - February 11, 1997; 6th bullet point added by M.I. 42820 - February 10, 1998.