

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
NOVEMBER 6, 2012**

ITEM 4

SUBJECT

CONSIDERATION OF A RESOLUTION FOR AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR DEVELOPMENT OF UNIFORM WATER RECYCLING CRITERIA FOR INDIRECT POTABLE WATER REUSE FOR GROUNDWATER RECHARGE

DISCUSSION

The purpose of this agenda item is to authorize an agreement with the California Department of Public Health (CDPH) to provide funding for development and adoption of regulations for indirect potable water reuse for groundwater recharge. Funds will be used for tasks and deliverables limited to the scope of development of groundwater recharge reuse criteria.

Water Code, Division 7, Chapter 7.3, requires CDPH to develop and adopt regulations for indirect potable water reuse for groundwater recharge by December 31, 2013, and for surface water augmentation by December 31, 2016; to investigate and report to the Legislature on the feasibility of developing water recycling criteria for direct potable reuse by December 31, 2016; and in consultation with the State Water Resources Control Board (State Water Board), to report annually from 2011 through 2016 to the Legislature on progress toward adopting water recycling criteria.

Water Code, Division 7, Chapter 7.3, also requires the State Water Board to enter into an agreement with CDPH to assist in implementing these provisions. The Water Code allows penalty monies collected by the State Water Board and Regional Water Quality Control Boards for violations, deposited in the Waste Discharge Permit Fund (WDPF), to be expended by the State Water Board, if so appropriated by the Legislature, to assist CDPH in developing and adopting the regulations. The Legislature appropriated \$700,000 from the WDPF in the fiscal year 2012-2013 budget to aid CDPH in developing uniform water recycling criteria for indirect potable water reuse for groundwater recharge.

Adoption of the indirect potable reuse criteria by CDPH through a public process, based on science, protective of public health and water quality, will establish clear requirements for indirect potable reuse projects. This will enable project proponents to better estimate project costs and benefits, thereby encouraging the development of indirect potable reuse projects.

The Legislature in Water Code section 13512 has declared its intent to undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.

The State Water Board adopted a Recycled Water Policy on February 3, 2009. The Recycled Water Policy mandated an increase of the use of recycled water in California by 200,000 acre-feet per year by 2020 and an additional 300,000 acre-feet per year by 2030.

Indirect potable reuse projects efficiently reuse large amounts of recycled water. Implementation of these projects is necessary to meet the water recycling goals within the Recycled Water Policy.

POLICY ISSUE

Should the State Water Board authorize the Executive Director, Chief Deputy Director, Deputy Director of the Division, or designee to negotiate, execute, and amend, as necessary, an agreement with CDPH for an amount not to exceed \$700,000.

FISCAL IMPACT

The agreement will be funded by penalty monies in the WDPF. Existing law imposes civil liabilities for violations of water quality requirements, and mandates that all penalty funds collected for those liabilities be deposited in the WDPF. Existing law also requires these penalty funds to be expended by the State Water Board, upon appropriation by the Legislature, to aid California Regional Water Quality Control Boards and other public agencies in cleaning up or abating the effects of waste on waters of the state, or for the purposes authorized in Section 13443, or to assist in implementing Water Code, Division 7, Chapter 7.3. The Legislature appropriated \$700,000 from the WDPF in the fiscal year 2012-2013 budget to aid CDPH in developing uniform water recycling criteria for indirect potable water reuse for groundwater recharge. These funds have been reserved for the purpose of this agreement.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

That the State Water Board authorize the Executive Director, the Chief Deputy Director, the Deputy Director of the Division, or designee to negotiate, execute, and amend, as necessary, an agreement with CDPH for an amount not to exceed \$700,000.

State Water Board action on this item will assist the Water Boards in reaching Goals 3 and 7 of the Strategic Plan Update: 2008-2012 to increase sustainable local water supplies available for meeting existing and future beneficial uses by 1,725,000 acre-feet per year, in excess of 2002 levels, by 2015, and ensure adequate flows for fish and wildlife habitat; and ensure that the Water Boards have access to information and expertise needed to effectively and efficiently carry out the Water Boards' mission. In particular, approval of this item will assist in fulfilling Action 7.4.1 to develop partnerships with other agencies that have environmental inspection and regulatory enforcement authority to address threats to water quality.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2012-

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR DEVELOPMENT OF UNIFORM WATER RECYCLING CRITERIA FOR INDIRECT POTABLE WATER REUSE FOR GROUNDWATER RECHARGE

WHEREAS:

1. Water Code, Division 7, Chapter 7.3, requires the California Department of Public Health (CDPH) to develop and adopt regulations for indirect potable water reuse for groundwater recharge by December 31, 2013, and for surface water augmentation by December 31, 2016; to investigate and report to the Legislature on the feasibility of developing water recycling criteria for direct potable reuse by December 31, 2016; and in consultation with the State Water Resources Control Board (State Water Board), to report annually from 2011 through 2016 to the Legislature on progress toward adopting water recycling criteria.
2. Water Code, Division 7, Chapter 7.3, requires the State Water Board to enter into an agreement with CDPH to assist in implementing these provisions.
3. Water Code, Division 7, Chapter 7.3, allows penalty monies collected by the State Water Board and the Regional Water Quality Control Boards for violations, deposited in the Waste Discharge Permit Fund (WDPF), to be expended by the State Water Board, if so appropriated by the Legislature, to assist CDPH in implementing Water Code, Division 7, Chapter 7.3.
4. The Legislature appropriated \$700,000 from the WDPF in the fiscal year 2012-2013 budget to aid CDPH in developing uniform water recycling criteria for indirect potable water reuse for groundwater recharge.
5. The funds appropriated in the fiscal year 2012-2013 budget have been reserved to cover this expenditure.
6. Adoption of the indirect potable reuse criteria by CDPH through a public process, based on science, protective of public health and water quality, will establish clear requirements for indirect potable reuse projects. This will enable project proponents to better estimate project costs and benefits, thereby encouraging the development of indirect potable reuse projects.
7. The State Legislature in Water Code section 13512 has declared its intent to undertake all possible steps to encourage development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.
8. The State Water Board adopted a Recycled Water Policy on February 3, 2009. The Recycled Water Policy mandated an increase of the use of recycled water in California by 200,000 acre-feet per year by 2020 and an additional 300,000 acre-feet per year by 2030.

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9. Indirect potable reuse projects efficiently reuse large amounts of recycled water. Implementation of these projects is necessary to meet the water recycling goals within the Recycled Water Policy.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director or designee to negotiate and execute an agreement with CDPH, for an amount not to exceed \$700,000, and to make additional amendments as necessary; and
2. Authorizes the Executive Director or designee to perform all acts and to do all things necessary and convenient to implement such an agreement.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 6, 2012.

Jeanine Townsend
Clerk to the Board