



COUNCIL AGENDA: 06-02-09  
ITEM: 3.8

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** SEE BELOW

**DATE:** 05-21-09

---

**SUBJECT: AB 410 (DE LA TORRE), RECYCLED WATER**

## RECOMMENDATION

As recommended by the Rules and Open Government Committee on May 20, 2009 and outlined in the attached memo previously submitted to and approved by the Rules and Open Government Committee, adopt a position of support for AB 419 (De La Torre), Recycled Water.





# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 05-11-09

Approved

*Christine J. Shappin*

Date

*5/12/09*

**SUBJECT: SUPPORT FOR AB 410 (DE LA TORRE), RECYCLED WATER**

## RECOMMENDATION

It is recommended that:

1. The Mayor and City Council support AB 410 (De La Torre).
2. The Committee provide a one-week turnaround for Mayor and City Council review.

## OUTCOME

If the Rules and Open Government Committee and the Mayor and City Council accept staff's Recommendation, the City Sacramento representative could begin contacting legislators and testifying in support of AB 410 (De La Torre).

## BACKGROUND

A recent State Water Resources Control Board Recycled Water Policy, adopted in February 2009, provides that "salts and nutrients from all sources be managed on a basin-wide or watershed-wide basis in a manner that ensures attainment of water quality objectives and protection of beneficial uses." To that end, the Policy requires the development of "salt/nutrient management plans" for groundwater basins and sub-basins by 2014 as warranted by various site-specific factors, including recycled water and stormwater reuse projects. The Policy further stipulates that local water and wastewater entities, together with local salt/nutrient contributing stakeholders, will fund and complete salt and nutrient plans. These plans must address the water quality concerns in each basin/sub-basin within five years from the date of the adoption of the Policy unless a Regional Water Board finds that the stakeholders are making substantial progress towards completion of a plan. However, the policy did not include any funding for the management plans, potentially resulting in the shifting of the costs for these plans to the local jurisdictions required to complete them. AB 410 reduces this threat by allocating \$5 million from Interregional/Unallocated Funding provided in Proposition 84 for development of regional salt management plans as required by the Policy.

### ANALYSIS

A fact sheet and analysis of AB 410 is attached.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

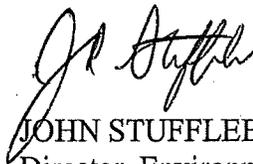
This legislative item does not meet any of the above criteria.

### COORDINATION

This memorandum was coordinated with the City Attorney's Office, Intergovernmental Relations Director in the City Manager's Office, and the City's Legislative Representative in Sacramento

### POLICY ALIGNMENT

This analysis is consistent with the Council-adopted 2009 Legislative Guiding Principles, and the Council-adopted guidelines.



JOHN STUFFLEBEAN  
Director, Environmental Services

For questions please contact Eric Rosenblum, Division Manger, Water Resources at 408-363-4721.

## **AB 410 (DE LA TORRE) Providing Clean Abundant Water for California**

*What issue is the bill is trying to resolve?*

The new Recycled Water Policy, adopted in February 2009, requires local jurisdictions to develop regional salt and nutrient management plans when implementation of recycled water or stormwater reuse projects might potentially impact the local water quality by adding salts or nutrients to the ground water. The Policy calls for the salt and nutrient management plans to be completed by 2014. However, the Recycled Water Policy did not include any funding for the management plans, potentially resulting in the imposition of an unfunded mandate on local jurisdictions required to complete them. In addition, AB 410 leverages the integrated regional planning process to develop and implement a comprehensive water supply strategy to meet a State target to use 1.3 million acre-feet of recycled water per year by 2020 and 2 million acre-feet by 2030 and to assess progress toward meeting that target every five years. These targets have been recommended to augment the unmet target of 700,000 acre-feet per year by 2000 and the remaining target of 1,000,000 acre feet by 2010, which is not likely to be met based on current levels of reuse.

*How would the passage of this bill affect San José?*

AB 410 would allocate \$5 million from Interregional/Unallocated Funding provided in Proposition 84 for local stakeholders to develop regional salt management plans as required by the new State Water Resources Control Board (SWRCB) Recycled Water Policy. By allocating Proposition 84 funds for the development of regional nutrient and salt management plans, AB 410 reduces the threat that the costs of developing a local plan would be shifted to recycled water producers such as San Jose.

In addition, by directing the State Board and the Department of Water Resources to assess California's progress towards meeting recycled water goals, AB 410 also supports San Jose's progress towards meeting the City's Green Vision Goal #6 through the development of appropriate statewide programs and policies that encourage water recycling.

*What is staff's Proposed Position?*

Staff recommends that the City support AB 410.

*Who are the bill's supporters and opponents?*

Supporters

East Bay Municipal Utilities District  
Inland Empire Utilities Agency  
Regional Council of Rural Counties (30 counties)  
Association of California Water Agencies  
California Association of Sanitation Agencies  
California Landscape Contractors Association  
Natural Resources Defense Council  
Groundwater Resources Association of California  
El Dorado Irrigation District  
Southern California Water Committee  
California Water Association  
WaterReuse Association

Opponents

No opponents

*What is the bill's current status?*

As of April 29, the bill is in the Assembly Appropriations "Suspense" file.