



COUNCIL AGENDA: 05-18-10
ITEM: 2.11

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: SEE BELOW

DATE: 05-13-10

SUBJECT: SB 918 (PAVLEY) TO REQUIRE THE STATE DEPARTMENT OF PUBLIC HEALTH TO DEVELOP AND ADOPT UNIFORM RECYCLING CRITERIA FOR POTABLE WATER REUSE

RECOMMENDATION

As recommended by the Rules and Open Government Committee on May 12, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, adopt a position of support for SB 918 (Pavley) to require the State Department of Public Health to develop and adopt uniform water recycling criteria for potable water reuse.



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: John Stufflebean

SUBJECT: SEE BELOW

DATE: 05-04-10

Approved

Date

5-13-10

SUBJECT: SENATE BILL 918 (PAVLEY) TO REQUIRE THE STATE DEPARTMENT OF PUBLIC HEALTH TO DEVELOP AND ADOPT UNIFORM WATER RECYCLING CRITERIA FOR POTABLE WATER REUSE

RECOMMENDATION

It is recommended that:

1. The Mayor and City Council support SB 918 (Pavley).
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's representative in Sacramento could begin working to support SB 918 (Pavley).

BACKGROUND

In 2009, the San José City Council supported AB 410 (De la Torre), a state bill which, if passed, would have set a statewide water recycling target to a total of 1,300,000 acre-feet by 2020 and 2,000,000 acre-feet by 2030. Currently, the California Water Recycling Act of 1991 creates a lower statewide goal to recycle a total of 700,000 acre-feet of water per year by 2000 and 1,000,000 acre-feet of water per year by 2010. However, neither of these goals has been met, in part because the California Department of Health (DPH) has not developed and uniformly promulgated recycled water regulations. As a result, according to the findings associated with this bill, each year California discharges nearly four million acre feet of wastewater into the ocean - more than the State Water Project delivers to the Bay Area, the Central Valley and Southern California combined. Much of that water could be recycled.

ANALYSIS

A fact sheet and analysis of SB 918 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 2010 Legislative Guiding Principles, and the Council-adopted guidelines:

Protect Local Control: Promote a regulatory environment that allows and encourages cities to implement innovative programs to achieve local, state, and national environmental goals.

Promote Investment in Infrastructure Maintenance and Rehabilitation: Seek funding to ensure sustainable long-term water supplies, including recycled water projects.

/s/

JOHN STUFFLEBEAN

Director, Environmental Services

For questions, please contact Mansour Nasser, Deputy Director, at (408) 277-2558.

Attachment

SB 918 (PAVLEY), TO REQUIRE THE STATE DEPARTMENT OF PUBLIC HEALTH TO DEVELOP AND ADOPT UNIFORM WATER RECYCLING CRITERIA FOR POTABLE WATER REUSE

What issue is the bill is trying to resolve?

This bill addresses the lack of uniformly promulgated recycled water regulations. According to the April 12, 2010 Environmental Quality Committee report, this proposed legislation addresses this deficiency through the following actions:

1. Defines "direct potable reuse," "indirect potable reuse for groundwater recharge" and "indirect potable reuse through reservoir augmentation".
2. Requires DPH to adopt uniform water recycling criteria for indirect potable reuse for groundwater recharge on or before December 31, 2013.
3. Requires DPH to develop and adopt uniform water recycling criteria for indirect potable reuse through reservoir augmentation on or before December 31, 2016.
4. Requires DPH to investigate and report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse, and requires a public review draft report to the Legislature and public by June 30, 2016, and a final report by December 31, 2016.
5. Requires DPH to consider specified factors in developing both the uniform criteria and the feasibility study.
6. Requires DPH to convene an expert panel to advise on scientific and technical matters related to the development of the aforementioned criteria, comprised of specified experts. Allows DPH to also appoint an advisory group, task force, or other group comprised of representatives of water and wastewater agencies, local public health officers, and related public health and environmental organizations.

Provides that funds generated by civil penalties deposited in the Waste Discharge Permit Fund between July 1, 2011 and June 30, 2017 must be made available to DPH upon appropriation by the Legislature in an amount of up to \$500,000 each fiscal year (\$3 million dollars total), for the purpose of completing these uniform water recycling criteria requirements, and not to exceed specified amounts.

How would the passage of this bill affect San Jose?

Because of the lack of uniform safety standards for potable water recycling projects, the permitting and design processes for building and operating potable water recycling facilities are unpredictable, discouraging local communities from tapping into this major water source. While existing regulation requires DPH to establish uniform statewide recycling criteria for each type of recycled water use there is no timeline associated with its promulgation. Passage of SB 918 would help ensure that the California Department of Health promulgated uniform, technically sound regulations for direct and indirect potable reuse in a timely manner to support future investigations into potential use of recycled water as drinking water in Silicon Valley.

What is staff's Proposed Position?

Staff recommends that the City support SB 918

Sponsors

WaterReuse Association

Planning and Conservation League

Supporters

Irvine Ranch Water District

California Water Association

East Bay Municipal Utilities District

Los Angeles County Sanitation Districts

Los Angeles Democratic Party

San Gabriel Valley Council of Governments

Sierra Club

Opponents

No registered opposition

What is the bill's current status?

The bill has been referred to the Senate Appropriations committee.