

Date of Hearing: June 17, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 31 (McNerney) – As Amended June 9, 2025

SENATE VOTE: 38-0

SUBJECT: Water quality: recycled water

SUMMARY: Encourages the use of recycled water by changing various requirements for the use of recycled water. Specifically, **this bill:**

- 1) Clarifies the definition of “recycled water,” for purposes of notification requirements for unauthorized discharges into waters of the state, to mean water that has completed the required treatment process and entered a storage tank, pipeline, or canal for conveyance or distribution (so that discharges of recycled water are not considered discharges of sewage water).
- 2) Provides that a person that permits a discharge of recycled water from a decorative body of water into waters of the state during a storm event shall not be required to notify the relevant regional water quality control board of the discharge if the recycled water was used to restore water levels due to evaporation.
- 3) Defines “decorative body of water” for purposes of this bill as an impoundment for aesthetic enjoyment or landscape irrigation in which recycled water is stored or used and is not intended to include public contact.
- 4) Provides that incidental amounts of spray, mist, or runoff are permitted to enter outdoor eating areas of parks and open spaces that are irrigated with disinfected tertiary treated recycled water if the method of irrigation complies with requirements for irrigation scheduling under the Model Water Efficient Landscape Ordinance (23 California Code of Regulations 493.4).
- 5) Provides that outdoor landscape irrigation of common areas that does not enter the boundaries of a residence is not considered part of an individual residence and is, therefore, not required to be a “dual plumbed system” in order to use recycled water for irrigation.
- 6) Expands the definition of “structures” to include food handling and processing facilities for purposes of determining whether the use of potable domestic water for toilet and urinal flushing in structures is a waste or unreasonable use of water.
- 7) Permits the use of recycled water for toilet or urinal flushing or outdoor irrigation in and around food handling or processing facilities, commercial, institutional, and industrial buildings, and cafeterias, provided the recycled water does not enter the room where food handling or processing occurs. Permits recycled water to pass a room where food processing or handling occurs if it is conveyed through closed piping. Prohibits outdoor irrigation with recycled water while food is being handled or processed outside.
- 8) Makes legislative findings and declarations regarding the need for this bill.

- 9) Makes technical and clarifying changes.

EXISTING LAW:

- 1) Declares, under the “reasonable use doctrine,” that the waters of the state shall be put to beneficial use to the fullest extent they are capable, that the waste or unreasonable use of water shall be prevented, and that waters shall be conserved with a view to the reasonable and beneficial use of such waters in the interest of the people and the public welfare. Provides that the Legislature may enact laws in furtherance of this policy (California Constitution, Article X § 2).
- 2) Defines “recycled water” as water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource (Water Code § 13050).
- 3) Establishes notification requirements for unauthorized discharges of recycled water into waters of the state and requires any person who causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water (wastewater treated as ‘disinfected tertiary 2.2 recycled water’ or wastewater receiving advanced treatment beyond disinfected tertiary 2.2 recycled water) in waters of the state to immediately notify the relevant regional water quality control board (Water Code § 13529.2).
- 4) Declares that the use of potable domestic water for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water if recycled water of sufficient quality that can be furnished at a reasonable cost is also available to the water user (Water Code § 13550).
- 5) Prohibits a person or public agency from using water from any source of quality suitable for potable domestic use for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, if suitable recycled water is available (Water Code § 13551).
- 6) Declares that the use of potable domestic water for toilet and urinal flushing in structures is a waste or an unreasonable use of water if recycled water for these uses is available and meets certain requirements (Water Code § 13553).
- 7) Authorizes any public agency to require the use of recycled water for toilet and urinal flushing in structures, except as specified, if certain conditions are met (Water Code § 13554).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** According to the author, “Climate change is subjecting California to more extreme droughts caused by prolonged hot temperatures and dry weather. Over the next 10 years, California risks losing 10% of its water supplies. To meet the state’s growing water demands, California has embraced the practice of recycling water, rather than treating water like a single-use product. Recycled water increases our state’s water efficiency, helps drought-proof communities, and builds California’s resilience to climate change. [This bill]

will help California close the gap in its water needs by making it easier to safely use recycled water in outdoor irrigation at homes, businesses, parks, and golf courses.”

- 2) **Background.** Water recycling, also known as reclamation or reuse, is an umbrella term encompassing the process of treating wastewater and storing, distributing, and using recycled water. Recycled water means water that, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur and is therefore considered a valuable resource. Recycled water is most commonly used for nonpotable (not for drinking) purposes, such as agriculture, landscape, public parks, and golf course irrigation. Other nonpotable applications include cooling water for power plants and oil refineries; water for industrial processes for facilities such as paper mills and carpet dyers; toilet flushing; dust control; construction activities; concrete mixing; and artificial lakes.

Given climate change and recent severe droughts, there has been increasing interest in expanding the use of recycled water to augment California’s water supply. On December 11, 2018, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2018-0057, amending the Recycled Water Policy. The amendment sets a goal of increasing the use of recycled water from 714,000 acre-feet per year in 2015 to 1.5 million acre-feet per year by 2020 and to 2.5 million acre-feet per year by 2030. It also sets a goal of maximizing the use of recycled water in areas where groundwater supplies are in a state of overdraft, to the extent that downstream water rights, instream flow requirements, and public trust resources are protected.

Recycled water regulation in California. The Uniform Statewide Recycling Criteria includes requirements for recycled water quality and wastewater treatment for the various types of allowed recycled water uses in California. For nonpotable reuse applications, there are four types of recycled water based on levels of treatment. The level of treatment used depends upon the intended use of the recycled water. Non-disinfected secondary recycled water is water with the lowest level of treatment, suitable for applications that have minimal public exposure levels, such as irrigation for fodder crops. Disinfected tertiary recycled water is treated to higher levels sufficient for applications with more public exposure, such as the irrigation of parks, use in decorative fountains, or artificial snowmaking for commercial outdoor use. An approved Title 22 Engineering Report addressing the protection of public health is required before an authorization to use recycled water is granted. As of 2023, the engineering report guidelines require protection measures for outdoor eating areas and measures to minimize public contact.

- 3) **Arguments in support.** WateReuse supports this bill and asserts that it will help realize the state’s goals for the use of recycled water and “take important steps to allow the expanded use of recycled water in an efficient and safe manner.” WateReuse notes that this bill focuses on non-potable uses of water and asserts “maximizing the use of recycled water in place of potable water is a critical piece for local communities to reduce demand on drinking water supplies while following all regulations that protect the health and safety of Californians.”
- 4) **Dual-referral.** This bill has also been referred to the Assembly Environmental Safety and Toxic Materials Committee.
- 5) **Related legislation.** AB 1180 (Friedman), Chapter 455, Statutes of 2019, requires the State Water Board, on or before January 1, 2023 to update the uniform statewide criteria for

nonpotable recycled water uses. Requires the State Water Board, if it adopts standards for backflow protection and cross-connection control through the adoption of a policy handbook, to include provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

SB 966 (Weiner), Chapter 890, Chapters of 2018, requires the State Water Board to develop standards for onsite nonpotable water treatment and reuse and authorizes local jurisdictions to adopt programs to permit onsite nonpotable water treatment and reuse using those standards.

AB 574 (Quirk), Chapter 528, Statutes of 2017, requires the State Water Board to, on or before December 31, 2023, adopt uniform water recycling criteria for potable reuse through raw water augmentation.

SB 740 (Weiner) of 2017 would have required the State Water Board, on or before December 1, 2018, and in consultation with other state agencies, to adopt regulations to provide comprehensive risk-based standards for local permitting programs for onsite water recycling. SB 740 was held in the Senate Appropriations Committee.

SB 918 (Pavley), Chapter 700, Statutes of 2010, requires the Department of Public Health (the responsibility for recycled water has since been transferred to the State Water Board) to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge by December 31, 2013; to develop and adopt uniform water recycling criteria for surface water augmentation by December 31, 2016; and, to investigate and report on the feasibility of developing uniform water recycling criteria for direct potable reuse.

REGISTERED SUPPORT / OPPOSITION:

Support

WateReuse (sponsor)
Association of California Water Agencies
California Association of Sanitation Agencies
California Chamber of Commerce
California Groundwater Coalition
California Municipal Utilities Association
California Special Districts Association
Camrosa Water District
Central Contra Costa Sanitary District
City of Roseville
Dairy Institute of California
Desert Water Agency
East Bay Municipal Utility District
Eastern Municipal Water District
El Dorado Irrigation District
Elsinore Valley Municipal Water District
Grundfos
Inland Empire Utilities Agency
Irvine Ranch Water District

Las Virgenes Municipal Water District
League of California Cities
Los Angeles County Sanitation Districts
Metropolitan Water District of Southern California
Monterey One Water
Orange County Water District
Padre Dam Municipal Water District
Rancho Water
Rural County Representatives of California
San Gabriel Valley Water Association
Santa Clara Valley Water District
Santa Margarita Water District
Soquel Creek Water District
Southern California Water Coalition
Town of Windsor
Upper San Gabriel Valley Municipal Water District
Water Replenishment District
West Basin Municipal Water District
Western Municipal Water District

Opposition

None on file

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