

Date of Hearing: August 20, 2025

**ASSEMBLY COMMITTEE ON APPROPRIATIONS**

Buffy Wicks, Chair

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

Policy Committee:	Water, Parks and Wildlife	Vote:	10 - 0
	Environmental Safety and Toxic Materials		7 - 0

Urgency: No                      State Mandated Local Program: No                      Reimbursable: No

**SUMMARY:**

This bill authorizes the use of recycled water in various applications and under specified circumstances.

Specifically, this bill, among other things:

- 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 water discharged from a decorative body of water, as defined, during a storm event is not an unauthorized discharge if recycled water was used to restore levels due to evaporation.
- 3) Authorizes incidental amounts of spray, mist, or runoff to enter outdoor eating areas of parks and open spaces when irrigated with disinfected tertiary treated recycled water that complies with requirements for irrigation scheduling under the Model Water Efficient Landscape Ordinance, as specified.
- 4) 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.
- 5) 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.
- 6) Allows 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. Authorizes closed piping conveying recycled water to pass through the room where food handling or processing occurs. Prohibits outdoor irrigation with recycled water at facilities that handle or process food outside while food is being handled or processed outside.
- 7) Makes various technical and conforming changes.

## **FISCAL EFFECT:**

The regional water boards coordinate with the State Water Board's Division of Drinking Water (DDW) to ensure a proposed recycled water project complies with all federal and state regulations for the protection of public health. In accordance with state regulation, prior to being permitted for the production, distribution, or use of recycled water, a proposed recycled water project must receive approval from the DDW for a Title 22 engineering report prepared in compliance with state regulations. By expanding the scope of allowable recycled water applications, this bill is likely to result in an increased workload for State Water Board and regional water board staff. However, the magnitude of these costs, which will likely be borne by the Waste Discharge Permit Fund (WDPF), is unknown and will depend on the number of new permit applications and requests for permit renewals and amendments the boards receive every year.

For its part, the State Water Board estimates ongoing annual costs of about \$1 million to hire new staff. Specifically, the DDW anticipates needing \$500,000 to rewrite existing permits and review the anticipated increase in Title 22 engineering reports. The Division of Water Quality and the regional water boards anticipate needing \$500,000 to perform permit reviews and renewals, amend notices of applicability, approve additional use areas, and facilitate new enrollments.

Trailer bill language as part of the fiscal year 2023-24 budget authorized the State Water Board to assess fees for recycled water permits. This fee revenue, which is deposited in the WDPF, is to support new positions (about 15 total) working specifically on permitting of recycled water projects. It is not clear to this committee if these recently authorized fees and additional staff are able to absorb the costs and workload created by this bill.

## **COMMENTS:**

### **1) Purpose.** 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, CA risks losing 10% of its water supplies. To meet the state's growing water demands, CA 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 CA's resilience to climate change. SB 31 will help CA 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, landscaping, public parks, and golf course irrigation.

The state and regional water boards regulate the production and use of recycled water, and the Water Quality Control Policy for Recycled Water (Recycled Water Policy) encourages the safe use of recycled water from wastewater sources that meets the definition in statute, in a manner that implements state and federal water quality laws and protects public health and the environment. The Recycled Water Policy provides direction to the regional water boards, proponents of recycled water projects, and the public regarding the methodology and appropriate water quality control criteria for the State Water Board and the regional water boards to use when issuing permits for recycled water projects. The Uniform Statewide Recycling Criteria are contained in the California Code of Regulations, Title 22, Division 4, Chapter 3. The Uniform Statewide Recycling Criteria address each type of recycled water use where the use involves the protection of public health.

Given the effects of climate change and recent severe droughts, there is growing interest in expanding the use of recycled water to augment California's water supply. On December 11, 2018, the State Water Board adopted Resolution No. 2018-0057, amending the state's 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.

Writing in support, WaterReuse California and a coalition of organizations contend this bill updates and better aligns Title 22 of the California Code of Regulations with best management practices for recycled water use. The coalition writes "Title 22 hasn't been updated in twenty years, during which time advancements in treatment and technology have made the use of recycled water more widely available." The coalition further notes this bill focuses on non-potable uses of recycled water, and that 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."

**Analysis Prepared by:** Nikita Koraddi / APPR. / (916) 319-2081