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UNFINISHED BUSINESS

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Bill No: SB 31  
Author: McNerney (D), et al.  
Amended: 6/9/25  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 3/25/25  
AYES: Limón, Seyarto, Allen, Grove, Hurtado, Laird, Stern

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 4/30/25  
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla, Pérez

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25  
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab  
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25  
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener  
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 79-0, 9/3/25 - See last page for vote

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**SUBJECT:** Water quality: recycled water

**SOURCE:** WaterReuse California

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**DIGEST:** This bill encourages the use of recycled water by changing the requirements for specific recycled water applications.

*Assembly Amendments* provide that outdoor landscape irrigation of common areas that does not enter the boundaries of a residence is not considered a part of the

same premises as an individual residence and is not considered a dual plumbed system and make technical changes to update references from the Department of Public Health to the State Water Resources Control Board.

**ANALYSIS:**

Existing law:

- 1) Declares “that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.” (Section 2, Article X, California Constitution)
- 2) Requires the Department of Water Resources (DWR) and the State Water Resources Control Board (State Water Board) to take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water in this state. (Water Code (Wat. C.) §275)
- 3) Defines recycled water, in the Porter-Cologne Water Quality Control Act, to mean “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.” (Wat. C. §13050(n))
- 4) Required the State Water Board, by January 1, 2023, to update the uniform statewide recycling criteria for nonpotable recycled water uses established in regulations. (Wat. C. §13521.2)
- 5) Establishes notification requirements for unauthorized discharges of recycled water to 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 appropriate regional water board. (Wat. C. §13529.2)

- a) Subjects any person who refuses or fails to provide the above-described notice to administrative civil liability. (Wat. C. §13529.4)
- 6) Makes legislative findings that the use of potable domestic water for nonpotable uses, including, but not limited to, 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 which meets certain criteria is available and after notice and a hearing, as specified. (Wat. C §13550)
- 7) 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. (Wat. C. §13551)
- 8) Makes legislative findings 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 after notice and hearing. (Wat. C. §13553(a))
- 9) 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. (Wat. C. §13554)

This bill:

- 1) Amends the circumstances when a person is required to notify the regional water board of an unauthorized discharge of 50,000 gallons or more of recycled water into waters of the state to additionally require that it is recycled water that has completed the required treatment process and has entered a storage tank, pipeline, or canal for conveyance or distribution.
  - a) Provides that recycled water discharged from a decorative body of water, as defined by the bill, during storm events does not require regional water board notification if the recycled water was used to restore water levels due to evaporation.
- 2) Provides that incidental amounts of spray, mist, or runoff are prohibited to enter outdoor eating areas of parks and open spaces that are irrigated with disinfected tertiary treated recycled water that meets certain requirements.

- 3) Provides that outdoor landscape irrigation of common areas that does not enter the boundaries of a residence is not considered part of the same premises as an individual residence and is not a dual plumbed system. Requires recycled water used for these purposes to comply with specified requirements.
- 4) Expands the definition of “structures,” for purposes of determining whether the use of potable domestic water for toilet and urinal flushing in structures is a waste or unreasonable, to include food handling and processing facilities.
- 5) 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.
  - a) Specifies that closed piping conveying recycled water may pass through the room where food handling or processing occurs and that outdoor irrigation with recycled water at facilities that handle or process food outside is prohibited while food is being handled or processed outside
- 6) Makes findings and declarations regarding the use of recycled water.

## **Background**

- 1) *Recycled water.* 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. (Wat. C. §13050(n)).

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.

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.

In the context of California's recent historic droughts and the likelihood for future droughts, the safe use of recycled water is an important consideration for augmenting the state's general water supply.

- 2) *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 of outdoor eating areas and measures to minimize public contact.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee Analysis, "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. The State Water Board estimates ongoing annual costs of about \$1 million to hire new staff. Specifically, 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 if these recently authorized fees and additional staff are able to absorb the costs and workload created by this bill.”

**SUPPORT:** (Verified 9/3/25)

American Society of Civil Engineers-region 9  
Association of California Water Agencies  
California Alliance for Golf  
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  
City of Thousand Oaks  
City of Ventura  
Cleaneearth4kids.org  
Climate Reality Project, California Coalition  
Dairy Institute of California  
Desert Water Agency  
East Bay Leadership Council  
East Bay Municipal Utility District  
Eastern Municipal Water District  
El Dorado Irrigation District  
Elsinore Valley Municipal Water District  
Grundfos  
Inland Empire Utilities Agency  
International Association of Plumbing & Mechanical Officials  
Irvine Ranch Water District  
Jurupa Community Services District  
Las Virgenes Municipal Water District  
League of California Cities  
Los Angeles County Sanitation Districts  
Metropolitan Water District of Southern California  
Mono Lake Committee

Monterey One Water  
Olivenhain Municipal Water District  
Orange County Water District  
Padre Dam Municipal Water District  
Rancho Water  
Rural County Representatives of California  
Russian River Brewing Company  
San Gabriel Valley Water Association  
Santa Clara Valley Water District  
Santa Clarita Valley Water District  
Santa Margarita Water District  
Sierra Club  
Soquel Creek Water District  
Southern California Water Coalition  
Sustainable Rossmoor  
Town of Windsor  
Upper San Gabriel Valley Municipal Water District  
Water Replenishment District  
Watereuse California  
West Basin Municipal Water District  
Western Municipal Water District

**OPPOSITION:** (Verified 9/3/25)

None received

**ARGUMENTS IN SUPPORT:** 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.”

**ASSEMBLY FLOOR:** 79-0, 9/3/25

**AYES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary,

Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Genevieve Wong / N.R. & W. / (916) 651-4116  
9/3/25 18:38:04

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