

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2022

Introduced by Assembly Member Gordon
(Coauthors: Assembly Members Jones, Kim, and Olsen)
(Coauthors: Senators Bates, Hertzberg, and Wolk)

February 16, 2016

An act to add Section 13570 to the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST

AB 2022, as amended, Gordon. Advanced purified demonstration water.

Existing law requires the State Department of Public Health to, on or before December 31, 2013, adopt uniform water recycling criteria for indirect potable reuse for groundwater recharge and to investigate and, on or before December 31, 2016, report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse. Existing law transferred these powers and responsibilities to the State Water Resources Control Board on July 1, 2014.

Under existing law, the State Department of Public Health licenses and regulates water bottlers, distributors, and vendors. Existing law prescribes various quality and labeling standards for bottled water and limits the levels of certain contaminants that may be contained in those water products. Violation of these provisions is a crime.

This bill would authorize the operator of ~~a~~ *an advanced water purification* facility producing advanced purified demonstration ~~water, as defined, water~~ to cause that water to be bottled and distributed as samples for educational purposes and to promote water ~~recycling, recycling, as specified.~~ The bill would prohibit the advanced purified

demonstration water from being distributed unless the ~~water~~ *water*; among other requirements, meets or ~~is superior to~~ *exceeds* all federal and state drinking water ~~standards~~ *standards and goals*. The bill would authorize advanced purified demonstration water to be bottled at a licensed water-bottling plant in compliance with specified provisions. The bill would further establish bottling and labeling requirements for advanced purified demonstration water and would prohibit a facility from bottling more than ~~2,500~~ *1,000* gallons of the water in a calendar year. *The bill would require an operator of an advanced water purification facility seeking to bottle advanced purified demonstration water to establish a collection and recycling program for distributed bottles.* The bill would specify that a violation of these provisions does not constitute a crime.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13570 is added to the Water Code, to
2 read:
3 13570. (a) As used in this section, “advanced purified
4 demonstration water” means product water from an advanced water
5 purification facility that satisfies both of the following
6 requirements:
7 (1) The product water is treated by means of all of the following
8 treatment processes:
9 (A) Microfiltration, ultrafiltration, or other filtration processes
10 to remove particulates before reverse osmosis.
11 (B) Reverse osmosis.
12 (C) Advanced oxidation.
13 (2) The product water meets or ~~is superior to~~ *exceeds* all federal
14 and state drinking water ~~standards~~ *standards and is produced in*
15 *accordance with the advanced treatment criteria for purified water*
16 *specified in Section 60320.201 of Title 22 of the California Code*
17 *of Regulations.*
18 ~~(b) An advanced water purification facility may use an~~
19 ~~alternative treatment process in lieu of a process specified in~~
20 ~~subdivision (a) if the facility demonstrates to the Division of~~
21 ~~Drinking Water of the State Water Resources Control Board that~~

1 the proposed alternative ensures at least the same level of protection
2 to public health.

3 (b) As used in this section, “advanced water purification
4 facility” means a water recycling treatment plant that produces
5 advanced purified demonstration water in accordance with the
6 advanced treatment criteria specified in Section 60320.201 of Title
7 22 of the California Code of Regulations.

8 (c) As used in this section, “batch” means an increment of
9 advanced purified treatment water that has completed the treatment
10 process, is separate from incoming water, and is not receiving any
11 additional source water.

12 (e)

13 (d) Except as expressly set forth in this section, the operator of
14 ~~a facility producing advanced purified demonstration water~~ an
15 advanced water purification facility may cause that water to be
16 bottled and distributed as samples for educational purposes and to
17 promote water recycling, without complying with the requirements
18 of Article 12 (commencing with Section 111070) of Chapter 5 of
19 Part 5 of Division 104 of the Health and Safety Code.

20 (d)

21 (e) Any operator of an advanced water purification facility
22 seeking to bottle advanced purified demonstration water shall
23 collect water samples from the batch prior to the commencement
24 of the bottling process, and test that ~~water batch~~ in accordance
25 with Section 111165 of the Health and Safety Code. Advanced
26 purified demonstration water shall not be distributed unless ~~that~~
27 ~~water meets or is superior to the following requirements are met:~~

28 (1) ~~The water meets or exceeds all federal and state drinking~~
29 ~~water standards, standards and goals, including all maximum~~
30 ~~contaminant levels established by the Division of Drinking Water~~
31 ~~of the State Water Resources Control Board for public drinking~~
32 ~~water, and all applicable to public drinking water systems.~~

33 (2) All water purification requirements imposed by regulatory
34 agencies on the water reclamation facility that produces the product
35 ~~water being used as advanced water purification facility used to~~
36 ~~produce the advanced purified demonstration water.~~ water;
37 including the removal of constituents of emerging concern where
38 the removal is otherwise required of an advanced water
39 purification facility by the state board.

1 (3) *The water is produced using a treatment process that is*
2 *consistent with the advanced treatment criteria for purified water*
3 *specified in Section 60320.201 of Title 22 of the California Code*
4 *of Regulations and, if established by the state board, in accordance*
5 *with any uniform statewide water recycling treatment criteria*
6 *developed for the direct consumption of advanced purified*
7 *demonstration water.*

8 ~~(e)~~

9 (f) (1) Advanced purified demonstration water may be bottled
10 only at a licensed water-bottling plant in compliance with Sections
11 111080, 111120, 111145, and 111155 of the Health and Safety
12 Code.

13 (2) *Before bottling advanced purified demonstration water, an*
14 *advanced water purification facility shall follow all pretreatment*
15 *and labeling regulations for water bottling, including the*
16 *requirements for bottled water and vended water pursuant to*
17 *Section 111080 of the Health and Safety Code.*

18 ~~(f)~~

19 (g) Advanced purified demonstration water shall be handled
20 from the point of production to the completion of bottling in
21 accordance with all regulations governing the transportation,
22 bottling, and handling of bottled water, as defined in subdivision
23 (a) of Section 111070 of the Health and Safety Code, including,
24 but not limited to, subdivisions (b), (f), and (h) of Section 111075
25 of the Health and Safety Code. A water bottling plant that bottles
26 advanced purified demonstration water in accordance with this
27 section may also bottle other potable water, subject to compliance
28 with Article ~~12~~(commencing 12 (commencing with Section
29 ~~111070~~)of 111070) of Chapter 5 of Part 5 of Division 104 of the
30 Health and Safety Code.

31 ~~(g)~~

32 (h) Advanced purified demonstration water shall be bottled in
33 nonreturnable (one-way) bottles or packages with labels containing
34 the following information in an easily readable format that
35 complies with all of the following:

36 (1) The label shall state “sample water--not for sale” and
37 “advanced purified water meeting all federal and state drinking
38 water standards.”

1 (2) The label shall set forth the name, address, telephone
2 number, and Internet Web site of the operator of the facility
3 producing the advanced purified demonstration water.

4 (3) The label shall include a brief description of the advanced
5 purified demonstration water, including its source and the treatment
6 processes to which the water is subjected.

7 ~~(h)~~

8 (i) A single water purification facility may not bottle more than
9 ~~2,500~~ 1,000 gallons of advanced purified demonstration water in
10 a calendar year.

11 ~~(i)~~

12 (j) Advanced purified demonstration water shall not be sold or
13 otherwise distributed in exchange for financial consideration.

14 (k) *Any operator of an advanced water purification facility*
15 *seeking to bottle advanced purified demonstration water shall*
16 *establish a collection and recycling program for distributed bottles.*

17 ~~(j)~~

18 (l) A violation of this section shall not be subject to Section
19 111825 of the Health and Safety Code.