Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
Damon Connolly, Chair
SB 31 (McNerney) – As Amended June 9, 2025

SENATE VOTE: 38-0

SUBJECT: Water quality: recycled water

SUMMARY: Clarifies that the use of recycled water is authorized in various applications and under specified circumstances. Specifically, **this bill**:

1) Provides that water discharged from a decorative body of water during a storm event is not an unauthorized discharge if recycled water was used to restore levels due to evaporation.

2) Defines "decorative body of water" as an impoundment for aesthetic enjoyment or landscape irrigation, or which otherwise services a similar use or function in which recycled water is stored or used and is not intended to include public contact.

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 existing regulations governing the use of recycled water.

4) 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.

5) Authorizes closed piping conveying recycled water to pass through the room where food handling or processing occurs.

6) 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.

EXISTING LAW:

1) Establishes the Water Recycling Act of 1991, creating a statewide goal to recycle a total of 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010. Requires each urban water supplier to prepare, and update every five years, an urban water management plan with specified components, including information on recycled water and its potential for use as a water source in the service area of the urban water supplier. (Water Code (WC) § 13577)

2) Requires the State Water Resources Control Board (State Water Board) to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health. (WC § 13521)

3) Prohibits a person or public agency, including a state agency, city, county, city and county, district, or any other political subdivision of the state, from using potable water for nonpotable uses, including cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses if suitable recycled water is available. (WC § 13551)

4) Requires, on or before December 31, 2023, the State Water Board to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation. (WC § 13561.2)

5) Declares that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state. (WC § 13510)

6) Makes legislative findings that a substantial portion of the future water requirements of this state may be economically met by beneficial use of recycled water. Finds that the utilization of recycled water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife purposes will contribute to the peace, health, safety and welfare of the people of the state. States that the use of recycled water constitutes the development of "new basic water supplies," as defined. (WC § 13511)

7) Declares that it is the intent of the Legislature that the state undertake all possible steps to encourage the development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state. (WC § 13512)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the 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, 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 gold courses."

Recycled water in California: 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 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.

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, industrial processes at facilities such as paper mills and carpet dyers, toilet flushing, dust control, construction activities, concrete mixing, and artificial lakes. Recycled water can also be used to recharge groundwater and surface water supplies.

Benefits of water recycling: Recycled water can provide a dependable, locally-controlled water supply and can provide other environmental benefits. By providing an additional source of water, water recycling can help reduce the diversion of water from constrained water sources and could result in energy savings. Other benefits include decreasing wastewater discharges to rivers, estuaries, or bays, thereby reducing or preventing effluent pollution. By using recycled water for indirect potable reuses, such as groundwater recharge and surface water supply augmentation, recycled water replenishes over-subscribed water supply sources.

State water recycling policy: The Water Quality Control Policy for Recycled Water (Recycled Water Policy) encourages the safe use of recycled water from wastewater sourcesin 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.

State water recycling goals: The Water Recycling Act of 1991 set California water recycling goals at 700,000 acre-feet/year by 2000 and 1 million acre-feet by 2010. Ten years later, Assembly Bill 331 (Goldberg, Chapter 590, Statutes of 2001) was enacted to require the Department of Water Resources to convene the Recycled Water Task Force (Task Force) to investigate the opportunities and constraints for increasing the industrial and commercial use of recycled water. The Task Force projected that by 2030, if financial resources become available to water recycling projects, the total recycled water use would increase from the current amount of about 525,000 acre-feet to more than 2 million acre-feet a year.

The 2018 Recycled Water Policy (Water Board Resolution No. 2018-0057) updated these goals to increase the use of recycled water in California to 1.5 million acre feet per year by 2020 and to 2.5 million acre-feet per year by 2030.

Existing state standards for water recycling: The State Water Board regulates use of recycled water pursuant to the Uniform Statewide Recycling Criteria (Criteria) (CCR, Title 22, Division 4, Chapter 3), which contain requirements for recycled water quality and wastewater treatment requirements for the various types of allowed uses, including irrigation, impoundments (such as reservoirs and ponds), and industrial facility cooling. The Criteria are generally for municipal-scale projects that treat wastewater in treatment plants and use that water offsite, not for onsite indoor use.

For nonpotable reuse applications, there are four types of recycled water based on levels of treatment: 1) undisinfected secondary, 2) disinfected secondary-23, 3) disinfected secondary 2.2, and 4) disinfected tertiary. The level of treatment used is based on how the recycled water is intended to be used. In uses where there is a greater chance of human exposure to the water, more treatment is required.

Undisinfected secondary recycled water is water with the lowest level of treatment, suitable for applications that have a very minimal public exposure level, such as irrigation for fodder crops. The Criteria have additional eligible uses for recycled water that is disinfected tertiary recycled water, including, but not limited to, flushing toilets and urinals, decorative fountains, commercial laundries, artificial snow making for commercial outdoor use, and commercial car washes. Disinfected secondary-23 is the next highest level of treatment, then disinfected secondary 2.2,

and the then highest level is disinfected tertiary. Disinfected tertiary recycled water goes through higher levels of treatment, sufficient for applications with more public exposure, such as irrigation of parks, decorative fountains, or artificial snowmaking for commercial outdoor use.

This bill: SB 31 clarifies that various uses of recycled water are allowed under certain circumstances. Ensuring that recycled water can be used in lieu of potable water for as many uses as possible will help California achieve recycled water goals.

Double-referral: This bill was heard by the Assembly Water Parks and Wildlife Committee on June 17, 2025, and passed on a 10-0 vote.

Arguments in support: According to a coalition of organizations, including water districts and local governments,

> "The Governor's Water supply strategy correctly identifies that water recycling can help drought-proof communities and sets a goal of recycling at least 800,000 acre-feet of water per year by 2030 and 1.8 million acre-feet per year by 2040. Aligning regulations with best available practice is critical to helping meet these important recycled water goals.
>
> Recycled water is widely supported as a drought-proof water supply that helps reduce dependance on imported water or can recharge or offset groundwater. SB 31 focuses on non-potable uses of recycled water. 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.
>
> SB 31 will advance the use of recycled water by (1) allowing tertiary treated recycled water to be used in parks that contain outdoor eating areas as long as irrigation complies with state regulations; (2) allowing food handling and processing facilities to use tertiary treated recycled water for toilet & urinal flushing and outdoor landscape irrigation; (3) clarifying the definition of recycled water for the purposes of what is considered an "unauthorized discharge" of wastewater (4) allowing recycled water to be used to fill decorative bodies of water and (5) clarifying that outdoor irrigation of common space with recycled water is allowable as landscape irrigation.
>
> Advancing the use of recycled water is a common goal of state regulators and policy makers alike. Passage and implementation of SB 31will take important steps to allow the expanded use of recycled water in an efficient and safe manner."

Arguments in opposition: None on file.

Related legislation:

1) SB 745 (Cortese, Chapter 884, Statutes of 2023). Requires, commencing with the next triennial edition of the California Building Standards Code, the Department of Housing and Community Development and the Building Standards Commission to research, develop, and propose building standards to reduce potable water use in new residential buildings and non-residential respectively, including consideration of requiring the installation of water reuse systems and consideration of requiring preplumbing of buildings to allow future use of recycled water, onsite treated graywater, or other alternative water sources.

2) SB 966 (Weiner, Chapter 890, Statutes of 2018). Requires, by December 1, 2022, 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.

3) SB 740 (Weiner, 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.

4) 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.

REGISTERED SUPPORT / OPPOSITION:

Support

American Society of Civil Engineers, Region 9
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
City of Thousand Oaks
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
Olivenhain Municipal Water District
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
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

None on file.

Analysis Prepared by: Josh Tooker / E.S. & T.M. / (916) 319-3965