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AB-2022 Advanced purified demonstration water. (2015-2016)

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Assembly Bill No. 2022

CHAPTER 408

An act to add Section 111070.5 to the Health and Safety Code, and to add Section 13570 to the Water Code, relating to water.

[Approved by Governor September 21, 2016. Filed with Secretary of State September 21, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2022, 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 an advanced water purification facility to cause advanced purified demonstration water to be bottled and distributed as samples for educational purposes and to promote water recycling, as specified. The bill would prohibit the advanced purified demonstration water in each bottle from exceeding 8 ounces and would prohibit that water from being distributed unless the water, among other requirements, meets or exceeds all federal and state drinking water standards. 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 causing more than 1,000 gallons of the water to be bottled 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 require the operator to maintain a daily record of the number of individuals to whom the water is distributed, served, made available, or otherwise distributed and to submit a report based on those records, as specified and under penalty of perjury, to the state board. By creating a new crime, this bill would impose a state-mandated local program.

This bill would require a bottler of advanced purified demonstration water to submit sample labels and specified analyses of the advanced purified demonstration water to the department and to conduct a full sanitation of the bottling and filling equipment immediately after bottling advanced purified demonstration water.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 111070.5 is added to the Health and Safety Code, to read:

111070.5. (a) "Advanced purified demonstration water" means product water from an advanced water purification facility that satisfies both of the following requirements:

(1) The product water is treated by all of the following treatment processes:

(A) Microfiltration, ultrafiltration, or other filtration process that removes particulates before reverse osmosis.

(B) Reverse osmosis.

(C) Advanced oxidation.

(2) The product water meets or exceeds all federal and state drinking water standards and is produced in accordance with the advanced treatment criteria for purified water specified in Section 60320.201 of Title 22 of the California Code of Regulations.

(b) A bottler of advanced purified demonstration water shall do all of the following:

(1) Submit sample labels to the department for review at least 30 days before bottling advanced purified demonstration water.

(2) Submit the analyses of the advanced purified demonstration water required under subdivision (e) of Section 13570 of the Water Code to the department at least seven days before bottling advanced purified demonstration water.

(3) Conduct a full sanitation of the bottling and filling equipment immediately after bottling advanced purified demonstration water.

SEC. 2. Section 13570 is added to the Water Code, to read:

13570. (a) As used in this section, "advanced purified demonstration water" means product water from an advanced water purification facility that satisfies both of the following requirements:

(1) The product water is treated by means of all of the following treatment processes:

(A) Microfiltration, ultrafiltration, or other filtration processes to remove particulates before reverse osmosis.

(B) Reverse osmosis.

(C) Advanced oxidation.

(2) The product water meets or exceeds all federal and state drinking water standards and is produced in accordance with the advanced treatment criteria for purified water specified in Section 60320.201 of Title 22 of the California Code of Regulations.

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

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

(d) Except as expressly set forth in this section, the operator of an advanced water purification facility may cause advanced purified demonstration water to be bottled and distributed as samples for educational purposes and to promote water recycling, without complying with the requirements of Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code. The volume of advanced purified demonstration water in each bottle shall not exceed eight ounces.

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

(1) The water meets or exceeds all federal and state drinking water standards, including all maximum contaminant levels applicable to public drinking water systems.

(2) The advanced water purification facility meets or exceeds all purification requirements imposed by regulatory agencies to produce the advanced purified demonstration water, including the removal of constituents of emerging concern where the removal is otherwise required of an advanced water purification facility.

(3) The water is produced using a treatment process that is consistent with the advanced treatment criteria for purified water specified in Section 60320.201 of Title 22 of the California Code of Regulations and, if established by the state board, in accordance with any uniform statewide water recycling criteria developed for the direct potable reuse of recycled water.

(f) (1) Advanced purified demonstration water may be bottled only at a licensed water-bottling plant in compliance with Sections 111070.5, 111080, 111120, 111145, and 111155 of the Health and Safety Code.

(2) Before bottling advanced purified demonstration water, an advanced water purification facility shall follow all pretreatment and labeling regulations for water bottling, including the requirements described in Section 111070.5 of the Health and Safety Code and the requirements for bottled water and vended water pursuant to Section 111080 of the Health and Safety Code.

(g) Advanced purified demonstration water shall be handled from the point of production to the completion of bottling in accordance with all regulations governing the transportation, bottling, labeling, and handling of bottled water, as defined in subdivision (a) of Section 111070 of the Health and Safety Code, including, but not limited to, subdivisions (a), (b), (f), and (h) of Section 111075 of the Health and Safety Code and Section 111070.5 of the Health and Safety Code. A water-bottling plant that bottles advanced purified demonstration water in accordance with this section may also bottle potable water, subject to compliance with Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(h) An advanced water purification facility shall not provide bottled advanced purified demonstration water to any person under 18 years of age without the consent of that person's parent or legal guardian.

(i) An advanced water purification facility shall not provide advanced purified demonstration water for human consumption, as defined in Section 116275 of the Health and Safety Code, including, but not limited to, in bottles, to more than 25 individuals per day for 60 or more days in a calendar year.

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

(1) The label shall state "sample water--not for sale" and "Advanced Purified Water Sourced From Wastewater."

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

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

(k) A single advanced water purification facility shall not cause more than 1,000 gallons of advanced purified demonstration water to be bottled in a calendar year.

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

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

(n) The operator of an advanced water purification facility that is bottling advanced purified demonstration water shall do all of the following:

(1) Maintain a daily record of the number of individuals to whom advanced purified demonstration water is distributed, served, made available, or otherwise provided, including, but not limited to, from a bottle.

(2) Compile a report of all daily records described in paragraph (1) for each calendar year.

(3) Certify under penalty of perjury that the report is accurate.

(4) Provide the report within 45 days of the end of the calendar year for which the report was made to the deputy director of the Division of Drinking Water of the State Water Resources Control Board.

(o) This section does not exempt an advanced water purification facility from any standard for bottling water imposed pursuant to federal law.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.