



Government Relations Update October 2015

California

State Water Resources Control Board to host Stakeholder Briefing

The Board held a stakeholder briefing on the draft regulations for point-of-use and point-of-entry treatment devices on Friday, October 9th. Both WQA and PWQA participated in the meeting and WQA has sent a letter with recommendations to the board. There was significant support by the small water systems to make POU and POE treatment permanent solutions for small systems. The regulations will be in effect until January 1, 2015 or until permanent regulations are in place.

AB 434 – Non Centralized Treatment

Existing law required the State Department of Public Health to adopt emergency regulations governing the permitted use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment. The emergency regulations sunset in January 1, 2014. This bill will reinstate these emergency regulations permanently unless amended or repealed by the State Water Resources Control Board. The bill will allow the Board to award permits for point-of-use and point-of-entry treatment in lieu of centralized treatment by a public water system (specifically for severely disadvantaged communities). However, the permit is limited to 3 years. WQA has sent a letter of support and is monitoring its status. So far, the bill has been signed by Governor Brown and the State Water Resources Control Board is working on draft regulations.

Potential Bill on Usage of Treated Wastewater

Senate Robert Hertzburg (D) introduced a last minute bill to require half of the treated wastewater to be used for beneficial purposes, including landscape watering, by 2026 and 100% usage by 2036. Hertzburg said he will not have the bill taken up by the legislature until next year.

Governor Executive Order - Drought

California Governor Brown announced he wants to see a 25 percent cut in water consumption. The 25 percent reduction in water use goal does not include farms. It places the responsibility on the local water supply agencies. WQA is monitoring the new regulations addressing the drought conditions for potential impacts and opportunities.

State Water Resources Control Board Drought Regulations

This comes after Governor Brown announced he wants to see a 25 percent reduction in urban water use. The Water Board approved mandatory targets for every local water agency to reduce consumption. Enforcement will be up to the local agencies with each community having to reduce between 8-36 percent depending on past use. Clear penalties for not meeting the targets this year have not been set, but communities that do not meet their assigned target can face fines up to \$10,000 and the Water Board has the authority to intervene when necessary. An economic analysis commissioned by the Water Board estimated private water utilities and local water departments will lose about \$1 billion in revenue, which will possibly lead to higher water prices.

SB 103 – Drought (amending the budget act of 2013)

In January, Governor Brown declared a drought State of Emergency. The Governor directed the Department of Water Resources and the State Water Resources Control Board to look at the impact of the drought on fish and wildlife. The Governor signed SB 103 to allocate \$10 million dollars for water efficiency programs for on-farm water conservation programs. On April 22, 2014 the Water Resources Control Board approved \$4 million in funding to provide interim replacement drinking water for economically disadvantaged communities with contaminated water supplies. WQA and PWQA met with the State Water Resources Control Board to discuss opportunities for POU/POE.



Softener Bans and Rebate Programs

Regarding bans on the installation of water softeners and rebate programs. Because of the drought and water reuse, some communities have begun to look at new bans on installation of water softeners. Several homeowners associations have issued restrictions. We are continuing to monitor for these issues.

Prop 65 Changes

Required under Proposition 65, businesses must provide clear and reasonable warnings to consumers if the product can expose them to a chemical listed as known to cause cancer or reproductive toxicity. California's Office of Environmental Health Hazard Assessment (OEHHA) has compiled a list of 957 chemicals as of December 2014 that can cause cancer or reproductive toxicity. Businesses can use warning methods and content OEHHA has considered clear and reasonable in Prop 65. The proposed changes to Prop 65 are focused on two areas of the regulation: (1) regulating the transmission and content of clear and reasonable warnings and; (2) the Lead Agency Website. The effective date of these changes is two years after its adoption. Review the proposed changes and the current Prop 65 [here](#). There are two continuing efforts regarding Prop 65:

1. There is a Mateel Environmental Justice Foundation lawsuit to get the court to order OEHHA to withdraw the current 0.5 microgram/day safe harbor level for lead in Prop 65. The change would mean any products and/or facilities where lead can be detected would have to provide the proper Prop 65 warnings. The California Chamber of Commerce and the California Farm Bureau are the defendants, with the primary defendant being the California Attorney General's office, representing OEHHA. WQA is continuing to follow this lawsuit. Learn more [here](#). The defendants sought to dismiss the case on the grounds that the statute of limitations to bring such a suit has long expired. The Judge did not dismiss the case and would not stop the actions.
2. On July 3, Center of Environmental Health (CEH) has petitioned the OEHHA to demand the repeal and amendment of the Maximum Allowable Dose Level (MADL) for lead and to also clarify the lead MADL is based on a single day exposure, not an average exposure overtime. Even if the Mateel lawsuit is defeated, this petition would need to be fought in the regulatory process. Cal Chamber has stated any reduction of the already conservative lead MADL or to base the MADL on a daily exposure would have "extraordinary implications across all sectors of the business community". The Cal Chamber says, "Warnings regarding lead, as well as all lawsuits, will undoubtedly proliferate". WQA is continuing to follow updates on the petition and Cal Chambers actions. Learn more [here](#).

SB 633 – California Passes New “Made in U.S.A.” Rule

Governor Brown signed Senate Bill 633. This stipulates makers of California goods can use "Made in U.S.A." if at least 95% of the parts are manufactured domestically. The new law replaces a 1961 state law.

AB 119 Labeling Requirements

The labeling requirements under AB 119 (Health and Safety Code Section 116835(b) and 116835(c)) came into effect July 1, 2015. The code can be found [here](#). And further clarification from the State Water Resources Control Board is on their [website](#) with a specific section on these new labeling requirements for manufacturers.

Regulatory Database

Check out the Regulatory Info Search developed to provide WQA members a database of codes, laws, & regulations at the state and federal level: <http://www.wqa.org/Regulatory-Info-Search>