

AMENDED IN ASSEMBLY JULY 5, 2019
AMENDED IN ASSEMBLY JUNE 25, 2019
AMENDED IN SENATE MARCH 21, 2019

SENATE BILL

No. 166

Introduced by Senator Wiener
(Coauthors: Senators Glazer and Stone)
(Coauthor: Assembly Member Voepel)
(Coauthors: Assembly Members Voepel and Cristina Garcia)

January 28, 2019

An act to add Article 9 (commencing with Section 13559) to Chapter 7 of Division 7 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 166, as amended, Wiener. Process water treatment systems: breweries.

Existing law requires the State Water Resources Control 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. Existing law requires, on or before December 1, 2022, the state board, in consultation with specified state agencies, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, as provided. Existing law requires that a local jurisdiction establish a program for onsite treated nonpotable water systems before any such systems are installed.

This bill would require the state board, on or before December 1, 2025, in consultation with the State Department of Public Health, Food and Drug Branch, to adopt regulations for microbiological, chemical, and physical water quality and treatment requirements for voluntary

onsite treatment and reuse of process water in breweries, as specified. The bill would require an entity that implements a process water treatment system in a brewery to submit a report containing specified information to the state board and the food and drug branch, as provided, and to terminate the operation of, and modify to render inoperable, process water treatment systems in a brewery at the direction of the food and drug branch after having reasonable opportunity to come into compliance with applicable regulations, as warranted. *The bill would require the food and drug branch to consult with the state board before requiring termination of a process water treatment system.* The bill would require a process water treatment system in a brewery to comply with the regulations within 2 years of the effective date of the regulations with possible extensions, as specified. The bill would allow the state board to contract with private and public entities for advice regarding the content of the regulations. The bill would require, before beginning onsite process water reuse, a brewery engaging in onsite reuse using a process water treatment system to consult with the water and wastewater service providers in its service area that would potentially be impacted by operation of the system. The bill would authorize breweries to install and operate onsite process water treatment systems even if a local jurisdiction has not established a program for onsite treated nonpotable water systems.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s breweries are an important partner in meeting
- 4 water conservation goals, and many have expressed interest in
- 5 exploring new and innovative ways of saving and reusing water.
- 6 (b) The voluntary onsite treatment and reuse of process water,
- 7 for both potable and nonpotable applications, can provide breweries
- 8 with a valuable mechanism for reducing water demand, alongside
- 9 other ~~options~~ *options*, such as efficiency.
- 10 (c) A typical brewery can use up to five to ~~seven, inclusive,~~
- 11 *seven* gallons of water to produce one gallon of beer. By treating
- 12 and reusing process water onsite, use can be reduced to as low as
- 13 two gallons of water per gallon of beer.

1 (d) While local programs encouraging onsite process water
2 treatment and reuse have shown early success, clear and consistent
3 statewide standards are needed to further enable the voluntary
4 reuse of process water at breweries of all sizes.

5 SEC. 2. Article 9 (commencing with Section 13559) is added
6 to Chapter 7 of Division 7 of the Water Code, to read:

7
8 Article 9. Water Quality Criteria for Process Water Treatment
9 Systems in Breweries

10
11 13559. (a) On or before December 1, 2025, the state board, in
12 consultation with the State Department of Public Health, Food and
13 Drug Branch (food and drug branch), shall adopt regulations for
14 microbiological, chemical, and physical water quality and treatment
15 requirements for the voluntary onsite treatment and reuse of process
16 water in breweries that are required to obtain a processed food
17 registration license from the food and drug branch. The state board
18 shall address in those regulations, at a minimum, all of the
19 following:

20 (1) Microbiological, chemical, and physical water quality and
21 treatment requirements for the use of process water in breweries
22 from sources such as filtration, production, and packing for
23 nonpotable applications such as tank rinses, bottle rinses,
24 packaging, clean-in-place, and production, consistent with Section
25 13558, and potable applications such as producing a source water
26 for beer made and consumed onsite and packaged products for
27 sale.

28 (2) Water quality monitoring requirements.

29 (3) Reporting requirements for the water quality monitoring
30 results.

31 (4) Notification and public information requirements.

32 (5) Cross-connection controls.

33 (b) An entity that implements a process water treatment system
34 in a brewery shall do both of the following:

35 (1) Provide a report to the state board and the food and drug
36 branch at the time onsite treatment and reuse of process water
37 begins in the brewery and annually thereafter with the renewal of
38 the processed food registration license that includes the sources
39 of the process water, the end uses of the treated process water, a
40 description of the treatment process used, water quality monitoring

1 data, and the address and telephone number at which the entity
2 can be reached for additional information on the water quality of
3 the process water.

4 (2) Terminate the operation of, and modify to render inoperable,
5 process water treatment systems operating under this section in a
6 brewery at the direction of the food and drug branch. *The food and*
7 *drug branch shall consult with the state board regarding whether*
8 *the process water treatment system is in compliance with the*
9 *regulations adopted pursuant to subdivision (a) before taking*
10 *action to require termination.* The food and drug branch shall
11 provide information to the entity that implements a process water
12 treatment system in a brewery explaining why ~~termination of~~
13 ~~operation is required and, use of treated water from the process~~
14 ~~water treatment system is being prohibited, and, as warranted,~~
15 shall grant that entity a reasonable opportunity to come into
16 compliance with the relevant regulations instead of requiring
17 ~~termination.~~ *termination of the process water treatment system.*

18 (c) A process water treatment system in a brewery in operation
19 before the effective date of the regulations adopted pursuant to
20 subdivision (a) shall ~~comply be in full compliance with the~~
21 ~~regulations within two years of the effective date of the regulations.~~
22 *regulations, but may continue to operate prior to the compliance*
23 *deadline so long as the water produced by the process water*
24 *treatment system for use in brewery operations is and remains of*
25 *safe and sanitary quality during the interim period.* If an entity is
26 working to come into compliance with the regulations, but due to
27 extenuating circumstances related to the engineering, repair, or
28 replacement of the system a further extension is warranted, the
29 food and drug branch may grant an extension to comply with the
30 regulations not to exceed five years after the effective date of the
31 ~~regulations.~~ *regulations, provided that the water produced by the*
32 *process water treatment system for use in brewery operations is*
33 *and remains of safe and sanitary quality during the extension. If*
34 *the water is found to be of unsafe or unsanitary quality, the food*
35 *and drug branch shall provide information to the entity operating*
36 *the process water treatment system explaining why use of the water*
37 *is being prohibited.*

38 (d) The state board may contract with public or private entities
39 for advice on public health issues and scientific and technical

1 matters regarding the content of the regulations adopted pursuant
2 to subdivision (a).

3 (e) Before beginning onsite process water reuse, a brewery
4 engaging in onsite reuse using a process water treatment system
5 under this section shall consult with the water and wastewater
6 service providers in its service area that would potentially be
7 impacted by operation of the process water treatment system.

8 (f) This section does not apply to water treatment systems that
9 treat water that is not reused at the brewery or in the brewing
10 process such as pretreatment water systems that pretreat water
11 before delivery to sanitation or other water agencies.

12 (g) Notwithstanding subdivision (a) of Section 13558.1, a
13 brewery may install and operate an onsite process water treatment
14 system pursuant to this section.

O