

Rulemaking Procedure

Gwen Huff

Department of Water Resources



Background



Legislature

Senate Bill X 7-7



Department of
Water Resources

Considers Public Input

(in accordance with Administrative Procedures Act)



Office of
Administrative
Law

Reviews for APA
Compliance

SBX 7-7 Process Water

Section 10608.20 (i)

(1) The department shall adopt regulations for implementation of the provisions relating to process water in accordance with subdivision (l) of Section 10608.12*, subdivision (e) of Section 10608.24**, and subdivision (d) of Section 10608.26***.

(2) The initial adoption of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1# and 11349.6# of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1# of the Government Code. After the initial adoption of an emergency regulation pursuant to this subdivision, the department shall not request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1# of Government Code.

** Definitions (l) "process water" means water used for producing a product or product content or water used for research and development, including, but not limited to, continuous manufacturing processes, water used for testing and maintaining equipment used in producing a product of product content, and water used in combined heat and power facilities used in producing a product or product content. Process water does not mean incidental water uses not related to the production of a product or product content, including, but no limited to, water used from restrooms, landscaping, air conditioning, heating, kitchens, and laundry.*

*** 10608.24 (e) When developing the urban water use target pursuant to Section 10608.20, an urban retail water supplier that has a substantial percentage of industrial water use in its service are, may exclude process water from the calculation of gross water use to avoid a disproportionate burden on another customer sector.*

**** 10608.26 (d) (1) Any ordinance or resolution adopted by an urban retail water supplier after the effective date of this section shall not require existing customers as of the effective date of this section, to undertake changes in product formulation, operations, or equipment that would reduce process water use, but may provide technical assistance and financial incentives to those customer to implement efficiency measures for process water. This section shall not limit an ordinance or resolution adopted pursuant to a declaration of drought emergency by an urban retail water supplier.*

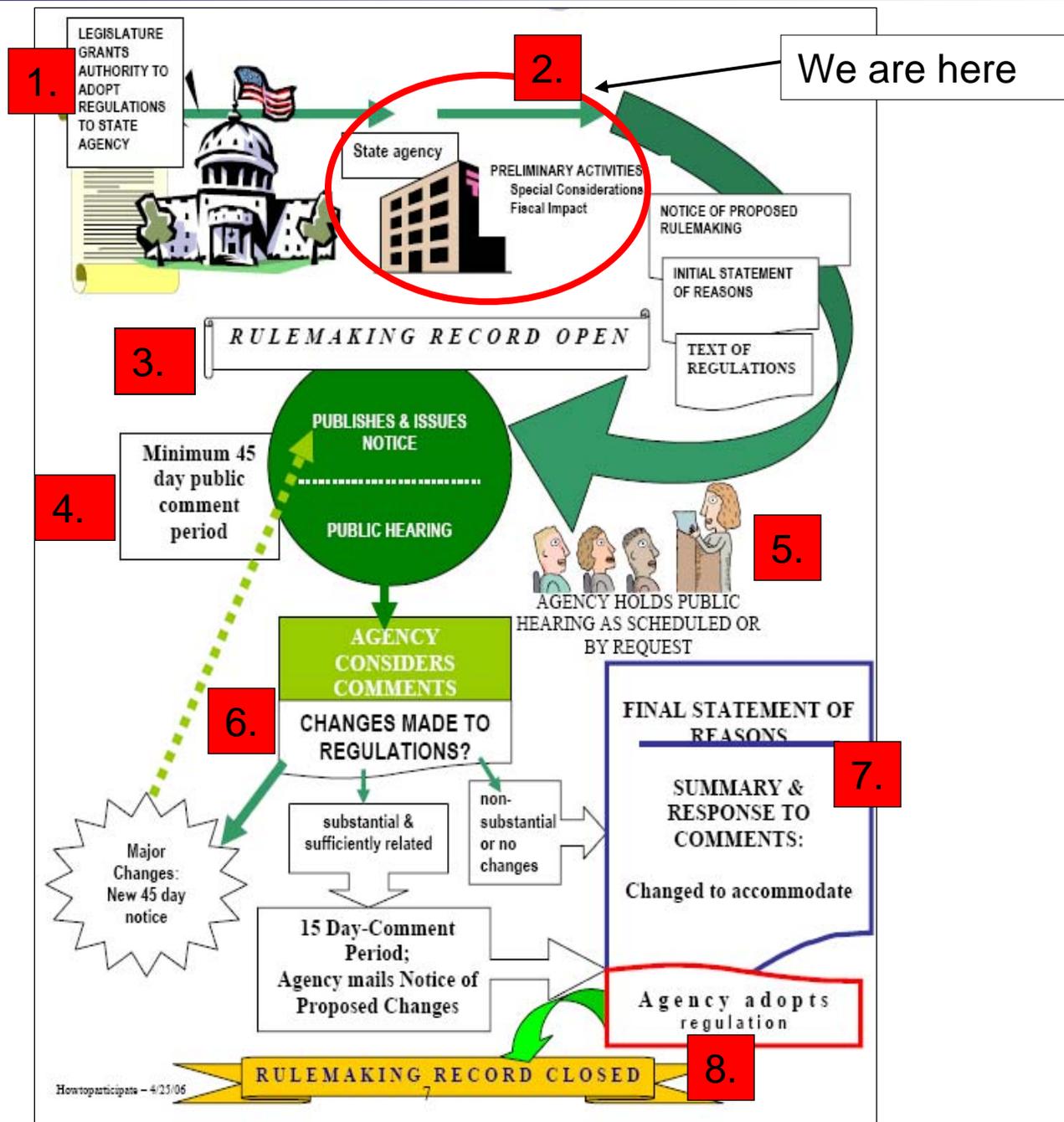
(2) This part shall not be construed or enforced so as to interfere with the requirements of Chapter 4 (commencing with Section 113980) to Chapter 13 (commencing with Section 114380), inclusive, of Part 7 of Division 104 of the Health and Safety Code, or any requirement or standard for the protection of public health, public safety, or worker safety established by federal, state, or local government or recommended by recognized standard setting organizations or trade associations.

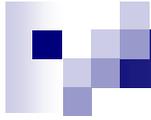
Statutes on Emergency Regulations found in California Rulemaking Law.



Administrative Procedures Act

APA is a set of requirements and standards for the rulemaking process, including public hearings, that state agencies must follow.





U5 Process Water Calendar

Date	Meeting
July 7, 2010	U5 Workgroup
August 3, 2010	U5 Workgroup
August 18, 2010	U5 Workgroup
October 2010	Submit Emergency and Regular Rulemaking
October - December 2010	Public Review Process
April 2011	Submit Final regulation to OAL
May 2011	DWR Adopts regulation



**DWR will
consider workgroup input**



DWR must consider public comments

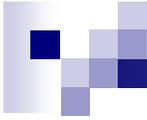


- At least one public comment period
- Written public comments
- All comments and responses posted on website



Other Considerations:

1. Submittal of Urban Water Management Plans
2. CII Task Force



Kent Frame
(916) 651-7030
kframe@water.ca.gov



Water Use and Efficiency Branch
Department of Water Resources

<http://www.water.ca.gov/wateruseefficiency/sb7/>
wue@water.ca.gov