

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF DRINKING WATER
NOVEMBER 18, 2025**

ITEM 4

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO ADOPT REGULATIONS FOR
ONSITE TREATMENT AND REUSE OF NONPOTABLE WATER.

DISCUSSION

Pursuant to Water Code section 13558, the State Water Board is proposing to adopt regulations establishing risk-based water quality standards for the onsite treatment and reuse of nonpotable water for nonpotable end uses in multifamily residential, commercial, and mixed-use buildings. Compliance with the proposed regulations would result in use of onsite treated nonpotable water that adequately protects public health.

Water Code section 13558, subdivision (a) requires the State Water Board, in consultation with the California Building Standards Commission and the Department of Housing and Community Development, to adopt the proposed regulations on or before December 1, 2022. Untreated graywater systems that are used exclusively for subsurface irrigation, and untreated rainwater systems that are used exclusively for surface, sub-surface, or drip irrigations, are regulated by chapters 15 and 16 of the California Plumbing Code (part 5 of title 24 of the California Code of Regulations) and will not be addressed by these proposed regulations.

The scientific basis and scientific portions of the proposed onsite treatment and reuse of nonpotable water regulations were reviewed through an external peer review process, as required by Health and Safety Code section 57004. The external review process was completed on July 28, 2023. The peer reviewers who provided assessments found the scientific basis for the proposed regulations to be sound, adequate, and reasonable, and met the statutory condition that the scientific portion of the proposed regulations is based upon sound scientific knowledge, methods, and practices. Documentation of the scientific peer review is provided in Appendix D of the Initial Statement of Reason.

The proposed regulations do not require any entities to participate or engage in onsite collection, treatment, and reuse of nonpotable water; however, Water Code section 13558.1, subdivision (a) requires that onsite treated nonpotable water systems be installed under a local jurisdiction program. Local jurisdictions that elect to establish a program for onsite treated nonpotable water systems must adopt a local program through a local ordinance that includes requirements contained in the proposed regulations.

On March 21, 2025, the Notice of Proposed Rulemaking for the proposed regulations was published in the California Regulatory Notice Register ([Register 2025 – Volume Number 12-Z](#)) pursuant to the requirements of the California Administrative Procedure Act (APA). Publication of the Notice of Proposed Rulemaking begins a mandatory public comment period of no less than 45 days. During the public comment period, which the State Water Board set for 49 days, 18 comment letters were received. During the public comment period, the State Water Board held an APA public hearing on May 8, 2025, where two commenters provided oral comments. Following the conclusion of the 49-day public comment period on May 9, 2025, the State Water Board staff reviewed each comment received during the comment period, including oral comments received at the public hearing.

State Water Board staff determined that substantive revisions should be made to the proposed regulations and, pursuant to the APA, the revised proposed regulations would need to be released for an additional public comment period of no less than 15 days. On August 1, 2025, the State Water Board published a Notice of Public Availability of Changes to the Proposed Regulation Text and provided the revised regulation text, along with a page indicating the methods used for illustrating the changes to the original text and two documents added to the rulemaking file ([NSF/ANSI 55-2024](#), which is a document incorporated by reference, and [Alja'fari, et al. 2023](#), which is a document relied upon). During the public comment period, which the State Water Board set for 18 days, six comment letters were received. Following the conclusion of this public comment period on August 19, 2025, State Water Board staff reviewed each comment received during the comment period and concluded that no substantive revisions to the proposed regulations were necessary.

State Water Board staff will address each comment received during the 45-day and 15-day public comment periods in the Final Statement of Reasons, as required by the APA. State Water Board staff will also present a draft summary of comments, staff responses, and revisions made to the proposed regulation text resulting from the comments received during the 45-day comment period at the State Water Board adoption hearing. If the State Water Board adopts the resolution, the rulemaking package containing the proposed regulations will be submitted to the Office of Administrative Law (OAL) for review. Once OAL approves the regulatory action, and it is filed with the Secretary of State, the regulations will be published in the California Code of Regulations. Water Code section 13558, subdivision (f) requires that the proposed regulations be “effective commencing on the date on which the regulations are approved [by OAL] and final.”

Documents related to the rulemaking, including documents that were made available during the 45-day and 15-day public comment periods, are posted on the program webpage at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/onsite_nonpotable_reuse_regulations.html.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution to adopt regulations for onsite treatment and reuse of nonpotable water?

FISCAL IMPACT

State Water Board staffing to implement the proposed regulations will be funded with existing resources.

Additional information regarding anticipated economic and fiscal impact of the proposed regulations is documented within the Economic Impact Analysis and STD 399 and available at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/otnws_regs.html

REGIONAL BOARD IMPACT

None. Water Code section 13558.1, subdivision (a) requires that onsite treated nonpotable water systems be installed under a local jurisdiction program. Water Code section 13558, subdivision (h) defines a local jurisdiction as a city, county, or city and county. A local jurisdiction that elects to establish a program for onsite treated nonpotable water systems must adopt a local program through a local ordinance that includes requirements set by the proposed regulations. However, Water Code sections 13558 and 13558.1 do not contemplate or preclude the Regional Board's authority for permitting waste discharges to the waters of the state and waters of the United States.

STAFF RECOMMENDATION

Staff recommend that the State Water Board adopt the proposed resolution to adopt regulations for onsite treatment and reuse of nonpotable water.