

Recycled Water

In this era of increasing drought and decreasing water supplies, the search continues for new water sources in California. The largest “new” water source is highly-treated municipal or industrial wastewater, more commonly known as recycled water. Downey Brand has been involved in recycled water use, marketing, and regulation from its emergence in California decades ago and the Firm remains at the forefront of public policy.

The experienced legal team at Downey Brand routinely participates in statewide policy discussions and provides input and comments on regulatory proposals to encourage increased use of recycled water, including for indirect potable reuse (IPR) and direct potable reuse (DPR).

Downey Brand lawyers have assisted numerous municipal entities statewide move to recycling and reusing the resource to offset potable water supplies. In many cases, such projects can present a “win-win” situation for location communities; having counsel who possess experience in successful collaboration with a broad base of stakeholders is essential.

Downey Brand’s deep agricultural and water supplier connections also help to facilitate the marketing and sale of municipal and industrial sources of recycled water for irrigation and other uses.

Selected Experience

- Negotiate and participate in the process of the adoption of reasonable regulations, policies, and permits for recycled water use, including the Recycled Water Policy and the State Water Resources Control Board’s general Water Reclamation Requirement for recycled water use.
- Assist with negotiating Water Code Section 1211 process to change the point of discharge or purpose of use for recycling, including addressing related species and habitat issues.
- Promote the reuse of industrial wastewater for agricultural and other industrial sources.
- Advise municipalities with respect to all aspects of the recycled water facilities including negotiation of construction contracts and equipment purchase agreements, and negotiate and draft recycled water use and sale contracts.

Trade Groups

- American Bar Association Section of Environment, Energy, and Resources
- Association of California Water Agencies (ACWA)
- Association of Women in Water, Energy & Environment (AWWEE)
- California Association of Sanitation Agencies (CASA)

- California Construction and Industrial Materials Association (CalCIMA)
- California Stormwater Quality Association (CASQA)
- Groundwater Resources Association (GRA)
- Northern California Water Association (NCWA)
- Water Education Foundation