

ASSEMBLY BILL

No. 19

Introduced by Assembly Member DeVore

December 4, 2006

An act to add and repeal Section 13228.5 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as introduced, DeVore. Water quality: Santa Ana region.

Under existing law, the State Water Resources Control Board and the nine California regional water quality control boards, including the Santa Ana Regional Water Quality Control Board (regional board), regulate water quality in accordance with the Porter-Cologne Water Quality Control Act (the act) and the federal Clean Water Act.

This bill would establish the Santa Ana Regional Water Quality Improvement Project and the Santa Ana Regional Water Quality Improvement Board, which would be comprised of specified members, for the purposes of carrying out the act. The bill would authorize a city or county to allow a discharger within its jurisdiction, upon the request of the discharger, to become subject to regulation by the Santa Ana Regional Water Quality Improvement Board in lieu of the regional board for purposes of the act.

The bill would establish the Santa Ana Regional Water Quality Improvement Fund and would authorize the developer of a development project, if the developer has become subject to regulation by the Santa Ana Regional Water Quality Improvement Board, to agree to pay a fee to the appropriate city or county, based on the acreage and density of the proposed development project, for deposit in the fund. The bill would authorize the Santa Ana Regional Water Quality Improvement

Board, upon appropriation by the Legislature, to expend funds in the fund for research relating to urban runoff to be conducted by certain educational institutions, as specified, for formulation of mitigation measures for proposed development projects, and for mitigation projects that are approved by that board for the purposes of improving water quality within the region, including projects to mitigate the impacts of urban runoff.

The bill would require the Santa Ana Regional Water Quality Improvement Board to prepare and submit to the Legislature, not later than December 31, 2010, a report that describes the implementation of these provisions and the extent to which dischargers have become subject to the jurisdiction of that board, and that includes related recommendations.

The provisions of the bill would be repealed on January 1, 2013.

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. (a) For the purposes of this section, “regional
- 2 board” means the Santa Ana Regional Water Quality Control
- 3 Board.
- 4 (b) The Legislature finds and declares all of the following:
- 5 (1) The primary duty of the regional board is to protect the
- 6 quality of the waters within its jurisdiction for all beneficial uses
- 7 in accordance with the Porter-Cologne Water Quality Control Act
- 8 (Division 7 (commencing with Section 13000) of the Water Code)
- 9 and the Clean Water Act (33 U.S.C. Sec. 1251 et seq.).
- 10 (2) This duty is implemented by, among other actions,
- 11 formulating and adopting water quality control plans on behalf of
- 12 surface water and groundwater within the regional board’s
- 13 jurisdiction and by prescribing and enforcing waste discharge
- 14 requirements.
- 15 (3) Experience has shown that the permitting requirements
- 16 established by the regional board unintentionally cause delays and
- 17 add significant costs to housing and commercial development
- 18 within the region and these requirements are frequently not
- 19 formulated in a consistent manner using sound science and
- 20 engineering principles to improve outcomes so as to justify these
- 21 additional delays and costs.

1 (c) It is the intent of the Legislature to implement the Santa Ana
2 Regional Water Quality Improvement Project pursuant to which
3 an alternative governing board would be established within the
4 region for the purposes of carrying out, under appropriate
5 circumstances, the Porter-Cologne Water Quality Control Act
6 (Division 7 (commencing with Section 13000) of the Water Code).

7 SEC. 2. Section 13228.5 is added to the Water Code, to read:

8 13228.5. (a) The definitions set forth in this subdivision govern
9 the construction of this section.

10 (1) "Fund" means the Santa Ana Regional Water Quality Fund
11 established by subdivision (e).

12 (2) "Region" means the Santa Ana region described in
13 subdivision (e) of Section 13200.

14 (3) "Regional board" means the Santa Ana Regional Water
15 Quality Control Board.

16 (b) The Santa Ana Regional Water Quality Improvement Project
17 is hereby established.

18 (c) (1) The Santa Ana Regional Water Quality Improvement
19 Board is hereby established for the purposes of carrying out this
20 division.

21 (2) The Santa Ana Regional Water Quality Improvement Board
22 consists of all of the following members:

23 (A) One member appointed by the regional board.

24 (B) One member appointed by the Governor who is an elected
25 official of a water or sanitation district that is located within the
26 coastal area of the region.

27 (C) One member appointed by the Governor who is an elected
28 official of a water or sanitation district that is located within the
29 inland area of the region.

30 (D) One member appointed by the Governor who is a member
31 of the faculty of the University of California at Irvine.

32 (E) One member appointed by the Governor who is a member
33 of the faculty of the University of California at Riverside.

34 (F) One member appointed by the Governor who is a member
35 of the faculty of the California State University at Fullerton.

36 (G) One member appointed by the Governor who is a member
37 of the faculty of the California State University at San Bernardino.

38 (H) Four nonvoting members appointed by the Governor, two
39 of whom are selected from environmental groups, one of whom

1 is selected from an association of developers or builders, and one
2 of whom is selected from a housing advocacy group.

3 (d) (1) A city or county may allow a discharger within its
4 jurisdiction, upon request of the discharger, to become subject to
5 regulation by the Santa Ana Regional Water Quality Improvement
6 Board in lieu of the regional board for purposes of this division.

7 (2) For the purposes of paragraph (1), “discharger” includes the
8 city or county.

9 (e) (1) The Santa Ana Regional Water Quality Improvement
10 Fund is hereby established.

11 (2) If the developer of a development project that is subject to
12 the requirements of a permit issued pursuant to this division agrees
13 to become subject to regulation by the Santa Ana Regional Water
14 Quality Improvement Board in accordance with subdivision (c),
15 the developer may agree to pay a fee to the appropriate city or
16 county, based on the acreage and density of the proposed
17 development project, for deposit in the fund.

18 (f) The Santa Ana Regional Water Quality Improvement Board,
19 upon appropriation by the Legislature, shall expend moneys in the
20 fund for all of the following purposes:

21 (1) For research relating to urban runoff to be conducted by the
22 University of California at Irvine, University of California at
23 Riverside, California State University at Fullerton, or California
24 State University at San Bernardino.

25 (2) For the formulation of mitigation measures for proposed
26 development projects.

27 (3) For mitigation projects approved by the Santa Ana Regional
28 Water Quality Improvement Board for the purposes of improving
29 water quality within the region, including projects to mitigate the
30 impacts of urban runoff.

31 (g) The Santa Ana Regional Water Quality Improvement Board
32 shall allocate moneys from the fund for the purposes of paragraph
33 (1) of subdivision (f) as follows:

34 (1) Not more than one million dollars (\$1,000,000) may be
35 expended during the 2008 calendar year, and not more than five
36 hundred thousand dollars (\$500,000) may be allocated to any single
37 institution described in paragraph (1) of subdivision (f).

38 (2) Not more than one million five hundred thousand dollars
39 (\$1,500,000) may be expended during the 2009 calendar year, and
40 not more than seven hundred fifty thousand dollars (\$750,000)

1 may be allocated to any single institution described in paragraph
2 (1) of subdivision (f).

3 (3) Not more than two million dollars (\$2,000,000) may be
4 expended during each of the calendar years 2010, 2011, and 2012,
5 and not more than one million dollars (\$1,000,000) may be
6 allocated to any single institution described in paragraph (1) of
7 subdivision (f) during any of those calendar years.

8 (h) Not later than December 31, 2010, the Santa Ana Regional
9 Water Quality Improvement Board shall prepare and submit to the
10 Legislature a report that describes the implementation of this
11 section and the extent to which dischargers have become subject
12 to the jurisdiction of that board in lieu of the regional board. The
13 report shall include recommendations concerning the continuing
14 implementation of this section.

15 (i) This section shall remain in effect only until January 1, 2013,
16 and as of that date is repealed, unless a later enacted statute that
17 is enacted before January 1, 2013, deletes or extends that date.