

AMENDED IN SENATE JULY 9, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1338

Introduced by Assembly Member Huffman

February 23, 2007

An act to add Sections 30522.5 and 30522.7 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1338, as amended, Huffman. Public resources: local coastal programs: nonpoint source pollution.

(1) The California Coastal Act of 1976 establishes procedures for the preparation, approval, and certification of local coastal programs. Under the act, a local government with a certified local coastal program, among other things, assumes review and permitting authority over coastal land and resources in the coastal zone, as defined.

This bill would enact the California Coastal Protection Act of 2007. Every local coastal government when preparing and adopting a local coastal program for certification by the California Coastal Commission, after consultation with the commission and the appropriate regional water quality control board, would be required to include a nonpoint source pollution prevention element, within its local coastal program. A local coastal government submitting to the commission major amendments to a certified local coastal program, ~~after consultation with the commission and the appropriate regional water quality control board,~~ would be required to submit with those amendments a nonpoint source pollution prevention element with policies for reducing nonpoint source

pollution, consistent with the state’s coastal nonpoint source pollution control plan. By imposing these requirements, the bill would impose a state-mandated local program. The commission would be required to assist local governments in obtaining grant funds to help defray the costs associated with the preparation of that nonpoint source pollution prevention element.

(2) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program.

This bill would provide that if a local government is subject to a NPDES permit that was approved or amended after March 1, 2000, any applicable substantive provisions of an approved management plan adopted in compliance with that permit would be sufficient to satisfy the requirement of the nonpoint source pollution control element for those land uses and project development categories covered by the permit.

The bill would authorize a local government at its sole discretion to adopt stricter requirements than those applicable to land uses and project development categories covered by the permit. These provisions would not restrict the authority of the commission, a regional water quality control board, the State Water Resources Control Board, or a local government to implement management measures contained in the “Plan for California’s Nonpoint Source Pollution Control Program,” for those land uses and project development categories not covered by the NPDES permit or preclude the adoption of a stricter NPDES permit.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Coastal Protection Act of 2007.

1 SEC. 2. Section 30522.5 is added to the Public Resources Code,
2 to read:

3 30522.5. (a) Every local coastal government, when preparing
4 and adopting a local coastal program for certification by the
5 commission, shall, after consultation with the commission and the
6 appropriate regional water quality control board, include a nonpoint
7 source pollution prevention element within its local coastal program
8 that is consistent with the purposes set forth in Sections 30230 and
9 30231 and the “Plan for California’s Nonpoint Source Pollution
10 Control Program” prepared and adopted by the State Water
11 Resources Control Board and the California Coastal Commission,
12 and approved by the United States Environmental Protection
13 Agency and the National Oceanic and Atmospheric Administration.

14 (b) The commission shall assist local governments in obtaining
15 grant funds to help defray the costs associated with the preparation
16 of that nonpoint source pollution prevention element of the local
17 coastal program, including, but not limited to, funds received from
18 the local government assistance grant programs.

19 (c) A local coastal government submitting major amendments
20 to a certified local coastal program, submitted to the commission
21 for approval and certification, shall, ~~after consultation with the~~
22 ~~commission and the appropriate regional water quality control~~
23 ~~board,~~ include with those amendments, a nonpoint source pollution
24 prevention element with policies for reducing nonpoint source
25 pollution consistent with the state’s coastal nonpoint source
26 pollution control plan.

27 (d) As used in subdivision (c), “major amendment” means any
28 amendment that is not minor or de minimus as described in
29 subdivision (c) or (d) of Section 30514 or Sections 13554 and
30 13555 of Title 14 of the California Code of Regulations.

31 SEC. 3. Section 30522.7 is added to the Public Resources Code,
32 to read:

33 30522.7. (a) If a local government is subject to a stormwater
34 national pollutant discharge elimination system (NPDES) permit
35 pursuant to Section 402(p) of the Clean Water Act (33 U.S.C. Sec.
36 1342(p)), that was approved or amended on or after March 1, 2000,
37 any applicable substantive provisions of an approved management
38 plan adopted in compliance with that permit shall be deemed to
39 satisfy the requirement of subdivision (a) of Section 30522.5 for
40 a nonpoint source pollution prevention element for those land uses

1 and project development categories covered by that permit. At its
2 sole discretion, a local government may adopt stricter requirements
3 than those applicable to land uses and project development
4 categories covered by the permit.

5 (b) This section does not limit the authority of the commission,
6 a regional water quality control board, the State Water Resources
7 Control Board, or a local government to implement the
8 management measures set forth in the federally approved “Plan
9 for California’s Nonpoint Source Pollution Control Program,”
10 dated July 17, 2000, and as may be amended, for those land uses
11 and project development categories not covered by the NPDES
12 permit specified in subdivision (a) and consistent with Section
13 30412.

14 (c) This section does not preclude the adoption of a stricter
15 NPDES permit.

16 SEC. 4. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 a local agency or school district has the authority to levy service
19 charges, fees, or assessments sufficient to pay for the program or
20 level of service mandated by this act, within the meaning of Section
21 17556 of the Government Code.