

AMENDED IN SENATE AUGUST 31, 2011
AMENDED IN SENATE JUNE 20, 2011
AMENDED IN ASSEMBLY MAY 19, 2011
AMENDED IN ASSEMBLY MAY 9, 2011
AMENDED IN ASSEMBLY MARCH 31, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1210

Introduced by Assembly Member Garrick
(Coauthors: Senators Cannella and Padilla)

February 18, 2011

An act to add Section 6730.4 to the Business and Professions Code, relating to water quality, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1210, as amended, Garrick. Water quality: stormwater discharge: civil engineering activities.

Under

(1) *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.

Existing law, the Professional Engineers Act, requires all civil engineering plans, calculations, specifications, and reports to be prepared

by, or under the responsible charge of, a licensed civil engineer. A violation of the act is a crime.

This bill would exempt a civil engineer from any requirement of additional experience, training, or certification requirements in order to perform activities in the preparation of a Storm Water Pollution Prevention Plan pursuant to a specified general permit for stormwater discharges.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

~~This bill would require all civil engineering activities performed in the preparation of stormwater pollution prevention plans pursuant to a specified general permit for stormwater discharges to be performed under the responsible charge of a licensed civil engineer.~~

~~Because a violation of these provisions would be a crime under the Professional Engineers Act, this bill would impose a state-mandated local program.~~

~~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 ²/₃. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

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

- 1 SECTION 1. Section 6730.4 is added to the Business and
- 2 Professions Code, to read:
- 3 6730.4. (a) Notwithstanding any other law, a licensed civil
- 4 engineer shall not be required to satisfy any additional experience,
- 5 training, or certification requirements in order to perform activities
- 6 in the preparation of a Storm Water Pollution Prevention Plan
- 7 (SWPPP) pursuant to the General Permit for Storm Water
- 8 Discharges Associated with Construction and Land Disturbance
- 9 Activities (Order No. 2009-0009-DWQ of the State Water
- 10 Resources Control Board), or any amendments to that order.
- 11 (b) For purposes of Order No. 2009-0009-DWQ of the State
- 12 Water Resources Control Board and any amendments thereto, a
- 13 licensed civil engineer shall be deemed to be in compliance with
- 14 all qualified SWPPP developer training and certification

1 *requirements and shall have the full authority of a person who*
2 *possesses a qualified SWPPP developer certificate issued by the*
3 *State Water Resources Control Board.*

4 *(c) The preparation of a SWPPP by a licensed civil engineer*
5 *who does not possess a qualified SWPPP developer certificate*
6 *issued by the State Water Resources Control Board does not*
7 *constitute a violation of Order No. 2009-0009-DWQ of the State*
8 *Water Resources Control Board or any amendments thereto.*

9 *SEC. 2. This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety within*
11 *the meaning of Article IV of the Constitution and shall go into*
12 *immediate effect. The facts constituting the necessity are:*

13 *In order to ensure licensed engineers are able to perform*
14 *activities relating to storm water pollution prevention as soon as*
15 *possible, it is necessary that this act take effect immediately.*

16 ~~SECTION 1. Section 6730.4 is added to the Business and~~
17 ~~Professions Code, to read:~~

18 ~~6730.4. (a) Notwithstanding any other law, all civil engineering~~
19 ~~activities performed in the preparation of stormwater pollution~~
20 ~~prevention plans pursuant to the General Permit for Storm Water~~
21 ~~Discharges Associated with Construction and Land Disturbance~~
22 ~~Activities (Order No. 2009-0009-DWQ of the State Water~~
23 ~~Resources Control Board), and all amendments to that order, shall~~
24 ~~be performed under the responsible charge of a licensed civil~~
25 ~~engineer.~~

26 ~~(b) A licensed civil engineer shall not be required to satisfy any~~
27 ~~additional experience, training, or certification requirements in~~
28 ~~order to perform activities in the preparation of stormwater~~
29 ~~pollution prevention plans as described in subdivision (a).~~

30 ~~(c) Nothing in this section is intended to affect the practice rights~~
31 ~~of any person licensed by the state to practice or perform any~~
32 ~~functions or services pursuant to that license.~~

33 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
34 ~~Section 6 of Article XIII B of the California Constitution because~~
35 ~~the only costs that may be incurred by a local agency or school~~
36 ~~district will be incurred because this act creates a new crime or~~
37 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
38 ~~for a crime or infraction, within the meaning of Section 17556 of~~
39 ~~the Government Code, or changes the definition of a crime within~~

- 1 ~~the meaning of Section 6 of Article XIII B of the California~~
- 2 ~~Constitution.~~

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