

ASSEMBLY BILL

No. 2117

Introduced by Assembly Member Achadjian

February 23, 2012

An act to add Sections 13377.5 and 13378.5 to the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2117, as introduced, Achadjian. Waste discharge requirements: storm water.

Under existing law, the State Water Resources Control Board (state board) and the California regional water quality control boards prescribe waste discharge requirements for the discharge of storm water in accordance with the federal national pollutant discharge elimination system (NPDES) permit program. Existing law requires the state board or the regional boards to issue waste discharge requirements which apply and ensure compliance with all applicable provisions of the Federal Water Pollution Control Act and any more stringent effluent standards or limitations necessary to implement water quality control plans, or for the protection of beneficial uses, or to prevent nuisance.

This bill would prohibit implementation of any new storm water effluent standards or limitations more stringent than the provisions of the Federal Water Pollution Control Act until January 1, 2017. This bill would require the state board, in consultation with affected stakeholders to prepare a comprehensive statewide storm water plan, as prescribed, and submit it to the Legislature by January 1, 2016.

Existing law requires waste discharge requirements be adopted only after notice and any necessary hearing.

This bill would permit state board and regional board staff and members to discuss pending storm water waste discharge requirements with affected parties so long as the discussion is publicly disclosed.

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. The Legislature finds and declares the following:

2 (a) While storm water represents a significant threat to the water
3 quality of California’s rivers, lakes, and oceans, the current storm
4 water program is not addressing the full spectrum of pollutants
5 and does not represent a holistic approach to the issue.

6 (b) California’s storm water program has focused on end-of-pipe
7 regulation instead of a more balanced focus on area sources. This
8 focus on end-of-pipe regulation has resulted in a new round of
9 proposed waste discharge requirements with extremely high
10 implementation costs that do not represent an effective use of
11 resources by the wide range of individuals subject to storm water
12 waste discharge requirement already suffering from the down
13 economy. At a time when local governments are laying off police
14 and fire personnel, school districts are closing schools, university
15 tuition is skyrocketing, and businesses are stagnating, individuals
16 are facing ten-fold increases in storm water waste discharge
17 requirement costs with individual cities facing multimillion dollar
18 yearly implementation costs. The state’s highway program would
19 be severely impacted as well, creating profound long-term
20 implications for the economy. Repeated testimony continues to
21 state that there is minimal water quality improvement from these
22 costs.

23 (c) California’s storm water still does not integrate the
24 substantial contribution of area sources that remain beyond the
25 reach and control of individuals subject to storm water waste
26 discharge requirements, including, but not limited to, the storm
27 water contributions from automotive brake pads. Despite the fact
28 that landmark legislation, SB 346, Chapter 307 of the Statutes of
29 2010, was passed to substantially reduce copper and other toxic
30 constituents in brake pads over the next 20 years, California’s
31 storm water program does not factor in the need and progress to
32 be made from these reductions. Instead, the program continues to

1 expect individuals to somehow reduce pollutants, like automotive
2 brake pads, over which the individual has no control and at a cost
3 that could be in the billions of dollars and affect the basic core
4 missions of California's institutions and businesses.

5 (d) It is necessary to limit the expansion of the storm water
6 waste discharge requirements program beyond current federal
7 requirements while the State Water Quality Control Board and
8 stakeholders consider holistic changes necessary for the long-term
9 solution to this problem.

10 SEC. 2. Section 13377.5 is added to the Water Code, to read:

11 13377.5. (a) Notwithstanding any other law, until January 1,
12 2017, the state board or any regional board shall not implement
13 new storm water effluent standards or limitations more stringent
14 than the provisions of the Federal Water Pollution Control Act.

15 (b) (1) The state board, in consultation with affected
16 stakeholders, shall prepare a comprehensive statewide storm water
17 plan and submit it to the Legislature by January 1, 2016. This plan
18 shall consider the full spectrum of storm water constituents and
19 contain recommendations for necessary legislation to establish
20 broad mechanisms to ensure that individuals subject to storm water
21 waste discharge requirements do not have responsibility to remove
22 constituents from their storm water discharge that they did not
23 create and have no control over.

24 (2) The requirement for submitting a report imposed under
25 paragraph (1) is inoperative on January 1, 2020, pursuant to Section
26 10231.5 of the Government Code.

27 (3) A report to be submitted pursuant to paragraph (1) shall be
28 submitted in compliance with Section 9795 of the Government
29 Code.

30 SEC. 3. Section 13378.5 is added to the Water Code, to read:

31 13378.5. Notwithstanding any other law, the staff and members
32 of the state board or a regional board may discuss pending storm
33 water waste discharge requirements with affected parties so long
34 as the discussion is publicly disclosed.