

AMENDED IN SENATE APRIL 9, 2012

AMENDED IN SENATE MARCH 8, 2012

SENATE BILL

No. 964

**Introduced by Senator Wright
(Coauthor: Senator Blakeslee)**

January 11, 2012

An act to amend Section 11352 of the Government Code, relating to the Administrative Procedure Act.

LEGISLATIVE COUNSEL'S DIGEST

SB 964, as amended, Wright. Administrative Procedure Act: State Water Resources Control Board and California regional water quality control boards.

Existing law establishes the State Water Resources Control Board and the California regional water quality control boards and authorizes them to adopt regulations to carry out their powers and duties. Existing law generally requires state agencies to adopt regulations in accordance with prescribed procedures and requirements, and requires the Office of Administrative Law to review adopted regulations and to make specified determinations. However, existing law grants to the State Water Resources Control Board and the California regional water quality control boards various exemptions to the above requirements, including an exemption for the adoption of regulations for the issuance, denial, or revocation of specified waste discharge requirements and permits.

This bill would provide that the exemption for the adoption of regulations for the issuance, denial, or revocation of specified waste discharge requirements and permits shall not apply to any general permits or waivers issued under state law or the federal National Pollutant Discharge Elimination System, as defined, thereby requiring

the State Water Resources Control Board and the California regional water quality control boards to comply with provisions that require the adoption of regulations under those circumstances.

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. Section 11352 of the Government Code is
- 2 amended to read:
- 3 11352. The following actions are not subject to this chapter:
- 4 (a) The issuance, denial, or waiver of any water quality
- 5 certification as authorized under Section 13160 of the Water Code.
- 6 (b) The issuance, denial, or revocation of waste discharge
- 7 requirements and permits pursuant to Sections 13263 and 13377
- 8 of the Water Code and waivers issued pursuant to Section 13269
- 9 of the Water Code, except any general permits or waivers issued
- 10 under state law or the National Pollutant Discharge Elimination
- 11 System, pursuant to Section 402(p) of the federal Clean Water Act
- 12 (33 U.S.C. Sec. ~~1432(p)~~ 1342(p)), as amended.
- 13 (c) The development, issuance, and use of the guidance
- 14 document pursuant to Section 13383.7 of the Water Code.