

ASSEMBLY BILL

No. 1251

Introduced by Assembly Member Gorell

February 22, 2013

An act to add Chapter 5.10 (commencing with Section 13399.50) to Division 7 of, and to repeal Section 13399.51 of, the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1251, as introduced, Gorell. Water quality: stormwater.

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 in accordance with the national pollutant discharge elimination system permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would require the Secretary for Environmental Protection to convene a stormwater task force to review, plan, and coordinate stormwater-related activity to maximize regulatory effectiveness in reducing water pollution. The bill would require the task force to meet on a quarterly basis.

This bill would require the task force, on or before January 1, 2017, to submit to the Legislature a statewide stormwater plan regarding stormwater management. The bill would require the task force, in developing the plan, to consider specified issues. The bill would repeal this provision on January 1, 2021.

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 all of the
2 following:

3 (a) California possesses a world-leading air pollution control
4 program that continues to strive toward meeting aggressive air
5 quality goals through holistic approaches and strategies. While the
6 air pollution cleanup effort started in the 1970s through strict
7 command-and-control regulations, the second stage required state
8 and local air quality management districts and air pollution control
9 districts to consider market-based approaches in conjunction with
10 source control practices that helped California meet state and
11 federal air pollution reduction goals. This holistic effort required
12 a redesigning of our transportation network and a redesigning of
13 automobiles.

14 (b) In a similar way, the state’s approach to water quality issues
15 should require a comprehensive approach that will make
16 stormwater cleanup manageable and achievable. For example, the
17 Legislature and various state agencies should consider how brake
18 pad dust (copper), tire wear (zinc), vehicular fluids (oil, coolants,
19 etc.), building materials, and other pollutants significantly
20 contribute to stormwater pollution. Often, stormwater permitholders
21 face a significant burden trying to clean these pollutants from
22 stormwater runoff, over which they have no control.

23 (c) Cities in California are taking legal action to challenge state
24 and federal stormwater quality requirements. A long-term approach
25 is needed to ensure cleaner water is entering our waterways without
26 crippling the entities that are held responsible for cleaning up the
27 discharges into our waterways. A viable long-term approach will
28 require coordination among existing regulatory programs, which
29 will provide a more effective mechanism to achieve the goals of
30 state and federal statutes, while minimizing costs for stakeholders.

31 SEC. 2. Chapter 5.10 (commencing with Section 13399.50) is
32 added to Division 7 of the Water Code, to read:

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34 CHAPTER 5.10. STORMWATER TASK FORCE

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36 13399.50. (a) The Secretary for Environmental Protection
37 shall convene a Stormwater Task Force to review, plan, and

1 coordinate stormwater-related activity to maximize regulatory
2 effectiveness in reducing water pollution.

3 (b) The task force shall include all of the following members:

4 (1) Representatives from appropriate agencies and departments
5 within the California Environmental Protection Agency.

6 (2) The Secretary of Food and Agriculture.

7 (3) A representative from the Office of Planning and Research.

8 (c) The task force shall meet on a quarterly basis.

9 13399.51. (a) On or before January 1, 2017, the stormwater
10 task force shall submit to the Legislature, pursuant to Section 9795
11 of the Government Code, a statewide stormwater plan that makes
12 recommendations on appropriate legislation to integrate the control
13 of sources of stormwater pollutants with existing programs related
14 to water quality in an efficient manner. In developing the plan, the
15 task force shall consider all of the following:

16 (1) The full spectrum of stormwater constituents that are
17 considered pollutants and all potential methods to address and
18 control the sources of those pollutants.

19 (2) The cost-effectiveness and the economic impacts of the
20 control measures.

21 (3) The costs and benefits of stormwater capture and reuse
22 systems as compared to stormwater discharge regulations.

23 (4) The beneficial uses of water.

24 (5) The benefits to public health.

25 (6) Consistency with the fundamentals of the federal Clean
26 Water Act (33 U.S.C. Sec. 1251 et seq.).

27 (b) Pursuant to Section 10231.5 of the Government Code, this
28 section shall be repealed on January 1, 2021.