

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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~~*The current regulatory scheme that guides*
4 *California’s stormwater clean-up efforts primarily focuses on*
5 *end-of-pipe requirements. The State Water Resources Control*
6 *Board and the California regional water quality control boards,*
7 *which, among other duties, implement the Federal Clean Water*
8 *Act, are limited in jurisdiction only to those matters that those*
9 *agencies are authorized to regulate. While the State Water*
10 *Resources Control Board and the California regional water quality*
11 *control boards are fully authorized to regulate permitholders,*
12 *those agencies are not authorized to regulate industries that*
13 *produce materials that result in the creation of pollutants when*
14 *stormwater runs off a permitholder’s property and which*
15 *permitholders are then required to clean up. As compliance*
16 *standards increase, the burden of cleanup has disproportionately*
17 *fallen on property owners who are tasked with cleaning up*
18 *pollutants that they did not initially create.*

19 (b) *California possesses a world-leading air pollution control*
20 *program that continues to strive toward meeting aggressive air*
21 *quality goals through holistic approaches and strategies. While the*
22 *air pollution cleanup effort started in the 1970s through strict*
23 *command-and-control regulations, the second stage required state*
24 *and local air quality management districts and air pollution control*
25 *districts to consider market-based approaches in conjunction with*
26 *source control practices that helped California meet state and*
27 *federal air pollution reduction goals. This holistic effort required*
28 *a redesigning of our transportation network and a redesigning of*
29 *automobiles.*

30 ~~(b)~~

31 (c) *In a similar way, the state’s approach to water quality issues*
32 *should require a comprehensive approach that will make*
33 *stormwater cleanup manageable and achievable. For example, the*
34 *Legislature and various state agencies should consider how brake*
35 *pad dust (copper), tire wear (zinc), vehicular fluids (oil, coolants,*
36 *etc.), building materials, and other pollutants—significantly*
37 ~~*contribute to stormwater pollution*~~ *from products can contribute*
38 *to stormwater pollution. Often, stormwater permitholders face a*

1 significant burden trying to clean these pollutants from stormwater
2 runoff, over which they have no control.

3 ~~(e) Cities in California are taking legal action to challenge state
4 and federal stormwater quality requirements. A long-term approach
5 is needed to ensure cleaner water is entering our waterways without
6 crippling the entities that are held responsible for cleaning up the
7 discharges into our waterways. A~~

8 *(d) To address water quality concerns, an equitable and efficient
9 long-term approach not only considers conveyance but also source
10 controls. A viable long-term approach will require coordination
11 among existing regulatory programs, which will provide a more
12 effective mechanism to achieve the goals of state and federal
13 statutes, while minimizing costs for stakeholders.*

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

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CHAPTER 5.10. STORMWATER TASK FORCE

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13399.50. (a) The Secretary for Environmental Protection
shall convene a Stormwater Task Force to review, plan, and
coordinate stormwater-related activity to maximize regulatory
effectiveness in reducing water pollution.

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

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

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(2) The Secretary of Food and Agriculture.

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

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

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

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

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

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- 1 (3) The costs and benefits of stormwater capture and ~~reuse~~ *use*
- 2 systems as compared to stormwater discharge regulations.
- 3 (4) The beneficial uses of water.
- 4 (5) The benefits to public health.
- 5 (6) Consistency with the fundamentals of the federal Clean
- 6 Water Act (33 U.S.C. Sec. 1251 et seq.).
- 7 (b) Pursuant to Section 10231.5 of the Government Code, this
- 8 section shall be repealed on January 1, 2021.

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