

ASSEMBLY BILL

No. 725

Introduced by Assembly Member Wagner

February 25, 2015

An act to amend Section 13050 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 725, as introduced, Wagner. Water quality: Porter-Cologne Water Quality Control Act.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act defines various terms for purposes of the act.

This bill would make various nonsubstantive changes to these definitions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 13050 of the Water Code is amended to
- 2 read:
- 3 13050. As used in this division:
- 4 (a) "State board" means the State Water Resources Control
- 5 Board.
- 6 (b) "Regional board" means any California regional water
- 7 quality control board for a region as specified in Section 13200.

1 (c) "Person" includes any city, county, district, the state, and
2 the United States, to the extent authorized by federal law.

3 (d) "Waste" includes sewage and any and all other waste
4 substances, liquid, solid, gaseous, or radioactive, associated with
5 human habitation, or of human or animal origin, or from any
6 producing, manufacturing, or processing operation, including waste
7 placed within containers of whatever nature prior to, and for
8 purposes of, disposal.

9 (e) "Waters of the state" means any surface water or
10 groundwater, including saline waters, within the boundaries of the
11 state.

12 (f) "Beneficial uses" of the waters of the state that may be
13 protected against quality degradation include, but are not limited
14 to, domestic, municipal, agricultural and industrial supply; power
15 generation; recreation; aesthetic enjoyment; navigation; and
16 preservation and enhancement of fish, wildlife, and other aquatic
17 resources or preserves.

18 (g) "Quality of the water" refers to chemical, physical,
19 biological, bacteriological, radiological, and other properties and
20 characteristics of water ~~which~~ *that* affect its use.

21 (h) "Water quality objectives" means the limits or levels of
22 water quality constituents or characteristics ~~which~~ *that* are
23 established for the reasonable protection of beneficial uses of water
24 or the prevention of nuisance within a specific area.

25 (i) "Water quality control" means the regulation of any activity
26 or factor ~~which~~ *that* may affect the quality of the waters of the
27 state and includes the prevention and correction of water pollution
28 and nuisance.

29 (j) "Water quality control plan" consists of a designation or
30 establishment for the waters within a specified area of all of the
31 following:

- 32 (1) Beneficial uses to be protected.
33 (2) Water quality objectives.
34 (3) A program of implementation needed for achieving water
35 quality objectives.

36 (k) "Contamination" means an impairment of the quality of the
37 waters of the state by waste to a degree which creates a hazard to
38 the public health through poisoning or through the spread of
39 disease. "Contamination" includes any equivalent effect resulting

1 from the disposal of waste, whether or not waters of the state are
2 affected.

3 (l) (1) "Pollution" means an alteration of the quality of the
4 waters of the state by waste to a degree which unreasonably affects
5 either of the following:

6 (A) The waters for beneficial uses.

7 (B) Facilities~~which~~ that serve these beneficial uses.

8 (2) "Pollution" may include "contamination."

9 (m) "Nuisance" means anything~~which~~ that meets all of the
10 following requirements:

11 (1) Is injurious to health, or is indecent or offensive to the senses,
12 or an obstruction to the free use of property, so as to interfere with
13 the comfortable enjoyment of life or property.

14 (2) Affects at the same time an entire community or
15 neighborhood, or any considerable number of persons, although
16 the extent of the annoyance or damage inflicted upon individuals
17 may be unequal.

18 (3) Occurs during, or as a result of, the treatment or disposal of
19 wastes.

20 (n) "Recycled water" means water~~which~~ that, as a result of
21 treatment of waste, is suitable for a direct beneficial use or a
22 controlled use that would not otherwise occur and is therefor
23 considered a valuable resource.

24 (o) "Citizen or domiciliary" of the state includes a foreign
25 corporation having substantial business contacts in the state or
26 ~~which~~ that is subject to service of process in this state.

27 (p) (1) "Hazardous substance" means either of the following:

28 (A) For discharge to surface waters, any substance determined
29 to be a hazardous substance pursuant to Section 311(b)(2) of the
30 Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.).

31 (B) For discharge to groundwater, any substance listed as a
32 hazardous waste or hazardous material pursuant to Section 25140
33 of the Health and Safety Code, without regard to whether the
34 substance is intended to be used, reused, or discarded, except that
35 "hazardous substance" does not include any substance excluded
36 from Section 311(b)(2) of the Federal Water Pollution Control Act
37 because it is within the scope of Section 311(a)(1) of that act.

38 (2) "Hazardous substance" does not include any of the
39 following:

1 (A) Nontoxic, nonflammable, and noncorrosive stormwater
2 runoff drained from underground vaults, chambers, or manholes
3 into gutters or storm sewers.

4 (B) Any pesticide~~which~~ *that* is applied for agricultural purposes
5 or is applied in accordance with a cooperative agreement authorized
6 by Section 116180 of the Health and Safety Code, and is not
7 discharged accidentally or for purposes of disposal, the application
8 of which is in compliance with all applicable state and federal laws
9 and regulations.

10 (C) Any discharge to surface water of a quantity less than a
11 reportable quantity as determined by regulations issued pursuant
12 to Section 311(b)(4) of the Federal Water Pollution Control Act.

13 (D) Any discharge to land~~which~~ *that* results, or probably will
14 result, in a discharge to groundwater if the amount of the discharge
15 to land is less than a reportable quantity, as determined by
16 regulations adopted pursuant to Section 13271, for substances
17 listed as hazardous pursuant to Section 25140 of the Health and
18 Safety Code. No discharge shall be deemed a discharge of a
19 reportable quantity until regulations set a reportable quantity for
20 the substance discharged.

21 (q) (1) “Mining waste” means all solid, semisolid, and liquid
22 waste materials from the extraction, beneficiation, and processing
23 of ores and minerals. Mining waste includes, but is not limited to,
24 soil, waste rock, and overburden, as defined in Section 2732 of
25 the Public Resources Code, and tailings, slag, and other processed
26 waste materials, including cementitious materials that are managed
27 at the cement manufacturing facility where the materials were
28 generated.

29 (2) For the purposes of this subdivision, “cementitious material”
30 means cement, cement kiln dust, clinker, and clinker dust.

31 (r) “Master recycling permit” means a permit issued to a supplier
32 or a distributor, or both, of recycled water, that includes waste
33 discharge requirements prescribed pursuant to Section 13263 and
34 water recycling requirements prescribed pursuant to Section
35 13523.1.