

Introduced by Senator Berryhill

February 17, 2016

An act to amend Section 13263 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1096, as introduced, Berryhill. Waste discharge requirements.

Existing law, the Porter-Cologne Water Quality Control Act, requires each California regional water quality control board, after any necessary hearing, to prescribe waste discharge requirements to implement relevant water quality control plans, and authorizes the State Water Resources Control Board, after any necessary hearing, to prescribe waste discharge requirements, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

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 13263 of the Water Code is amended to
- 2 read:
- 3 13263. (a) The regional board, after any necessary hearing,
- 4 shall prescribe requirements as to the nature of any proposed
- 5 discharge, existing discharge, or material change in an existing
- 6 discharge, except discharges into a community sewer system, with
- 7 relation to the conditions existing in the disposal area or receiving
- 8 waters upon, or into which, the discharge is made or proposed.
- 9 The requirements shall implement any relevant water quality

1 control plans that have been adopted, and shall take into
2 consideration the beneficial uses to be protected, the water quality
3 objectives reasonably required for that purpose, other waste
4 discharges, the need to prevent nuisance, and the provisions of
5 Section 13241.

6 (b) A regional board, in prescribing *these* requirements, need
7 not authorize the utilization of the full waste assimilation capacities
8 of the receiving waters.

9 (c) The requirements may contain a time schedule, subject to
10 revision in the discretion of the board.

11 (d) The regional board may prescribe requirements although no
12 discharge report has been filed.

13 (e) Upon application by any affected person, or on its own
14 motion, the regional board may review and revise requirements.
15 All requirements shall be reviewed periodically.

16 (f) The regional board shall notify in writing the person making
17 or proposing the discharge or the change ~~therein~~ *in an existing*
18 *discharge* of the discharge requirements to be met. After receipt
19 of the notice, the person ~~so~~ notified shall provide adequate means
20 to meet the requirements.

21 (g) ~~No~~ A discharge of waste into the waters of the state, whether
22 or not the discharge is made pursuant to waste discharge
23 requirements, shall *not* create a vested right to continue the
24 discharge. ~~All discharges~~ *A discharge* of waste into waters of the
25 state ~~are privileges, is a privilege, not rights. a right.~~

26 (h) The regional board may incorporate the requirements
27 prescribed pursuant to this section into a master recycling permit
28 for ~~either a supplier or~~ *supplier*, distributor, or both, of recycled
29 water.

30 (i) The state board or a regional board may prescribe general
31 waste discharge requirements for a category of discharges if the
32 state board or that regional board finds or determines that all of
33 the following criteria apply to the discharges in that category:

34 (1) The discharges are produced by the same or similar
35 operations.

36 (2) The discharges involve the same or similar types of waste.

37 (3) The discharges require the same or similar treatment
38 standards.

1 (4) The discharges are more appropriately regulated under
2 general discharge requirements than individual discharge
3 requirements.

4 (j) The state board, after any necessary hearing, may prescribe
5 waste discharge requirements in accordance with this section.

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