

Assembly Bill No. 1429

CHAPTER 899

An act to add Section 13181 to the Water Code, relating to water.

[Approved by Governor October 12, 1997. Filed
with Secretary of State October 12, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1429, Shelley. Water quality.

Existing law establishes the State Water Resources Control Board in the California Environmental Protection Agency for the orderly and efficient administration of the water resources of the state.

This bill would require the state board, to the extent that funds are available for that purpose, to prepare, and complete on or before January 1, 2000, an inventory of existing water quality monitoring activities within state coastal watersheds, streams, bays, estuaries, and coastal waters, as prescribed.

The bill would require the state board, to the extent that funds are available for that purpose, and not later than July 1, 2001, to prepare and submit to the Legislature a report that proposes the implementation of a comprehensive program to monitor the quality of state coastal watersheds, streams, bays, estuaries, and coastal waters and their marine resources for pollutants, as prescribed.

The bill would prescribe related matters. The bill would make related legislative findings and declarations and statements of legislative intent.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) In 1992, California's coastal waters supported seven ocean-dependent industries, including commercial fishing, tourism, and shipping-related commerce that contributed \$17,300,000,000 to the California economy and employed 370,000 persons in the state.

(2) The health of the state's coastal waters is threatened by various anthropogenic discharges to coastal waters.

(3) It is in the interest of the health and economic well-being of the people of the state to minimize the contamination of the state's coastal waters. Sound water quality management decisions require a solid base of information collected from a variety of sources. Most existing monitoring programs are designed to measure the impacts of point source pollutant loads.



(4) With certain limited exceptions, the majority of California's waterways and small estuarine systems are not monitored by the state on a regular basis. Monitoring programs are conducted by other entities, but no overall inventory of these efforts is currently available for the entire California coast. Improved monitoring, or in some cases improved coordination of existing programs, will be necessary for the State of California to achieve a systematic understanding of nonpoint source pollution and to measure the effect of efforts to reduce this water pollution source.

(5) Monitoring requirements for measuring the discharge of storm water into the marine environment are poorly developed, limiting the ability of the state to evaluate the extent to which storm water is a source of contaminants in the marine environment or to assess the cumulative effectiveness of the many mitigation activities that are being required by the California regional water quality control boards.

(6) Results from regional monitoring programs, such as the Southern California Bight Project and the San Francisco Estuary Regional Monitoring Program, have been promising and those monitoring programs should serve as models for the monitoring of coastal waters by the state.

(b) (1) It is the intent of the Legislature that the Coastal Waters Ambient Water Quality Monitoring Program be established for the purposes of undertaking an inventory of existing water quality monitoring efforts, and that the information resulting from that undertaking be used to develop and implement a comprehensive water quality monitoring program for coastal watersheds, streams, bays, estuaries, and coastal waters.

(2) It is the intent of the Legislature that a cost-effective system be developed for monitoring the discharge of contaminants into the state's coastal waters and that a wet weather flow toxic chemicals investigation be undertaken in significant urban and rural estuaries to provide a basis for estimating mass discharges.

SEC. 2. Section 13181 is added to the Water Code, to read:

13181. (a) For the purposes of this section, the following terms have the following meanings:

(1) "Coastal waters" means waters within the area bounded by the mean high tide line to the three-mile state waters limit, from the Oregon to the Mexican borders.

(2) "Coastal watersheds" means the watersheds of tributary waters that drain to the ocean and significantly influence coastal water quality.

(b) (1) To the extent that funds are available for that purpose, the state board shall prepare and complete on or before January 1, 2000, an inventory of existing water quality monitoring activities within state coastal watersheds, bays, estuaries, and coastal waters. The information generated by preparing the inventory shall be made



available as a report, and as an Internet-based index, that is available to the general public. A summary of the results shall be made available to the Legislature. The inventory shall include, but not be limited to, descriptions of all of the following:

(A) The sources of monitoring data, including federal, state, and local governments, the private sector, citizen groups, and nonprofit organizations.

(B) The monitoring methods being used by these sources.

(C) The location of the monitoring sites.

(D) Existing efforts to investigate the discharge of nonvolatile organic pollutants, including trace metals and nontarget organic chemicals, through storm drains into Santa Monica Bay, San Francisco Bay, Humboldt Bay, and San Diego Bay.

(2) Notwithstanding any other provision of law, the state board shall carry out paragraph (1) by contracting with institutions with expertise in coastal water quality monitoring, which may include the Southern California Coastal Water Research Project and the San Francisco Estuary Institute, to undertake the inventory.

(c) (1) To the extent that funds are available for that purpose, the state board, not later than January 1, 2001, shall prepare and submit to the Legislature a report that proposes the implementation of a comprehensive program to monitor the quality of state coastal watersheds, bays, estuaries, and coastal waters and their marine resources for pollutants, including, but not limited to, bacteria and viruses, petroleum hydrocarbons, heavy metals, and pesticides, as defined in Section 12753 of the Food and Agricultural Code. The proposed program shall utilize information available through the sources identified in paragraph (1) of subdivision (b), as appropriate, and shall avoid the duplication of existing and ongoing monitoring efforts to the extent feasible. The proposed program shall include, but not be limited to, all of the following:

(A) To the extent possible, a determination regarding the extent to which existing water quality objectives, sediment quality guidelines, tissue contaminant burden guidelines, and health standards are being met. Where information is not available to make this determination, the report shall identify methods for determining this information.

(B) To the extent possible, a determination regarding the sources of pollution in areas where objectives, standards, and guidelines are not being met. Where information is not available to make this determination, the report shall identify methods for determining this information.

(C) Methods for determining the degree of improvement or degradation in coastal water quality over time with respect to these objectives, guidelines, and standards.



(D) To the extent possible, estimates of the total discharges of pollutants into state coastal watersheds, bays, estuaries, and coastal waters from all sources.

(E) Standard protocols for sampling and data collection methods, to maximize the usefulness of the data resulting from the program.

(F) Recommendations for a standard format for reporting monitoring results to maximize access to and use of the data.

(G) The estimated costs of implementing the program and the proposed schedule of implementation.

(H) A description of the method by which the state board shall provide biennial reporting to the public on water quality within the state's coastal watersheds, bays, estuaries, and coastal waters, and recommended actions that should be undertaken to maintain and improve water quality in those areas.

(I) A description of the method by which the state board shall develop a system for monitoring mass contaminant discharges, including, but not limited to, heavy metals, PCBs, PAHs, and pesticides from storm water at the point of discharge. The system shall provide for the appropriate frequency of monitoring for each specific contaminant. The system shall be designed to identify the relative contribution of contaminants in storm water to the overall anthropogenic discharges into near coastal waters. To the extent possible, the system shall be designed to determine the effectiveness of best management practices in reducing the discharges of contaminants to near coastal waters.

(2) The state board shall consult with the San Francisco Estuary Institute and the Southern California Coastal Water Research Project to prepare the report. Notwithstanding any other provision of law, the state board may carry out paragraph (1) by contracting with institutions with expertise in coastal water quality monitoring, including, but not limited to, the Southern California Coastal Water Research Project and the San Francisco Estuary Institute, to prepare the report. The state board or its contractors shall convene workshops, symposia, and other professional and scientific meetings for the purpose of developing a consensus on the part of regulatory agencies and dischargers with regard to the appropriate methods to be used to monitor water quality on a statewide basis.

(d) The state board shall not use more than 5 percent of the funds allocated to implement subdivisions (b) and (c) for the administrative costs of the contracts permitted under those provisions.

