

ASSEMBLY BILL

No. 2019

Introduced by Assembly Member Kuehl

February 18, 1998

An act to add Chapter 5.9 (commencing with Section 13399.25) to Division 7 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2019, as introduced, Kuehl. Storm water discharge.

Under existing law, point source discharges of pollutants, including storm water discharges, to surface waters require a waste discharge permit under the national pollutant discharge elimination system (NPDES). Under existing law, the State Water Resources Control Board and the California regional water quality control boards generally prescribe waste discharge requirements in connection with the discharge of waste that could affect the quality of the waters of the state.

This bill would require the regional boards, or the state board on behalf of the regional boards, on or before February 1 of each year, to prepare, and make available to the public, a report that identifies any discharger that is subject to permitting requirements for storm water that has not filed a notice of intent to comply with general permit requirements prescribed in accordance with the federal Clean Water Act or applied for individual waste discharge requirements. The bill would require the staff of each regional board, on or before March 1 of each year, to notify each discharger described in that report with regard to its noncompliance and the penalties

therefor. The bill would require the executive officer of each regional board to send a second notice to that discharger, as prescribed. The bill would require the regional board, on or before May 1 of the year in which that second notice is sent, to impose prescribed penalties on the discharger in the event of continuing noncompliance.

The bill would require the regional boards, not later than 30 days from the date on which any required report relating to storm water discharge is due, to conduct a review of the reports submitted and to identify the dischargers that have failed to submit that report. The bill would require the staff of the each regional board, not later than 30 days from the date of the completion of a review, to notify each discharger that is identified in the review with regard to its noncompliance and the penalties therefor. The bill would require the executive officer of each regional board to send a second notice to that discharger, as prescribed. The bill would require the regional board to impose prescribed penalties on the discharger if the discharger fails to submit the required report within 30 days from the date on which that second notice is sent.

The bill would require that the money generated from the imposition of penalties imposed pursuant to the bill's provisions to be deposited in the Storm Water Discharge Subaccount, which the bill would create in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The money in the subaccount would be available, upon appropriation by the Legislature, to the regional boards for the purposes of carrying out storm water pollution prevention programs.

The bill would require the state board, on or before April 1, 2000, and each April 1 thereafter, to prepare and submit a report to the Legislature summarizing the enforcement actions undertaken in the previous calendar year with regard to storm water discharge and the results of those actions. The bill would make legislative findings and declarations.

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 hereby finds and
2 declares all of the following:

3 (a) Polluted storm water runoff is the leading cause of
4 contamination of the state's lakes, rivers, and coastal
5 waters.

6 (b) Noncompliance with existing state storm water
7 permitting requirements under industrial, construction,
8 and municipal programs is widespread, and prevents the
9 state from attaining its water quality objectives.

10 (c) There is inconsistent and unpredictable
11 enforcement of existing state storm water requirements,
12 including requirements relating to permits, the
13 submission of annual reports, and polluted storm water
14 monitoring.

15 (d) It is necessary to establish a state storm water
16 enforcement scheme that ensures fair, predictable, and
17 consistent state enforcement of storm water
18 requirements by the State Water Resources Control
19 Board and the California regional water quality control
20 boards, while ensuring that information is available to
21 help protect the environment from the harmful effects of
22 polluted storm water.

23 SEC. 2. Chapter 5.9 (commencing with Section
24 13399.25) is added to Division 7, to read:

25

26 CHAPTER 5.9. THE STORM WATER ENFORCEMENT ACT OF
27 1998

28

29 13399.25. This chapter supplements, and does not
30 supplant, other laws relating to the discharge of storm
31 water.

32 13399.27. On or before February 1 of each year, the
33 regional boards, or the state board on behalf of the
34 regional boards, shall prepare, and make available to the
35 public, a report that identifies any discharger that is
36 subject to permitting requirements for storm water that
37 fails to do either of the following:



1 (a) File, with the appropriate fee, a notice of intent to
2 comply with statewide or regional general permit
3 requirements prescribed in accordance with Section
4 1342(p) of Title 33 of the United States Code.

5 (b) Apply for individual waste discharge
6 requirements.

7 13399.29. (a) On or before March 1 of each year, the
8 staff of the regional board shall notify each discharger
9 described in the report prepared pursuant to Section
10 13399.27 with regard to its noncompliance and the
11 penalties therefor.

12 (b) If a discharger to which a notice is sent pursuant
13 to subdivision (a) fails to undertake action pursuant to
14 subdivision (a) or (b) of Section 13399.27 on or before
15 April 1 of the year in which the notice is sent, the
16 executive officer of the regional board shall send a second
17 notice to that discharger.

18 (c) If a discharger to which a notice is sent pursuant to
19 subdivision (b) fails to undertake action pursuant to
20 subdivision (a) or (b) of Section 13399.27 on or before
21 May 1 of the year in which the notice is sent, the regional
22 board shall impose penalties in accordance with Section
23 13399.33.

24 13399.31. (a) Not later than 30 days from the date on
25 which any report required in accordance with Section
26 1342(p) of Title 33 of the United States Code is due, the
27 staff of the regional board shall conduct a review of the
28 reports submitted and identify the dischargers that have
29 failed to submit that report.

30 (b) Not later than 30 days from the date of the
31 completion of a review required by subdivision (a), the
32 staff of the regional board shall notify each discharger that
33 is identified pursuant to subdivision (a) with regard to its
34 noncompliance and the penalties therefor.

35 (c) If a discharger to which a notice is sent pursuant to
36 subdivision (b) fails to submit the required report to the
37 regional board within 30 days from the date on which that
38 notice is sent, the executive officer of the regional board
39 shall send a second notice to that discharger.



1 (d) If a discharger to which a notice is sent pursuant
2 to subdivision (c) fails to submit the required report to
3 the regional board within 30 days from the date on which
4 that notice is sent, the regional board shall impose the
5 penalties described in Section 13399.33.

6 13399.33. Except as provided in Section 13399.35, the
7 regional board shall do all of the following with regard to
8 a discharger that is subject to the requirements
9 prescribed in accordance with Section 1342(p) of Title 33
10 of the United States Code.

11 (a) Assess a civil administrative penalty of five
12 hundred dollars (\$500) per day for each day the
13 discharger remains in violation of permitting
14 requirements.

15 (b) Assess a civil administrative penalty of two
16 hundred fifty dollars (\$250) per day for each day the
17 discharger remains in violation of reporting
18 requirements.

19 (c) Recover from the discharger the costs incurred by
20 the regional board with regard to that discharger.

21 13399.35. (a) The regional board may allow a
22 discharger to reduce the penalties described in
23 subdivisions (a) and (b) of Section 13399.33 by up to 50
24 percent by undertaking a supplemental environmental
25 project.

26 (b) For the purposes of this section, a “supplemental
27 environmental project” means an environmentally
28 beneficial project that a discharger agrees to undertake,
29 with the approval of the regional board, for the purpose
30 of complying with this division.

31 13399.37. (a) The money generated from the
32 imposition of penalties under this chapter shall be
33 deposited into the Storm Water Discharge Subaccount,
34 which is hereby created in the State Water Pollution
35 Cleanup and Abatement Account in the State Water
36 Quality Control Fund.

37 (b) The money in the subaccount shall be available,
38 upon appropriation by the Legislature, to the regional
39 boards for the purpose of carrying out storm water
40 pollution prevention programs.



1 13399.39. On or before April 1, 2000, and each April 1
2 thereafter, the state board shall prepare and submit a
3 report to the Legislature summarizing the enforcement
4 actions undertaken in the previous calendar year under
5 this division with regard to storm water discharge and the
6 results of those actions. The report shall include an
7 assessment with regard to the extent of compliance with
8 requirements relating to the discharge of storm water in
9 this state.

O

