

**ASSEMBLY BILL**

**No. 511**

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**Introduced by Assembly Member Wayne**

February 18, 1999

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An act to amend Sections 30001, 30006.5, 30214, 30224, 30231, 30240, and 30253 of, and to add Sections 30002.5, 30109.1, 30109.6, 30120.5, and 30540 to, and to add Article 4 (commencing with Section 30540) to Chapter 6 of Division 20 of, the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 511, as introduced, Wayne. Nonpoint source pollution.

The existing California Coastal Act of 1976 provides for the protection of the state's coastal resources. The act requires that specified public access policies be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, among other things, the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

This bill would define specified terms for purposes of the act relating to nonpoint source pollution, and would require that the specified access policies be implemented to also take into account the need to reduce nonpoint source pollution. The bill would revise specified coastal protection policies contained in the act to encourage various management measures to prevent nonpoint source pollution.

The act requires that specified measures be taken with respect to new development in the coastal zone, as defined, to minimize adverse environmental impacts and, where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational use.

This bill would require that new development in the coastal zone comply with a specified nonpoint source management plan prepared pursuant to federal law. The bill would require the California Coastal Commission to prepare, implement, and amend the plan known as the “Polluted Runoff Plan of the California Coastal Commission,” in a manner that ensures coordination among federal, state and local agencies, and the most efficient use of limited fiscal resources by those agencies with the authority to implement management measures that address nonpoint source pollution. The bill would require the commission, not later than January 1, 2001, to prepare and submit to the Governor and the Legislature an annual report on the progress made in implementing the plan known as the “Polluted Runoff Plan of the California Coastal Commission.”

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. Section 30001 of the Public Resources  
 2 Code is amended to read:  
 3 30001. The Legislature hereby finds and declares:  
 4 (a) That the California coastal zone is a distinct and  
 5 valuable natural resource of vital and enduring interest  
 6 to all the people and exists as a delicately balanced  
 7 ecosystem.  
 8 (b) That the permanent protection of the state’s  
 9 natural and scenic resources is a paramount concern to  
 10 present and future residents of the state and nation.  
 11 (c) That to promote the public safety, health, and  
 12 welfare, and to protect public and private property,  
 13 wildlife, marine fisheries, and other ocean resources, and  
 14 the natural environment, it is necessary to protect the  
 15 ecological balance of the coastal zone, *including the*



1 *quality of water upon which coastal and ocean resources*  
2 *directly depend, and prevent its deterioration and*  
3 *destruction.*

4 (d) That existing developed uses, and future  
5 developments that are carefully planned and developed  
6 consistent with the policies of this division, are essential  
7 to the economic and social well-being of the people of this  
8 state and especially to working persons employed within  
9 the coastal zone.

10 SEC. 2. Section 30002.5 is added to the Public  
11 Resources Code, to read:

12 30002.5. The Legislature finds and declares all of the  
13 following:

14 (a) Nonpoint source pollution, also known as polluted  
15 runoff, results from multiple water and land use activities  
16 in watersheds, impairs more water bodies nationwide  
17 than any other pollution source, and is a major threat to  
18 the health of California's coastal waters.

19 (b) The impacts of nonpoint source pollution on  
20 coastal resources include beach closings and advisories,  
21 reduced tourism revenues, closed or harvest-limited  
22 shellfish beds, declining fisheries, threats to the drinking  
23 water of coastal communities, contaminated sediments,  
24 and degraded recreational opportunities that depend on  
25 clean water such as swimming, surfing, and diving.

26 (c) Industries that depend on a healthy coast and  
27 ocean contribute at least \$17,300,000,000 to the state's  
28 economy, including \$10,000,000,000 from tourism alone,  
29 and provide an estimated 370,000 jobs statewide.

30 (d) Past water quality protection and enhancement  
31 efforts, which focused primarily on the control of point  
32 source discharges, have reduced water pollution from  
33 point source discharges, however, California must also  
34 prevent and reduce nonpoint source pollution statewide  
35 in order to preserve the health of the state's coastal and  
36 inland waters for current and future generations.

37 (e) Land use and resource management that is  
38 supported by educational and technical assistance  
39 programs, and that is backed with enforcement  
40 regulatory authority, is considered to be one of the most



1 effective approaches to ensure the widespread  
2 implementation of measures to prevent and reduce  
3 nonpoint source pollution.

4 (f) It is in the best interest of the State of California to  
5 pursue policies and actions at the state and local  
6 government levels that will, to the maximum extent  
7 feasible, substantially reduce or prevent the degradation  
8 of water quality from nonpoint sources of pollution, while  
9 simultaneously maximizing effective use of limited  
10 resources, minimizing conflict, and avoiding program  
11 duplication among the agencies in California that  
12 manage land use activities that generate nonpoint source  
13 pollution.

14 (g) It is imperative that California, acting through its  
15 coastal zone management and water quality control  
16 agencies, develop, implement, and enforce a  
17 comprehensive nonpoint source pollution control  
18 program using management measures to prevent and  
19 reduce nonpoint source pollution in the state's coastal and  
20 inland waters.

21 (h) The California Coastal Commission has primary  
22 responsibility for continued state coastal planning and  
23 management. The State Water Resources Control Board  
24 and the regional water quality control boards have  
25 primary responsibility for the coordination and control of  
26 water quality. The commission and the board have  
27 existing authority to develop and submit for final federal  
28 approval an upgraded comprehensive and enforceable  
29 nonpoint source management program for coastal and  
30 inland waters.

31 (i) The federal agencies that are responsible for  
32 overseeing the state's compliance with federal law  
33 regarding nonpoint source pollution control have  
34 determined that the state must significantly improve its  
35 efforts to prevent and reduce nonpoint source pollution.

36 (j) The Legislature recognizes that adequate support  
37 resources for the completion and implementation of an  
38 upgraded comprehensive and enforceable nonpoint  
39 source management program will need to be approved



1 and dedicated by the Governor and the Legislature  
2 through the annual Budget Act.

3 SEC. 3. Section 30006.5 of the Public Resources Code  
4 is amended to read:

5 30006.5. The Legislature further finds and declares  
6 that sound and timely scientific recommendations are  
7 necessary for many coastal planning, conservation, and  
8 development decisions and that the commission should,  
9 in addition to developing its own expertise in significant  
10 applicable fields of science, interact with members of the  
11 scientific and academic communities in the social,  
12 physical, and natural sciences so that the commission may  
13 receive technical advice and recommendations with  
14 regard to its decisionmaking, especially with regard to  
15 issues such as coastal erosion and geology, marine  
16 biodiversity, *nonpoint source pollution*, wetland  
17 restoration, the question of sea level rise, desalination  
18 plants, and the cumulative impact of coastal zone  
19 developments.

20 SEC. 4. Section 30109.1 is added to the Public  
21 Resources Code, to read:

22 30109.1. “Management measure” means a feasible  
23 measure to control pollutants from nonpoint sources that  
24 reflect the greatest degree of pollutant reduction  
25 achievable through the application of the best available  
26 control practices, technologies, processes, siting criteria,  
27 operating methods, or other alternatives.

28 SEC. 5. Section 30109.6 is added to the Public  
29 Resources Code, to read:

30 30109.6. “Nonpoint source pollution” means pollution  
31 that does not come from a discrete source, such as a pipe,  
32 but that is spatially diffuse, such as urban runoff or  
33 agricultural runoff, and is also referred to as polluted  
34 runoff.

35 SEC. 6. Section 30120.5 is added to the Public  
36 Resources Code, to read:

37 30120.5. “Watershed” means the area of land from  
38 which rainfall or snowmelt, or both, and sediments and  
39 dissolved materials within the rainfall or snowmelt, drain  
40 to a common outlet or point on a larger stream, lake,



1 underlying aquifer, estuary, or ocean, including both  
2 surface and groundwater drainage basins. Watersheds  
3 are also sometimes referred to as drainage basins or  
4 drainage areas. Ridges of higher ground generally form  
5 the boundaries between watersheds. At these boundaries,  
6 rain falling on one side flows toward the low point of one  
7 watershed, while rain falling on the other side of the ridge  
8 flows toward the low point of a different watershed.

9 SEC. 7. Section 30214 of the Public Resources Code is  
10 amended to read:

11 30214. (a) The public access policies of this article  
12 shall be implemented in a manner that takes into account  
13 the need to regulate the time, place, and manner of  
14 public access depending on the facts and circumstances  
15 in each case including, but not limited to, the following:

16 (1) Topographic and geologic site characteristics.

17 (2) The capacity of the site to sustain use and at what  
18 level of intensity.

19 (3) The appropriateness of limiting public access to  
20 the right to pass and repass depending on such factors as  
21 the fragility of the natural resources in the area and the  
22 proximity of the access area to adjacent residential uses.

23 (4) The need to provide for the management of access  
24 areas so as to protect the privacy of adjacent property  
25 owners and to protect the aesthetic values of the area by  
26 providing for the collection of litter.

27 (5) *The need to reduce nonpoint source pollution*  
28 *impacts.*

29 (b) It is the intent of the Legislature that the public  
30 access policies of this article be carried out in a reasonable  
31 manner that considers the equities and that balances the  
32 rights of the individual property owner with the public's  
33 constitutional right of access pursuant to Section 4 of  
34 Article X of the California Constitution. Nothing in this  
35 section or any amendment thereto shall be construed as  
36 a limitation on the rights guaranteed to the public under  
37 Section 4 of Article X of the California Constitution.

38 (c) In carrying out the public access policies of this  
39 article, the commission and any other responsible public  
40 agency shall consider and encourage the utilization of



1 innovative access management techniques, including,  
2 but not limited to, agreements with private organizations  
3 which would minimize management costs and encourage  
4 the use of volunteer programs.

5 SEC. 8. Section 30224 of the Public Resources Code is  
6 amended to read:

7 30224. Increased recreational boating use of coastal  
8 waters shall be encouraged, in accordance with this  
9 division, by developing dry storage areas, increasing  
10 public launching facilities, providing additional berthing  
11 space in existing harbors, limiting non-water-dependent  
12 land uses that congest access corridors and preclude  
13 boating support facilities, providing harbors of refuge,  
14 and by providing for new boating facilities in natural  
15 harbors, new protected water areas, and in areas dredged  
16 from dry land. *Development supporting recreational*  
17 *boating use of coastal waters shall incorporate*  
18 *management measures to prevent nonpoint source*  
19 *pollution such as that from sewage, fuel, oil, solid waste,*  
20 *and toxic substances from boat cleaning and*  
21 *maintenance.*

22 SEC. 9. Section 30231 of the Public Resources Code is  
23 amended to read:

24 30231. The biological productivity and the quality of  
25 coastal waters, streams, wetlands, estuaries, and lakes  
26 appropriate to maintain optimum populations of marine  
27 organisms and for the protection of human health shall be  
28 maintained and, where feasible, restored through, among  
29 other means, minimizing adverse effects of waste water  
30 discharges and entrainment, controlling runoff *by,*  
31 *among other things, implementing management*  
32 *measures designed to prevent and reduce nonpoint*  
33 *source pollution, preventing depletion of ~~ground~~ water*  
34 *groundwater* supplies and substantial interference with  
35 surface waterflow, encouraging waste water reclamation,  
36 maintaining natural vegetation buffer areas that protect  
37 riparian habitats, and minimizing alteration of natural  
38 streams.

39 SEC. 10. Section 30240 of the Public Resources Code  
40 is amended to read:



1 30240. (a) Environmentally sensitive habitat areas  
2 shall be protected against any significant disruption of  
3 habitat values, and only uses dependent on those  
4 resources shall be allowed within those areas.

5 (b) Development in areas adjacent to  
6 environmentally sensitive habitat areas and parks and  
7 recreation areas shall be sited and designed to prevent  
8 impacts ~~which~~ *that* would significantly degrade those  
9 areas, *including nonpoint source pollution impacts*, and  
10 shall be compatible with the continuance of those habitat  
11 and recreation areas.

12 SEC. 11. Section 30253 of the Public Resources Code  
13 is amended to read:

14 30253. New development shall *do all of the following*:

15 ~~(1)~~

16 (a) Minimize risks to life and property in areas of high  
17 geologic, flood, and fire hazard.

18 ~~(2)~~

19 (b) Assure stability and structural integrity, and  
20 neither create nor contribute significantly to erosion,  
21 geologic instability, or destruction of the site or  
22 surrounding area or in any way require the construction  
23 of protective devices that would substantially alter  
24 natural landforms along bluffs and cliffs.

25 ~~(3)~~

26 (c) Be consistent with requirements imposed by an air  
27 pollution control district or the State Air Resources  
28 Control Board as to each particular development.

29 ~~(4)~~

30 (d) Minimize energy consumption and vehicle miles  
31 traveled.

32 ~~(5)~~

33 (e) Where appropriate, protect special communities  
34 and neighborhoods which, because of their unique  
35 characteristics, are popular visitor destination points for  
36 recreational uses.

37 (f) *Comply with this state's Nonpoint Source*  
38 *Management Plan prepared pursuant to Section 319 of*  
39 *the federal Clean Water Act (33 U.S.C.A. Sec. 1329 et*  
40 *seq.).*



1 SEC. 12. Article 4 (commencing with Section 30540)  
2 is added to Chapter 6 of Division 20 of the Public  
3 Resources Code, to read:

4  
5 Article 4. Coastal Nonpoint Pollution Control  
6 Program  
7

8 30540. The commission shall implement a program to  
9 prevent and reduce nonpoint source pollution affecting  
10 coastal waters consistent with this article.

11 30541. The commission shall prepare, implement, and  
12 amend the plan known as the “Polluted Runoff Plan of  
13 the California Coastal Commission” in a manner to  
14 ensure coordination among federal, state, and local  
15 agencies and the most efficient use of limited fiscal  
16 resources by those agencies with the authority to  
17 implement management measures that address nonpoint  
18 source pollution. The commission shall coordinate land  
19 use and water quality programs so as to minimize costly  
20 duplication and conflicts and ensure that, to the  
21 maximum extent practicable, different programs  
22 complement one another and are incorporated within an  
23 integrated system affecting the state’s coastline.

24 30542. In addition to funding provided through the  
25 annual Budget Act for necessary staffing and technical  
26 support, the commission shall seek supplemental funding  
27 from public or private sources for program development,  
28 implementation, and updating. Any funds so obtained  
29 from public or private services may be used to provide  
30 technical assistance, grants, and other assistance to local  
31 governments, other public entities, nonprofit  
32 organizations, private sector businesses, and property  
33 owners to help defray the costs, if any, of implementation  
34 of management practices and the installation of capital  
35 improvements designed to reduce or prevent the  
36 degradation of water quality from nonpoint source  
37 pollution.

38 SEC. 13. Notwithstanding Section 7550.5 of the  
39 Government Code, the commission shall, not later than  
40 January 1, 2001, prepare and submit to the Governor and



1 the Legislature an annual report on the progress made in  
2 implementing the plan known as, the “Polluted Runoff  
3 Plan of the California Coastal Commission.”

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