

AMENDED IN SENATE JULY 5, 2000
AMENDED IN SENATE JUNE 21, 2000
AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 849

Introduced by Assembly Member Brewer
(Principal coauthor: Senator Johnson)

February 24, 1999

An act to add Section 13228.3 to the Water Code, relating to ~~water, and making an appropriation therefor.~~ *water.*

LEGISLATIVE COUNSEL'S DIGEST

AB 849, as amended, Brewer. Newport Bay: water quality.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the regional water quality control boards regulate water quality within the state.

This bill would require the Santa Ana Regional Water Quality Control Board, by contract or otherwise, to undertake bioassay and bioaccumulation studies in Newport Bay and to prepare a related report, as prescribed.

The bill would ~~appropriate \$150,000 from the General Fund to the Santa Ana Regional Water Quality Control Board to pay for those studies and that report.~~ The bill would make related legislative findings and declarations.

Vote: $\frac{2}{3}$ majority. Appropriation: ~~yes~~ *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 finds and declares all of
2 the following:

3 (a) Upper and Lower Newport Bay (Newport Bay) in
4 Orange County features an ecological reserve owned and
5 operated by the Department of Fish and Game and the
6 nation’s largest small craft harbor, and is accessed by
7 millions of recreational users each year.

8 (b) Newport Bay, listed as an impaired waterbody
9 pursuant to Section 303(d) of the Clean Water Act (33
10 U.S.C. Sec. 1313(d)), is or will be subject to four total
11 maximum daily loads (TMDLs) established by the Santa
12 Ana Regional Water Quality Control Board (regional
13 board), in concurrence with the United States
14 Environmental Protection Agency (EPA). Those
15 TMDLs include TMDLs for sediment, nutrients,
16 pathogens, and toxics.

17 (c) Newport Bay requires routine sediment removal
18 and dredging, referred to as maintenance dredging, to
19 maintain its navigational channels, ecological value to
20 resident species, and full public access to the entirety of
21 the bay.

22 (d) Maintenance dredging can result in beneficial
23 beach renourishment when suitable dredging material is
24 placed on the bay’s public beaches.

25 (e) In May 2000, in connection with the issuance of a
26 regional general permit to the City of Newport Beach for
27 maintenance dredging, the California Coastal
28 Commission, in conjunction with the EPA and the United
29 States Army Corps of Engineers, required a series of
30 studies to be undertaken with regard to the potential
31 toxicity of sediment in Newport Bay as a prerequisite to
32 additional maintenance dredging occurring in Newport
33 Bay.

34 (f) The required studies, known as “Tier III chemical
35 studies,” will benefit the regional board and various other
36 local and state agencies concerned with the toxicity of
37 sediment in an urban environment.



1 SEC. 2. Section 13228.3 is added to the Water Code, to
2 read:

3 13228.3. (a) The Santa Ana Regional Water Quality
4 Control Board, by contract or otherwise, shall undertake
5 bioassay and bioaccumulation studies within Newport
6 Bay.

7 (b) The Santa Ana Regional Water Quality Control
8 Board, by contract or otherwise, shall prepare a report
9 with regard to the findings resulting from the studies
10 described in subdivision (a) and shall make the report
11 available to interested parties and the state board.

12 ~~SEC. 3. The sum of one hundred fifty thousand dollars~~
13 ~~(\$150,000) is hereby appropriated from the General Fund~~
14 ~~to the Santa Ana Regional Water Quality Control Board~~
15 ~~to carry out Section 13228.3 of the Water Code.~~

