

AMENDED IN ASSEMBLY APRIL 26, 1999

AMENDED IN ASSEMBLY APRIL 15, 1999

AMENDED IN ASSEMBLY APRIL 12, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1278**

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**Introduced by Assembly Member Knox**

February 26, 1999

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An act to add Section 13183 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1278, as amended, Knox. Water quality: total maximum daily loads.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards.

This bill would require the state board and those regional boards to develop and implement total maximum daily loads

in a manner that meets or exceeds federal requirements, as prescribed. The bill would require the state board to modify the state nonpoint source management program as it determines to be necessary to reflect that requirement.

The bill would make related legislative findings and declarations and a statement of legislative intent.

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 finds and declares all of  
2 the following:

3 (a) Section 303 of the federal Clean Water Act (33  
4 U.S.C. Section 1313) requires the State Water Resources  
5 Control Board and the California regional water quality  
6 control boards to develop lists of impaired waters in the  
7 state.

8 (b) Section 303(d) of the federal Clean Water Act (33  
9 U.S.C. Section 1313(d)) requires the state board and the  
10 regional boards to prepare total maximum daily loads for  
11 each listed water body.

12 (c) A total maximum daily load is defined by the Clean  
13 Water Act and by Section 130.2(i) of Title 40 of the Code  
14 of Federal Regulations and may be generally  
15 characterized as the amount of a pollutant that a water  
16 body can assimilate each day without violating applicable  
17 water quality standards.

18 (d) The state’s most recent list of impaired waters  
19 includes more than 500 water bodies that fail to meet  
20 applicable standards for one or more pollutants, including  
21 waters used by millions of Californians, such as Santa  
22 Monica, San Francisco, and San Diego Bays.

23 (e) Court orders require the establishment of total  
24 maximum daily loads for 17 rivers in north coast  
25 watersheds, Newport Bay, and San Diego Creek, and  
26 more than 130 water bodies in the Los Angeles and  
27 Ventura County watersheds.



1 (f) The state must increase the pace at which total  
2 maximum daily loads are established and implemented in  
3 order to restore and protect water resources.

4 (g) The implementation of total maximum daily loads  
5 on a watershed basis will help the state to reduce water  
6 pollution and is consistent with, and supportive of,  
7 watershed management approaches to water quality  
8 protection and regulation.

9 SEC. 2. It is the intent of the Legislature that all of the  
10 following should occur:

11 (a) Total maximum daily loads should be developed in  
12 a manner that is, at a minimum, consistent with, and no  
13 less than stringent than, federal law.

14 (b) In the administration of watersheds, the State  
15 Water Resources Control Board and the California  
16 regional water quality control boards should not tradeoff  
17 water quality improvements in one water body for  
18 discharge into or degradation of another water body.

19 (c) With respect to regions that are the subject of  
20 existing court orders to develop total maximum daily  
21 loads, the State Water Resources Control Board and the  
22 California regional water quality control boards should  
23 develop total maximum daily loads in a manner that is, at  
24 a minimum, consistent with schedules contained in those  
25 court orders. However, nothing in this section prohibits  
26 the State Water Resources Control Board and the  
27 California regional water quality control boards from  
28 developing total maximum daily loads more rapidly than  
29 called for in an existing court order.

30 SEC. 3. Section 13183 is added to the Water Code, to  
31 read:

32 13183. (a) The state board and the regional boards  
33 shall develop and implement total maximum daily loads  
34 in a manner that meets or exceeds all applicable federal  
35 requirements. The total maximum daily loads shall cover  
36 all point and nonpoint sources discharging into bodies of  
37 water listed pursuant to Section 1313(d) of Title 33 of the  
38 United States Code. The state board and the regional  
39 boards shall ensure that those point and nonpoint sources  
40 are subject to enforceable discharge limitations sufficient



1 to achieve compliance with each applicable total  
2 maximum daily load.

3 (b) In order to meet the requirements imposed by  
4 subdivision (a), the state board and the regional water  
5 boards shall do all of the following:

6 (1) Establish, and amend the applicable basin plans to  
7 include, total maximum daily loads for all waters listed on  
8 California’s EPA-approved Section 303(d) List. The State  
9 ~~Water Resources Control Board and the California~~  
10 ~~regional water~~ *state board and the regional* boards shall  
11 complete all total maximum daily loads required by this  
12 section within a time period that is at minimum consistent  
13 with applicable federal law ~~or regulations and is, in no~~  
14 ~~ease, greater than 10 years after the effective date of this~~  
15 ~~section.~~ *or regulations and, in any event, prior to January*  
16 *1, 2010.*

17 (2) Issue, within one year of establishment of each  
18 total maximum daily load required by this section, a new  
19 or amended NPDES permit for each point source  
20 discharging into the water body that is the subject of the  
21 total maximum daily load. Each new or amended NPDES  
22 permit shall contain a wasteload allocation that has been  
23 calculated to ensure compliance with the total maximum  
24 daily load.

25 (3) Issue, within one year of establishment of each  
26 ~~TMDL~~ *total maximum daily load* required by this section,  
27 new or amended waste discharge requirements for each  
28 nonpoint source discharging into the water body that is  
29 the subject of the ~~TMDL~~ *total maximum daily load*. Each  
30 new or amended waste discharge requirement shall  
31 contain a load allocation, that has been calculated to  
32 ensure compliance with the total maximum dailyload.

33 (c) The state board shall ~~notify~~ *modify* the state  
34 nonpoint source management program as it determines  
35 to be necessary to reflect the requirements imposed by  
36 subdivisions (a) and (b).

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