

AMENDED IN SENATE APRIL 8, 1999

SENATE BILL

No. 1008

Introduced by Senator Leslie

February 26, 1999

~~An act to amend Section 13202 of, and to add Sections 13230 and 13231 to,~~ *An act to add Sections 13186 and 13230 to the Water Code, relating to water.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1008, as amended, Leslie. Water quality.

~~(1) Under~~

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the 9 California regional water quality control boards are the principal state agencies with regulatory authority relating to water quality. Under existing law, any discharge of waste that could affect the quality of the waters of the state is subject to requirements prescribed by the appropriate regional board, as prescribed. Under the federal Clean Water Act, point source discharges of pollutants to surface waters require a permit under the national pollutant discharge elimination system (NPDES) program. Under existing law, that program is administered in the state by the state board and the regional boards.

This bill, except for the purposes of regulating groundwater contamination, would require the state board, in consultation with the Lahontan Regional Water Quality Control Board, on or before July 1, 2000, to either (1) rescind certain water quality standards and control measures set forth in the Lahontan Regional Water Quality Control Plan for the Lake

Tahoe Basin, or (2) modify those standards and measures for the purpose of making them identical to the requirements set forth in the area waste treatment management plan that is implemented by the Tahoe Regional Planning Agency pursuant to specified provisions of the Clean Water Act. The bill would prohibit the Lahontan Regional Water Quality Control Board from prescribing waste discharge requirements for discharges associated with construction activities that are subject to regulation by the Tahoe Regional Planning Agency.

~~This bill would require each regional board, at a public hearing, to conduct an annual performance evaluation of its executive office and assistant executive officer. The bill would require each regional board to prepare a specified report relating to water quality problems and enforcement action undertaken, or proposed to be undertaken, in the region. The bill would require each regional board, at a public hearing, to consider the recommendations of concerned federal, state, and local agencies relating to water problems in the region. The bill would require the regional board, upon the completion of the hearing, to make findings regarding the water quality problems in the region that present the greatest threat to human health and the environment and the enforcement actions that are necessary to correct those problems. The bill would make statements of legislative intent relating to the manner in which the state board, the regional boards, and other environmental regulatory agencies undertake enforcement actions.~~

~~(2) Existing law requires each member of a regional board to be appointed for a term of 4 years.~~

~~This bill would provide that a member of a regional board is subject to termination for good cause by the Governor.~~

~~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.—(a) The Legislature finds and declares~~
- 2 *SECTION 1. Section 13186 is added to the Water*
- 3 *Code, to read:*



1 13186. Notwithstanding any other provision of law,
2 and except for the purposes of regulating groundwater
3 contamination, the state board, in consultation with the
4 Lahontan Regional Water Quality Control Board, on or
5 before July 1, 2000, shall do either of the following:

6 (a) Rescind the water quality standards and control
7 measures, as set forth in Chapter 5 of the Lahontan
8 Regional Water Quality Control Plan, for the Lake Tahoe
9 Basin.

10 (b) Modify the standards and control measures
11 described in subdivision (a) for the purpose of making
12 those standards and control measures described in
13 subdivision (a) for the purpose of making those standards
14 and control measures identical to the requirements set
15 forth in the area waste treatment management plan that
16 is implemented by the Tahoe Regional Planning Agency
17 pursuant to Section 208 of the Clean Water Act (33 U.S.C.
18 Sec. 1288).

19 SEC. 2. Section 13230 is added to the Water Code, to
20 read:

21 13230. Notwithstanding any other provision of law,
22 the Lahontan Regional Water Quality Control Board may
23 not prescribe waste discharge requirements for
24 discharges associated with construction activities that are
25 subject to regulation by the Tahoe Regional Planning
26 Agency pursuant to Section 208 of the Clean Water Act
27 (33 U.S.C. Sec. 1288).

28 ~~that the State Water Resources Control Board and the~~
29 ~~California regional water quality control boards have~~
30 ~~broad authority under the Porter-Cologne Water Quality~~
31 ~~Control Act and other provisions of law to take a variety~~
32 ~~of enforcement actions in response to violations of water~~
33 ~~quality laws.~~

34 ~~(b) It is the intent of the Legislature that the~~
35 ~~enforcement actions of the nine regional boards are~~
36 ~~undertaken in a manner that ensures statewide~~
37 ~~consistency in enforcement among those regional boards~~
38 ~~in accordance with State Water Resources Control Board~~
39 ~~Resolution No. 96-030.~~



1 ~~(c) It is also the intent of the Legislature that the state~~
2 ~~board and the regional boards shall cooperate with other~~
3 ~~environmental regulatory agencies to avoid inconsistent,~~
4 ~~overlapping, or redundant enforcement efforts.~~

5 ~~SEC. 2. Section 13202 of the Water Code is amended~~
6 ~~to read:~~

7 ~~13202. Each member of a regional board shall be~~
8 ~~appointed for a term of four years, subject to termination~~
9 ~~for good cause by the Governor. Vacancies shall be~~
10 ~~immediately filled by the Governor for the unexpired~~
11 ~~portion of the terms in which they occur.~~

12 ~~SEC. 3. Section 13230 is added to the Water Code, to~~
13 ~~read:~~

14 ~~13230. Each regional board, at a public hearing, shall~~
15 ~~conduct an annual performance evaluation of its~~
16 ~~executive officer and assistant executive officer.~~

17 ~~SEC. 4. Section 13231 is added to the Water Code, to~~
18 ~~read:~~

19 ~~13231. (a) Each regional board shall prepare a report~~
20 ~~regarding water quality in the region. The report shall~~
21 ~~include, with appropriate documentation, information~~
22 ~~related to the physical and hydrogeological description of~~
23 ~~the watersheds in the region; a summary of relevant~~
24 ~~water quality information concerning water quality~~
25 ~~problems that present the greatest threat to human~~
26 ~~health and the environment in the region; a description~~
27 ~~of the scope of the regional board's responsibilities, goals~~
28 ~~and objectives, that prioritizes water quality problems in~~
29 ~~the region, proposes specific enforcement options, and~~
30 ~~provides an estimated timeframe, with regard to the~~
31 ~~implementation of anticipated regional board~~
32 ~~enforcement actions, along with an estimated budget, a~~
33 ~~description of anticipated enforcement costs, including~~
34 ~~applicable engineering and legal expenses and other~~
35 ~~operational costs that are expected to be incurred, and a~~
36 ~~comparison of water quality enforcement actions~~
37 ~~undertaken within the region in comparison with those~~
38 ~~undertaken by the other regional boards.~~

39 ~~(b) (1) The regional board, at a public hearing, shall~~
40 ~~consider the recommendations of concerned federal,~~



1 ~~state, and local agencies relating to water quality~~
2 ~~problems in the region.~~

3 ~~(2) Upon the completion of the hearing, the regional~~
4 ~~board, by resolution, shall make findings with regard to~~
5 ~~all of the following:~~

6 ~~(A) The water quality problems within the region that~~
7 ~~present the greatest threat to human health and the~~
8 ~~environment.~~

9 ~~(B) The scope of the regional board's responsibilities.~~

10 ~~(C) The specific enforcement actions necessary and~~
11 ~~appropriate to correct the problems identified pursuant~~
12 ~~to subparagraph (A).~~

13 ~~(D) A proposed schedule for implementing these~~
14 ~~enforcement actions.~~

