

**ASSEMBLY BILL**

**No. 2529**

---

---

**Introduced by Assembly Member Kehoe**

February 20, 2004

---

---

An act to amend Section 13170.2 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2529, as introduced, Kehoe. California Ocean Plan.

(1) Existing law requires the State Water Resources Control Board to adopt, and review at least every 3 years, a water quality control plan for ocean waters that is known as the California Ocean Plan.

This bill would require the state board to revise the plan, on or before January 1, 2007, to require all regional water quality control plans that include watersheds draining to coastal waters to provide for the protection, maintenance, and restoration of marine ecosystems, prohibit additional point source discharges that would significantly affect a marine managed area, as described, and require waste discharge reports and waste discharge requirements for certain nonpoint source discharges. Under existing law, a violation of certain requirements relating to the discharge of waste, under specified circumstances, is a crime. By subjecting additional discharges to these requirements, the bill would impose a state-mandated local program by expanding the scope of a crime. The bill, for the purposes of revising the plan, would require the state board to consult with the Department of Fish and Game and the Department of Parks and Recreation to determine the water quality needs of certain designated marine protected areas and marine managed areas.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13170.2 of the Water Code is amended  
2 to read:

3 13170.2. (a) The state board shall formulate and adopt a  
4 water quality control plan for ocean waters of the state which shall  
5 be known as the California Ocean Plan.

6 (b) The plan shall be reviewed at least every three years to  
7 guarantee that the current standards are adequate and are not  
8 allowing degradation to indigenous marine species or posing a  
9 threat to human health.

10 (c) In formulating the plan, the state board shall develop  
11 bioassay protocols to evaluate the effect of municipal and  
12 industrial waste discharges on the marine environment.

13 (d) The state board shall adopt the bioassay protocols and  
14 complementary chemical testing methods and shall require their  
15 use in the monitoring of complex effluent ocean discharges. For  
16 purposes of this section, "complex effluent" means an effluent in  
17 which all chemical constituents are not known or monitored. The  
18 state board shall adopt bioassay protocols and complementary  
19 chemical testing methods for complex effluent ocean monitoring  
20 by January 1, 1990, and shall require their use in monitoring  
21 complex effluent ocean discharges by entities discharging 100  
22 million gallons per day or more by January 1, 1991. The state  
23 board shall also adopt a schedule for requiring the use of these  
24 protocols for complex effluent ocean discharges of under 100  
25 million gallons per day by January 1, 1992.

26 (e) *On or before January 1, 2007, the state board shall revise*  
27 *the plan to require all regional water quality control plans that*  
28 *include watersheds draining to coastal waters, including the San*  
29 *Francisco Bay, to do all of the following:*

30 (1) *Provide for the protection, maintenance, and restoration of*  
31 *marine ecosystems.*



1 (2) Prohibit additional point source discharges that would  
2 significantly affect a marine managed area designated pursuant to  
3 Section 36725 of the Public Resources Code.

4 (3) Require waste discharge reports and waste discharge  
5 requirements for a nonpoint source discharge that individually, or  
6 in combination with other discharges, significantly harms a  
7 marine managed area described in paragraph (2) or impedes the  
8 restoration of that area.

9 (4) Include specific provisions to help restore marine managed  
10 areas described in paragraph (2).

11 (f) For the purposes of revising the plan, the state board shall  
12 consult with the Department of Fish and Game and the  
13 Department of Parks and Recreation, as appropriate, to determine  
14 the water quality needs of marine protected areas designated  
15 pursuant to Chapter 10.5 (commencing with Section 2850) of  
16 Division 3 of the Fish and Game Code and marine protected areas  
17 and marine managed areas designated pursuant to Chapter 7  
18 (commencing with Section 36600) of Division 27 of the Public  
19 Resources Code.

20 SEC. 2. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 the only costs that may be incurred by a local agency or school  
23 district will be incurred because this act creates a new crime or  
24 infraction, eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section 17556 of  
26 the Government Code, or changes the definition of a crime within  
27 the meaning of Section 6 of Article XIII B of the California  
28 Constitution.

