

AMENDED IN ASSEMBLY APRIL 22, 2004

AMENDED IN ASSEMBLY MARCH 31, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2529

Introduced by Assembly Member Kehoe
(Coauthor: Assembly Member Koretz)

February 20, 2004

An act to amend Section 30906 of, and to add Chapter 3.5 (commencing with Section 30920) to Division 20.4 of, the Public Resources Code, and to amend Section 13170.2 of the Water Code, relating to water, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2529, as amended, Kehoe. Water quality: ocean waters.

~~(1) Existing~~

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 update the plan to include among the beneficial uses of the ocean waters certain designated marine protected areas, marine life reserves, state marine reserves, state marine parks, state marine conservation areas, state marine cultural preservation areas, and state marine recreational management areas. The bill would require the state board to include in the plan numeric standards to protect these described beneficial uses.

The bill would establish a program for marine managed areas pursuant to which the state board would award grants, upon the



appropriation of funds for that purpose, to local public agencies and nonprofit organizations to restore and protect the water quality and environment of marine managed areas. The bill would require the state board to appoint a marine managed areas water quality task force for the purpose of recommending projects to fund in connection with that program. ~~The bill would appropriate an unspecified amount of certain bond funds made available by the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 to the state board for grants to carry out the marine managed areas program.~~

Vote: 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. Section 30906 of the Public Resources Code is
2 amended to read:

3 30906. It is the intent of the Legislature to invest in clean
4 water projects that will do all of the following:

5 (a) Assist small local communities in meeting water pollution
6 control requirements.

7 (b) Improve agricultural water quality and reduce pollutants in
8 agricultural drainage water.

9 (c) Implement urban stormwater treatment programs and
10 reduce nonpoint sources of pollution.

11 (d) Provide comprehensive capability to monitor and analyze
12 water quality in groundwater basins throughout the state.

13 (e) Improve water quality in coastal and marine waters,
14 particularly those waters that affect marine protected areas and
15 marine managed areas.

16 SEC. 2. Chapter 3.5 (commencing with Section 30920) is
17 added to Division 20.4 of the Public Resources Code, to read:

18

19 CHAPTER 3.5. MARINE MANAGED AREAS PROGRAM

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21 30920. (a) The purpose of this chapter is to provide
22 authorization for projects that restore and protect the water quality
23 and environment of marine managed areas, as defined in
24 subdivision (d) of Section 36602, including areas of special
25 biological significance, as defined in the California Ocean Plan
26 adopted pursuant to Section 13170.2 of the Water Code.



1 (b) The board shall give priority to projects that treat or
2 otherwise remove existing waste discharges, or prevent probable
3 waste discharges, into areas of special biological significance.

4 30921. (a) Upon appropriation by the Legislature for that
5 purpose, funds may be expended by the board, in consultation with
6 the State Coastal Conservancy and, as appropriate, the Department
7 of Fish and Game, to award grants, not to exceed ____ million
8 dollars (\$____) per project, to local public agencies and nonprofit
9 organizations for the purposes of this chapter.

10 (b) The projects funded to carry out this chapter shall
11 demonstrate the capability of contributing to sustained, long-term
12 water quality or environmental restoration or protection benefits
13 for a period of 20 years, address the causes of degradation rather
14 than the symptoms, and be consistent with water quality control
15 plans and resource protection plans prepared, implemented, or
16 adopted by the board, the applicable regional board, the
17 Department of Fish and Game, and the State Coastal Conservancy.

18 (c) An applicant for funds to carry out this chapter shall be
19 required to submit to the board a monitoring and reporting plan
20 that does all of the following:

21 (1) Identifies the sources of pollution to be prevented or
22 reduced by the project.

23 (2) Describes the baseline water quality or environmental
24 quality to be addressed.

25 (3) Describes the manner in which the project will be effective
26 in preventing or reducing pollution and in demonstrating the
27 desired environmental results.

28 (4) Describes the monitoring program, including, but not
29 limited to, the methodology, frequency, and duration of
30 monitoring.

31 (d) Upon completion of the project, a recipient of funds to carry
32 out this chapter shall submit a report to the board that summarizes
33 the completed activities and indicates whether the purposes of the
34 project have been met. The report shall include information
35 collected by the recipient in accordance with the project
36 monitoring and reporting plan, including a determination of the
37 effectiveness of the project in preventing or reducing pollution,
38 and the results of the monitoring program. The board shall make
39 the report available to the public, watershed groups, and federal,
40 state, and local agencies.



1 (e) The board may not award more than 25 percent of a grant
2 to carry out this chapter in advance of the expenditure of funds by
3 a grantee.

4 (f) An applicant for funds to carry out this chapter shall inform
5 the board of any necessary public agency approvals, entitlements,
6 and permits that may be necessary to implement the project. The
7 applicant shall certify to the board, at the appropriate time, that
8 those approvals, entitlements, and permits have been granted.

9 (g) Where recovery plans for coho salmon, steelhead trout, or
10 other threatened or endangered coastal and marine aquatic species
11 exist, projects funded to carry out this chapter shall be consistent
12 with those plans and, to the extent feasible, shall seek to implement
13 actions specified in those plans.

14 (h) The board shall appoint a marine managed areas water
15 quality task force comprised of individuals representing the
16 breadth and diversity of coastal communities, interested nonprofit
17 groups, and marine resource users. All proposals for grant funding
18 to carry out this chapter shall be reviewed by the task force. The
19 task force may recommend projects to the board for funding
20 consideration.

21 (i) The board shall provide opportunity for public review and
22 comment in awarding funds to carry out this chapter.

23 SEC. 3. Section 13170.2 of the Water Code is amended to
24 read:

25 13170.2. (a) The state board shall formulate and adopt a
26 water quality control plan for ocean waters of the state which shall
27 be known as the California Ocean Plan.

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

32 (c) On or before February 1, 2006, the state board shall update
33 the plan to include among the beneficial uses of the ocean waters
34 all of the following:

35 (1) Marine protected areas and marine life reserves, as defined
36 in Section 2852 of the Fish and Game Code.

37 (2) State marine reserves, state marine parks, state marine
38 conservation areas, state marine cultural preservation areas, and
39 state marine recreational management areas, as defined in Section
40 36700 of the Public Resources Code.



1 (d) On or before July 1, 2007, the state board shall include in
2 the plan numeric standards to protect the beneficial uses described
3 in subdivision (c).

4 (e) For the purposes of carrying out subdivisions (c) and (d), the
5 state board shall consult with the Department of Fish and Game
6 and the Department of Parks and Recreation, as appropriate.

7 (f) In formulating the plan, the state board shall develop
8 bioassay protocols to evaluate the effect of municipal and
9 industrial waste discharges on the marine environment.

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

23 ~~SEC. 4. (a) Of the funds made available pursuant to Section~~
24 ~~79543 of the Water Code, the sum of _____ dollars (\$_____) is~~
25 ~~hereby appropriated to the State Water Resources Control Board~~
26 ~~for grants to carry out Chapter 3.5 (commencing with Section~~
27 ~~30920) of Division 20.4 of the Public Resources Code in~~
28 ~~accordance with Section 16727 of the Government Code.~~

29 ~~(b) Notwithstanding any other provision of law, the funds~~
30 ~~appropriated pursuant to subdivision (a) shall be available for~~
31 ~~encumbrance until December 31, 2008.~~

32 ~~(c) Of the total amount of funds appropriated by subdivision~~
33 ~~(a), not more than 5 percent may be expended for administrative~~
34 ~~purposes.~~

35 ~~(d) The board may only allocate funds pursuant to subdivision~~
36 ~~(a) if it determines that the allocation meets the requirements of~~
37 ~~Chapter 5 (commencing with Section 79540) of Division 26.5 of~~
38 ~~the Water Code.~~

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