

AMENDED IN ASSEMBLY MAY 20, 2004  
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.

LEGISLATIVE COUNSEL'S DIGEST

AB 2529, as amended, Kehoe. ~~Water quality: ocean waters~~ *marine managed areas.*

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, the Marine Managed Areas Improvement Act, establishes a program pursuant to which various geographic areas are classified as marine managed areas for the purposes of regulating activities within, and otherwise protecting, those areas.~~

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.~~

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. 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

20

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



1 biological significance, as defined in the California Ocean Plan  
2 adopted pursuant to Section 13170.2 of the Water Code.

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

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

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

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

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

25 (2) Describes the baseline water quality or environmental  
26 quality to be addressed.

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

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

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



1 the report available to the public, watershed groups, and federal,  
2 state, and local agencies.

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

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

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

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

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

25 ~~SEC. 3.—Section 13170.2 of the Water Code is amended to~~  
26 ~~read:~~

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

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

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

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

39 ~~(2) State marine reserves, state marine parks, state marine~~  
40 ~~conservation areas, state marine cultural preservation areas, and~~



1 ~~state marine recreational management areas, as defined in Section~~  
2 ~~36700 of the Public Resources Code.~~

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

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

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

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

