

AMENDED IN SENATE MAY 4, 2009
AMENDED IN SENATE APRIL 22, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 790

Introduced by Senator Pavley

February 27, 2009

An act to amend Section 30916 of the Public Resources Code, and to amend Section 10540 of, and to add Part 2.3 (commencing with Section 10560) to Division 6 of, the Water Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 790, as amended, Pavley. Resources: water quality: stormwater management.

(1) The Watershed, Clean Beaches, and Water Quality Act authorizes the Water Resources Control Board, in consultation with the State Coastal Conservancy, to award grants to public agencies and nonprofit organizations for projects designed to restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters, including, among other things, a project to make improvements to, or upgrades or conversions of, existing sewer collection systems and septic systems for the restoration and protection of coastal water quality.

This bill would also authorize grants for projects designed to implement or promote low-impact development that will contribute to the improvement of water quality or reduce stormwater runoff and for projects designed to implement specified stormwater management plans.

(2) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste

discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act. Existing law authorizes a regional water management group, as defined, to adopt an integrated regional water management plan that addresses specified matters.

This bill would authorize a city, county, or special district to develop, jointly or individually, stormwater management plans that meet certain requirements. The bill would authorize a regional water management group to coordinate its planning activities to address or incorporate into its plan any stormwater management planning that is undertaken pursuant to the bill's provisions.

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 30916 of the Public Resources Code is
2 amended to read:
3 30916. (a) Upon appropriation by the Legislature, funds
4 provided under this chapter may be used by the board, in
5 consultation with the State Coastal Conservancy, to award grants
6 not to exceed five million dollars (\$5,000,000) per project to public
7 agencies and nonprofit organizations for the purposes of this
8 chapter. Grants may be awarded for any of the following projects:
9 (1) A project designed to improve water quality at public
10 beaches and to make improvements for the purpose of ensuring
11 that coastal waters adjacent to public beaches meet the
12 bacteriological standards set forth in Article 2 (commencing with
13 Section 115875) of Chapter 5 of Part 10 of Division 104 of the
14 Health and Safety Code.
15 (2) A project to make improvements to, or upgrades or
16 conversions of, existing sewer collection systems and septic
17 systems for the restoration and protection of coastal water quality.
18 (3) A project designed to implement stormwater and runoff
19 pollution reduction and prevention programs, or for the
20 implementation of best management practices, for the restoration
21 and protection of coastal water quality.

1 (4) A project designed to implement or promote low-impact
2 development that will contribute to the improvement of water
3 quality or reduce stormwater runoff.

4 (5) A project designed to implement a stormwater management
5 plan prepared pursuant to Part 2.3 (commencing with Section
6 10560) of Division 6 of the Water Code.

7 (b) The projects funded pursuant to this chapter shall be
8 consistent with the state's nonpoint source control program, as
9 revised to meet the requirements of Division 20 (commencing with
10 Section 30000), Section 6217 of the federal Coastal Zone Act
11 Reauthorization Amendments of 1990, Section 319 of the federal
12 Clean Water Act (33 U.S.C. Sec. 1329), Division 7 (commencing
13 with Section 13000) of the Water Code, and the California Coastal
14 Commission.

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

23 (d) An applicant for funds under this chapter shall be required
24 to submit to the board a monitoring and reporting plan that does
25 all of the following:

26 (1) Identifies the nonpoint source or sources of pollution to be
27 prevented or reduced by the project.

28 (2) Describes the baseline water quality or environmental quality
29 to be addressed.

30 (3) Describes the manner in which the project will be effective
31 in preventing or reducing pollution and in demonstrating the
32 desired environmental results.

33 (4) Describes the monitoring program, including, but not limited
34 to, the methodology, and the frequency and duration of monitoring.

35 (e) Upon completion of the project, a recipient of funds under
36 this chapter shall submit a report to the board that summarizes the
37 completed activities and indicates whether the purposes of the
38 project have been met. The report shall include information
39 collected by the recipient in accordance with the project monitoring
40 and reporting plan, including a determination of the effectiveness

1 of the project in preventing or reducing pollution, and the results
2 of the monitoring program. The board shall make the report
3 available to the public, watershed groups, and federal, state, and
4 local agencies.

5 (f) Not more than 25 percent of a grant may be awarded in
6 advance of actual expenditure.

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

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

17 (i) The board shall appoint a Clean Beaches Task Force
18 comprised of individuals representing the breadth and diversity of
19 coastal communities. All proposals for funding shall be reviewed
20 by the task force. The task force may recommend projects to the
21 board for funding consideration.

22 SEC. 2. Section 10540 of the Water Code is amended to read:
23 10540. (a) A regional water management group may prepare
24 and adopt an integrated regional water management plan in
25 accordance with this part.

26 (b) A regional water management group may coordinate its
27 planning activities to address or incorporate all or part of any of
28 the following actions of its members into its plan:

29 (1) Groundwater management planning pursuant to Part 2.75
30 (commencing with Section 10750) or other specific groundwater
31 management authority.

32 (2) Urban water management planning pursuant to Part 2.6
33 (commencing with Section 10610).

34 (3) The preparation of a water supply assessment required
35 pursuant to Part 2.10 (commencing with Section 10910).

36 (4) Agricultural water management planning pursuant to Part
37 2.8 (commencing with Section 10800).

38 (5) City and county general planning pursuant to Section 65350
39 of the Government Code.

(6) Stormwater management planning that is undertaken pursuant to Part 2.3 (commencing with Section 10560).

(7) Other water resource management planning, including flood protection, watershed management planning, and multipurpose program planning.

(c) At a minimum, all plans shall address all of the following:

(1) Protection and improvement of water supply reliability, including identification of feasible agricultural and urban water use efficiency strategies.

(2) Identification and consideration of the drinking water quality of communities within the area of the plan.

(3) Protection and improvement of water quality within the area of the plan, consistent with the relevant basin plan.

(4) Identification of any significant threats to groundwater resources from overdrafting.

(5) Protection, restoration, and improvement of stewardship of aquatic, riparian, and watershed resources within the region.

(6) Protection of groundwater resources from contamination.

(7) Identification and consideration of the water-related needs of disadvantaged communities in the area within the boundaries of the plan.

(d) This section does not obligate a local agency to fund the implementation of any project or program.

SEC. 3. Part 2.3 (commencing with Section 10560) is added to Division 6 of the Water Code, to read:

PART 2.3. STORMWATER MANAGEMENT PLANNING

10560. This part shall be ~~known~~ *known* and may be cited as “The Stormwater Management Planning Act.”

10561. The Legislature hereby finds and declares all of the following:

(a) In many parts of the state stormwater is a source of surface water and groundwater contamination, contributing to a loss of usable water supplies, and the pollution and impairment of rivers, lakes, streams, and coastal waters.

(b) Improved management of stormwater can reduce pollution and increase uncontaminated supplies of water for beneficial uses and the environment.

1 (c) Most of California's current stormwater drainage systems
2 are designed to capture and convey water away from people and
3 property rather than capturing that water for beneficial uses.

4 (d) Historical patterns of precipitation are predicted to change
5 and an increasing amount of California's water is predicted to fall
6 not as snow in the mountains, but as rain in the valleys and on the
7 coast. This will likely have a profound and transforming effect on
8 California's hydrologic cycle and much of that water will no longer
9 be captured by California's reservoirs, many of which are located
10 to capture snow melt.

11 (e) Stormwater, properly managed, can contribute significantly
12 to local water supplies through onsite storage and reuse, or letting
13 it percolate into the ground to recharge groundwater, thereby
14 increasing available supplies of drinking water.

15 (f) New developments and redevelopments should be designed
16 consistent with low-impact development principles to improve the
17 retention, reuse, and percolation of stormwater onsite.

18 (g) Stormwater can be managed to achieve environmental
19 benefits such as wetland creation, riverside habitats, and instream
20 flows.

21 10562. (a) A city, county, or special district, either individually
22 or jointly, may develop a stormwater management plan pursuant
23 to this part.

24 (b) Stormwater management plans shall do all of the following:

25 (1) Be developed on a watershed basis.

26 (2) Provide for multiple benefit project design to maximize
27 water supply, water quality, and environmental and other
28 community benefits.

29 (3) Provide for community participation in plan development
30 and implementation.

31 (4) ~~Assist in~~ *Be consistent with and ensure* compliance with
32 total maximum daily load (TMDL) implementation plans and
33 applicable national pollutant discharge elimination system
34 (NPDES) permits.

35 (5) Be consistent with all applicable waste discharge permits.

36 (6) Be consistent with any applicable integrated regional water
37 management plan.

38 (c) Stormwater management plans shall be designed to do all
39 of the following:

1 (1) Augment local water supply through groundwater recharge
2 or storage for beneficial reuse of stormwater.

3 (2) Prioritize source control, onsite and local infiltration, and
4 reuse of stormwater.

5 (3) Reestablish natural water drainage treatment and infiltration
6 systems, or mimic natural system functions to the maximum extent
7 feasible.

8 (4) Include requirements for new and upgraded infrastructure
9 and development to meet design criteria and best management
10 practices to prevent stormwater pollution and increase effective
11 stormwater management. These design criteria and best
12 management practices should accomplish all of the following:

13 (A) Reduce effective impermeability within a watershed by
14 creating or connecting to permeable surfaces, retention basins,
15 cisterns, and other storage for beneficial reuse.

16 (B) Support low-impact development and sustainable
17 redevelopment using low-impact techniques.

18 (5) Identify opportunities to develop or enhance habitat and
19 open space, including wetlands, riverside habitats, parkways, and
20 parks.

21 (6) Identify activities that generate or contribute to the pollution
22 of stormwater, or that impair the effective beneficial use of
23 stormwater.

24 10563. (a) *Nothing in this part interferes with or prevents the*
25 *exercise of authority by a public agency to carry out its programs,*
26 *projects, or responsibilities.*

27 (b) *Nothing in this part affects requirements imposed under any*
28 *other provision of law.*

29 10564. *For purposes of this part, “low impact development”*
30 *means the use of stormwater management strategies that maintain*
31 *or restore the natural hydrological function of a site to achieve*
32 *environmental benefits and protect natural resources by employing*
33 *natural and constructed features that reduce the rate of runoff,*
34 *filter out pollutants, and facilitate the infiltration of water into the*
35 *ground to improve the quality of receiving groundwater and*
36 *surface water while stabilizing instream flows.*