



State Water Resources Control Board



Executive Office

Tam M. Doduc, Board Chair

1001 I Street • Sacramento, California 95814 • (916) 341-5615

Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100

Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Linda S. Adams

Secretary for

Environmental Protection

Arnold Schwarzenegger

Governor

May 28, 2008

The Honorable Don Perata
President Pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, California 95814

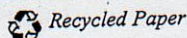
Dear Senator Perata:

The State Water Resources Control Board (State Water Board) has taken an Oppose Unless Amended position on SB 1176. As you know, your legislation proposes a number of significant changes to our state water quality laws, including changes in the size and composition of the nine Regional Water Quality Control Boards (Regional Water Boards) and in the oversight role of the State Water Board. We appreciate your long-standing interest and leadership in working to improve the Water Boards and their effectiveness in implementing state and federal law to protect California's precious water resources. The Water Boards are committed to these same objectives and we look forward to working with you and your staff this year to enact needed statutory changes.

The State Water Board supports the overall intent of SB 1176 to improve the performance and accountability of the Regional Water Boards in fulfilling their water quality-related regulatory responsibilities. As you know, the Governor, in his veto message for your similar legislation last year (SB 1001/2007), acknowledged that you had "appropriately raised legitimate concerns about California's current system for implementing and enforcing water quality laws," and further stated that "the time has come to have a broad discussion with all interested stakeholders to evaluate our current system and determine what improvements can be made to increase the implementation and enforcement of state and federal law as well as provide consistency and certainty of application across the state."

At the Water Boards we took these words from the Governor to heart. We recently conducted an unprecedented Strategic Plan Update that involved the input of hundreds of stakeholders to help us identify problems that they perceive with the Regional Water Boards, as well as potential solutions. The updated strategic plan sets a course for the Water Boards to improve their effectiveness and efficiency over the next several years. Through this process, stakeholders raised issues and concerns regarding Regional Water Board structure, accountability, consistency and efficiency, including many of the same issues that you are seeking to address through SB 1176 and SB 1001 of last year.

California Environmental Protection Agency

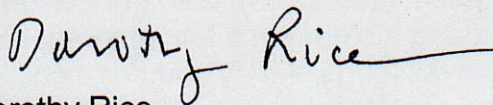


Although the State Water Board supports the overall intent of SB 1176, there are areas where we do not believe that the current language of the bill is fully responsive to the issues identified in the Governor's veto message for SB 1001. These areas include the proposed changes in the qualification requirements for Regional Water Board members, and the proposed process for the State Water Board to withdraw a Regional Water Board's authority. We are also concerned that requiring the Regional Water Boards to include an assessment of the overall economic value of improved water quality when establishing water quality objectives will result in significant costs and delays in the adoption of water quality objectives. We have also identified the need to strengthen a number of the water quality enforcement provisions in current law to enhance the ability of the Water Boards to protect and improve water quality.

In order to address these concerns, and to achieve our shared goals of (1) improving the ability to identify, appoint and retain qualified candidates to serve on Regional Water Boards; (2) significantly increasing the accountability, consistency and efficiency of the Water Boards; and (3) significantly enhancing the Water Boards' enforcement capabilities and increasing uniformity in enforcement of water quality laws, the State Water Board proposes a number of amendments to SB 1176. These proposed amendments are enclosed. We have also included a summary of the proposed amendments. We look forward to working with you on these amendments and collaborating with you on legislation to improve the efficiency, effectiveness, accountability, and consistency of the state's water quality programs.

Please feel free to contact me at (916) 341-5615 or Robert Egel, Legislative Director at the State Water Board, at (916) 341-5251 if you would like to discuss the bill and our proposed amendments.

Sincerely,



Dorothy Rice
Executive Director

Enclosures

cc: See next page.

cc: Mr. Chris Kahn
Deputy Chief of Staff and Legislative Secretary
Governor's Office
State Capitol
Sacramento, CA 95814

Ms. Linda S. Adams
Secretary for Environmental Protection
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, CA 95814

Ms. Patty Zwarts
Assistant Secretary for Legislation
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, CA 95814

Ms. Tam Doduc
Board Chair
State Water Resources Control Board
1001 I Street, 25th Floor
Sacramento, CA 95814

Mr. Robert Egel
Legislative Director
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814