

Senate Bill No. 469

CHAPTER 20

An act to amend Section 13246 of, and to add Section 13191.3 to, the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 6, 2002. Filed with
Secretary of State April 8, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 469, Alpert. Water quality: total maximum daily loads.

(1) Existing law requires the State Water Resources Control Board to formulate and adopt state policy for water quality control in accordance with specified objectives. Existing law requires each California regional water quality control board to establish water quality objectives in water quality control plans in accordance with specified objectives, for submission to the state board.

This bill would require the state board to prepare, on or before July 1, 2003, guidelines to be used by the state board and the regional boards for the purpose of listing and delisting waters and developing and implementing the total maximum daily load (TMDL) program and total maximum daily loads pursuant to the federal Clean Water Act. The bill would require the guidelines to be finalized not later than January 1, 2004.

(2) Existing law requires the state board to act on the regional board's water quality control plans within 60 days of submission or 90 days of resubmission.

This bill would require the state board to comply with the 60 day time deadline when taking action on a regional board's water quality control plan that is being amended solely for an action related to the regional board's TMDL submittal, and that the 60 day time deadline is not extended by time spent sending the submittal back to the regional board, unless the proposed amendment is for an exceedingly complex TMDL, which shall be provided in writing by the state board, or the submission by the regional board is clearly incomplete.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 13191.3 is added to the Water Code, to read:

13191.3. (a) The state board, on or before July 1, 2003, shall prepare guidelines to be used by the state board and the regional boards for the purpose of listing and delisting waters and developing and implementing the total maximum daily load (TMDL) program and total maximum daily loads pursuant to Section 303(d) of the federal Clean Water Act (33 U.S.C. Sec. 1313(d)).

(b) For the purposes of preparing the guidelines, the state board shall consider the consensus recommendations adopted by the public advisory group convened pursuant to Section 13191.

(c) The guidelines shall be finalized not later than January 1, 2004.

SEC. 2. Section 13246 of the Water Code is amended to read:

13246. (a) The state board shall act upon any water quality control plan not later than 60 days from the date the regional board submitted the plan to the state board, or 90 days from the date of resubmission of the plan.

(b) When the state board is acting upon a water quality control plan that is being amended solely for an action related to a regional board's total maximum daily load submittal, not including submittals related to listing, the state board shall not exceed the 60-day timeline, inclusive of the time spent sending the submittal back to the regional board, unless one of the following circumstances exists:

(1) The proposed amendment is for an exceedingly complex total maximum daily load. In order to determine if a total maximum daily load is exceedingly complex, the state board may consider a number of factors including, but not limited to, the volume of the record, the number of pollutants included, the number of dischargers and land uses involved, and the size of the watershed. The reason or reasons that any total maximum daily load is determined to be exceedingly complex shall be provided by the state board to the regional board in writing.

(2) The submittal by the regional board is clearly incomplete.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to timely implement federal requirements for the development and implementation of the total maximum daily load program, a program critical to the management of water quality, it is necessary for this act to take effect immediately.

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