

ASSEMBLY BILL

No. 258

Introduced by Assembly Member Krekorian

February 5, 2007

An act to add Section 30237 to the Public Resources Code, and to add Chapter 5.2 (commencing with Section 13367) to Division 7 of the Water Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

AB 258, as introduced, Krekorian. Environment: marine debris: plastic discharges.

(1) Existing law, the California Coastal Act of 1976, provides for the maintenance, enhancement, or restoration of the marine environment, where feasible.

This bill would require the State Coastal Commission, to the extent feasible and within its existing resources: (1) to convene a multiagency task force, consisting of specified representatives from the commission, the Department of Fish and Game, the Department of Conservation, the State Water Resources Control Board, the California Integrated Waste Management Board, the Department of Boating and Waterways, the State Coastal Conservancy, and the San Francisco Bay Conservation and Development Commission, for the purpose of implementing a statewide marine debris reduction effort; and (2) to undertake certain actions, as specified. The bill would also make various legislative findings regarding marine debris.

(2) Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality. The state board and the regional boards

prescribe waste discharge requirements for the discharge of waste in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. A person who discharges waste into the waters of the state in violation of waste discharge requirements, or other order or prohibition issued by a regional board or the state board, is required upon the order of that regional board or the state board, to clean up the waste or to abate the effects of the waste. The act authorizes the state board or a regional board to issue a cleanup or abatement order.

This bill would require the state board and the regional boards, by January 1, 2009, to implement a program for the control of discharges of preproduction plastics, as defined, from point and nonpoint sources, including waste discharge, monitoring, and reporting requirements for all facilities handling preproduction plastics and the implementation of best management practices for the control of discharges of preproduction plastic by plastic manufacturing, handling, and transportation facilities. The bill would require the state board to establish a fee schedule sufficient to pay for the costs of implementing the 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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The increasing problem of marine debris is harmful to the
- 4 marine resources, particularly sensitive species that ingest or
- 5 become entangled in floating debris.
- 6 (b) Plastic is the most common type of marine debris,
- 7 comprising up to 90 percent of floating marine debris.
- 8 (c) Plastics are especially harmful to the marine environment
- 9 due to their nondegradable qualities.
- 10 (d) A coordinated effort among state agencies is necessary to
- 11 create a comprehensive response to reduce the harmful effects of
- 12 marine debris.
- 13 (e) Increased control over industrial discharges will reduce the
- 14 amount of plastics entering the aquatic environment.

1 (f) Eliminating marine debris from the world's oceans is a
2 universal goal for government, industry, businesses, and
3 individuals.

4 SEC. 2. Section 30237 is added to the Public Resources Code,
5 to read:

6 30237. The commission shall, to the extent feasible and within
7 its existing resources, take actions it deems appropriate to address
8 the issue of marine debris, including, but not limited to, all of the
9 following:

10 (a) Increase public awareness of the issue of marine debris
11 through public outreach and education.

12 (b) Improve coordination and collaboration among public
13 agencies, including local governments, to reduce marine debris.

14 (c) (1) Convene a multiagency task force for the purpose of
15 implementing a statewide marine debris reduction effort.
16 Representatives on the task force shall include the Executive
17 Director of the commission, or a designee; the Director of Fish
18 and Game, or a designee; the Director of Conservation; a member
19 of, or the Executive Director of, the State Water Resources Control
20 Board as determined by that board; a member of, or the Executive
21 Director of, the California Integrated Waste Management Board,
22 as determined by that board; the Director of Boating and
23 Waterways; a member of, or the Executive Officer of, the State
24 Coastal Conservancy, as determined by the conservancy; and a
25 member of, or the Executive Director of, the San Francisco Bay
26 Conservation and Development Commission, as determined by
27 that commission.

28 (2) Commencing in 2008, the task force shall submit a
29 semiannual written report to the Ocean Protection Council,
30 summarizing all of the progress made by public agencies and
31 organizations in addressing marine debris, and suggested actions
32 to improve state efforts. The report's findings and
33 recommendations shall be presented to the Ocean Protection
34 Council as part of a noticed public meeting of the council.

35 (d) Seek funding from public and nongovernmental sources to
36 support actions that further the purpose of this section to reduce
37 the introduction of debris into the marine environment.

38 SEC. 3. Chapter 5.2 (commencing with Section 13367) is added
39 to Division 7 of the Water Code, to read:

1 CHAPTER 5.2. PLASTIC DEBRIS ERADICATION PROGRAM

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3 13367. (a) For purposes of this chapter, “preproduction
4 plastic” includes plastic pellets, plastic resin products, powdered
5 coloring for plastics, plastic additives, plastic materials, and plastic
6 fragments.

7 (b) The state board and the regional boards shall implement a
8 program to control discharges of preproduction plastic from point
9 and nonpoint sources. The control measures shall, at a minimum,
10 include waste discharge, monitoring, and reporting requirements
11 for all facilities handling preproduction plastics.

12 (c) The program shall, at a minimum, require plastic
13 manufacturing, handling, and transportation facilities to implement
14 best management practices to control discharges of preproduction
15 plastics. Nothing in this chapter limits the authority of the state
16 board and the regional boards to establish requirements in addition
17 to best management practices for the elimination of discharges of
18 preproduction plastic.

19 (d) The state board and the regional boards shall establish and
20 implement a monitoring and reporting program designed to achieve
21 zero discharge of preproduction plastic from facilities handling
22 preproduction plastics.

23 (e) The state board shall establish a fee schedule sufficient to
24 pay for the costs of implementing this chapter.

25 (f) The state board and the regional boards shall implement this
26 chapter by January 1, 2009.