

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1454

Introduced by Assembly Member Wagner

February 27, 2015

An act to ~~amend Section 13170.2 of~~ *add Section 13170.6* to the Water Code, relating to the State Water Resources Control Board.

LEGISLATIVE COUNSEL'S DIGEST

AB 1454, as amended, Wagner. ~~State policy for water quality control: California Ocean Plan. Water quality standards: trash: single-use carryout bags.~~

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 regulatory authority over water quality. Under the Federal Water Pollution Control Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants at a level necessary to implement those water quality standards.

Existing law, inoperative due to a pending referendum election, would prohibit certain stores from providing a single-use carryout bag to a customer and prohibit those stores from selling or distributing a recycled paper bag to a customer at the point of sale unless the store makes that bag available for purchase, as specified.

This bill would suspend the operation of certain amendments to water quality control plans relating to the total maximum daily load for trash unless and until the provisions inoperative due to a pending referendum election become effective. This bill would require the state board to revisit and revise water quality control plans to address impaired water quality due to trash if the law pending referendum is defeated at the November 8, 2016, statewide general election.

~~Under existing law, the Porter-Cologne Water Quality Control Act, the state policy for water quality control is required to consist of water quality principles and guidelines for long-range resource planning, water quality objectives, and other principles and guidelines deemed essential by the State Water Resources Control Board for water quality control. The act requires the state board to formulate and adopt a water quality control plan for ocean waters of the state, which is known as the California Ocean Plan, and requires the plan to be reviewed at least every 3 years.~~

~~This bill would instead require the plan to be reviewed at least every 4 years.~~

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 13170.6 is added to the Water Code, to
- 2 read:
- 3 13170.6. (a) *The amendments to the Water Quality Control*
- 4 *Plan for the Ocean Waters of California to Control Trash and*
- 5 *Part 1 Trash Provisions of the Water Quality Control Plan for*
- 6 *Inland Surface Waters, Enclosed Bays, and Estuaries of California,*
- 7 *adopted by the state board on April 7, 2014, are inoperative unless*
- 8 *and until Chapter 850 of the Statutes of 2014 becomes effective.*
- 9 (b) *If Chapter 850 of the Statutes of 2014 is defeated at the*
- 10 *November 8, 2016, statewide general election, the state board*
- 11 *shall revisit and revise water quality control plans to address*
- 12 *impaired water quality due to trash.*
- 13 ~~SECTION 1. Section 13170.2 of the Water Code is amended~~
- 14 ~~to read:~~
- 15 ~~13170.2. (a) The state board shall formulate and adopt a water~~
- 16 ~~quality control plan for ocean waters of the state, which shall be~~
- 17 ~~known as the California Ocean Plan.~~

1 ~~(b) The plan shall be reviewed at least every four years to~~
2 ~~guarantee that the current standards are adequate and are not~~
3 ~~allowing degradation to indigenous marine species or posing a~~
4 ~~threat to human health.~~

5 ~~(c) In formulating the plan, the state board shall develop~~
6 ~~bioassay protocols to evaluate the effect of municipal and industrial~~
7 ~~waste discharges on the marine environment.~~

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