

DIRECTORS

DENIS R. BILODEAU, P.E.
JORDAN BRANDMAN
CATHY GREEN
NELIDA MENDOZA
DINA L. NGUYEN, ESQ.
KELLY E. ROWE, C.E.G., C.H.
STEPHEN R. SHELDON
TRI TA
BRUCE WHITAKER
ROGER C. YOH, P.E.



OFFICERS

President
STEPHEN R. SHELDON

First Vice President
CATHY GREEN

Second Vice President
TRI TA

General Manager
MICHAEL R. MARKUS, P.E., D.WRE

ORANGE COUNTY WATER DISTRICT
ORANGE COUNTY'S GROUNDWATER AUTHORITY

March 26, 2021

The Honorable Robert Rivas
State Capitol, Room 5158
Sacramento, CA 95814

RE: AB 377 (R. Rivas) Water quality: impaired waters - Oppose

Dear Assemblymember Rivas:

Orange County Water District (OCWD; the District) writes in opposition to AB 377 (R. Rivas), which sets the following goal: "All California surface waters shall be fishable, swimmable, and drinkable by January 1, 2050. To bring all water segments into attainment with this requirement, the state board and regional boards shall comply with the requirements of this chapter." "Drinkable" applies to waters subject to a regional water quality control plan and means that the waters are drinkable to the extent required by the regional water quality control plan. AB 377 would make drastic changes to the way that California manages water quality. These changes would have serious financial and logistical implications for water agencies. Local conditions need to be considered in permitting processes versus the rigid requirements set forth in AB 377.

Specifically, AB 377 places various restrictions on the issuance of National Pollutant Discharge Elimination System (NPDES) permits and discharges. Also, by January 1, 2030, a regional water quality control plan, including the program of implementation, would be prohibited from including a schedule for implementation for achieving a water quality standard that was adopted in an approved regional water quality control plan as of January 1, 2021. A schedule for implementation of a water quality standard that is adopted by the State Water Resources Control Board or regional boards must be included in a regional water quality control plan after January 1, 2021 and meet specific conditions.

The bill states a NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement would not be renewed, reissued, or modified to contain effluent limitations or conditions that are less stringent than the comparable effluent limitations or conditions in the previous permit, requirement, or waiver.

The Honorable Robert Rivas
March 26, 2021
Page 2 of 2

According to AB 377, the State Water Resources Control Board and regional boards could not authorize a NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement that does not include a complete antidegradation analysis as set out in the State Water Resources Control Board Resolution No. 68-16 and Administrative Procedures Update 90-004. Adding statewide requirements to existing permitting processes does not take into account local conditions and requirements that work.

The goals of this bill, given the proposed timelines and prioritization of certain water quality standards over all else, would override all other policy goals set by the state. For example, funding for groundwater recharge, climate resilient investments, wildfire preparedness, and a host of other issues would fall second to the priorities of this bill. AB 377 would upend other existing programs that have taken years to implement because of the drastic changes in discharge requirements.

For the above reasons, OCWD is opposed to AB 377. Please do not hesitate to contact me or OCWD Legislative Liaison Alicia Dunkin at adunkin@ocwd.com or (714) 378-8232 if you have any questions and/or if we may be of any assistance on water policy issues in the coming year.

Sincerely,



Michael R. Markus, P.E., D.WRE
General Manager

cc:

Senator Dave Min, 37th District
Senator Patricia Bates, 36th District
Senator Tom Umberg, 34th District
Senator Bob Archuleta, 32nd District
Senator Josh Newman, 29th District
Assemblymember Cottie Petrie-Norris, 74th District
Assemblymember Laurie Davies, 73rd District
Assemblymember Janet Nguyen, 72nd District
Assemblymember Tom Daly, 69th District
Assemblymember Steven S. Choi, Ph.D, 68th District
Assemblymember Sharon Quirk- Silva, 65th District
Assemblymember Phillip Chen, 55th District

DIRECTORS

DENIS R. BILODEAU, P.E.
JORDAN BRANDMAN
CATHY GREEN
NELIDA MENDOZA
DINA L. NGUYEN, ESQ.
KELLY E. ROWE, C.E.G., C.H.
STEPHEN R. SHELDON
TRI TA
BRUCE WHITAKER
ROGER C. YOH, P.E.



SINCE 1933

ORANGE COUNTY WATER DISTRICT

ORANGE COUNTY'S GROUNDWATER AUTHORITY

OFFICERS

President
STEPHEN R. SHELDON

First Vice President
CATHY GREEN

Second Vice President
TRI TA

General Manager
MICHAEL R. MARKUS, P.E., D.WRE