



# AGENDA

18700 Ward St.  
Fountain Valley, CA 92708  
(714) 378-3200

COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING  
WITH BOARD OF DIRECTORS\*  
ORANGE COUNTY WATER DISTRICT  
**April 3, 2025, 12:00 p.m. - Conference Room C-2**

\*The OCWD Communications and Legislative Liaison Committee meeting is noticed as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act and it provides an opportunity for all Directors to hear presentations and participate in discussions. Directors receive no additional compensation or stipend as a result of simultaneously convening this meeting. Items recommended for approval at this meeting will be placed on the **April 16** Board meeting Agenda for approval.

This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.

**Computer Audio: You can join the Zoom meeting by clicking on the following link:**  
<https://ocwd.zoom.us/j/99465334409>

**Telephone Audio: (213) 338 8477**

**Webinar ID: 994 6533 4409**

Teleconference Sites:

10382 Bonnie Drive, Garden Grove

20 Civic Center Plaza, Santa Ana

200 S Anaheim Blvd, Anaheim

303 W. Commonwealth Ave, Fullerton

19 Cannery, Buena Park

Courtyard Sacramento Airport Natomas, Sacramento, Lobby

21865 Copley Drive, Diamond Bar, Room cc-8

8-6 Minato 5F, Chatan, Nakagami District, Okinawa

\* Members of the public may attend and participate at all locations.

## ROLL CALL

## ITEMS RECEIVED TOO LATE TO BE AGENDIZED

**RECOMMENDATION:** Adopt resolution determining need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda (requires two-thirds vote of the Board members present, or, if less than two-thirds of the members are present, a unanimous vote of those members present.)

## VISITOR PARTICIPATION

Time has been reserved at this point in the agenda for persons wishing to comment for up to three minutes to the Board of Directors on any item that is not listed on the agenda, but within the subject matter jurisdiction of the District. By law, the Board of Directors is prohibited from taking action on such public comments. As appropriate, matters raised in these public comments will be referred to District staff or placed on the agenda of an upcoming Board meeting.

At this time, members of the public may also offer public comment for up to three minutes on any item on the Consent Calendar. While members of the public may not remove an item from the Consent Calendar for separate discussion, a Director may do so at the request of a member of the public.

**CONSENT CALENDAR (ITEM NO. 1)**

All matters on the Consent Calendar are to be approved by one motion, without separate discussion on these items, unless a Board member or District staff request that specific items be removed from the Consent Calendar for separate consideration.

- 1. MINUTES OF COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE MEETING HELD MARCH 6, 2025

RECOMMENDATION: Approve minutes as presented

**MATTERS FOR CONSIDERATION**

- 2. STATE LEGISLATIVE UPDATE

RECOMMENDATION: Agendize for April 16 Board meeting: Take the following positions:

Bill Number/Author	Short Title	Recommendation
SB 496 Hurtado (D-Bakersfield)	Advanced Clean Fleets Regulation: appeals advisory committee: exemptions	Support
SB 601 Allen (D-Santa Monica)	Water: Waste Discharge	Oppose
SB 599 Anna Caballero (D-Merced)	Atmospheric rivers research: forecasting methods: experimental tools	Support
AB 810 Jacqui Irwin (D-Thousand Oaks)	Local government: internet websites and email addresses	Oppose

- 3. FEDERAL LEGISLATIVE UPDATE

RECOMMENDATION: Agendize for April 16 Board meeting: Take the following position:

Bill Number/Authors	Short Title	Recommended Position
H.R. 2093 (Ken Calvert, R-D-41)	Extends Permitting Terms	Support

- 4. FIRST RESPONDER TRAINING AND TOUR

RECOMMENDATION: Agendize for April 16 Board meeting: Take action as appropriate

**INFORMATIONAL ITEMS**

- 5. CHILDREN’S WATER EDUCATION FESTIVAL UPDATE
- 6. PUBLIC AFFAIRS OUTREACH REPORT

**CHAIR DIRECTION AS TO WHICH ITEMS IF ANY TO BE AGENDIZED AS A MATTER FOR CONSIDERATION AT THE APRIL 16 BOARD MEETING**

**DIRECTOR’S ANNOUNCEMENTS/REPORTS**

**GENERAL MANAGER’S ANNOUNCEMENT/REPORT**

**ADJOURNMENT**

## COMMUNICATION AND LEGISLATIVE LIAISON COMMITTEE MEMBERS

Van Tran – Chair  
Roger Yoh – Vice Chair  
Steve Sheldon  
Valerie Amezcua  
Erik Weigand

Cathy Green  
Fred Jung  
Dina Nguyen  
Natalie Meeks  
Denis Bilodeau

Agenda Posting: In accordance with the requirements of California Government Code Section 54954.2, this agenda is posted in the window of the guard shack at the main entrance of the Orange County Water District, 18700 Ward Street, Fountain Valley, CA and on the OCWD website: [www.ocwd.com](http://www.ocwd.com) not less than 72 hours prior to the meeting date and time above. All written materials relating to each agenda item are available for public inspection in the office of the Assistant District Secretary. Backup material for the Agenda is available at the District offices for public review and can be viewed online at the District's website: [www.ocwd.com](http://www.ocwd.com).

Accommodations to the Disabled: Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the District Secretary at (714) 378-3234, by email at [cfuller@ocwd.com](mailto:cfuller@ocwd.com) by fax at (714) 378-3373. Notification 24 hours prior to the meeting will enable District staff to make reasonable arrangements to assure accessibility to the meeting.

Availability of Agenda Material: As a general rule, agenda reports or other written documentation that has been prepared or organized with respect to each item of business listed on the agenda can be reviewed at [www.ocwd.com](http://www.ocwd.com). Copies of these materials and other disclosable public records distributed to all or a majority of the members of the Board of Directors in connection with an Open Session agenda item are also on file with and available for inspection at the Office of the District Secretary, 18700 Ward Street, Fountain Valley, California, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Orange County Water District office.



MINUTES OF BOARD OF DIRECTORS MEETING  
WITH COMMUNICATIONS AND LEGISLATIVE LIAISON COMMITTEE  
ORANGE COUNTY WATER DISTRICT  
March 6, 2025 12:00 p.m.

Director Tran called the Communications and Legislative Liaison Committee meeting to order at 12:00 p.m. in the District Conference Room C-2. Public access was also provided via Zoom webinar. The Secretary called the roll and reported a quorum as follows:

Committee Members

Van Tran  
Roger Yoh  
Steve Sheldon arrived @ 12:10 p.m.  
Valerie Amezcua  
Erik Weigand

OCWD Staff

John Kennedy – General Manager  
Chris Olsen – Executive Director  
Gina Ayala – Director of Public Affairs  
Alicia Harasty – Legislative Affairs Liaison  
Jason Dadakis – Executive Director  
Andre Casasola – IS Specialist  
Leticia Villarreal – Assistant District Secretary

Alternates

Cathy Green  
Fred Jung  
Dina Nguyen (absent)  
Natalie Meeks arrived @ 12:03 p.m.  
Denis Bilodeau (absent)

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Director Weigand, seconded by Director Green and carried [5-0] as follows:

***Ayes – Tran, Yoh, Amezcua, Weigand, Green***

1. Minutes of Previous Meeting

**The minutes of the February 6, 2025 Communications/Legislative Liaison Committee meetings are approved as presented.**

**MATTERS FOR CONSIDERATION**

2. State Legislative Update

The State consultants provided an update on legislation and recommendations on bill positions and efforts that impact the District.

**Upon motion by Director Yoh, seconded by Director Weigand and carried [5-0], the Committee recommended that the Board at its March 19 Board meeting: Take the following positions:**

Bill Number/Author	Short Title	Recommendation
SB 72 (Caballero, D-Merced)	The California Water Plan: long-term supply targets 'California Water for All'	Support
<b>Perfluoroalkyl and polyfluoroalkyl substances (PFAS) Related Bills:</b>		
AB 794 (Gabriel, D-Encino)	California Safe Drinking Water Act: emergency regulations	Watch

SB 454 (McNerney, D-Stockton) ACWA Sponsored Bill	SB 454 State Water Resources Control Board: PFAS Mitigation Program	Support
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**Ayes: Tran, Yoh, Sheldon, Amezcua, Weigand**

3. Federal Legislative Update

Federal Consultants provided an update on federal regulations related to PFAS, funding for OCWD’s projects and bill positions that impact the District.

**Upon motion by Director Sheldon, seconded by Director Weigand and carried [5-0], the Committee recommended that the Board at its March 19 Board meeting: Take the following positions:**

Bill Number/Authors	Short Title	Recommended Position
H.R. 1267 Marie Gluesenkamp Perez (D-WA) & Celeste Maloy (R-UT)	Water Systems PFAS Liability Protection Act	Support
S. 322 Alex Padilla (D-CA)	Improve Atmospheric River Forecasts Act	Support

**Ayes: Tran, Yoh, Sheldon, Amezcua, Weigand**

4. Orange County Water District State and Federal Legislative Goals & Strategy/Legislation Platform

Legislative Affairs Liaison Alicia Harasty provided an updated version incorporating the committee’s comments of the Draft OCWD's 2025 State and Federal Legislative Goals and Strategy and Legislative Platform.

**Upon motion by Director Weigand, seconded by Director Yoh and carried [4-1] with Director Sheldon abstaining, the Committee recommended that the Board at its March 19 Board meeting: Approve the OCWD 2025 State and Federal Legislative Goals and Strategy and OCWD 2025-26 Legislative Platform.**

**Ayes: Tran, Yoh, Amezcua, Weigand**  
**Abstain: Sheldon**

**INFORMATIONAL ITEM**

5. Public Affairs Outreach Report (February 2025)

Director of Public Affairs Gina Ayala provided an overview of outreach activities for February 2025.

February Highlights:

- Fourteen tours were conducted, with a total of 272 guests, along with 4 speaker engagements.
- Social media follows are close to 19,000 over all platforms.
- The District website is being updated by the IS Department with input from Staff to make more visually appealing and improve user experience.

- An upcoming event for March is a Community Update hosted by Assemblymember Tri Ta to be held at the District on March 21 at 3:00 p.m. This event will include a speaker from OCWD to provide information on how we provide reliability for the region and an optional tour of GWRS.
- Planning continues for April's Children's Water Education Festival.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 12:50 p.m.

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Van Tran, Chair



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 3, 2025

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** John Kennedy

**Staff Contact:** G. Ayala/A. Harasty

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**Program/Line-Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: STATE LEGISLATIVE UPDATE**

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### SUMMARY

Orange County Water District (OCWD; the District) staff and consultants will provide an update on legislation of interest to the District.

Attachments:

- Joe A. Gonsalves and Son – Edelstein Gilbert Robson & Smith April Report
- SB 496 Hurtado (D-Bakersfield) Advanced Clean Fleets Regulation: appeals advisory committee: exemptions
- SB 601 Allen (D-Santa Monica) Water: Waste Discharge
- SB 599 Anna Caballero (D-Merced) Atmospheric rivers: research: forecasting methods: experimental tools
- AB 810 Jacqui Irwin (D-Thousand Oaks) Local government: internet websites and email addresses

### RECOMMENDATION

Agendize for April 16 Board meeting: Take the following positions:

Bill Number/Author	Short Title	Recommendation
SB 496 Hurtado (D-Bakersfield)	Advanced Clean Fleets Regulation: appeals advisory committee: exemptions	Support
SB 601 Allen (D-Santa Monica)	Water: Waste Discharge	Oppose
SB 599 Anna Caballero (D-Merced)	Atmospheric rivers research: forecasting methods: experimental tools	Support
AB 810 Jacqui Irwin (D-Thousand Oaks)	Local government: internet websites and email addresses	Oppose

### DISCUSSION/ANALYSIS

## **SB 496 Hurtado (D-Bakersfield) Advanced Clean Fleets Regulation: appeals advisory committee: exemptions**

California Special Districts Association (CSDA), in partnership with local government advocates representing cities and counties, has co-sponsored SB 496 to provide relief to local agencies in their efforts to comply with the ambitious deadlines and requirements of the California Air Resources Board (CARB) Advanced Clean Fleets (ACF) / Zero-Emission Vehicles (ZEV) mandates. For the below reasons, OCWD staff and consultants recommend a “support” position on SB 496. As of this writing, there are none registered with a position on this bill.

According to OCWD staff, one of the biggest issues with the new ACF regulation is the limited ability to apply for and get exemptions to required Zero Emission Vehicle (ZEV) purchases. There are still many types of specialty or work truck vehicles not available in ZEV, but getting an exemption from CARB to purchase an internal combustion engine (ICE) version is nearly impossible.

The recent wildfires have focused CARB’s attention on the fact that ACF implementation (the way the regulation is currently written) would cause further strain to public fleets in the event of wildfires or other natural disasters. SB 496 does the following:

- Updates the emergency vehicle exemption within the ACF
- Modifies the requirements of the daily usage exemption, removing barriers for the applicant to comply with the mandate. Moreover, the legislation promotes affordability by averting the costly acquisition of ZEVs before it is possible to install the infrastructure required to use them.
- Establishes an Appeals Advisory Committee by which local agencies may request a review of exemption request denials. This ensures transparency while protecting due process for those seeking further review.

## **SB 601 Allen (D-Santa Monica) Water: Waste Discharge**

SB 601 seeks to close the regulatory gap created by the U.S. Supreme Court’s Sackett ruling by codifying protections in state law for waters previously protected before the ruling. The bill would go far beyond simply returning to the status quo before the Sackett decision and would create an untenable regulatory and legal environment for water agencies and others. This bill is sponsored by California Coastkeeper Alliance and Defenders of Wildlife. The bill poses unacceptable challenges for water suppliers, and it is unclear what amendments could address those concerns. For these reasons, OCWD’s staff and legal counsel recommend an “Oppose” position. As of this writing, ACWA has an “oppose” position and there are none registered in “support.” The main concerns with the bill include:

### **Private Right of Action & Litigation Risks:**

- SB 601 introduces a private right-of-action, allowing any individual or group to sue businesses, farmers, and local governments over alleged permit violations. The vague definition of “nexus waters” opens the door to abusive lawsuits, which would halt critical projects and have a significant fiscal impact on businesses and governments.

### Remove Consideration of Economic Impacts, etc.:

- SB 601 would remove requirements for the Water Boards to consider economic impacts, the need for housing and recycled water use, and the ability to comply when issuing water quality permits. These are safeguards that require the Water Boards to carefully balance environmental and economic considerations.

### Regulatory Overreach:

- The bill expands federal permitting requirements to non-federal waters and non-point source discharges, going far beyond the historic reach of the federal Clean Water Act. It would impose prescriptive federal Clean Water Act permitting requirements onto categories of discharges that have never before been subject to Clean Water Act permitting. SB 601 would also create new regulatory hurdles at the city and county level, which would lead to further project delays.

### Penalties:

- SB 601 imposes strict federal-style penalties on businesses and municipalities, even for minor or unintentional violations. Imposing severe penalties for all dischargers regardless of the nature and severity of the violation raises questions of fairness and proportionality.

### **SB 599 Anna Caballero (D-Merced) Atmospheric rivers: research: forecasting methods: experimental tools**

SB 599 would require the Department of Water Resources (DWR) to include the use of experimental tools that produce seasonal and sub-seasonal atmospheric river forecasts when researching, developing, and implementing novel forecasting methods to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

This bill would define “seasonal forecast” as a forecast that covers a period of approximately one to six months into the future. The bill would define “sub-seasonal forecast” as a forecast that covers a period of approximately two to six weeks into the future. On page 4 for OCWD’s Legislative Platform it states, “Support adequate state and federal funding for development of Forecast Informed Reservoir Operations (FIRO) and modifications to dam water control manuals to incorporate FIRO to increase water supplies to Orange County,” therefore, OCWD staff and consultants recommend a “support” position on SB 599. As of this writing, ACWA has a “support” position and there are none registered in opposition.

**Background:** Existing law requires the Department of Water Resources (DWR) to operate reservoirs in a manner that improves flood protection and to operate flood control and water storage facilities to capture water generated by atmospheric rivers. Existing law also requires DWR to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

As a result of the coordination of climate science and monitoring, the development of Forecast-Informed Reservoir Operations (FIRO) has emerged as an important climate resilience strategy. Early projects implemented by ACWA member agencies (e.g., Sonoma

Water Agency, Orange County Water District and Turlock Irrigation District) have shown water management benefits from atmospheric river forecasting.

**AB 810 Jacqui Irwin (D-Thousand Oaks) Local government: internet websites and email addresses**

This bill would define a “local agency” as a city, county, city and county, special district, school district, joint powers authority, or other political subdivision.

The bill would require that a local agency that maintains an internet website for use by the public to ensure that the internet website uses a “.gov” top-level domain or a “.ca.gov” second-level domain no later than January 1, 2029. The bill would require a local agency that maintains a website that is noncompliant with that requirement to redirect that website to a domain name that does utilize a “.gov” or “.ca.gov” domain. The bill would also require that a local agency that maintains public email addresses ensures that each email address provided to its employees uses a “.gov” domain name or a “.ca.gov” domain name no later than January 1, 2029.

While the author’s intent is to increase confidence and security through the use of “.gov” domains, the bill does not provide sufficient resources to help local agencies comply with the proposed mandate. It is important to weigh how much confidence and security this would actually provide against the burden it would put on local agencies. For these reasons, OCWD staff and consultants recommend an “oppose” position. As of this writing, ACWA has a “Not Favor” position and there are none registered in “support.”

**ACTIVITIES**

- March 11 President Bilodeau, John Kennedy and Alicia Harasty visited Sacramento and met with Assemblymembers Chen, Dixon and Ta, as well as Senators Umberg and Choi. They also met with staff for Assemblymember Quirk-Silva, Sanchez, and the Assembly Water, Parks and Wildlife Committee
- March 26 Alicia Harasty participated in the ACWA Legislative Symposium
- January 23 Alicia Harasty briefed staff to Assembly Member Avelino Valencia



EDELSTEIN GILBERT ROBSON & SMITH<sup>LLC</sup>



**Joe A. Gonsalves & Son**  
Anthony D. Gonsalves  
Jason A. Gonsalves  
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PROFESSIONAL LEGISLATIVE REPRESENTATION  
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TO: ORANGE COUNTY WATER DISTRICT

FROM: JOE A. GONSALVES AND SON  
EDELSTEIN GILBERT ROBSON & SMITH<sup>LLC</sup>

SUBJECT: LEGISLATIVE UPDATE

DATE: March 25, 2025

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Things are quickly heating up in Sacramento. Bill hearings have begun in earnest as the Assembly and Senate begin to grapple with the more than 1,000 bills that were in print and ready to be heard at the beginning of the week.

As we've discussed in our previous reports, the spot bills and intent bills, non-substantive placeholders for future proposals introduced in February are beginning to be amended into their substantive forms. Nearly 300 such bills were put "into print" just last night. Our firms continue to review these bills and identify those that may be relevant to OCWD.

### **Visit to Sacramento**

President Bilodeau, John Kennedy, and Alicia Harasty visited Sacramento on March 11. While in town, OCWD was able to meet with Assemblymember's Chen, Dixon, and Ta, as well as Senators Umberg and Choi. We were also able to meet with staff for Assemblymember Quirk-Silva, Sanchez, and the Assembly Water, Parks, and Wildlife Committee.

The visits presented a valuable opportunity for President Bilodeau and OCWD staff to lobby many of its legislators on several important issues.

First, OCWD was able to educate its delegation and others on the significant potential impacts of AB 794 (Gabriel). As you are aware, AB 794 gives the state authority to adopt primary drinking water standards for PFAS and other contaminants that go above and beyond those issued by the US EPA. Moreover, the bill allows the State Water Resources Control Board to take these actions through an emergency rulemaking process offering little opportunity for engagement and review from the public.

In addition, OCWD was able to raise the need for state assistance for its ongoing work to install treatment equipment to remove PFAS from groundwater. As always, OCWD made the point that its producers ratepayers have had to dig deep to address this issue, and that state support is needed to avoid additional unnecessary costs to ratepayers.

Finally, President Bilodeau was able to raise several district-specific issues for a number of OCWD legislators, ensuring that these legislators are well informed if OCWD needs their assistance down the line.

**Introduced by Senator Hurtado**  
**(Coauthors: Senators Archuleta and Niello)**  
(Coauthor: Assembly Member Alanis)

February 19, 2025

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An act to add Article 6 (commencing with Section 43850) and Article 6.2 (commencing with Section 43860) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 496, as introduced, Hurtado. Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources.

Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances.

This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified governmental and nongovernmental entities. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board’s internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee’s consideration of an appeal to be made publicly available on the state board’s internet website. The bill would require the state board to consider a recommendation of the committee at a public meeting no later than 60 days after the recommendation is made.

This bill would expand the emergency vehicle exemption under the Advanced Clean Fleets Regulation or similar regulation, as specified. The bill, with respect to requirements applicable to state and local government fleets under the Advanced Clean Fleets Regulation, would modify the requirements of the daily usage exemption and would prohibit the state board from requiring the fleet owner to provide documentation showing the executed zero-emissions vehicle purchase agreement in order to qualify for a specified extension to comply with certain requirements of the regulation.

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. Article 6 (commencing with Section 43850) is  
 2 added to Chapter 4 of Part 5 of Division 26 of the Health and Safety  
 3 Code, to read:

4  
 5 Article 6. Advanced Clean Fleets Regulation Appeals Advisory  
 6 Committee

7  
 8 43850. For purposes of this article, the following definitions  
 9 apply:

1 (a) “Advanced Clean Fleets Regulation” means Article 3.2  
2 (commencing with Section 2013) of, Article 3.3 (commencing  
3 with Section 2014) of, Article 3.4 (commencing with Section 2015)  
4 of, and Article 3.5 (commencing with Section 2016) of, Chapter  
5 1 of Division 3 of Title 13 of the California Code of Regulations.

6 (b) “Committee” means the Advanced Clean Fleets Regulation  
7 Appeals Advisory Committee established pursuant to Section  
8 43851.

9 (c) “Electrical corporation” has the same meaning as defined  
10 in Section 218 of the Public Utilities Code.

11 43851. (a) (1) On or before \_\_\_\_\_, the state board shall  
12 establish the Advanced Clean Fleets Regulation Appeals Advisory  
13 Committee.

14 (2) The committee shall review appeals of denied requests for  
15 exemptions or time extensions from the requirements of the  
16 Advanced Clean Fleets Regulation and make recommendations  
17 to the state board with respect to the denial of the exemption or  
18 time extension request.

19 (b) The committee shall be composed of all of the following:

20 (1) One representative of the state board who is appointed by  
21 the state board.

22 (2) One representative of the Public Utilities Commission who  
23 is appointed by the Public Utilities Commission.

24 (3) One representative of the State Energy Resources  
25 Conservation and Development Commission who is appointed by  
26 the State Energy Resources Conservation and Development  
27 Commission.

28 (4) One representative of the Department of General Services  
29 who is appointed by the Director of General Services.

30 (5) One representative of the Department of Transportation who  
31 is appointed by the Director of Transportation.

32 (6) One representative of a transit agency who is appointed by  
33 the state board.

34 (7) One representative of a regional transportation agency who  
35 is appointed by the state board.

36 (8) (A) No fewer than 13 and no more than 21 members selected  
37 by the state board from any of the following categories:

38 (i) (I) Private fleet owners.

39 (ii) (II) No less than 25 percent of the members appointed pursuant  
40 to this paragraph shall be private fleet owners.

1 (ii) (I) State and local government representatives with expertise  
2 relating to government fleets.  
3 (II) No less than 25 percent of the members appointed pursuant  
4 to this paragraph shall be public fleet managers.  
5 (iii) Representatives of electrical corporations.  
6 (iv) Electric vehicle manufacturing industry experts.  
7 (v) Representatives of environmental and environmental justice  
8 groups.  
9 (vi) Representatives of labor groups.  
10 (B) Members appointed pursuant to this paragraph shall serve  
11 on the committee for a minimum of one year and a maximum of  
12 three years.  
13 43852. (a) The committee shall meet monthly on an evenly  
14 spaced schedule.  
15 (b) (1) Meetings of the committee shall be open to the public  
16 in accordance with the requirements of the Bagley-Keene Open  
17 Meeting Act (Article 9 (commencing with Section 11120) of  
18 Chapter 1 of Part 1 of Division 3 of Title 2 of the Government  
19 Code).  
20 (2) Meetings of the committee shall be recorded and the  
21 recording of each meeting shall be made publicly available on the  
22 state board's internet website.  
23 (3) It is the intent of the Legislature that members of the  
24 committee review materials relating to committee meetings and  
25 engage in constructive dialogue in all meetings.  
26 (c) The representative of the state board shall be the nonvoting  
27 chair of the committee.  
28 (d) A quorum shall consist of a majority of the voting members  
29 appointed to the committee at the time of a meeting. Any action  
30 requires a majority vote of the members present at a meeting at  
31 which there is a quorum.  
32 43853. (a) If the state board denies an application for an  
33 exemption or time extension from any requirement of the Advanced  
34 Clean Fleets Regulation, the applicant may appeal the denial to  
35 the committee.  
36 (b) No later than 60 days after the applicant appeals the denial  
37 of the exemption or time extension request to the committee, the  
38 committee shall consider the appeal at a meeting and make a  
39 recommendation to the state board regarding whether the  
40 exemption or time extension request should have been denied.

1 (c) The chair of the committee shall serve as the liaison between  
2 the committee and the state board, and shall report the actions and  
3 recommendations of the committee to the state board.

4 (d) For each appeal to the committee, all of the following  
5 information shall be made publicly available on the state board's  
6 internet website:

7 (1) The applicant's original request for an exemption or time  
8 extension from any requirement of the Advanced Clean Fleets  
9 Regulation and any accompanying information submitted by the  
10 applicant.

11 (2) All materials of the state board relating to the denial of the  
12 exemption or time extension request.

13 (3) The appeal and any accompanying information submitted  
14 by the applicant.

15 (4) The minutes of the meeting during which the appeal was  
16 considered.

17 (e) No later than 60 days after the committee makes a  
18 recommendation pursuant to subdivision (b), the state board shall  
19 consider the recommendation at a public meeting of the state board.

20 SEC. 2. Article 6.2 (commencing with Section 43860) is added  
21 to Chapter 4 of Part 5 of Division 26 of the Health and Safety  
22 Code, to read:

23  
24 Article 6.2. Advanced Clean Fleets Regulation  
25

26 43860. For purposes of this article, "Advanced Clean Fleets  
27 Regulation" means Article 3.2 (commencing with Section 2013)  
28 of, Article 3.3 (commencing with Section 2014) of, Article 3.4  
29 (commencing with Section 2015) of, and Article 3.5 (commencing  
30 with Section 2016) of, Chapter 1 of Division 3 of Title 13 of the  
31 California Code of Regulations.

32 43861. For purposes of the Advanced Clean Fleets Regulation,  
33 or a similar regulation adopted by the state board, vehicles  
34 reasonably anticipated to respond to emergency situations, or that  
35 support those efforts, and vehicles reasonably anticipated to be  
36 used by disaster services workers, as described in Section 3100 of  
37 the Government Code, for purposes of responding to the disaster  
38 for which they have been activated, are exempt to the same extent  
39 as authorized emergency vehicles as defined in Section 165 of the  
40 Vehicle Code.

1 43862. For purposes of the extension authorized in paragraph  
2 (3) of subdivision (n) of Section 2013, and subdivision (c) of  
3 Section 2013.1, of Title 13 of the California Code of Regulations,  
4 the state board shall not require a fleet owner to submit  
5 documentation showing the executed zero-emissions vehicle  
6 purchase agreement in order to qualify for that extension.

7 43863. (a) The state board shall not administer the daily usage  
8 exemption established pursuant to subdivision (b) of Section 2013.1  
9 of Title 13 of the California Code of Regulations in accordance  
10 with the criteria set forth in that subdivision. Instead, the state  
11 board shall administer the daily usage exemption established  
12 pursuant to that subdivision in accordance with the criteria set  
13 forth in subdivision (b).

14 (b) Fleet owners may request an exemption as specified in  
15 paragraph (2) of subdivision (n) of Section 2013 of Title 13 of the  
16 California Code of Regulations to purchase a new internal  
17 combustion engine (ICE) vehicle of the same configuration as an  
18 ICE vehicle being replaced as specified in paragraph (1) of  
19 subdivision (b) of Section 2013.1 of Title 13 of the California Code  
20 of Regulations if no new battery-electric vehicle (BEV) is available  
21 to purchase that can meet the demonstrated daily usage needs of  
22 any existing vehicles of the same configuration in the fleet, as  
23 determined by the criteria specified in paragraphs (2) to (5),  
24 inclusive, of subdivision (b) of Section 2013.1 of Title 13 of the  
25 California Code of Regulations. If approved, fleet owners shall  
26 place their new ICE vehicle orders within one year from the date  
27 the exemption is granted. The executive officer of the state board  
28 shall not approve exemption requests for a vehicle configuration  
29 that is available to purchase as a near-zero-emissions vehicle. The  
30 fleet owner shall submit the following information by email to  
31 TRUCRS@arb.ca.gov to apply:

32 (1) The make, model, weight class, configuration, and a  
33 photograph of the ICE vehicle to be replaced.

34 (2) The BEV that is available to purchase in the same weight  
35 class and configuration with the highest rated energy capacity  
36 available. The fleet owner shall submit the make, model, weight  
37 class, configuration, and rated energy capacity of the identified  
38 BEV.

39 (3) (A) The BEV manufacturer's available full state of charge  
40 minimum and maximum range specifications in ideal and

1 less-than-ideal conditions, including when operated in ambient  
2 temperatures below 45 and above 90 degrees Fahrenheit and when  
3 operated under maximum towing capacity loads and climbing road  
4 grades with a minimum 5-percent grade for four miles. If this  
5 information is not available from the BEV manufacturer, a  
6 20-percent reduction in maximum range shall be used for a range  
7 comparison to an ICE vehicle's range data. For vehicles that  
8 operate truck-mounted or integrated equipment while stationary,  
9 in lieu of supplying the BEV manufacturer's range specifications  
10 based on vehicle miles traveled, the needed rated energy capacity  
11 is the same as the measured BEV energy use specified in  
12 subparagraph (B). The fleet owner shall submit the calculation and  
13 results.

14 (B) In lieu of providing BEV manufacturer minimum and  
15 maximum range specifications as specified in subparagraph (A),  
16 fleet owners may instead submit measured fuel burn rate data from  
17 ICE vehicles of the same configuration already operated on similar  
18 daily assignments to substantiate their exemption request.  
19 Information shall include vehicle loading and weight data, route  
20 grade, low and high ambient temperatures, and vehicle miles  
21 traveled per day, for three consecutive business days. For vehicles  
22 that operate truck-mounted or integrated equipment while  
23 stationary, the fuel burn rate data shall also include fuel used while  
24 stationary truck-mounted or integrated equipment is operated each  
25 day.

26 (4) A description of the daily assignments or routes used by  
27 existing vehicle configurations with an explanation as to why no  
28 new BEVs available to purchase of the same weight class and  
29 configuration can be charged or refueled during the workday at  
30 the depot, within one mile of the routes, or where ZEV fueling  
31 infrastructure is available. The explanation shall include a  
32 description of why charging could not be managed during driver  
33 rest periods or breaks during the workday.

34 (5) In granting or denying the exemption request, the executive  
35 officer of the state board shall rely on the information submitted  
36 by the applicant and use their good engineering judgment to  
37 determine whether the information meets the criteria specified in  
38 this subdivision. The executive officer shall include information  
39 regarding their years of related vehicle engineering experience,

- 1 certifications, and any professional engineering licenses they have
- 2 with a denied exemption request.

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**Introduced by Senator Allen  
(Coauthor: Senator Gonzalez)**

February 20, 2025

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An act to amend Sections 16000.3 and 16100.3 of the Business and Professions Code, to add and repeal Section 116365.04 of the Health and Safety Code, and to amend Sections 13170, 13263, 13350, 13370, 13372, 13373, 13376, 13383.5, 13385, 13385.1, and 13387 of, to amend the heading of Chapter 5.5 (commencing with Section 13370) of Division 7 of, to add Sections 13052, 13164.5, 13250, 13251, 13352, and 13377.5 to, and to add Article 8 (commencing with Section 13366) to Chapter 5 of Division 7 of, the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 601, as introduced, Allen. Water: waste discharge.

(1) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act (act) and the National Pollutant Discharge Elimination System (NPDES) permit program. Existing law requires, when applying to a city or a county for an initial business license, equivalent instrument, or permit, or renewal thereof, a person who conducts a business operation that is a regulated industry, as defined, to demonstrate enrollment with the NPDES permit program by providing specified information, under penalty of perjury, on the application. Existing law includes in this specified information, among other things, the Standard Industrial Classification Codes for the business, and a Waste Discharger Identification number (WDID), as specified.

This bill would revise the above-described requirement to demonstrate enrollment with NPDES to instead require demonstrating enrollment with NPDES or the Waste Discharge Requirements (WDR) permit programs by providing the specified information. The bill would require, when applying to a city or a county for a building or construction permit, a person who conducts a business operation that is a regulated industry and seeks permission for construction activities over one acre to demonstrate enrollment with the NPDES or WDR permit programs by providing specified information under penalty of perjury on the initial building or construction permit application, or renewal thereof. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would include in this specified information, among other things, the total planned disturbed acreage and WDID or WDID application number issued for the construction or land disturbance activity by the State Water Resources Control Board. By increasing the duties of local officials to administer licenses and permits, the bill would impose a state-mandated local program.

(2) Existing law, the California Safe Drinking Water Act, among other things, requires the State Water Resources Control Board to adopt primary drinking water standards for contaminants in drinking water, as specified, and requires these standards to not be less stringent than the national primary drinking water standards adopted by the United States Environmental Protection Agency.

This bill would require the state board to, on or before June 30, 2028, adopt a primary drinking water standard at least as stringent as the national primary drinking water standard adopted by the United States Environmental Protection Agency that was in effect on January 19, 2025, as specified. The bill would repeal these provisions on January 1, 2030.

(3) Under the act, State Water Resources Control Board is authorized to adopt water quality control plans for waters for which quality standards are required by the federal Clean Water Act, as specified, and that in the event of conflict, those plans supersede regional water quality control plans for the same waters.

This bill would delete the limitation on the state board's authorization, and instead would authorize the state board to adopt water quality control plans for any waters of the state, which would include nexus waters, which the bill would define as all waters of the state, except as specified. The bill would require any water quality standard applicable to nexus waters, which was submitted to, and approved by, or is awaiting

approval by, the United States Environmental Protection Agency or the state board as of January 19, 2025, to remain in effect, except where the state board, regional board, or United States Environmental Protection Agency adopts a more stringent standard. The bill would require the state board and regional boards to include nexus waters in all processes pursuant to the federal Clean Water Act, including, but not limited to, the California Integrated Report and the establishment of total maximum daily loads, as specified.

(4) Existing law requires a regional board, after any necessary hearing, to prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed and sets forth what the requirements are to include.

This bill would require the above-described discharge requirements to include, among other things, state policies for water quality control.

(5) The act authorizes the imposition of civil penalties for violations of certain waste discharge requirements, including violation of a cease and desist order or a cleanup and abatement order, and requires that penalties imposed pursuant to these provisions be deposited into the Waste Discharge Permit Fund, to be expended by the state board, upon appropriation by the Legislature, for specified purposes related to water quality. For violations of certain other waste discharge requirements, such as a violation of a waste discharge requirement or dredged or fill material permit, the act imposes specified civil penalties, the proceeds of which are deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account. Existing law provides that any person who knowingly or negligently takes specified actions related to waste discharge is guilty of a crime. Existing law prohibits a person from initiating any new discharge of waste or making any material changes in any discharge, or initiating a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report, as specified.

This bill would require, commencing January 1, 2026, and each calendar year thereafter, the state board's executive director to adjust civil monetary penalties, as specified, including the civil penalties for the above-described provisions. By increasing the amount of penalties deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account, the bill would make an appropriation.

The bill would make a person who fails to file a report pursuant to the above-described provisions regarding injection wells subject to civil liability or criminal liability, as specified. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(6) Existing law generally provides for enforcement and implementation of the act.

This bill would authorize an action to be brought in superior court by a person in the public interest to enforce federal requirements, state standards incorporated by or adopted under this division applicable to nexus waters, or other waste discharge requirements applicable to nexus waters, as specified.

(7) The act provides various provisions related to waste discharge to ensure consistency with the requirements for state programs implementing the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto. The act defines the terms “navigable waters,” “administrator,” “pollutants,” “biological monitoring,” “discharge,” and “point sources” as having the same meaning as in the Federal Water Pollution Control Act.

This bill would provide that “navigable waters” and “navigable waters of the United States” include nexus waters and “discharge” include discharges to nexus waters. The bill would require waste discharge requirements adopted or amended for discharges to nexus waters to be adopted pursuant to and in accordance with the requirements of provisions implementing the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto, as specified.

(8) The act requires a person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge, except as specified. The act prohibits the discharge of pollutants or dredged or fill material or the operation of a publicly owned treatment works or other treatment works treating domestic sewage by any person, except as authorized by waste discharge requirements or dredged or fill material permits.

This bill would require a person to file a report for discharges to nexus waters. The bill would apply the above-described prohibition to nexus waters.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 16000.3 of the Business and Professions  
2 Code is amended to read:

3 16000.3. (a) When applying to a city for an initial business  
4 license, equivalent instrument, or permit, or renewal thereof, a  
5 person who conducts a business operation that is a regulated  
6 industry, as defined in Section 13383.5 of the Water Code, shall  
7 demonstrate enrollment with the National Pollutant Discharge  
8 Elimination System (NPDES) *or the Waste Discharge*  
9 *Requirements (WDR) permit-program programs* by providing all  
10 of the following information, under penalty of perjury, on the initial  
11 business license, equivalent instrument, or permit, or renewal  
12 thereof, application:

13 (1) The name and location of facilities operated by the person  
14 who conducts that business.

15 (2) All primary Standard Industrial Classification Codes, as  
16 defined in Section 25244.14 of the Health and Safety Code, for  
17 the business.

18 (3) Any of the following for each facility operated by the person  
19 of that business:

20 (A) The stormwater permit number, known as the Waste  
21 Discharger Identification number (WDID), issued for the facility  
22 by the State Water Resources Control Board.

23 (B) The WDID application number issued for the facility by  
24 the State Water Resources Control Board.

25 (C) The “notice of nonapplicability” (NONA) identification  
26 number issued for the facility by the State Water Resources Control  
27 Board.

28 (D) The “no exposure certification” (NEC) identification number  
29 issued for the facility by the State Water Resources Control Board.

1 (b) Prior to the issuance or renewal of the business license,  
2 equivalent instrument, or permit, the city shall determine whether  
3 any of the primary Standard Industrial Classification Codes are  
4 applicable to a General Permit for Storm Water Discharges  
5 Associated with Industrial Activities Excluding Construction  
6 Activities, as referenced in Section 13383.5 of the Water Code,  
7 and if applicable, the city shall confirm that the WDID, WDID  
8 application number, NONA, or NEC corresponds to the business  
9 requesting the initial business license or business license renewal.  
10 To determine whether any of the primary Standard Industrial  
11 Classification Codes are applicable to a General Permit for Storm  
12 Water Discharges Associated with Industrial Activities Excluding  
13 Construction Activities, as referenced in Section 13383.5 of the  
14 Water Code, the city may use information provided by the State  
15 Water Resources Control Board, including information posted  
16 pursuant to Section 13383.10 of the Water Code for these purposes.  
17 To confirm the WDID, WDID application number, NONA, or  
18 NEC, the city shall only need to keep record of the applicable  
19 documentation.

20 (c) *When applying to a city for a building or construction permit,*  
21 *or renewal thereof, a person who conducts a business operation*  
22 *that is a regulated industry, as defined in Section 13383.5 of the*  
23 *Water Code, and seeks permission for construction activities over*  
24 *one acre shall demonstrate enrollment with the NPDES or WDR*  
25 *permit programs by providing all of the following information,*  
26 *under penalty of perjury, on the initial building or construction,*  
27 *or renewal thereof, application:*

28 (1) *The company name and building or construction site name*  
29 *or address.*

30 (2) *The total planned disturbed acreage.*

31 (3) *The WDID or WDID application number issued for the*  
32 *construction or land disturbance activity by the State Water*  
33 *Resources Control Board.*

34 (d) *Before the issuance or renewal of a building or construction*  
35 *permit, license, or equivalent instrument that authorizes*  
36 *construction or land disturbance over one acre, the city shall*  
37 *confirm that the construction company has a valid WDID or WDID*  
38 *application number. To confirm the WDID or WDID application*  
39 *number, the city shall only need to keep a record of the applicable*  
40 *documentation.*

1     ~~(e)~~  
2     (e) The city shall transfer compliance information received in  
3 ~~subdivision~~ *subdivisions* (a) and (c) to the State Water Resources  
4 Control Board as requested by the board. The city shall make the  
5 identification number provided in the applicable documentation  
6 available to the public upon request in a manner consistent with  
7 the procedures of the California Public Records Act (Division 10  
8 (commencing with Section 7920.000) of Title 1 of the Government  
9 Code).

10    ~~(f)~~  
11    (f) For business license, equivalent instrument, or permit  
12 renewals, a city may develop a provisional license procedure that  
13 provides businesses three months to comply with the requirements  
14 of this section.

15    ~~(e)~~  
16    (g) “City” includes a charter city and a charter city and county.

17    ~~(f)~~  
18    (h) This section shall apply to applications for initial business  
19 licenses, equivalent instruments, or permits, *including building or*  
20 *construction permits*, and renewals thereof, submitted on and after  
21 January 1, 2020.

22    ~~(g)~~  
23    (i) This section shall not apply to a city that does not issue or  
24 renew, or have an application process for issuing or renewing,  
25 business licenses, equivalent instruments, ~~or~~ permits that include  
26 a business ~~license~~: *license, or building or construction permits*.

27    ~~(h)~~  
28    (j) This section shall not be construed to impose any additional  
29 liability on a city under the ~~National Pollutant Discharge~~  
30 ~~Elimination System~~ *NPDES or WDR permit-program programs*  
31 for nonenrollment under a General Permit for Storm Water  
32 Discharges Associated with Industrial Activities Excluding  
33 Construction Activities by a person who conducts a business  
34 operation that is a regulated industry, as defined in Section 13383.5  
35 of the ~~Water Code~~: *Code, or consistent with Section 13374 of the*  
36 *Water Code associated with construction and land disturbance*  
37 *activities*.

38    ~~(i)~~  
39    (k) For purposes of this section, a business license, equivalent  
40 instrument, or permit includes a business license, equivalent

1 instrument, or permit issued solely for the purpose of raising  
2 revenue.

3 SEC. 2. Section 16100.3 of the Business and Professions Code  
4 is amended to read:

5 16100.3. (a) When applying to a county for an initial business  
6 license, equivalent instrument, or permit, or business renewal  
7 thereof, a person who conducts a business operation that is a  
8 regulated industry, as defined in Section 13383.5 of the Water  
9 Code, shall demonstrate enrollment with the National Pollutant  
10 Discharge Elimination System (NPDES) *or the Waste Discharge*  
11 *Requirements (WDR) permit-program programs* by providing all  
12 of the following information, under penalty of perjury, on the initial  
13 business license, equivalent instrument, or permit, or renewal  
14 thereof, application:

15 (1) The name and location of facilities operated by the person  
16 who conducts that business.

17 (2) All primary Standard Industrial Classification Codes, as  
18 defined in Section 25244.14 of the Health and Safety Code, for  
19 the business.

20 (3) Any of the following for each facility operated by the person  
21 of that business:

22 (A) The stormwater permit number, known as the Waste  
23 Discharger Identification number (WDID), issued for the facility  
24 by the State Water Resources Control Board.

25 (B) The WDID application number issued for the facility by  
26 the State Water Resources Control Board.

27 (C) The “notice of nonapplicability” (NONA) identification  
28 number issued for the facility by the State Water Resources Control  
29 Board.

30 (D) The “no exposure certification” (NEC) identification number  
31 issued for the facility by the State Water Resources Control Board.

32 (b) Prior to the issuance or renewal of the business license,  
33 equivalent instrument, or permit, the county shall determine  
34 whether any of the primary Standard Industrial Classification  
35 Codes are applicable to a General Permit for Storm Water  
36 Discharges Associated with Industrial Activities Excluding  
37 Construction Activities, as referenced in Section 13383.5 of the  
38 Water Code, and if applicable, the county shall confirm that the  
39 WDID, WDID application number, NONA, or NEC corresponds  
40 to the business requesting the initial business license or business

1 license renewal. To determine whether any of the primary Standard  
2 Industrial Classification Codes are applicable to a General Permit  
3 for Storm Water Discharges Associated with Industrial Activities  
4 Excluding Construction Activities, as referenced in Section 13383.5  
5 of the Water Code, the county may use information provided by  
6 the State Water Resources Control Board, including information  
7 posted pursuant to Section 13383.10 of the Water Code for these  
8 purposes. To confirm the WDID, WDID application number,  
9 NONA, or NEC, the county shall only need to keep record of the  
10 applicable documentation.

11 *(c) When applying to a county for a building or construction*  
12 *permit, or renewal thereof, a person who conducts a business*  
13 *operation that is a regulated industry, as defined in Section 13383.5*  
14 *of the Water Code, and seeks permission for construction activities*  
15 *over one acre shall demonstrate enrollment with the NPDES or*  
16 *WDR permit programs by providing all of the following*  
17 *information, under penalty of perjury, on the initial building or*  
18 *construction, or renewal thereof, application:*

19 *(1) The company name and building or construction site name*  
20 *or address.*

21 *(2) The total planned disturbed acreage.*

22 *(3) The WDID or WDID application number issued for the*  
23 *construction or land disturbance activity by the State Water*  
24 *Resources Control Board.*

25 *(d) Before the issuance or renewal of a building or construction*  
26 *permit, license, or equivalent instrument that authorizes*  
27 *construction or land disturbance over one acre, the county shall*  
28 *confirm that the construction company has a valid WDID or WDID*  
29 *application number. To confirm the WDID or WDID application*  
30 *number, the county shall only need to keep a record of the*  
31 *applicable documentation.*

32 *(e)*

33 *(e) The county shall transfer compliance information received*  
34 *in ~~subdivision~~ subdivisions (a) and (c) to the State Water Resources*  
35 *Control Board as requested by the board. The county shall make*  
36 *the identification number provided in the applicable documentation*  
37 *available to the public upon request in a manner consistent with*  
38 *the procedures of the California Public Records Act (Division 10*  
39 *(commencing with Section 7920.000) of Title 1 of the Government*  
40 *Code).*

1     ~~(d)~~  
 2     (f) For business license, equivalent instrument, or permit  
 3 renewals, a county may develop a provisional license procedure  
 4 that provides businesses three months to comply with the  
 5 requirements of this section.

6     ~~(e)~~  
 7     (g) “County” includes a charter county and a charter city and  
 8 county.

9     ~~(f)~~  
 10    (h) This section shall apply to applications for initial business  
 11 licenses, equivalent instruments, or permits, *including building or*  
 12 *construction permits*, and renewals thereof, submitted on and after  
 13 January 1, 2020.

14    ~~(g)~~  
 15    (i) This section shall not apply to a county that does not issue  
 16 or renew, or have an application process for issuing or renewing,  
 17 business licenses, equivalent instruments, ~~or~~ permits that include  
 18 a business ~~license~~. *license, or building or construction permits.*

19    ~~(h)~~  
 20    (j) This section shall not be construed to impose any additional  
 21 liability on a county under the ~~National Pollutant Discharge~~  
 22 ~~Elimination System NPDES or WDR permit program programs~~  
 23 for nonenrollment under a General Permit for Storm Water  
 24 Discharges Associated with Industrial Activities Excluding  
 25 Construction Activities by a person who conducts a business  
 26 operation that is a regulated industry, as defined in Section 13383.5  
 27 of the ~~Water Code~~. *Code, or consistent with Section 13374 of the*  
 28 *Water Code, associated with construction and land disturbance*  
 29 *activities.*

30    ~~(i)~~  
 31    (k) For purposes of this section, a business license, equivalent  
 32 instrument, or permit includes a business license, equivalent  
 33 instrument, or permit issued solely for the purpose of raising  
 34 revenue.

35    SEC. 3. Section 116365.04 is added to the Health and Safety  
 36 Code, to read:

37    116365.04. (a) (1) On or before June 30, 2028, the state board  
 38 shall adopt a primary drinking water standard at least as stringent  
 39 as the national primary drinking water standard adopted by the

1 United States Environmental Protection Agency that was in effect  
2 on January 19, 2025.

3 (2) If the state’s primary drinking water standard is not  
4 materially different in substance and effect than the requirements  
5 of the national primary drinking water standard that was in effect  
6 on January 19, 2025, the state board may adopt the primary  
7 drinking water standard as an emergency regulation, even if the  
8 national standard has been repealed or replaced by a less stringent  
9 standard. The adoption of a regulation pursuant to this paragraph  
10 is an emergency and shall be considered by the Office of  
11 Administrative Law as necessary for the immediate preservation  
12 of the public peace, health, safety, and general welfare.  
13 Notwithstanding Chapter 3.5 (commencing with Section 11340)  
14 of Part 1 of Division 3 of Title 2 of the Government Code, an  
15 emergency regulation adopted by the state board pursuant to this  
16 section is not subject to review by the Office of Administrative  
17 Law and shall remain in effect until revised by the state board.  
18 Notwithstanding Section 15300.2 of Title 14 of the California  
19 Code of Regulations, actions of the state board under this paragraph  
20 shall be deemed to be within Section 15308 of Title 14 of the  
21 California Code of Regulations, provided that those actions do not  
22 involve relaxation of primary drinking water standards in effect  
23 under this chapter.

24 (b) This section is not a limitation on the authority of the state  
25 board to do either of the following:

26 (1) To adopt a primary drinking water standard that maintains  
27 or provides greater protection of the health of persons than provided  
28 by a national primary drinking water standard that was in effect  
29 on January 19, 2025.

30 (2) To adopt a regulation under subdivision (j) of Section 116365  
31 in lieu of establishing a maximum contaminant level.

32 (c) This section shall become inoperative on January 20, 2029,  
33 and, as of January 1, 2030, is repealed.

34 SEC. 4. Section 13052 is added to the Water Code, immediately  
35 following Section 13051, to read:

36 13052. As used in this division:

37 (a) “Federal standards” means federal laws or federal regulations  
38 implementing the Federal Water Pollution Control Act (33 U.S.C.  
39 Sec. 1251 et seq.), including, but not limited to, water quality  
40 standards, effluent limitations, and drinking water standards in

1 effect as of January 19, 2025. If, after January 19, 2025, those  
2 federal laws or regulations are modified to set a more stringent  
3 requirement, the more stringent requirements shall apply.

4 (b) “Nexus waters” means all waters of the state, except for any  
5 of the following:

6 (1) The waters of the state were determined to be  
7 nonjurisdictional for purposes of the Federal Water Pollution  
8 Control Act (33 U.S.C. Sec. 1251, et seq.) by a United States Army  
9 Corps of Engineers approved jurisdictional determination or  
10 verified aquatic resource delineation report prior to May 25, 2023.

11 (2) For waters of the state that were determined to be  
12 nonjurisdictional pursuant to paragraph (1), all of the following  
13 associated waters:

14 (A) Nonwetland tributaries that are tributary only.

15 (B) A wetland that is adjacent to, adjoining, or otherwise  
16 hydraulically connected.

17 (C) A wetland that is not adjacent to, adjoining, or otherwise  
18 hydraulically connected to any nonwetland waters of the state.

19 (3) The waters of the state falls within any of the following  
20 exclusions:

21 (A) Groundwater.

22 (B) Waste treatment systems, including treatment ponds or  
23 lagoons, designed to meet the requirements of the Federal Water  
24 Pollution Control Act (33 U.S.C. Sec. 1251, et seq.).

25 (C) Prior converted cropland designated by the United States  
26 Secretary of Agriculture.

27 (D) Ditches, including roadside ditches, excavated wholly in  
28 and draining only dry land and that do not carry a relatively  
29 permanent flow of water.

30 (E) Artificially irrigated areas that would revert to dry land if  
31 the irrigation ceased.

32 (F) Artificial lakes or ponds created by excavating or diking  
33 dry land to collect and retain water and that are used exclusively  
34 for purposes such as stock watering, irrigation, settling basins, or  
35 rice growing.

36 (G) Artificial reflecting or swimming pools or other small  
37 ornamental bodies of water created by excavating or diking dry  
38 land to retain water for primarily aesthetic reasons.

39 (H) Water-filled depressions created in dry land incidental to  
40 construction activity and pits excavated in dry land for the purpose

1 of obtaining fill, sand, or gravel unless and until the construction  
2 or excavation operation is abandoned.

3 (I) Swales and erosional features characterized by low-volume,  
4 infrequent, or short-duration flow.

5 SEC. 5. Section 13164.5 is added to the Water Code, to read:

6 13164.5. The state board shall include nexus waters in all  
7 processes pursuant to the federal Clean Water Act (33 U.S.C. Sec.  
8 1313(d)), including, but not limited to, the California Integrated  
9 Report and the establishment of total maximum daily loads.  
10 California Integrated Report listings and total maximum daily  
11 loads listed, established, or in process for nexus waters prior to  
12 January 19, 2025, shall continue in effect or development.

13 SEC. 6. Section 13170 of the Water Code is amended to read:

14 13170. The state board may adopt water quality control plans  
15 in accordance with the provisions of Sections 13240 to 13244,  
16 ~~inclusive, insofar as they are applicable, for waters for which water~~  
17 ~~quality standards are required by the Federal Water Pollution~~  
18 ~~Control Act and acts amendatory thereof or supplementary thereto.~~  
19 *Such inclusive. Those* plans, when adopted, supersede any regional  
20 water quality control plans for the same waters to the extent of any  
21 conflict.

22 SEC. 7. Section 13250 is added to the Water Code, to read:

23 13250. Any water quality standard applicable to nexus waters,  
24 which was submitted to, and approved by, or is awaiting approval  
25 by, the United States Environmental Protection Agency or the state  
26 board as of January 19, 2025, shall remain in effect, except where  
27 the state board, regional board, or United States Environmental  
28 Protection Agency adopts a more stringent standard.

29 SEC. 8. Section 13251 is added to the Water Code, to read:

30 13251. The regional boards shall include nexus waters in all  
31 processes pursuant to the federal Clean Water Act (33 U.S.C. Sec.  
32 1313(d)), including, but not limited to, the California Integrated  
33 Report and the establishment of total maximum daily loads.  
34 California Integrated Report listings and total maximum daily  
35 loads listed, established, or in process for nexus waters prior to  
36 January 19, 2025, shall continue in effect or development.

37 SEC. 9. Section 13263 of the Water Code is amended to read:

38 13263. (a) The regional board, after any necessary hearing,  
39 shall prescribe requirements as to the nature of any proposed  
40 discharge, existing discharge, or material change in an existing

1 discharge, except discharges into a community sewer system, with  
2 relation to the conditions existing in the disposal area or receiving  
3 waters upon, or into which, the discharge is made or proposed.  
4 The requirements shall implement any relevant water quality  
5 control plans *and state policies for water quality control* that have  
6 been adopted, and shall take into consideration the *past, present,*  
7 *and probable future* beneficial uses to be protected, the water  
8 quality objectives reasonably required for that purpose, other waste  
9 discharges, ~~and the need to prevent nuisance, and the provisions~~  
10 ~~of Section 13241.~~ *nuisance. In the case of discharges to nexus*  
11 *waters, the requirements shall implement the relevant federal*  
12 *standards.*

13 (b) A regional board, in prescribing requirements, need not  
14 authorize the utilization of the full waste assimilation capacities  
15 of the receiving waters.

16 (c) The requirements may contain a time schedule, subject to  
17 revision in the discretion of the board.

18 (d) The regional board may prescribe requirements although no  
19 discharge report has been filed.

20 (e) Upon application by any affected person, or on its own  
21 motion, the regional board may review and revise requirements.  
22 All requirements shall be reviewed periodically.

23 (f) The regional board shall notify in writing the person making  
24 or proposing the discharge or the change therein of the discharge  
25 requirements to be met. After receipt of the notice, the person so  
26 notified shall provide adequate means to meet the requirements.

27 (g) No discharge of waste into the waters of the state, whether  
28 or not the discharge is made pursuant to waste discharge  
29 requirements, shall create a vested right to continue the discharge.  
30 All discharges of waste into waters of the state are privileges, not  
31 rights.

32 (h) The regional board may incorporate the requirements  
33 prescribed pursuant to this section into a master recycling permit  
34 for either a supplier or distributor, or both, of recycled water.

35 (i) The state board or a regional board may prescribe general  
36 waste discharge requirements for a category of discharges if the  
37 state board or that regional board finds or determines that all of  
38 the following criteria apply to the discharges in that category:

39 (1) The discharges are produced by the same or similar  
40 operations.

1 (2) The discharges involve the same or similar types of waste.

2 (3) The discharges require the same or similar treatment  
3 standards.

4 (4) The discharges are more appropriately regulated under  
5 general discharge requirements than individual discharge  
6 requirements.

7 (j) The state board, after any necessary hearing, may prescribe  
8 waste discharge requirements in accordance with this section.

9 SEC. 10. Section 13350 of the Water Code is amended to read:

10 13350. (a) A person who ~~(1) violates a cease and desist order~~  
11 ~~or order, cleanup and abatement order hereafter order, waste~~  
12 ~~discharge requirement, waiver condition, certification, or other~~  
13 ~~order or prohibition issued, reissued, or amended by a regional~~  
14 ~~board or the state board, or (2) in violation of a waste discharge~~  
15 ~~requirement, waiver condition, certification, or other order or~~  
16 ~~prohibition issued, reissued, or amended by a regional board or~~  
17 ~~the state board, discharges waste, or causes or permits waste to be~~  
18 ~~deposited where it is discharged, into the waters of the state, or~~  
19 ~~(3) causes or permits any oil or any residuary product of petroleum~~  
20 ~~to be deposited in into or on any of the waters of the state, except~~  
21 ~~in accordance with waste discharge requirements or other actions~~  
22 ~~or provisions of this division, shall be liable civilly, and remedies~~  
23 ~~may be proposed, in accordance with subdivision (d) or (e).~~

24 (b) (1) A person who, without regard to intent or negligence,  
25 causes or permits a hazardous substance to be discharged in or on  
26 any of the waters of the state, except in accordance with waste  
27 discharge requirements or other provisions of this division, shall  
28 be strictly liable civilly in accordance with subdivision (d) or (e).

29 (2) For purposes of this subdivision, the term “discharge”  
30 includes only those discharges for which Section 13260 directs  
31 that a report of waste discharge shall be filed with the regional  
32 board.

33 (3) For purposes of this subdivision, the term “discharge” does  
34 not include an emission excluded from the applicability of Section  
35 311 of the *federal* Clean Water Act (33 U.S.C. Sec. 1321) pursuant  
36 to *United States* Environmental Protection Agency regulations  
37 interpreting Section 311(a)(2) of the *federal* Clean Water Act (33  
38 U.S.C. Sec. 1321(a)(2)).

1 (c) A person shall not be liable under subdivision (b) if the  
2 discharge is caused solely by any one or combination of the  
3 following:

4 (1) An act of war.

5 (2) An unanticipated grave natural disaster or other natural  
6 phenomenon of an exceptional, inevitable, and irresistible  
7 character, the effects of which could not have been prevented or  
8 avoided by the exercise of due care or foresight.

9 (3) Negligence on the part of the state, the United States, or any  
10 department or agency thereof. However, this paragraph shall not  
11 be interpreted to provide the state, the United States, or any  
12 department or agency thereof a defense to liability for any  
13 discharge caused by its own negligence.

14 (4) An intentional act of a third party, the effects of which could  
15 not have been prevented or avoided by the exercise of due care or  
16 foresight.

17 (5) Any other circumstance or event that causes the discharge  
18 despite the exercise of every reasonable precaution to prevent or  
19 mitigate the discharge.

20 (d) The court may impose civil liability either on a daily basis  
21 or on a per gallon basis, but not on both.

22 (1) The civil liability on a daily basis shall not exceed fifteen  
23 thousand dollars (\$15,000) for each day the violation occurs.

24 (2) The civil liability on a per gallon basis shall not exceed  
25 twenty dollars (\$20) for each gallon of waste discharged.

26 (e) The state board or a regional board may impose civil liability  
27 administratively pursuant to Article 2.5 (commencing with Section  
28 13323) of Chapter 5 either on a daily basis or on a per gallon basis,  
29 but not on both.

30 (1) The civil liability on a daily basis shall not exceed five  
31 thousand dollars (\$5,000) for each day the violation occurs.

32 (A) When there is a discharge, and a cleanup and abatement  
33 order is issued, except as provided in subdivision (f), the civil  
34 liability shall not be less than five hundred dollars (\$500) for each  
35 day in which the discharge occurs and for each day the cleanup  
36 and abatement order is violated.

37 (B) When there is no discharge, but an *cease and desist order*  
38 or *cleanup and abatement* order issued by the regional board is  
39 violated, except as provided in subdivision (f), the civil liability

1 shall not be less than one hundred dollars (\$100) for each day in  
2 which the violation occurs.

3 (2) The civil liability on a per gallon basis shall not exceed ten  
4 dollars (\$10) for each gallon of waste discharged.

5 (f) A regional board shall not administratively impose civil  
6 liability in accordance with paragraph (1) of subdivision (e) in an  
7 amount less than the minimum amount specified, unless the  
8 regional board makes express findings setting forth the reasons  
9 for its action based upon the specific factors required to be  
10 considered pursuant to Section 13327.

11 (g) The Attorney General, upon request of a regional board or  
12 the state board, shall petition the superior court to impose, assess,  
13 and recover the sums. Except in the case of a violation of a cease  
14 and desist order, a regional board or the state board shall make the  
15 request only after a hearing, with due notice of the hearing given  
16 to all affected persons. In determining the amount to be imposed,  
17 assessed, or recovered, the court shall be subject to Section 13351.

18 (h) Article 3 (commencing with Section 13330) and Article 6  
19 (commencing with Section 13360) apply to proceedings to impose,  
20 assess, and recover an amount pursuant to this article.

21 (i) A person who incurs any liability established under this  
22 section shall be entitled to contribution for that liability from a  
23 third party, in an action in the superior court and upon proof that  
24 the discharge was caused in whole or in part by an act or omission  
25 of the third party, to the extent that the discharge is caused by the  
26 act or omission of the third party, in accordance with the principles  
27 of comparative fault.

28 (j) Remedies under this section are in addition to, and do not  
29 supersede or limit, any and all other remedies, civil or criminal,  
30 except that no liability shall be recoverable under subdivision (a)  
31 *for a violation for which liability is recovered under Section 13268*  
32 *or under subdivision (b) for any discharge for which liability is*  
33 *recovered under Section 13385.*

34 (k) Notwithstanding any other law, all funds generated by the  
35 imposition of liabilities pursuant to this section shall be deposited  
36 into the Waste Discharge Permit Fund. These moneys shall be  
37 separately accounted for, and shall be expended by the state board,  
38 upon appropriation by the Legislature, to assist regional boards,  
39 and other public agencies with authority to clean up waste or abate  
40 the effects of the waste, in cleaning up or abating the effects of the

1 waste on waters of the state, or for the purposes authorized in  
2 Section 13443, or to assist in implementing Chapter 7.3  
3 (commencing with Section 13560).

4 ~~(f) This section shall become operative on July 1, 2017.~~

5 SEC. 11. Section 13352 is added to the Water Code, to read:

6 13352. (a) Commencing January 1, 2026, and each calendar  
7 year thereafter, the state board's executive director shall adjust  
8 civil monetary penalties in accordance with this section.

9 (b) The adjustment for inflation pursuant to this section shall  
10 be determined by increasing the maximum civil monetary penalty  
11 or the range of minimum and maximum civil monetary penalties,  
12 as applicable, for each civil monetary penalty by the cost-of-living  
13 adjustment. Any increase determined pursuant to this subdivision  
14 shall be rounded to the nearest multiple of one dollar (\$1).

15 (c) For purposes of subdivision (b), "cost-of-living adjustment"  
16 means the percentage, if any, for each civil monetary penalty by  
17 which the Consumer Price Index for the month of October  
18 preceding the date of the adjustment exceeds the Consumer Price  
19 Index for the month of October one year before the month of  
20 October preceding the date of the adjustment.

21 (d) The cost-of-living adjustment described in subdivision (b)  
22 shall be applied to the amount of the civil monetary penalty as it  
23 was most recently established or adjusted.

24 (e) The amount of the increase in a civil monetary penalty under  
25 subdivision (a) shall not exceed 150 percent of the amount of that  
26 civil monetary penalty from the previous year, except for the first  
27 adjustment.

28 (f) Any increase under this section in a civil monetary penalty  
29 shall apply only to civil monetary penalties, including those whose  
30 associated violation predated that increase, which are assessed  
31 after the date the increase takes effect.

32 (g) For purposes of this section, "civil monetary penalties"  
33 means the civil penalty or liability provided for in Sections 13261,  
34 13265, 13268, 13308, 13350, 13385, 13385.1, 13399.33, 13497,  
35 13498, 13499, 13529.4, 13611, 13627.1, 13627.2, and 13627.3.

36 SEC. 12. Article 8 (commencing with Section 13366) is added  
37 to Chapter 5 of Division 7 of the Water Code, to read:

1 Article 8. Citizen Enforcement

2  
3 13366. (a) An action may be brought in superior court by a  
4 person in the public interest to enforce federal requirements, state  
5 standards incorporated by or adopted under this division applicable  
6 to nexus waters, or other waste discharge requirements applicable  
7 to nexus waters, each to the extent a cause of action was available  
8 pursuant to Section 1365 of Title 33 of the United States Code and  
9 implementing regulations prior to May 25, 2023.

10 (b) At least 60 days before initiating an action pursuant to this  
11 section, the person who intends to initiate the action shall provide  
12 a written notice of the alleged violation to the alleged violator, the  
13 state board, the Attorney General, the applicable regional board,  
14 and a district attorney, county counsel, and prosecutor in whose  
15 jurisdiction the violation is alleged to have occurred.

16 (c) A civil monetary penalty action shall not be commenced  
17 pursuant to this section if the state board, the Attorney General, a  
18 regional board, a district attorney, a city attorney, a county counsel,  
19 or a prosecutor in whose jurisdiction the violation is alleged to  
20 have occurred has commenced, and is diligently prosecuting, a  
21 civil or criminal judicial enforcement proceeding against the  
22 alleged violator for the same violations noticed pursuant to  
23 subdivision (b).

24 (d) Upon filing the action, the complainant shall notify the  
25 Attorney General that the action has been filed.

26 (e) The court may award costs of litigation, including reasonable  
27 attorney's and expert witness fees, to any prevailing or substantially  
28 prevailing plaintiff, whenever the court determines that award is  
29 appropriate for an action brought pursuant to this section.  
30 Attorney's fees awarded under this section shall be awarded  
31 pursuant to Section 1021.5 of the Code of Civil Procedure.

32 (f) Civil penalties that may be imposed by a superior court for  
33 an action brought pursuant to this section are equivalent in value  
34 to penalties available for citizen suits brought under the Federal  
35 Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.) and its  
36 implementing regulations. Notwithstanding any law requiring or  
37 authorizing higher penalties, civil penalties assessed pursuant to  
38 this section shall not exceed the civil penalty levels under Part 19  
39 (commencing with Section 19.1) of Subchapter A of Chapter 1 of  
40 Title 40 of the Code of Federal Regulations. Penalties assessed

1 and recovered in a civil action brought pursuant to this section  
 2 shall be deposited into the Waste Discharge Permit Fund and  
 3 separately accounted for in that fund. Those moneys shall be  
 4 expended by the state board, upon appropriation by the Legislature,  
 5 to assist regional boards, and other public agencies with authority  
 6 to clean up waste or abate the effects of the waste, in cleaning up  
 7 or abating the effects of the waste on waters of the state or for the  
 8 purposes authorized in Section 13443. This subdivision shall not  
 9 apply to settlement agreements or consent decrees.

10 (g) This section does not limit other remedies and protections  
 11 available under state or federal law.

12 (h) This section shall only apply to violations concerning nexus  
 13 waters.

14 (i) As used in this section, “federal requirements” shall have  
 15 the same meaning as “effluent standard or limitation under this  
 16 chapter” in Section 1365 of Title 33 of the United States Code and  
 17 implementing regulations as of May 24, 2023.

18 SEC. 13. The heading of Chapter 5.5 (commencing with  
 19 Section 13370) of Division 7 of the Water Code is amended to  
 20 read:

21  
 22 CHAPTER 5.5. COMPLIANCE WITH THE PROVISIONS OF THE  
 23 FEDERAL WATER POLLUTION CONTROL ACT AS AMENDED IN 1972  
 24 AND PROTECTION OF NEXUS WATERS  
 25

26 SEC. 14. Section 13370 of the Water Code is amended to read:  
 27 13370. The Legislature finds and declares as follows:

28 (a) The Federal Water Pollution Control Act (33 U.S.C. Sec.  
 29 1251 et seq.), as amended, provides for permit systems to regulate  
 30 the discharge of pollutants and dredged or fill material to the  
 31 navigable waters of the United States and to regulate the use and  
 32 disposal of sewage sludge.

33 (b) The Federal Water Pollution Control Act, as amended,  
 34 provides that permits may be issued by states ~~which~~ *that* are  
 35 authorized to implement the provisions of that act.

36 (c) It is in the interest of the people of the state, in order to avoid  
 37 direct regulation by the federal government of persons already  
 38 subject to regulation under state law pursuant to this division, to  
 39 enact this chapter in order to authorize the state to implement the  
 40 provisions of the Federal Water Pollution Control Act and acts

1 amendatory thereof or supplementary thereto, and federal  
2 regulations and guidelines issued pursuant thereto, provided, that  
3 the state board shall request federal funding under the Federal  
4 Water Pollution Control Act for the purpose of carrying out its  
5 responsibilities under this program.

6 *(d) It is in the interest of the people of the state to restore and*  
7 *retain protections afforded to certain waters of the state prior to*  
8 *May 25, 2023, under the Federal Water Pollution Control Act and*  
9 *acts amendatory thereof or supplementary thereto, and federal*  
10 *regulations and guidelines issued pursuant thereto, regardless of*  
11 *actions taken at the federal level.*

12 SEC. 15. Section 13372 of the Water Code is amended to read:

13 13372. (a) This chapter shall be construed to ensure  
14 consistency with the requirements for state programs implementing  
15 the Federal Water Pollution Control Act and acts amendatory  
16 thereof or supplementary ~~thereto~~: *thereto, as applicable*. To the  
17 extent other provisions of this division are consistent with the  
18 provisions of this chapter and with the *applicable* requirements  
19 for state programs implementing the Federal Water Pollution  
20 Control Act and acts amendatory thereof or supplementary thereto,  
21 those provisions apply to actions and procedures provided for in  
22 this chapter. The provisions of this chapter shall prevail over other  
23 provisions of this division to the extent of any inconsistency. The  
24 provisions of this chapter apply only to actions required under the  
25 Federal Water Pollution Control Act and acts amendatory thereof  
26 or supplementary ~~thereto~~: *thereto and to actions required under*  
27 *the Federal Water Pollution Control Act prior to May 25, 2023*.

28 (b) The provisions of Section 13376 requiring the filing of a  
29 report for the discharge of dredged or fill material and the  
30 provisions of this chapter relating to the issuance of dredged or  
31 fill material permits by the state board or a regional board shall be  
32 applicable only to discharges for which the state has an approved  
33 permit program, in accordance with the provisions of the Federal  
34 Water Pollution Control Act, as amended, for the discharge of  
35 dredged or fill material.

36 SEC. 16. Section 13373 of the Water Code is amended to read:

37 13373. (a) The terms “navigable waters,” “administrator,”  
38 “pollutants,” “biological monitoring,” ~~“discharge”~~ “*discharge*,”  
39 and “point sources” as used in this chapter shall have the same

1 meaning as in the Federal Water Pollution Control Act and acts  
2 amendatory thereof or supplementary thereto.

3 (b) “Navigable waters” and “navigable waters of the United  
4 States” shall include nexus waters and “discharge” shall include  
5 discharges to nexus waters.

6 SEC. 17. Section 13376 of the Water Code is amended to read:

7 13376. A person who discharges pollutants or proposes to  
8 discharge pollutants to the navigable waters of the United States  
9 within the jurisdiction of this state or a person who discharges  
10 dredged or fill material or proposes to discharge dredged or fill  
11 material into the navigable waters of the United States within the  
12 jurisdiction of this state shall file a report of the discharge in  
13 compliance with the procedures set forth in Section 13260. Unless  
14 required by the state board or a regional board, *and except for*  
15 *discharges to nexus waters*, a report need not be filed under this  
16 section for discharges that are not subject to the permit application  
17 requirements of the Federal Water Pollution Control Act, as  
18 amended. A person who proposes to discharge pollutants or  
19 dredged or fill material or to operate a publicly owned treatment  
20 works or other treatment works treating domestic sewage shall file  
21 a report at least 180 days in advance of the date on which it is  
22 desired to commence the discharge of pollutants or dredged or fill  
23 material or the operation of the treatment works. A person who  
24 owns or operates a publicly owned treatment works or other  
25 treatment works treating domestic sewage, which treatment works  
26 commenced operation before January 1, 1988, and does not  
27 discharge to navigable waters of the United States, shall file a  
28 report within 45 days of a written request by a regional board or  
29 the state board, or within 45 days after the state has an approved  
30 permit program for the use and disposal of sewage sludge,  
31 whichever occurs earlier. The discharge of pollutants or dredged  
32 or fill material or the operation of a publicly owned treatment  
33 works or other treatment works treating domestic sewage by any  
34 person, except as authorized by waste discharge requirements or  
35 dredged or fill material permits, is prohibited. This prohibition  
36 does not apply to discharges or operations if a state or federal  
37 permit is not required under the Federal Water Pollution Control  
38 Act, ~~as amended.~~ *amended, except in the case of discharges to*  
39 *nexus waters.*

40 SEC. 18. Section 13377.5 is added to the Water Code, to read:

1 13377.5. (a) Notwithstanding any other provision of this  
2 division, waste discharge requirements adopted or amended for  
3 discharges to nexus waters shall be adopted pursuant to and in  
4 accordance with the requirements of this chapter.

5 (b) Notwithstanding any other provision of this division, waste  
6 discharge requirements for discharges to nexus waters that are not  
7 also Federal Water Pollution Control Act permits shall be at least  
8 as stringent as any analogous Federal Water Pollution Control Act  
9 permits, including with respect to total maximum daily load-based  
10 effluent limitations and effluent standards or limitations necessary  
11 to implement water quality control plans, or for the protection of  
12 beneficial uses, or to prevent nuisance.

13 (c) Notwithstanding any other provision of this division, waste  
14 discharge requirements for discharges to nexus waters shall ensure  
15 compliance with requirements of Sections 1311, 1312, 1316, 1317,  
16 1318, and 1343 of Title 33 of the United States Code, as those  
17 sections were in effect prior to May 25, 2023.

18 (d) Discharges to nexus waters shall not be authorized through  
19 waivers of waste discharge requirements.

20 SEC. 19. Section 13383.5 of the Water Code is amended to  
21 read:

22 13383.5. (a) As used in this section, “regulated municipalities  
23 and industries” means the *categories of* municipalities and  
24 industries required to obtain a ~~storm-water~~ *stormwater* permit under  
25 Section 402(p) of the *federal* Clean Water Act (33 U.S.C. Sec.  
26 1342(p)) and implementing ~~regulations~~. *regulations, including*  
27 *industries required to obtain a stormwater permit for discharges*  
28 *prior to May 25, 2023.*

29 (b) This section only applies to regulated municipalities that  
30 were subject to a ~~storm-water~~ *stormwater* permit on or before  
31 December 31, 2001, and to regulated industries that are subject to  
32 ~~the a~~ General Permit for Storm Water Discharges Associated with  
33 Industrial Activities Excluding Construction Activities.

34 (c) Before January 1, 2003, the state board shall develop  
35 minimum monitoring requirements for each regulated municipality  
36 and minimum standard monitoring requirements for regulated  
37 industries. This program shall include, but is not limited to, all of  
38 the following:

39 (1) Standardized methods for collection of ~~storm-water~~  
40 *stormwater* samples.

- 1 (2) Standardized methods for analysis of ~~storm water~~ *stormwater*  
2 samples.
- 3 (3) A requirement that every sample analysis under this program  
4 be completed by a state certified laboratory or by the regulated  
5 municipality or industry in the field in accordance with the quality  
6 assurance and quality control protocols established pursuant to  
7 this section.
- 8 (4) A standardized reporting format.
- 9 (5) Standard sampling and analysis programs for quality  
10 assurance and quality control.
- 11 (6) Minimum detection limits.
- 12 (7) Annual reporting requirements for regulated municipalities  
13 and industries.
- 14 (8) For the purposes of determining constituents to be sampled  
15 for, sampling intervals, and sampling frequencies, to be included  
16 in a municipal ~~storm water~~ *stormwater* permit monitoring program,  
17 the regional board shall consider the following information, as the  
18 regional board determines to be applicable:
- 19 (A) Discharge characterization monitoring data.
- 20 (B) Water quality data collected through the permit monitoring  
21 program.
- 22 (C) Applicable water quality data collected, analyzed, and  
23 reported by federal, state, and local agencies, and other public and  
24 private entities.
- 25 (D) Any applicable listing under Section 303(d) of the *federal*  
26 *Clean Water Act (33 U.S.C. Sec. ~~1313~~: 1313) or Section 13251*  
27 *of this code*.
- 28 (E) Applicable water quality objectives and criteria established  
29 in accordance with the regional board basin plans, statewide plans,  
30 and federal regulations.
- 31 (F) Reports and studies regarding source contribution of  
32 pollutants in runoff not based on direct water quality measurements.
- 33 (d) The requirements prescribed pursuant to this section shall  
34 be included in all ~~storm water~~ *stormwater* permits for regulated  
35 municipalities and industries that are reissued following  
36 development of the requirements described in subdivision (c).  
37 Those permits shall include these provisions on or before July 1,  
38 2008. In a year in which the Legislature appropriates sufficient  
39 funds for that purpose, the state board shall make available to the  
40 public via the ~~Internet~~ *internet* a summary of the results obtained

1 from ~~storm water~~ *stormwater* monitoring conducted in accordance  
2 with this section.

3 SEC. 20. Section 13385 of the Water Code is amended to read:

4 13385. (a) A person who violates any of the following shall  
5 be liable civilly in accordance with this section:

6 (1) Section ~~13375~~ 13264, 13375, or 13376.

7 (2) A waste discharge requirement or dredged or fill material  
8 permit issued pursuant to this chapter or any water quality  
9 certification issued pursuant to Section 13160.

10 (3) A requirement established pursuant to Section 13383.

11 (4) An order or prohibition issued pursuant to Section 13243 or  
12 Article 1 (commencing with Section 13300) of Chapter 5, if the  
13 activity subject to the order or prohibition is subject to regulation  
14 under this chapter.

15 (5) A requirement of Section 301, 302, 306, 307, 308, 318, 401,  
16 or 405 of the federal Clean Water Act (33 U.S.C. Sec. 1311, 1312,  
17 1316, 1317, 1318, 1341, or 1345), as amended.

18 (6) A requirement imposed in a pretreatment program approved  
19 pursuant to waste discharge requirements issued under Section  
20 13377 or approved pursuant to a permit issued by the administrator.

21 (b) (1) Civil liability may be imposed by the superior court in  
22 an amount not to exceed the sum of both of the following:

23 (A) Twenty-five thousand dollars (\$25,000) for each day in  
24 which the violation occurs.

25 (B) Where there is a discharge, any portion of which is not  
26 susceptible to cleanup or is not cleaned up, and the volume  
27 discharged but not cleaned up exceeds 1,000 gallons, an additional  
28 liability not to exceed twenty-five dollars (\$25) multiplied by the  
29 number of gallons by which the volume discharged but not cleaned  
30 up exceeds 1,000 gallons.

31 (2) The Attorney General, upon request of a regional board or  
32 the state board, shall petition the superior court to impose the  
33 liability.

34 (c) Civil liability may be imposed administratively by the state  
35 board or a regional board pursuant to Article 2.5 (commencing  
36 with Section 13323) of Chapter 5 in an amount not to exceed the  
37 sum of both of the following:

38 (1) Ten thousand dollars (\$10,000) for each day in which the  
39 violation occurs.

1 (2) Where there is a discharge, any portion of which is not  
2 susceptible to cleanup or is not cleaned up, and the volume  
3 discharged but not cleaned up exceeds 1,000 gallons, an additional  
4 liability not to exceed ten dollars (\$10) multiplied by the number  
5 of gallons by which the volume discharged but not cleaned up  
6 exceeds 1,000 gallons.

7 (d) For purposes of subdivisions (b) and (c), “discharge”  
8 includes any discharge to navigable waters of the United States,  
9 any introduction of pollutants into a publicly owned treatment  
10 works, or any use or disposal of sewage sludge.

11 (e) In determining the amount of any liability imposed under  
12 this section, the regional board, the state board, or the superior  
13 court, as the case may be, shall take into account the nature,  
14 circumstances, extent, and gravity of the violation or violations,  
15 whether the discharge is susceptible to cleanup or abatement, the  
16 degree of toxicity of the discharge, and, with respect to the violator,  
17 the ability to pay, the effect on its ability to continue its business,  
18 any voluntary cleanup efforts undertaken, any prior history of  
19 violations, the degree of culpability, economic benefit or savings,  
20 if any, resulting from the violation, and other matters that justice  
21 may require. At a minimum, liability shall be assessed at a level  
22 that recovers the economic benefits, if any, derived from the acts  
23 that constitute the violation.

24 (f) (1) Except as provided in paragraph (2), for the purposes of  
25 this section, a single operational upset that leads to simultaneous  
26 violations of more than one pollutant parameter shall be treated  
27 as a single violation.

28 (2) (A) For the purposes of subdivisions (h) and (i), a single  
29 operational upset in a wastewater treatment unit that treats  
30 wastewater using a biological treatment process shall be treated  
31 as a single violation, even if the operational upset results in  
32 violations of more than one effluent limitation and the violations  
33 continue for a period of more than one day, if all of the following  
34 apply:

35 (i) The discharger demonstrates all of the following:

36 (I) The upset was not caused by wastewater treatment operator  
37 error and was not due to discharger negligence.

38 (II) But for the operational upset of the biological treatment  
39 process, the violations would not have occurred nor would they  
40 have continued for more than one day.

1 (III) The discharger carried out all reasonable and immediately  
2 feasible actions to reduce noncompliance with the applicable  
3 effluent limitations.

4 (ii) The discharger is implementing an approved pretreatment  
5 program, if so required by federal or state law.

6 (B) Subparagraph (A) only applies to violations that occur  
7 during a period for which the regional board has determined that  
8 violations are unavoidable, but in no case may that period exceed  
9 30 days.

10 (g) Remedies under this section are in addition to, and do not  
11 supersede or limit, any other remedies, civil or criminal, except  
12 that no liability shall be recoverable under Section 13261, 13265,  
13 13268, or 13350 for violations for which liability is recovered  
14 under this section.

15 (h) (1) Notwithstanding any other provision of this division,  
16 and except as provided in subdivisions (j), (k), and (l), a mandatory  
17 minimum penalty of three thousand dollars (\$3,000) shall be  
18 assessed for each serious violation.

19 (2) For the purposes of this section, a “serious violation” means  
20 any waste discharge that violates the effluent limitations contained  
21 in the applicable waste discharge requirements for a Group II  
22 pollutant, as specified in Appendix A to Section 123.45 of Title  
23 40 of the Code of Federal Regulations, by 20 percent or more or  
24 for a Group I pollutant, as specified in Appendix A to Section  
25 123.45 of Title 40 of the Code of Federal Regulations, by 40  
26 percent or more.

27 (i) (1) Notwithstanding any other provision of this division,  
28 and except as provided in subdivisions (j), (k), and (l), a mandatory  
29 minimum penalty of three thousand dollars (\$3,000) shall be  
30 assessed for each violation whenever the person does any of the  
31 following four or more times in any period of six consecutive  
32 months, except that the requirement to assess the mandatory  
33 minimum penalty shall not be applicable to the first three  
34 violations:

35 (A) Violates a waste discharge requirement effluent limitation.

36 (B) Fails to file a report pursuant to Section 13260.

37 (C) Files an incomplete report pursuant to Section 13260.

38 (D) Violates a toxicity effluent limitation contained in the  
39 applicable waste discharge requirements where the waste discharge

1 requirements do not contain pollutant-specific effluent limitations  
2 for toxic pollutants.

3 (2) For the purposes of this section, a “period of six consecutive  
4 months” means the period commencing on the date that one of the  
5 violations described in this subdivision occurs and ending 180  
6 days after that date.

7 (j) Subdivisions (h) and (i) do not apply to any of the following:

8 (1) A violation caused by one or any combination of the  
9 following:

10 (A) An act of war.

11 (B) An unanticipated, grave natural disaster or other natural  
12 phenomenon of an exceptional, inevitable, and irresistible  
13 character, the effects of which could not have been prevented or  
14 avoided by the exercise of due care or foresight.

15 (C) An intentional act of a third party, the effects of which could  
16 not have been prevented or avoided by the exercise of due care or  
17 foresight.

18 (D) (i) The operation of a new or reconstructed wastewater  
19 treatment unit during a defined period of adjusting or testing, not  
20 to exceed 90 days for a wastewater treatment unit that relies on a  
21 biological treatment process and not to exceed 30 days for any  
22 other wastewater treatment unit, if all of the following requirements  
23 are met:

24 (I) The discharger has submitted to the regional board, at least  
25 30 days in advance of the operation, an operations plan that  
26 describes the actions the discharger will take during the period of  
27 adjusting and testing, including steps to prevent violations and  
28 identifies the shortest reasonable time required for the period of  
29 adjusting and testing, not to exceed 90 days for a wastewater  
30 treatment unit that relies on a biological treatment process and not  
31 to exceed 30 days for any other wastewater treatment unit.

32 (II) The regional board has not objected in writing to the  
33 operations plan.

34 (III) The discharger demonstrates that the violations resulted  
35 from the operation of the new or reconstructed wastewater  
36 treatment unit and that the violations could not have reasonably  
37 been avoided.

38 (IV) The discharger demonstrates compliance with the  
39 operations plan.

1 (V) In the case of a reconstructed wastewater treatment unit,  
2 the unit relies on a biological treatment process that is required to  
3 be out of operation for at least 14 days in order to perform the  
4 reconstruction, or the unit is required to be out of operation for at  
5 least 14 days and, at the time of the reconstruction, the cost of  
6 reconstructing the unit exceeds 50 percent of the cost of replacing  
7 the wastewater treatment unit.

8 (ii) For the purposes of this section, “wastewater treatment unit”  
9 means a component of a wastewater treatment plant that performs  
10 a designated treatment function.

11 (2) (A) Except as provided in subparagraph (B), a violation of  
12 an effluent limitation where the waste discharge is in compliance  
13 with either a cease and desist order issued pursuant to Section  
14 13301 or a time schedule order issued pursuant to Section 13300,  
15 if all of the following requirements are met:

16 (i) The cease and desist order or time schedule order is issued  
17 after January 1, 1995, but not later than July 1, 2000, specifies the  
18 actions that the discharger is required to take in order to correct  
19 the violations that would otherwise be subject to subdivisions (h)  
20 and (i), and the date by which compliance is required to be achieved  
21 and, if the final date by which compliance is required to be  
22 achieved is later than one year from the effective date of the cease  
23 and desist order or time schedule order, specifies the interim  
24 requirements by which progress towards compliance will be  
25 measured and the date by which the discharger will be in  
26 compliance with each interim requirement.

27 (ii) The discharger has prepared and is implementing in a timely  
28 and proper manner, or is required by the regional board to prepare  
29 and implement, a pollution prevention plan that meets the  
30 requirements of Section 13263.3.

31 (iii) The discharger demonstrates that it has carried out all  
32 reasonable and immediately feasible actions to reduce  
33 noncompliance with the waste discharge requirements applicable  
34 to the waste discharge and the executive officer of the regional  
35 board concurs with the demonstration.

36 (B) Subdivisions (h) and (i) shall become applicable to a waste  
37 discharge on the date the waste discharge requirements applicable  
38 to the waste discharge are revised and reissued pursuant to Section  
39 13380, unless the regional board does all of the following on or  
40 before that date:

1 (i) Modifies the requirements of the cease and desist order or  
2 time schedule order as may be necessary to make it fully consistent  
3 with the reissued waste discharge requirements.

4 (ii) Establishes in the modified cease and desist order or time  
5 schedule order a date by which full compliance with the reissued  
6 waste discharge requirements shall be achieved. For the purposes  
7 of this subdivision, the regional board may not establish this date  
8 later than five years from the date the waste discharge requirements  
9 were required to be reviewed pursuant to Section 13380. If the  
10 reissued waste discharge requirements do not add new effluent  
11 limitations or do not include effluent limitations that are more  
12 stringent than those in the original waste discharge requirements,  
13 the date shall be the same as the final date for compliance in the  
14 original cease and desist order or time schedule order or five years  
15 from the date that the waste discharge requirements were required  
16 to be reviewed pursuant to Section 13380, whichever is earlier.

17 (iii) Determines that the pollution prevention plan required by  
18 clause (ii) of subparagraph (A) is in compliance with the  
19 requirements of Section 13263.3 and that the discharger is  
20 implementing the pollution prevention plan in a timely and proper  
21 manner.

22 (3) A violation of an effluent limitation where the waste  
23 discharge is in compliance with either a cease and desist order  
24 issued pursuant to Section 13301 or a time schedule order issued  
25 pursuant to Section 13300 or 13308, if all of the following  
26 requirements are met:

27 (A) The cease and desist order or time schedule order is issued  
28 on or after July 1, 2000, and specifies the actions that the discharger  
29 is required to take in order to correct the violations that would  
30 otherwise be subject to subdivisions (h) and (i).

31 (B) The regional board finds that, for one of the following  
32 reasons, the discharger is not able to consistently comply with one  
33 or more of the effluent limitations established in the waste  
34 discharge requirements applicable to the waste discharge:

35 (i) The effluent limitation is a new, more stringent, or modified  
36 regulatory requirement that has become applicable to the waste  
37 discharge after the effective date of the waste discharge  
38 requirements and after July 1, 2000, new or modified control  
39 measures are necessary in order to comply with the effluent

1 limitation, and the new or modified control measures cannot be  
2 designed, installed, and put into operation within 30 calendar days.

3 (ii) New methods for detecting or measuring a pollutant in the  
4 waste discharge demonstrate that new or modified control measures  
5 are necessary in order to comply with the effluent limitation and  
6 the new or modified control measures cannot be designed, installed,  
7 and put into operation within 30 calendar days.

8 (iii) Unanticipated changes in the quality of the municipal or  
9 industrial water supply available to the discharger are the cause  
10 of unavoidable changes in the composition of the waste discharge,  
11 the changes in the composition of the waste discharge are the cause  
12 of the inability to comply with the effluent limitation, no alternative  
13 water supply is reasonably available to the discharger, and new or  
14 modified measures to control the composition of the waste  
15 discharge cannot be designed, installed, and put into operation  
16 within 30 calendar days.

17 (iv) The discharger is a publicly owned treatment works located  
18 in Orange County that is unable to meet effluent limitations for  
19 biological oxygen demand, suspended solids, or both, because the  
20 publicly owned treatment works meets all of the following criteria:

21 (I) Was previously operating under modified secondary  
22 treatment requirements pursuant to Section 301(h) of the *federal*  
23 Clean Water Act (33 U.S.C. Sec. 1311(h)).

24 (II) Did vote on July 17, 2002, not to apply for a renewal of the  
25 modified secondary treatment requirements.

26 (III) Is in the process of upgrading its treatment facilities to  
27 meet the secondary treatment standards required by Section  
28 301(b)(1)(B) of the *federal* Clean Water Act (33 U.S.C. Sec.  
29 1311(b)(1)(B)).

30 (C) (i) The regional board establishes a time schedule for  
31 bringing the waste discharge into compliance with the effluent  
32 limitation that is as short as possible, taking into account the  
33 technological, operational, and economic factors that affect the  
34 design, development, and implementation of the control measures  
35 that are necessary to comply with the effluent limitation. Except  
36 as provided in clause (ii), for the purposes of this subdivision, the  
37 time schedule shall not exceed five years in length.

38 (ii) (I) For purposes of the upgrade described in subclause (III)  
39 of clause (iv) of subparagraph (B), the time schedule shall not  
40 exceed 10 years in length.

1 (II) Following a public hearing, and upon a showing that the  
2 discharger is making diligent progress toward bringing the waste  
3 discharge into compliance with the effluent limitation, the regional  
4 board may extend the time schedule for an additional period not  
5 exceeding five years in length, if the discharger demonstrates that  
6 the additional time is necessary to comply with the effluent  
7 limitation. This subclause does not apply to a time schedule  
8 described in subclause (I).

9 (iii) If the time schedule exceeds one year from the effective  
10 date of the order, the schedule shall include interim requirements  
11 and the dates for their achievement. The interim requirements shall  
12 include both of the following:

13 (I) Effluent limitations for the pollutant or pollutants of concern.

14 (II) Actions and milestones leading to compliance with the  
15 effluent limitation.

16 (D) The discharger has prepared and is implementing in a timely  
17 and proper manner, or is required by the regional board to prepare  
18 and implement, a pollution prevention plan pursuant to Section  
19 13263.3.

20 (k) (1) In lieu of assessing all or a portion of the mandatory  
21 minimum penalties pursuant to subdivisions (h) and (i) against a  
22 publicly owned treatment works serving a small community, the  
23 state board or the regional board may elect to require the publicly  
24 owned treatment works to spend an equivalent amount towards  
25 the completion of a compliance project proposed by the publicly  
26 owned treatment works, if the state board or the regional board  
27 finds all of the following:

28 (A) The compliance project is designed to correct the violations  
29 within five years.

30 (B) The compliance project is in accordance with the  
31 enforcement policy of the state board, excluding any provision in  
32 the policy that is inconsistent with this section.

33 (C) The publicly owned treatment works has prepared a  
34 financing plan to complete the compliance project.

35 (2) For the purposes of this subdivision, “a publicly owned  
36 treatment works serving a small community” means a publicly  
37 owned treatment works serving a population of 20,000 persons or  
38 fewer or a rural county, with a financial hardship as determined  
39 by the state board after considering ~~such~~ factors *such* as median

1 income of the residents, rate of unemployment, or low population  
2 density in the service area of the publicly owned treatment works.

3 (l) (1) In lieu of assessing penalties pursuant to subdivision (h)  
4 or (i), the state board or the regional board, with the concurrence  
5 of the discharger, may direct a portion of the penalty amount to  
6 be expended on a supplemental environmental project in  
7 accordance with the enforcement policy of the state board. If the  
8 penalty amount exceeds fifteen thousand dollars (\$15,000), the  
9 portion of the penalty amount that may be directed to be expended  
10 on a supplemental environmental project may not exceed fifteen  
11 thousand dollars (\$15,000) plus 50 percent of the penalty amount  
12 that exceeds fifteen thousand dollars (\$15,000).

13 (2) For the purposes of this section, a “supplemental  
14 environmental project” means an environmentally beneficial project  
15 that a person agrees to undertake, with the approval of the regional  
16 board, that would not be undertaken in the absence of an  
17 enforcement action under this section.

18 (3) This subdivision applies to the imposition of penalties  
19 pursuant to subdivision (h) or (i) on or after January 1, 2003,  
20 without regard to the date on which the violation occurs.

21 (m) The Attorney General, upon request of a regional board or  
22 the state board, shall petition the appropriate court to collect any  
23 liability or penalty imposed pursuant to this section. Any person  
24 who fails to pay on a timely basis any liability or penalty imposed  
25 under this section shall be required to pay, in addition to that  
26 liability or penalty, interest, attorney’s fees, costs for collection  
27 proceedings, and a quarterly nonpayment penalty for each quarter  
28 during which the failure to pay persists. The nonpayment penalty  
29 shall be in an amount equal to 20 percent of the aggregate amount  
30 of the person’s penalty and nonpayment penalties that are unpaid  
31 as of the beginning of the quarter.

32 (n) (1) Subject to paragraph (2), funds collected pursuant to  
33 this section shall be deposited ~~in~~ into the State Water Pollution  
34 Cleanup and Abatement Account.

35 (2) (A) Notwithstanding any other provision of law, moneys  
36 collected for a violation of a water quality certification in  
37 accordance with paragraph (2) of subdivision (a) or for a violation  
38 of Section 401 of the federal Clean Water Act (33 U.S.C. Sec.  
39 1341) in accordance with paragraph (5) of subdivision (a) shall be

1 deposited ~~in~~ into the Waste Discharge Permit Fund and separately  
2 accounted for in that fund.

3 (B) The funds described in subparagraph (A) shall be expended  
4 by the state board, upon appropriation by the Legislature, to assist  
5 regional boards, and other public agencies with authority to clean  
6 up waste or abate the effects of the waste, in cleaning up or abating  
7 the effects of the waste on waters of the state or for the purposes  
8 authorized in Section 13443.

9 (o) The state board shall continuously report and update  
10 information on its ~~Internet Web site~~: *internet website*. The state  
11 board shall report annually on or before December 31 regarding  
12 its enforcement activities. The information shall include all of the  
13 following:

14 (1) A compilation of the number of violations of waste discharge  
15 requirements in the previous calendar year, including stormwater  
16 enforcement violations.

17 (2) A record of the formal and informal compliance and  
18 enforcement actions taken for each violation, including stormwater  
19 enforcement actions.

20 (3) An analysis of the effectiveness of current enforcement  
21 policies, including mandatory minimum penalties.

22 (p) The amendments made to subdivisions (f), (h), (i), and (j)  
23 during the second year of the 2001–02 Regular Session apply only  
24 to violations that occur on or after January 1, 2003.

25 SEC. 21. Section 13385.1 of the Water Code is amended to  
26 read:

27 13385.1. (a) (1) For the purposes of subdivision (h) of Section  
28 13385, a “serious violation” also means a failure to file a discharge  
29 monitoring report required pursuant to Section 13383 for each  
30 complete period of 30 days following the deadline for submitting  
31 the report, if the report is designed to ensure compliance with  
32 limitations contained in waste discharge requirements that contain  
33 effluent limitations. This paragraph applies only to violations that  
34 occur on or after January 1, 2004.

35 (2) (A) Notwithstanding paragraph (1), a failure to file a  
36 discharge monitoring report is not a serious violation for purposes  
37 of subdivision (h) of Section 13385 at any time prior to the date a  
38 discharge monitoring report is required to be filed or within 30  
39 days after receiving written notice from the state board or a regional  
40 board of the need to file a discharge monitoring report, if the

1 discharger submits a written statement to the state board or the  
2 regional board that includes both of the following:

3 (i) A statement that there were no discharges to waters of the  
4 ~~United States~~ reportable under the applicable waste discharge  
5 requirements during the relevant monitoring period.

6 (ii) The reason or reasons the required report was not submitted  
7 to the regional board by the deadline for filing that report.

8 (B) Upon the request of the state board or regional board, the  
9 discharger may be required to support the statement with additional  
10 explanation or evidence.

11 (C) If, in a statement submitted pursuant to subparagraph (A),  
12 the discharger willfully states as true any material fact that ~~he or~~  
13 ~~she~~ *the discharger* knows to be false, that person shall be subject  
14 to a civil penalty not exceeding ten thousand dollars (\$10,000).  
15 Any public prosecutor may bring an action for a civil penalty under  
16 this subparagraph in the name of the people of the State of  
17 California, and the penalty imposed shall be enforced as a civil  
18 judgment.

19 (D) Notwithstanding subparagraph (A), the failure to file a  
20 discharge monitoring report is subject to penalties in accordance  
21 with subdivisions (c) and (e) of Section 13385.

22 (b) (1) Notwithstanding paragraph (1) of subdivision (a), a  
23 mandatory minimum penalty shall continue to apply and shall be  
24 assessed pursuant to subdivision (h) of Section 13385, but only  
25 for each required report that is not timely filed, and shall not be  
26 separately assessed for each 30-day period following the deadline  
27 for submitting the report, if both of the following conditions are  
28 met:

29 (A) The discharger did not on any occasion previously receive,  
30 from the state board or a regional board, a complaint to impose  
31 liability pursuant to subdivision (b) or (c) of Section 13385 arising  
32 from a failure to timely file a discharge monitoring report, a notice  
33 of violation for failure to timely file a discharge monitoring report,  
34 or a notice of the obligation to file a discharge monitoring report  
35 required pursuant to Section 13383, in connection with its  
36 corresponding waste discharge requirements.

37 (B) The discharges during the period or periods covered by the  
38 report do not violate effluent limitations, as defined in subdivision  
39 (d), contained in waste discharge requirements.

1 (2) Paragraph (1) shall only apply to a discharger who does both  
2 of the following:

3 (A) Files a discharge monitoring report that had not previously  
4 been timely filed within 30 days after the discharger receives  
5 written notice, including notice transmitted by electronic mail,  
6 from the state board or regional board concerning the failure to  
7 timely file the report.

8 (B) Pays all penalties assessed by the state board or regional  
9 board in accordance with paragraph (1) within 30 days after an  
10 order is issued to pay these penalties pursuant to Section 13385.

11 (3) Notwithstanding paragraph (1), the failure to file a discharge  
12 monitoring report is subject to penalties in accordance with  
13 subdivisions (c) and (e) of Section 13385.

14 (4) This subdivision shall become inoperative on January 1,  
15 2014.

16 (c) (1) Notwithstanding any other provision of law, moneys  
17 collected pursuant to this section for a failure to timely file a report,  
18 as described in subdivision (a), shall be deposited ~~in~~ into the State  
19 Water Pollution Cleanup and Abatement Account.

20 (2) Notwithstanding Section 13340 of the Government Code,  
21 the funds described in paragraph (1) are continuously appropriated,  
22 without regard to fiscal years, to the state board for expenditure  
23 by the state board to assist regional boards, and other public  
24 agencies with authority to clean up waste or abate the effects of  
25 the waste, in responding to significant water pollution problems.

26 (d) For the purposes of this section, paragraph (2) of subdivision  
27 (f) of Section 13385, and subdivisions (h), (i), and (j) of Section  
28 13385 only, “effluent limitation” means a numeric restriction or  
29 a numerically expressed narrative restriction, on the quantity,  
30 discharge rate, concentration, or toxicity units of a pollutant or  
31 pollutants that may be discharged from an authorized location. An  
32 effluent limitation may be final or interim, and may be expressed  
33 as a prohibition. An effluent limitation, for those purposes, does  
34 not include a receiving water limitation, a compliance schedule,  
35 or a best management practice.

36 (e) The amendments made to this section by Senate Bill 1284  
37 of the 2009–10 Regular Session of the Legislature shall apply to  
38 violations for which an administrative civil liability complaint or  
39 a judicial complaint has not been filed before July 1, 2010, without  
40 regard to the date on which the violations occurred.

1 SEC. 22. Section 13387 of the Water Code is amended to read:  
2 13387. (a) Any person who knowingly or negligently does  
3 any of the following is subject to criminal penalties as provided  
4 in subdivisions (b), (c), and (d):

5 (1) Violates Section ~~13375~~ 13264, 13375, or 13376.

6 (2) Violates any waste discharge requirements or dredged or  
7 fill material permit issued pursuant to this chapter or any water  
8 quality certification issued pursuant to Section 13160.

9 (3) Violates any order or prohibition issued pursuant to Section  
10 13243 or 13301, if the activity subject to the order or prohibition  
11 is subject to regulation under this chapter.

12 (4) Violates any requirement of Section 301, 302, 306, 307,  
13 308, 318, 401, or 405 of the *federal* Clean Water Act (33 U.S.C.  
14 Sec. 1311, 1312, 1316, 1317, 1318, 1328, 1341, or 1345), as  
15 amended.

16 (5) Introduces into a sewer system or into a publicly owned  
17 treatment works any pollutant or hazardous substances that the  
18 person knew or reasonably should have known could cause  
19 personal injury or property damage.

20 (6) Introduces any pollutant or hazardous substance into a sewer  
21 system or into a publicly owned treatment works, except in  
22 accordance with any applicable pretreatment requirements, which  
23 causes the treatment works to violate waste discharge requirements.

24 (b) Any person who negligently commits any of the violations  
25 set forth in subdivision (a) shall, upon conviction, be punished by  
26 a fine of not less than five thousand dollars (\$5,000), nor more  
27 than twenty-five thousand dollars (\$25,000), for each day in which  
28 the violation occurs, by imprisonment for not more than one year  
29 in a county jail, or by both that fine and imprisonment. If a  
30 conviction of a person is for a violation committed after a first  
31 conviction of the person under this subdivision, subdivision (c),  
32 or subdivision (d), punishment shall be by a fine of not more than  
33 fifty thousand dollars (\$50,000) for each day in which the violation  
34 occurs, by imprisonment pursuant to subdivision (h) of Section  
35 1170 of the Penal Code for 16, 20, or 24 months, or by both that  
36 fine and imprisonment.

37 (c) Any person who knowingly commits any of the violations  
38 set forth in subdivision (a) shall, upon conviction, be punished by  
39 a fine of not less than five thousand dollars (\$5,000), nor more  
40 than fifty thousand dollars (\$50,000), for each day in which the

1 violation occurs, by imprisonment pursuant to subdivision (h) of  
2 Section 1170 of the Penal Code, or by both that fine and  
3 imprisonment. If a conviction of a person is for a violation  
4 committed after a first conviction of the person under this  
5 subdivision or subdivision (d), punishment shall be by a fine of  
6 not more than one hundred thousand dollars (\$100,000) for each  
7 day in which the violation occurs, by imprisonment pursuant to  
8 subdivision (h) of Section 1170 of the Penal Code for two, four,  
9 or six years, or by both that fine and imprisonment.

10 (d) (1) Any person who knowingly commits any of the  
11 violations set forth in subdivision (a), and who knows at the time  
12 that the person thereby places another person in imminent danger  
13 of death or serious bodily injury, shall, upon conviction, be  
14 punished by a fine of not more than two hundred fifty thousand  
15 dollars (\$250,000), imprisonment pursuant to subdivision (h) of  
16 Section 1170 of the Penal Code for 5, 10, or 15 years, or by both  
17 that fine and imprisonment. A person that is an organization shall,  
18 upon conviction under this subdivision, be subject to a fine of not  
19 more than one million dollars (\$1,000,000). If a conviction of a  
20 person is for a violation committed after a first conviction of the  
21 person under this subdivision, the punishment shall be by a fine  
22 of not more than five hundred thousand dollars (\$500,000), by  
23 imprisonment pursuant to subdivision (h) of Section 1170 of the  
24 Penal Code for 10, 20, or 30 years, or by both that fine and  
25 imprisonment. A person that is an organization shall, upon  
26 conviction for a violation committed after a first conviction of the  
27 person under this subdivision, be subject to a fine of not more than  
28 two million dollars (\$2,000,000). Any fines imposed pursuant to  
29 this subdivision shall be in addition to any fines imposed pursuant  
30 to subdivision (c).

31 (2) In determining whether a defendant who is an individual  
32 knew that the defendant's conduct placed another person in  
33 imminent danger of death or serious bodily injury, the defendant  
34 is responsible only for actual awareness or actual belief that the  
35 defendant possessed, and knowledge possessed by a person other  
36 than the defendant, but not by the defendant personally, cannot be  
37 attributed to the defendant.

38 (e) Any person who knowingly makes any false statement,  
39 representation, or certification in any record, report, plan, notice  
40 to comply, or other document filed with a regional board or the

1 state board, or who knowingly falsifies, tampers with, or renders  
2 inaccurate any monitoring device or method required under this  
3 division shall be punished by a fine of not more than twenty-five  
4 thousand dollars (\$25,000), by imprisonment pursuant to  
5 subdivision (h) of Section 1170 of the Penal Code for 16, 20, or  
6 24 months, or by both that fine and imprisonment. If a conviction  
7 of a person is for a violation committed after a first conviction of  
8 the person under this subdivision, punishment shall be by a fine  
9 of not more than twenty-five thousand dollars (\$25,000) per day  
10 of violation, by imprisonment pursuant to subdivision (h) of Section  
11 1170 of the Penal Code for two, three, or four years, or by both  
12 that fine and imprisonment.

13 (f) For purposes of this section, a single operational upset ~~which~~  
14 *that* leads to simultaneous violations of more than one pollutant  
15 parameter shall be treated as a single violation.

16 (g) For purposes of this section, “organization,” “serious bodily  
17 injury,” “person,” and “hazardous substance” shall have the same  
18 meaning as in Section 309(c) of the *federal* Clean Water Act (33  
19 U.S.C. Sec. 1319(c)), as amended.

20 (h) (1) Subject to paragraph (2), funds collected pursuant to  
21 this section shall be deposited ~~in~~ *into* the State Water Pollution  
22 Cleanup and Abatement Account.

23 (2) (A) Notwithstanding any other provision of law, fines  
24 collected for a violation of a water quality certification in  
25 accordance with paragraph (2) of subdivision (a) or for a violation  
26 of Section 401 of the *federal* Clean Water Act (33 U.S.C. Sec.  
27 1341) in accordance with paragraph (4) of subdivision (a) shall be  
28 deposited ~~in~~ *into* the Water Discharge Permit Fund and separately  
29 accounted for in that fund.

30 (B) The funds described in subparagraph (A) shall be expended  
31 by the state board, upon appropriation by the Legislature, to assist  
32 regional boards, and other public agencies with authority to clean  
33 up waste or abate the effects of the waste, in cleaning up or abating  
34 the effects of the waste on waters of the state, or for the purposes  
35 authorized in Section 13443.

36 SEC. 23. This bill is not intended to modify or weaken existing  
37 protections. In the event of a conflict between the provisions of  
38 this bill and any existing state law or regulation, the more stringent  
39 provision shall prevail.

1 SEC. 24. The provisions of this bill are severable. If any  
2 provision of this bill or its application is held invalid, that invalidity  
3 shall not affect other provisions or applications that can be given  
4 effect without the invalid provision or application.

5 SEC. 25. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 a local agency or school district has the authority to levy service  
8 charges, fees, or assessments sufficient to pay for the program or  
9 level of service mandated by this act or because costs that may be  
10 incurred by a local agency or school district will be incurred  
11 because this act creates a new crime or infraction, eliminates a  
12 crime or infraction, or changes the penalty for a crime or infraction,  
13 within the meaning of Section 17556 of the Government Code, or  
14 changes the definition of a crime within the meaning of Section 6  
15 of Article XIII B of the California Constitution.

AMENDED IN SENATE MARCH 24, 2025

**SENATE BILL**

**No. 599**

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**Introduced by Senator Caballero**

February 20, 2025

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An act to amend Section ~~1242.1~~ 347 of the Water Code, relating to ~~groundwater~~: *atmospheric rivers*.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as amended, Caballero. ~~Groundwater recharge: floodflows: diversion:~~ *Atmospheric rivers: research: forecasting methods: experimental tools.*

*Existing law establishes the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program in the Department of Water Resources. Existing law requires the department to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. Existing law requires the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.*

*This bill would, for novel forecasting methods researched, developed, and implemented by the department, require the department to include the use of experimental tools that produce seasonal and subseasonal atmospheric river forecasts, as defined.*

~~Existing law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be~~

acquired by appropriation in the manner provided by law. Existing law requires the appropriation to be for some useful or beneficial purpose. Existing law provides that the diversion of floodflows for groundwater recharge, commenced before January 1, 2029, does not require an appropriative water right if certain conditions are met, including that the diversion does not use new permanent infrastructure or permanent construction.

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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) *Atmospheric rivers are long narrow bands of concentrated*  
4 *moisture that form over the Pacific Ocean.*
- 5     (b) *Atmospheric rivers have been identified as major drivers of*  
6 *floods and precipitation, responsible for up to one-half of the*  
7 *annual precipitation in California and 94 percent of all flood*  
8 *damages, totaling around \$620 million annually.*
- 9     (c) *Climate change is resulting in more intense and more*  
10 *frequent atmospheric rivers.*
- 11     (d) *In southern California, around Prado Dam, atmospheric*  
12 *rivers have caused the 10 largest events on record. Additionally,*  
13 *precipitation in the Yuba-Feather watershed is strongly tied to*  
14 *atmospheric river activity.*
- 15     (e) *Winter storms from late-December 2022 to mid-January*  
16 *2023 caused massive flood damage in 40 of California's 58*  
17 *counties, resulting in 20 deaths and significant devastation to*  
18 *homes, roads, infrastructure, agriculture, businesses, the economy,*  
19 *and caused over \$30 billion in damages.*
- 20     (f) *One in five Californians live in flood-prone areas, and all*  
21 *58 counties have a history of severe flood damage. Homes and*  
22 *buildings worth approximately \$900 billion are at risk of flooding.*
- 23     (g) *Flooding is the most widespread natural hazard in*  
24 *California, and is more pervasive than wildfires or earthquakes.*
- 25     (h) *Low-income communities of color are disproportionately*  
26 *at risk due to limited financial capacity for flood control upgrades*  
27 *and recovery.*

1 (i) Over 250 aging dams and outdated flood infrastructure  
2 increase the likelihood of catastrophic flooding.

3 (j) California spends \$1.8 billion annually on flood control  
4 operations and maintenance, and \$1 billion annually on new  
5 investments, but investment needs range from \$2 to \$4.5 billion,  
6 inclusive, annually for the next 25 years.

7 (k) Since 2006, only \$4.5 billion has been allocated to new flood  
8 infrastructure.

9 (l) Atmospheric River Reconnaissance (AR Recon), a Research  
10 and Operations Partnership (RAOP) with NOAA National Center  
11 for Environmental Prediction (NCEP), led by the Center for  
12 Western Weather and Water Extremes, leverages National Oceanic  
13 and Atmospheric Administration and United States Air Force  
14 investments in aircraft-based observations. It is now the leading  
15 effort within the National Winter Season Operations Plan for  
16 airborne weather reconnaissance.

17 (m) The AR Recon Partnership has improved forecasting skill.  
18 Statewide, five-day atmospheric river forecasts in water year 2020  
19 were better than four-day forecasts in 2017.

20 (n) The Department of Water Resources is invested in extended  
21 forecasts, such as subseasonal (two to six weeks) and seasonal  
22 (one to six months) forecasts.

23 (o) Better atmospheric river forecast accuracy and lead time  
24 enhances the state's resiliency to flood and drought.

25 (p) According to the Public Policy Institute of California, a  
26 major flood event, like the flood in 1861–62, could displace  
27 1,500,000 people and cause over \$1 trillion in damages and  
28 business losses.

29 (q) With effective atmospheric river forecasting, California can  
30 maximize its efforts to recharge more groundwater and boost our  
31 water supply for communities across the state, and protect  
32 communities from catastrophic flooding.

33 SEC. 2. Section 347 of the Water Code is amended to read:

34 347. (a) The Atmospheric Rivers Research and Forecast  
35 Improvement Program: Enabling Climate Adaptation Through  
36 Forecast-Informed Reservoir Operations and Hazard Resiliency  
37 (AR/FIRO) Program is hereby established in the Department of  
38 Water Resources.

39 (b) (1) The department shall research, develop, and implement  
40 new observations, prediction models, novel forecasting methods,

1 *including the use of experimental tools that produce seasonal and*  
2 *subseasonal atmospheric river forecasts, and tailored decision*  
3 *support systems to improve predictions of atmospheric rivers and*  
4 *their impacts on water supply, flooding, post-wildfire debris flows,*  
5 *and environmental conditions.*

6 (2) The department shall utilize all relevant information  
7 produced pursuant to paragraph (1) to operate reservoirs in a  
8 manner that improves flood protection in the state and to reoperate  
9 flood control and water storage facilities to capture water generated  
10 by atmospheric rivers and other storms. The goals of integrating  
11 forecast-informed reservoir operations into department operations  
12 shall be to increase water supply, hydropower availability, and  
13 water supply reliability. The department may use research  
14 generated by this program to refine climate projections of extreme  
15 weather and water events and changes in Sierra snow.

16 (3) Information produced pursuant to paragraph (1) shall be  
17 available to relevant federal, state, and local agencies.

18 (c) *For purposes of this section, both of the following definitions*  
19 *apply:*

20 (1) *“Seasonal forecast” means a forecast that covers a period*  
21 *of approximately one to six months into the future.*

22 (2) *“Subseasonal forecast” means a forecast that covers a*  
23 *period of approximately two to six weeks into the future.*

24 ~~SECTION 1. Section 1242.1 of the Water Code is amended to~~  
25 ~~read:~~

26 ~~1242.1. The diversion of floodflows for groundwater recharge~~  
27 ~~shall not require an appropriative water right if all of the following~~  
28 ~~conditions are met:~~

29 ~~(a) (1) A local or regional agency that has adopted a local plan~~  
30 ~~of flood control pursuant to Section 8201 or has considered flood~~  
31 ~~risk as part of its most recently adopted general plan has given~~  
32 ~~notice via its internet website, electronic distribution list,~~  
33 ~~emergency notification service, or another means of public notice,~~  
34 ~~that flows downstream of the point of diversion are at imminent~~  
35 ~~risk of flooding and inundation of land, roads, or structures.~~

36 ~~(2) As used in this section, “floodflow” means any of the~~  
37 ~~following:~~

38 ~~(A) Where a waterbody is subject to a defined flood stage, flows~~  
39 ~~in excess of flood stage where actions are necessary to avoid threats~~  
40 ~~to human health and safety.~~

1 ~~(B) (i) Except as provided in clause (ii), where a waterbody is~~  
2 ~~not subject to a defined flood stage, surface water escaped from~~  
3 ~~or is likely to imminently escape from a channel or waterbody~~  
4 ~~causing or threatening to cause inundation of residential or~~  
5 ~~commercial structures, or roads needed for emergency response.~~  
6 ~~Likely imminent escape from a channel or waterbody shall be~~  
7 ~~demonstrated by measured flows in excess of the maximum design~~  
8 ~~capacity of a flood control project, where such a project is present~~  
9 ~~and the maximum design capacity is readily available information.~~

10 ~~(ii) This subparagraph does not apply to flows that inundate~~  
11 ~~wetlands, working lands, or floodplains, events that constitute a~~  
12 ~~“design flood,” groundwater seepage, or waters confined to a~~  
13 ~~“designated floodway.”~~

14 ~~(C) Where flows would inundate ordinarily dry areas in the bed~~  
15 ~~of a terminal lake to a depth that floods dairies and other ongoing~~  
16 ~~agricultural activities, or areas with substantial residential,~~  
17 ~~commercial, or industrial development.~~

18 ~~(3) As used in this subdivision, “imminent” means a high degree~~  
19 ~~of confidence that a condition will begin in the immediate future.~~

20 ~~(b) The diversions cease when the flood conditions described~~  
21 ~~in the public notice provided pursuant to subdivision (a) have~~  
22 ~~abated to the point there is no longer a risk of flooding and~~  
23 ~~inundation of land, roads, or structures downstream of the point~~  
24 ~~of diversion.~~

25 ~~(e) Any water diverted is not diverted to, and will not be applied~~  
26 ~~to, any of the following:~~

27 ~~(1) Any barns, ponds, or lands where manure or waste from an~~  
28 ~~animal facility that generates waste from the feeding and housing~~  
29 ~~of animals for more than 45 days per year in a confined area that~~  
30 ~~is not vegetated are applied.~~

31 ~~(2) Any agricultural field that has been identified as an outlier~~  
32 ~~with respect to nitrogen application by any of the following:~~

33 ~~(A) The board.~~

34 ~~(B) The appropriate regional board.~~

35 ~~(C) An agricultural coalition charged with implementation of~~  
36 ~~the Irrigated Lands Regulatory Program.~~

37 ~~(3) Any area that could cause damage to critical levees,~~  
38 ~~infrastructure, wastewater and drinking water systems, drinking~~  
39 ~~water wells or drinking water supplies, or exacerbate the threat of~~  
40 ~~flood and other health and safety concerns.~~

1 ~~(4) Any area that has not been in active irrigated agricultural~~  
2 ~~cultivation within the past three years, including grazing lands,~~  
3 ~~annual grasslands, and natural habitats. This limitation does not~~  
4 ~~apply to facilities already constructed for the purpose of~~  
5 ~~groundwater recharge or managed wetlands.~~

6 ~~(d) With respect to diversions from water tributaries to the~~  
7 ~~Sacramento-San Joaquin Delta (Delta), water rights holders are~~  
8 ~~not making releases of stored water or reoperating facilities to~~  
9 ~~provide flow for the purposes of meeting water quality control~~  
10 ~~plan or endangered species requirements in the Delta at the time~~  
11 ~~of the diversion.~~

12 ~~(e) The diversion of floodflows for groundwater recharge uses~~  
13 ~~the following as part of the diversion:~~

14 ~~(1) Either existing diversion infrastructure or temporary pumps.~~

15 ~~(2) Existing groundwater recharge locations, where available.~~

16 ~~(3) No new permanent construction or permanent infrastructure.~~

17 ~~(4) For diversions directly from rivers or streams, protective~~  
18 ~~screens on temporary pump intakes to minimize the impacts of~~  
19 ~~diversion to fish and other aquatic life. Such screens shall be~~  
20 ~~constructed of any rigid material, perforated, woven, or slotted,~~  
21 ~~that provides water passage while physically excluding fish. The~~  
22 ~~screen face shall be parallel to the flow and adjacent to the water's~~  
23 ~~edge. The upstream and downstream transitions to the screen~~  
24 ~~structure shall be designed and constructed to minimize eddies~~  
25 ~~upstream of, in front of, and downstream of the screen, while~~  
26 ~~minimizing entrainment to the degree feasible. Prior to~~  
27 ~~implementing this paragraph, the Department of Fish and Wildlife~~  
28 ~~shall conduct at least one public workshop to review recommended~~  
29 ~~design parameters and ranges of scenarios for deployment and use~~  
30 ~~of protective screens. These recommendations and any other~~  
31 ~~guidelines provided by the Department of Fish and Wildlife on~~  
32 ~~the implementation of this paragraph shall not be subject to the~~  
33 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~  
34 ~~Section 11340) of Part 1 of Division 3 of Title 2 of the Government~~  
35 ~~Code).~~

36 ~~(f) The person or entity making the diversion for groundwater~~  
37 ~~recharge does not claim any water right based on that diversion~~  
38 ~~and recharge.~~

39 ~~(g) (1) The person or entity making the diversion for~~  
40 ~~groundwater recharge files all of the following with the board and~~

- 1 with any applicable groundwater sustainability agency, as defined  
2 in Section 10721, for the basin:
- 3 ~~(A) A notice that provides the information specified in~~  
4 ~~Subparagraphs (A) through (C), inclusive, of paragraph (2), 48~~  
5 ~~hours before whenever feasible, and in no event later than 48 hours~~  
6 ~~after initially commencing diversion of floodflows for groundwater~~  
7 ~~recharge.~~
- 8 ~~(B) A preliminary report no later than 14 days after initially~~  
9 ~~commencing diversion of floodflows for groundwater recharge.~~
- 10 ~~(C) A final report no later than 15 days after diversions cease.~~
- 11 ~~(2) The preliminary and final reports shall do all of the~~  
12 ~~following:~~
- 13 ~~(A) Identify the person or entity making the diversion for~~  
14 ~~groundwater recharge.~~
- 15 ~~(B) Provide the Global Positioning System (GPS) coordinates~~  
16 ~~for the point of diversion, a map identifying the approximate area~~  
17 ~~inundated by the floodflows, and the corresponding assessor parcel~~  
18 ~~numbers.~~
- 19 ~~(C) Identify the time when diversions of floodflows to~~  
20 ~~groundwater recharge commenced, and, for final reports, when~~  
21 ~~diversions ceased.~~
- 22 ~~(D) Provide an estimate, as of the report's date, of the amount~~  
23 ~~of floodflows diverted for groundwater recharge.~~
- 24 ~~(h) This section shall only apply to diversions commenced~~  
25 ~~before January 1, 2029.~~

AMENDED IN ASSEMBLY MARCH 27, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

**ASSEMBLY BILL**

**No. 810**

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**Introduced by Assembly Member Irwin**

February 19, 2025

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An act to amend Section 50034 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 810, as amended, Irwin. Local government: internet websites and email addresses.

Existing law requires that a local agency that maintains an internet website for use by the public to ensure that the internet website uses a “.gov” top-level domain or a “.ca.gov” second-level domain no later than January 1, 2029. Existing law requires that a local agency that maintains public email addresses to ensure that each email address provided to its employees uses a “.gov” domain name or a “.ca.gov” domain name no later than January 1, 2029. Existing law defines “local government” agency” for these purposes: *purposes as a city, county, or city and county.*

This bill would ~~allow a community college district, community college, or other postsecondary institution to use a “.edu” domain to satisfy these requirements. The bill would also add to expand~~ the definition of “local government” agency” to include a special district, school district, joint powers authority, or other political ~~subdivision. subdivision, thereby requiring those entities to comply with the above-described domain requirements. The bill would allow a community college district or community college to use a “.edu” domain~~

to satisfy these requirements. By adding to the duties of local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Section 50034 of the Government Code is  
2 amended to read:

3 50034. (a) (1) No later than January 1, 2029, a local agency  
4 that maintains an internet website for use by the public shall ensure  
5 that the internet website uses a “.gov” top-level domain or a  
6 “.ca.gov” second-level domain.

7 (2) If a local agency that is subject to paragraph (1) maintains  
8 an internet website for use by the public that is noncompliant with  
9 paragraph (1) by January 1, 2029, that local agency shall redirect  
10 that internet website to a domain name that does comply with  
11 paragraph (1).

12 (b) No later than January 1, 2029, a local agency that maintains  
13 public email addresses for its employees shall ensure that each  
14 email address provided to its employees uses a “.gov” domain  
15 name or a “.ca.gov” domain name.

16 ~~(e) For purposes of this section, “local agency” means a city,~~  
17 ~~county,, city and county, special district, school district, joint~~  
18 ~~powers authority, or other political subdivision.~~

19 ~~(d)~~

20 (c) For purposes of this section, a community college ~~district,~~  
21 ~~community college, or other postsecondary institution district or~~  
22 ~~community college~~ may use a “.edu” domain name.

23 (d) For purposes of this section, “local agency” means a city,  
24 county, city and county, special district, school district, joint  
25 powers authority, or other political subdivision.

1     SEC. 2. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

O



**AGENDA ITEM SUBMITTAL**

**Meeting Date:** April 3, 2025

**Budgeted:** N/A

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**Budgeted Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**From:** John Kennedy

**Program/Line-Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**Staff Contact:** G. Ayala/A. Harasty

**CEQA Compliance:** N/A

**Subject: FEDERAL LEGISLATIVE UPDATE**

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**SUMMARY**

The Orange County Water District’s (OCWD) federal advocate and staff will provide an update on federal regulations related to PFAS, funding for OCWD’s projects and a bill of interest to OCWD.

**Attachments:**

- ENS Resources April Update
- H.R. 2093 Ken Calvert (R-D-41) Extends Permitting Terms of the Federal Water Pollution Control Act

**RECOMMENDATION**

Agendize for April 16 Board meeting: Take the following position:

<b>Bill Number/Authors</b>	<b>Short Title</b>	<b>Recommended Position</b>
H.R. 2093 (Ken Calvert, R-D-41)	Extends Permitting Terms	Support

**DISCUSSION/ANALYSIS**

**H.R. 2093 Extends Permitting Terms of the Federal Water Pollution Control Act**

H.R. 2093 extends the National Pollutant Discharge Elimination System (NPDES) permit term from five to ten years. The 119<sup>th</sup> Congress and the Administration have placed a priority on permitting reforms. As a result, the environment to authorize ten-year NPDES permit terms has become more receptive than in past years. H.R. 2093 would benefit wastewater, water recycling and desalination projects. At the time of this writing, there are no entities registered with a position on H.R.2093.

Background: The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by

the United States Environmental Protection Agency to perform many permitting, administrative, and enforcement aspects of the program.

- March 28 OCWD applied for Community Project Funding (CPF) or “earmarks” for PFAS Cleanup Projects of \$5 million from Congressmembers Kim, Tran, Min, and Senators Padilla and Schiff. The City of Santa Ana applied for CPF for PFAS Cleanup Projects of \$5 million from Congressman Correa
- February 17 President Bilodeau and Alicia Harasty provided a briefing and tour of OCWD/GWRS to Congressman Dave Min and his staff
- January 30 President Bilodeau, John Kennedy and Alicia Harasty briefed Congresswoman Young Kim and her staff on PFAS, FIRO, Sunset Gap, and Sediment removal from behind Prado Dam
- January 22 Alicia Harasty briefed staff to the office of Congressman Lou Correa



TO: Alicia Harasty  
FROM: Eric Sapirstein  
DATE: March 25, 2025  
SUBJECT: Washington Update

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Over the past month, Congress and the Administration continued to advance the process of developing a budget resolution that would lead to reconciliation. As of Friday, March 14, the question on whether the government would shutdown was answered when Senate Democrats reversed their position and voted to pass the seven month Continuing Resolution, giving Republicans the required 60 plus votes necessary to avoid a filibuster. President Trump signed it into law and the federal government will now operate without interruption to the end of the fiscal year, September 30, 2025. President Trump secured the confirmation of his cabinet nominees. The immediate impact of the senior officials' confirmations is Congress can now turn its attention to office level nominees. On March 26, the Senate Committee on Environment and Public Works will consider the nomination of Jessica Kramer to be the next Assistant Administrator for the USEPA Office of Water.

Meanwhile, the Trump Administration continues its focus to review key regulatory initiatives taken by the Biden Administration in its waning days. This includes another review of the never ending WOTUS policy debate. While there has not been action taken on pending guidance related to PFAS standards, it is possible that once Kramer is confirmed the agency could reassess prior guidance and rulemakings and the science relied upon to issue standards. However, this prospect may be limited by the ongoing litigation challenging the 4PPT drinking water standard and the designation of PFAS as a hazardous substance under the Superfund law. One action that seems likely is a reconsideration of the proposed PFAS related aquatic human health criteria that were issued and could be subject to review and revision.

The ongoing effort to reduce the size of the federal bureaucracy through DOGE has met with mixed results. In the past few weeks, the dismissal of probationary workers and acceptance by employees of early retirement packages led to concerns that water projects management could suffer in California. As a result, a number of dismissed employees were reinstated along with judicial decisions ordering the rehiring of workers. At the same time, the Administration continues to move forward with the goal of reducing the federal

government's footprint by unloading real estate and not renewing leases. In addition to these activities, federal agency heads are facing an April 14 deadline to provide the Office of Management and Budget (OMB) with implementation plans to reduce their agencies' workforce and how they intend to reorganize to deliver increased efficiencies. Assuming OMB approves the plans, actions must be taken not later than September 30, 2025.

### ***House and Senate Move Forward on Budget Resolutions***

As passed in the House, two trillion dollars in spending cuts must be found over ten years. The Senate calls for \$1.5 trillion in cuts. Final approval of the budget resolution will require the two chambers to reconcile the \$500 billion difference. Central to the challenge to find a compromise that would lead to an enforceable reconciliation bill are potential spending reductions that would be required. Moderate and swing state Republicans in the House are concerned over the impacts that the proposed domestic spending reductions would create. At the same time, House conservatives continue to express frustrations over increases in spending and tax cuts without corresponding spending cuts. The next three weeks will determine how swiftly the House and Senate can draft a compromise budget reconciliation process as the Senate has signaled that it is unwilling to move forward until the House demonstrates how it intends to achieve \$2 trillion in spending cuts. The Senate has passed a resolution calling for \$1.5 trillion in cuts that it believes is achievable. As of this writing, the Speaker of the House, Mike Johnson (R-LA) continues to work to finalize an agreement by Memorial Day.

### **Importance of Budget Resolution**

The passage of a budget resolution is vital to deliver the actual budget reconciliation measure. Reconciliation provides for the enforcement of the resolution's provisions governing tax and spending policy. It will govern federal policymaking and spending over the next ten years. However, the first five years are mandatory directives. The subsequent five years of the budget mandates are often subject to revision, depending upon economic circumstances and who controls Congress. The resolution and reconciliation will impact the funding levels of key domestic spending, including infrastructure assistance programs. For example, the Committee on Transportation & Infrastructure with authority over the Clean Water Act is directed to cut at least \$10 billion and the Committee on Energy and Commerce must cut \$850 billion in spending. The mandated cuts could impact the available funding over the next ten years for water infrastructure and U.S. Corps of Engineers projects. Any final agreement could also be used to authorize new water storage projects and impose mandates to reorganize federal agencies and/or programs if the reorganization could be demonstrated to have a direct impact upon the federal budget.

### ***Fiscal Year 2026 Appropriations Process Begins***

House and Senate Committee on Appropriations have begun the process of reviewing funding priorities for Fiscal Year 2026 that begins October 1 now that Fiscal Year 2025 spending decisions have been enacted into law as PL# 119-4 (H.R. 1968). OCWD has submitted project spending requests to its delegation Members that have sought project requests. Because projects were not included in H.R. 1968, most Members are expected to resubmit FY 2025 projects requests. The President's budget request is expected to be transmitted to Congress on or around May 3. We expect the House and Senate will move

expeditiously to pass the twelve annual spending bills by late summer with the expressed hope for final passage before October 1.

### ***NPDES Permitting Reforms Legislation Introduced***

During a recent House Committee on Transportation & Infrastructure hearings into the value of the Clean Water Act's infrastructure programs and permitting, witnesses detailed the need to expedite project construction while minimizing bureaucratic delays. Representative John Garamendi (D-CA) announced that a bipartisan bill to allow states to issue NPDES permits to clean water agencies for ten years would be introduced. Following the hearing, Representative Ken Calvert (R-CA), joined by Garamendi and Representative David Rouzer (R-NC) introduced H.R. 2093. H.R. 2093 contains provisions that were included in last year's House-passed Confidence in Clean Water Permitting Act. H.R. 2093 would benefit wastewater, water recycling and desalination projects. The Senate Committee on Environment and Public Works recently held a hearing on permitting challenges and all witnesses called for reforms. On a bipartisan basis, committee members noted that permitting reform is a legitimate policy debate. Members highlighted that the current federal processes are too cumbersome and create delays that do not benefit the environment and only serve to increase projects costs due to delays. As a result, committee staff are considering broad ranging energy and environment permit reforms for the committee to consider in the months ahead. As of this writing, NPDES ten year permit terms are included as part of the committee staff's discussions.

### **Importance of Ten Year Permits Legislation**

The 119<sup>th</sup> Congress and the Administration have placed a priority on permitting reforms. As a result, the environment to authorize ten year NPDES permit terms has become more receptive than in past years. If reforms are passed, a bill would likely be signed into law. If enacted into law, water sector agencies would realize reduced administrative red tape associated with Clean Water Act permit renewals and deliver efficiencies in complying with the Clean Water Act.

.....  
(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. CALVERT introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NATIONAL POLLUTANT DISCHARGE ELIMI-**  
4 **NATION SYSTEM (NPDES) TERMS.**

5 (a) IN GENERAL.—Section 402(b)(1)(B) of the Fed-  
6 eral Water Pollution Control Act (33 U.S.C.  
7 1342(b)(1)(B)) is amended to read as follows:

8 “(B) are for fixed terms—

1           “(i) not exceeding 10 years, for a permit  
2 issued to a State or municipality; and

3           “(ii) not exceeding 5 years, for a permit  
4 issued to any person not described in clause (i);  
5 and”.

6           (b) TECHNICAL CORRECTIONS.—Section 402(l)(3) of  
7 the Federal Water Pollution Control Act (33 U.S.C.  
8 1342(l)(3)) is amended—

9           (1) in subparagraph (B)—

10           (A) by striking “section 402” and insert-  
11 ing “this section”; and

12           (B) by striking “federal” and inserting  
13 “Federal”; and

14           (2) in subparagraph (C)—

15           (A) by striking “Section” and inserting  
16 “section”;

17           (B) by striking “402(p)(6)” and inserting  
18 “subsection (p)(6)”;

19           (C) by striking “402(l)(3)(A),” and insert-  
20 ing “subparagraph (A),”; and

21           (D) by striking “402(l)(3)(A).” and insert-  
22 ing “such subparagraph.”.



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 3, 2025

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** John Kennedy

**Staff Contact:**

**Budgeted:** No

**Budgeted Amount:** N/A

**Cost Estimate:** TBD

**Funding Source:** TBD

**Program/Line Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject:** **FIRST RESPONDER TRAINING AND TOUR**

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### SUMMARY

At the February 19, 2025, Board meeting, the Directors discussed the idea of hosting a first responder appreciation luncheon. The concept is to provide a lunch to express the District's appreciation for first responders and to also make police and fire personnel more familiar with the District's staff and facilities. Staff was requested to research options for hosting such a luncheon or alternatives to the lunch.

### RECOMMENDATION

Agendize for April 16 Board meeting: Take action as appropriate

### REQUESTED BY

Board of Directors

### DISCUSSION/ANALYSIS

#### Background:

Hosting an appreciation luncheon for local and police and fire agencies was proposed at the February 6, 2025, Communications and Legislative Liaison Committee meeting as a way to show gratitude toward police and fire personnel and build community relations between staff and those who report to OCWD during emergencies.

During the February 19 Board of Directors meeting, the Board agreed on its support of local first responders and the need to thank them for their service, as well as make them more familiar with OCWD's campus. Concerns were raised over the estimated cost of hosting the event. Staff was directed to research a scaled back approach or alternative to hosting a luncheon.

#### Proposed alternatives

Staff brings forward the following alternatives:

1. Thank you letter + tour invite:

A letter from the Board of Directors would be sent to emergency response agencies

serving OCWD thanking them for their service to the community and inviting them to tour the GWRS and other areas of the campus. The letter would be signed by OCWD's full Board and would include the contact information of the District's risk and safety manager.

Cost: None

## 2. On-site training + tour:

Public affairs staff would work with OCWD's risk and safety department to identify training opportunities on OCWD's campus for local emergency response agencies. For example: hosting a confined space training with the fire department. As part of the training, facility tours would be offered to make response personnel familiar with OCWD's campus. A boxed lunch would be included due to the time commitment needed to complete the endeavor.

Cost: Total cost will vary depending on the number of training attendees. The cost of boxed lunches is \$20 per person.

## 3. Options for a scaled back appreciation luncheon

Host a drop-in lunch for local emergency response agencies with an optional tour. A drop-in schedule would allow invitees to attend as their schedule allows and would include an opportunity for board members and risk and safety staff to personally thank attendees for their service.

Cost: Cost would be lessened from the original estimate by selecting a cost-effective meal option, not inviting all OCWD staff, and not renting equipment unless a need arises due to inclement weather.

- Taco catering for 100 people: \$1,600 + taxes and fees
- Boxed sandwiches for 100 people: \$2,000 + taxes and fees

### Benefits and relation to OCWD mission:

Benefits of the above actions include showing appreciation to those responding to emergencies at OCWD's Fountain Valley campus and in the field; introducing local police and fire crews to OCWD's campus, including points of entry and hazardous materials; highlighting OCWD as a leader in groundwater management and water reuse; and fostering interaction among fire responders and staff to build mutual understanding and cooperation.

### **PRIOR RELEVANT BOARD ACTION**

02/19/25, M25-21: Deferred Item Back to Communications and Legislative Committee



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 3, 2025

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** John Kennedy

**Staff Contacts:** G. Ayala/D. Berch

**Budgeted:** Yes

**Budgeted Amount:** \$265,000

**Cost Estimate:** \$265,000

**Funding Source:** 1012.51112

**Program/Line Item No.:** 1206

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject: CHILDREN'S WATER EDUCATION FESTIVAL UPDATE**

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### SUMMARY

The 28<sup>th</sup> annual Children's Water Education Festival (Festival) will take place on April 23-24, 2025, at Oak Canyon Park. Staff will provide a verbal update of the event.

Attachment: Festival Participants for the Festival Year of 2025

### RECOMMENDATION

Informational

### DISCUSSION/ANALYSIS

The Children's Water Education Festival is a long-standing educational field trip that the District has hosted since 1997. The event has engaged over 152,000 third through fifth grade students since its inception. The 2025 Festival will be held April 23 and 24 at Oak Canyon Park (Silverado). This no-cost field trip offers students a memorable, hands-on learning experience led by OCWD departments and other local experts.

This year, the Festival is set to welcome a total of 240 elementary school classes, representing 6,270 students over the two-day event. Students will visit interactive presentations focused on water and related topics.

A total of 58 presenters will participate in the 2025 Festival. Eight of the presentations will be led by Orange County Water District departments. The event will also be supported by approximately 200 volunteers.

Sponsorship efforts for the 2025 Festival have received an exceptionally strong response. Exceeding the goal of \$70,000, staff has secured over \$103,000 in support. Outreach was conducted to ~100 potential sponsors and 45 have confirmed to date.

Staff will provide a verbal update on event planning.

**PRIOR RELEVANT BOARD ACTION(S) N/A**

## Festival Participants for the Festival Year of 2025

### Schools:

City	School	No. of Students
Aliso Viejo	California Inspire Academy	29
Aliso Viejo	Canyon Vista Elementary	85
Aliso Viejo	Wood Canyon Elementary School	84
Anaheim	Acaciawood School	33
Anaheim	Benito Juarez Elementary	102
Anaheim	Danbrook Elementary	44
Anaheim	Dr. Jonas Salk School	110
Anaheim	Franklin Elementary School	97
Anaheim	Guinn Elementary School	94
Anaheim	Jefferson Elementary School	114
Anaheim	Mann Elementary School	53
Anaheim	Nohl Canyon Elementary	84
Anaheim	Westmont Elementary School	251
Anaheim Hills	Crescent Elementary School	66
Buena Park	Charles G. Emery School	125
Buena Park	James A. Whitaker School	212
Buena Park	Mabel L. Pendleton School	60
OC (Homeschool)	Muslim Homeschool Network	45
Costa Mesa	California Elementary School	40
Costa Mesa	Davis Magnet School	79
Costa Mesa	Page Private School	12
Costa Mesa	Paularino Elementary	59
Costa Mesa	Rea Elementary School	87
Costa Mesa	Swaney Homeschool	3
Costa Mesa	Wilson Elementary	148
Fountain Valley	Allen Elementary School	102
Fountain Valley	Monroe Elementary School	68
Fullerton	Commonwealth Elementary School	62
Fullerton	Maple Elementary	64
Garden Grove	Anderson Elementary	72
Garden Grove	Excelsior Elementary School	56
Garden Grove	Gilbert Elementary School	63
Garden Grove	Morningside Elementary School	119
Garden Grove	Murdy Elementary	279
Garden Grove	Riverdale Elementary	233
Huntington Beach	Montessori Child Development Center	6
Irvine	Cadence Park	104
Irvine	Canyon View Elementary School	121
Irvine	College Park Elementary - Irvine	31
Irvine	Eastwood Elementary	93

Irvine	Northwood Elementary School	75
Irvine	Stonegate Elementary School	163
Irvine	Turtle Rock Elementary School	126
Newport Beach	Mariners Elementary School	101
Newport Beach	Newport Elementary School	43
Orange	California Elementary School	80
Orange	La Veta Elementary	164
Orange	Palmyra Elementary	84
Orange	Palmyra Elementary School	89
Placentia	Brookhaven Elementary	63
Placentia	Grace Christian Academy	16
Placentia	Wagner Elementary School	54
Rancho Santa Margarita	Ocean View NPS	8
San Juan Capistrano	San Juan Elementary School	117
Santa Ana	Abraham Lincoln Elementary School	152
Santa Ana	Diamond Elementary School	70
Santa Ana	Fairhaven Elementary	47
Santa Ana	Franklin Elementary	155
Santa Ana	George Washington Carver Elementary School	55
Santa Ana	James Madison Elementary School	166
Santa Ana	James Russell Lowell Elementary School	77
Santa Ana	Jim Thorpe Fundamental Elementary	116
Santa Ana	John F. Kennedy Elementary School	46
Santa Ana	Mother of Divine Grace (Homeschool)	2
Santa Ana	Pio Pico Elementary School	52
Santa Ana	Taft School	176
Tustin	Jeane Thorman Elementary School	30
Tustin	Sycamore Magnet Academy	71
Villa Park	Serrano Elementary	194
Westminster	Anthony Elementary School	89

Total	6270
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**Presenters:**

Anaheim Fire & Rescue
Anaheim Public Utilities
Back Bay Science Center CA Dept. of Fish & Wildlife
Beach Cities Ducks Unlimited
Bolsa Chica Conservancy
Carollo Engineers Inc.
CDM Smith
Chromosphere
City of Santa Ana

Department of Water Resources
Discovery Cube
Disney Imagination Campus
Disneyland Resort
Disneyland Resort Environmental Affairs
Disneyland Resort Environmental Affairs
Earthroots Field School
El Toro Water District
Environmental Nature Center
Grades of Green
Green Earth Magic Show (GEMS Inc.) - Kevin Barnes
Hazen and Sawyer
Huntington Beach Wetlands Conservancy
Inside the Outdoors
Irvine Ranch Conservancy
Irvine Ranch Water District
McKinnon Surf & SUP Lessons
Mesa Water District
Metropolitan Water District of Southern California
Moulton Niguel Water District
Municipal Water District of Orange County
OC Habitats
OC Public Works - OC Environmental Resources
OC Vector Control
OC Waste & Recycling
Ocean Institute
Orange County Coastkeeper
Orange County Coastkeeper
Orange County Public Works - Environmental Resources (H2OC)
Orange County Sanitation District
Orange County Transportation Authority (OCTA)
Orange County Water District - Barrier
Orange County Water District - Engineering
Orange County Water District - Hydrogeology
Orange County Water District - Lab
Orange County Water District - Natural Resources
Orange County Water District - R&D
Orange County Water District - Recharge
Orange County Water District - Water Quality
Pacific Marine Mammal Center
Paul Cash Eco / Magic Show
Republic Services
Santa Ana Zoo @ Prentice Park
Shows That Teach

South Coast AQMD	
South Coast Water District	
US Army Corps of Engineers	
Wonders of Wildlife	
Yorba Linda Water District	
<b>Total:</b>	<b>58 Presenters</b>

**Sponsors:**                    *\* denotes returning sponsor from 2024 Festival*

	American Water Chemicals
*	Anaheim Public Utilities
	APEX Environmental Water Resources
*	Black & Veatch
*	Brown & Caldwell
*	Butier
	Caliagua
*	CDM Smith
	Chairman Wagner (Supervisors Office)
	City of Buena Park
*	City of Garden Grove
	City of Huntington Beach
*	City of Newport Beach
*	City of Santa Ana
	City of Tustin / Public Works
*	Disneyland Resort
	Dupont Water Solutions
*	El Toro Water District
	ENGEO Incorporated
	Environmental Science Associates
*	H2OC (OC Public Works)
*	Irvine Ranch Water District
	Kennedy Jenks
	Laguna Beach County Water District
*	Mesa Water District
*	MKN Associates
*	Moulton Niguel Water District
	Nieves Landscape
*	NWRI
*	OC San
*	Pacific Advanced Engineering PACE Water
	Pacwest Security
	PFAS Solutions
	PromoChrom Technologies
*	Rutan

*	SARBS CWEA / IEUA
	SAWPA
	Scheevel Engineering
*	South Coast Water District
	SPI Engineering
	Supervisor Sarmiento's Office
	T.E. Roberts, Inc.
	Tetra Tech
	Water Department of Westminister
	West Coast Arborists, Inc.
	Wood Rogers
<b>Total:</b>	<b>45 Sponsors</b>
	<b>\$ 103,244.89</b>



## AGENDA ITEM SUBMITTAL

**Meeting Date:** April 3, 2025

**To:** Communications/Leg. Liaison Cte.  
Board of Directors

**From:** John Kennedy

**Staff Contact:** G. Ayala/C. Nettles

**Budgeted:** N/A

**Budgeted Amount:** N/A

**Cost Estimate:** N/A

**Funding Source:** N/A

**Program/Line Item No.:** N/A

**General Counsel Approval:** N/A

**Engineers/Feasibility Report:** N/A

**CEQA Compliance:** N/A

**Subject:** PUBLIC AFFAIRS OUTREACH REPORT (MARCH 2025)

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### SUMMARY

Outreach for the Orange County Water District (OCWD; the District) and its programs and projects continue in an in-person and virtual format.

Attachment: March 2025 Media Clips Report

### RECOMMENDATION

Informational

### DISCUSSION/ANALYSIS

#### Tours

324 guests toured the GWRS in March.

March tours:

- March 4 – Tustin High School
- March 4 – Fieldman Associates
- March 6 – Capo Valley Christian
- March 6 – Girl Scouts
- March 7 – California Resource Management
- March 7 – WELL Conference attendees
- March 10 – Unity Middle College High School
- March 13 – Veolia
- March 13 – Huntington Beach High School
- March 14 – Huntington Beach High School
- March 18 – Whittier College
- March 21 – California State University Fullerton nursing students
- March 26 – Clark Construction
- March 28 – Cypress Community College

### Scheduled April tours:

- April 1 – Suez Australia
- April 4 – Rosary Academy
- April 10 – Reno Delegation
- April 10 – Hazen and Sawyer
- April 11 – Coastkeeper – High School Program
- April 15 – Moulton Niguel Water District and Denmark Contingency
- April 30 – Cypress College

The GWRS [on-demand technical virtual tour](#), in all forms, has been viewed more than 14,900 times. The [on-demand general virtual tour](#), in all forms, has been viewed more than 6,300 times. An on-demand tour of OCWD's surface recharge operations has garnered more than 800 views.



*Unity Middle College High School tours the GWRS*

### **Speakers Bureau/Media**

As part of OCWD's standard to forge and maintain long-term, positive, and proactive relationships with members of the community and to be transparent about its operations and programs, OCWD Board members and staff participate, regularly, at conferences and events and speak before civic groups.

March Speakers Bureau:

- March 11-14 – Principal Scientist Jana Safarik, Senior Scientist Meeta Pannu and Supervising Chemist Carolyn Carroll judged submissions in the OC Science and Engineering Virtual Fair.
- March 12 – General Manager John Kennedy presented to Mesa Water District.
- March 18 – Scientist Julio Polanco spoke during the session “Exploring Feasibility and Cost of Modernizing Microbial Monitoring Programs” during the 2025 WaterReuse Symposium.
- March 21 – Executive Director of Planning and Natural Resources Lisa Haney provided the keynote address and was a judge at the Eco Innovator Business Competition.
- March 23 – Director of Research Megan Plumlee presented on putting chemistry to work for clean water at the ACS Clean Water Summit.
- March 26 – Executive Director of Operations Mehul Patel spoke on a water reuse panel during McCarthy’s “Renewed and Brewed Coffee Social” event.

Upcoming Speakers Bureau:

- CAPIO
- Measurement Science Conference
- OC WaterReuse
- California Infrastructure Symposium
- Public Works Summit

**Webinar**

On March 11, OCWD hosted the webinar “Managing Sediment for a Reliable Water Supply. The webinar covered how sediment management impacts our water supply and its significance to both inland and coastal communities. Speakers highlighted innovative tools like SediMatch, regional collaboration efforts, and solutions to challenges at Prado Dam—a key site for stormwater capture that supports OCWD and its communities. Speakers included OCWD’s Executive Director of Planning and Natural Resources Lisa Haney and Senior Planner Kevin O’Toole, along with County of Orange Coastal Resources Manager Makana Nova. Nearly 70 people attended the live webinar and more than 100 people have watched the recording (as of March 25).

**Media Clips**

In March, there were 14 global news hits for OCWD, the GWRS and other District programs and projects with a total reach of 665,638. The media clip report for March (as of March 25) is attached.

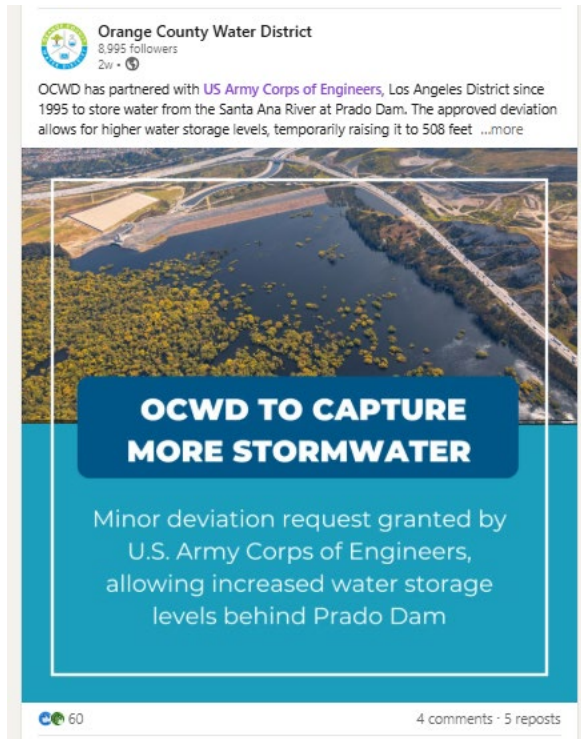
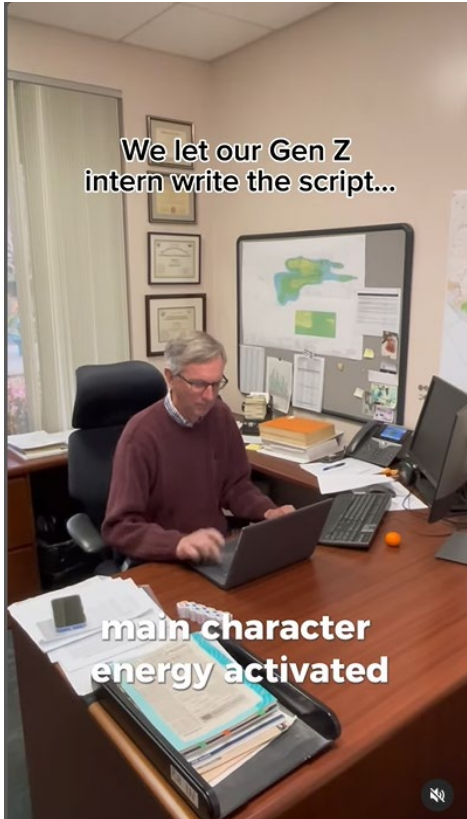
**Social Media**

The District posts regularly to the following social media channels: X, Facebook, Instagram, Linked In, Tik Tok, Threads, and YouTube. Below are statistics for OCWD’s social media for March (as of March 25). Impressions refer to the total number of times a

post shows up on a user's feed. Engagement refers to the number of users who interact with a post.

- Followers: 18,994
- Impressions: 22,242
- Engagement & video views: 5,126

A sampling of top performing March social media posts:



## Website Analytics

Below are March analytics for OCWD's website (as of March 25):

- Users: 7,380
- Page views: 19,619
- Top five pages (not including homepage):
  - Careers
  - GWRS
  - Meeting agendas and minutes
  - RFP and contracts
  - About

## Electronic Publications

Staff wrote and distributed the March issue of Hydrospectives, OCWD's monthly e-newsletter.

Staff wrote and distributed the press release [Joint Effort by Orange County Water District and U.S. Army Corps of Engineers Increases Water Supply for Orange County](#).

Staff continued updating District materials with current branding, including PowerPoint templates and social media templates.

### **Construction Outreach**

One construction alert was delivered to Fullerton residents for upcoming monitoring well construction.

### **Events**

On March 21, OCWD co-hosted a community water update with Assemblyman Tri Ta's office. Approximately 50 people attended the event, which included opening remarks from OCWD Director Steve Sheldon, a welcome address from Assemblyman Ta, a presentation by Executive Director of Water Quality and Technical Resources Jason Dadakis, and a GWRS tour led by Executive Director of Operations Mehul Patel. Director Erik Weigand was also in attendance.



*Guests tour the GWRS after a community water update co-hosted by Assemblyman Tri Ta's office*

**OCWD BRAND  
MEDIA CLIPS  
MARCH 2025**

	Date	Source Type	Source Name	Title	Country	URL	Reach
1	2025-03-25	online news	Fitch Ratings	Fitch Rates Irvine Ranch Water District, CA's Bank Bonds 'AAA'; Outlook Stable	United Kingdom	<a href="https://www.fitchratings.com/research/us-public-finance/fitch-rates-irvine-ranch-water-district-ca-bank-bonds-aaa-outlook-stable-25-03-2025">https://www.fitchratings.com/research/us-public-finance/fitch-rates-irvine-ranch-water-district-ca-bank-bonds-aaa-outlook-stable-25-03-2025</a>	315,846
2	2025-03-25	online news	California Water News Daily	Changes to water control plan at Prado increases water supply in OC	United States	<a href="https://californiawaternewsdaily.com/drought/t/changes-to-water-control-plan-at-prado-increases-water-supply-in-oc/">https://californiawaternewsdaily.com/drought/t/changes-to-water-control-plan-at-prado-increases-water-supply-in-oc/</a>	347
3	2025-03-18	online news	Water & Wastes Digest	A closer look at advanced wastewater filter technologies	United States	<a href="https://www.wwdmag.com/wastewater-treatment/article/55269144/a-closer-look-at-advanced-wastewater-filter-technologies">https://www.wwdmag.com/wastewater-treatment/article/55269144/a-closer-look-at-advanced-wastewater-filter-technologies</a>	42,066
4	2025-03-16	online news	Investment Reports	Rod McNelly	Colombia	<a href="https://www.investmentreports.co/interview/rod-mcnelly-1658">https://www.investmentreports.co/interview/rod-mcnelly-1658</a>	3,377
5	2025-03-14	online news	Reasons to be Cheerful	As the Colorado River Shrinks, Southern California Is Embracing Water Recycling	United States	<a href="https://reasonstobecheerful.world/water-recycling-southern-california/">https://reasonstobecheerful.world/water-recycling-southern-california/</a>	69,595
6	2025-03-13	online news	Time.news	South Africa's Innovative Water Treatment Plant Turns Waste Water into Drinkable Water	United States	<a href="https://time.news/south-africas-innovative-water-treatment-plant-turns-waste-water-into-drinkable-water/">https://time.news/south-africas-innovative-water-treatment-plant-turns-waste-water-into-drinkable-water/</a>	1,427
7	2025-03-11	online news	Energy Jobline	Environmental Monitoring/Permitting Specialist - Three Year Limited Term Contract (LTC)	United Kingdom	<a href="https://www.energyjobline.com/job/environmental-monitoring-permitting-specialist-three-year-limited-term-contract-ltc-24889013">https://www.energyjobline.com/job/environmental-monitoring-permitting-specialist-three-year-limited-term-contract-ltc-24889013</a>	102,420
8	2025-03-10	online news	Fullerton Observer	Joint Effort by Orange County Water District and U.S. Army Corps of Engineers Increases Water Supply for Orange County	United States	<a href="https://fullertonobserver.com/2025/03/10/joint-effort-by-orange-county-water-district-and-u-s-army-corps-of-engineers-increases-water-supply-for-orange-county/">https://fullertonobserver.com/2025/03/10/joint-effort-by-orange-county-water-district-and-u-s-army-corps-of-engineers-increases-water-supply-for-orange-county/</a>	15,917

**OCWD BRAND  
MEDIA CLIPS  
MARCH 2025**

	Date	Source Type	Source Name	Title	Country	URL	Reach
9	2025-03-06	online news	Water Online	Machine Learning And The Future Of Water Quality Monitoring	United States	<a href="https://www.wateronline.com/doc/machine-learning-and-the-future-of-water-quality-monitoring-0001">https://www.wateronline.com/doc/machine-learning-and-the-future-of-water-quality-monitoring-0001</a>	23,231
10	2025-03-05	online news	Al Bawaba Business	United States : Padilla Murkowski Introduce Bipartisan Bill to Create Atmospheric River Forecasting Program	Jordan	moodys:publicid:MENA_REPORT:SckOryVD5TgQmDyOdllwSx8cqjA	2,563
11	2025-03-05	online news	TendersInfo - News (India)	United States : Padilla Murkowski Introduce Bipartisan Bill to Create Atmospheric River Forecasting Program	India	moodys:publicid:TENDERSINFO_NEWS:bvFiKV_uFSS0NWlj_a7BciBXhk	42,560
12	2025-03-05	online news	California Water News Daily	New roadmap will guide Orange County water management	United States	<a href="https://californiawaternewsdaily.com/conservation/new-roadmap-will-guide-orange-county-water-management/">https://californiawaternewsdaily.com/conservation/new-roadmap-will-guide-orange-county-water-management/</a>	2,585
13	2025-03-04	online news	Orange County Independent	Anaheim Elementary Board of Education Removes Trustee Mark Lopez Over Allegedly Holding Incompatible Offices	United States	<a href="https://ocindependent.com/2025/03/anaheim-elementary-board-of-education-removes-trustee-mark-lopez-over-allegedly-holding-incompatible-offices/">https://ocindependent.com/2025/03/anaheim-elementary-board-of-education-removes-trustee-mark-lopez-over-allegedly-holding-incompatible-offices/</a>	21,852
14	2025-03-04	online news	Orange County Independent	AESD Board of Education Removes Trustee Mark Lopez Over Allegedly Holding Incompatible Offices	United States	<a href="https://ocindependent.com/2025/03/aesd-board-of-education-removes-trustee-mark-lopez-over-allegedly-holding-incompatible-offices/">https://ocindependent.com/2025/03/aesd-board-of-education-removes-trustee-mark-lopez-over-allegedly-holding-incompatible-offices/</a>	21,852
						<b>Total Reach</b>	<b>665,638</b>