



Clean Water Summit Partners

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Summit Partners:
Bay Area Clean Water Agencies (BACWA)
California Association of Sanitation Agencies (CASA)
Central Valley Clean Water Association (CVCWA)
California Water Environment Association (CWEA)
Southern California Alliance of Publicly Owned Treatment Works (SCAP)

March 26, 2019
9:30 AM – 1:30 PM
Sutter Club
1220 9th Street, Sacramento, CA 95814

AGENDA

- 9:30 a.m. Call to Order, Connie Leonard, President, CWEA**
- Welcome and Introductions
 - Review and Adjust Agenda
- 9:40 a.m. Legislative Update**
- Nonflushables legislation—AB 1672 (Bloom)
 - Ocean discharge ban legislation—SB 332 (Hertzberg & Wiener)
 - Nutrient Reduction legislation—SB 69 (Wiener)
 - NPDES Permit Terms—HR 1764 (Garamendi)
- 10:10 a.m. Cross Media Issues & Challenges** (Williams, Kester)
- Share experiences, explore strategies
- 10:30 a.m. Key Issues Update**
- **SB 1383 Implementation** (Kester)
 - **Toxicity**
 - State Water Board Toxicity Plan (Link)
 - Litigation Update (Jepsen)
 - **Work for Water Campaign next phase** (Allan/Voskhul)
- 11:30 a.m. Working Luncheon: Guest, Sean Maguire, Member, State Water Resources Control Board**
- 1:00 p.m. Regional Updates**
- 1:30 p.m. Adjourn**
- Next Meeting: Fall 2019

ASSEMBLY BILL

No. 1672

Introduced by Assembly Member Bloom

February 22, 2019

An act relating to product labeling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1672, as introduced, Bloom. Product labeling: flushable products. Existing law regulates the labeling requirements on various consumer products.

This bill would express the intent of the Legislature to enact legislation to prohibit the sale or advertisement of any nonwoven disposable product labeled as “flushable” or “sewer and septic safe” if that product fails to meet specified performance standards.

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

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

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 legislation to prohibit the sale or advertisement of any nonwoven
- 3 disposable product labeled as “flushable” or “sewer and septic
- 4 safe” if that product fails to meet specified performance standards.

O



WIPES CLOG PIPES



FLUSHED WIPES

Flushing wet wipes down the toilet can clog plumbing systems, leading to expensive repairs. Many people don't know that wipes shouldn't go in the toilet and pose a risk for sewer infrastructure.



CLOGGED SEWER LINES

Wipes make their way into private sewer laterals, septic systems, and sewer lines and can cause extensive harm and result in overflows and property damage.



SEWER OVERFLOWS

Once wipes make it to the sewer collection system, they can catch on roots that infiltrate pipes, weave together to form large rags and attract fats, oils and grease. This can result in blockages and sewer spills.



ENVIRONMENTAL HARM

Even when wipes filter out of the wastewater stream, small microfibers and microplastics can shed off wipes. These fibers can't be captured and can make their way into the environment.



DISRUPTED TREATMENT PLANTS

Oftentimes, masses of wipes manage to make it through the collection system and end up at wastewater treatment plants, which can result in significant damage to treatment infrastructure and recurrent disruption of the treatment process.



DAMAGED COLLECTION SYSTEMS

Most collection systems rely on pumps to move wastewater to treatment facilities. Wipes can clog these pumps, resulting in spills, system failures, increased maintenance requirements and damage to expensive equipment.



CALIFORNIA ASSOCIATION
OF SANITATION AGENCIES

casaweb.org/wipes

Introduced by Senators Hertzberg and WienerFebruary 19, 2019

An act to add Section 13557.5 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 332, as introduced, Hertzberg. Wastewater treatment: recycled water.

The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that the waste or unreasonable use or unreasonable method of use of water be prevented. Existing law declares that the use of potable domestic water for certain nonpotable uses is a waste or an unreasonable use of water if recycled water is available, as determined by the State Water Resources Control Board, and other requirements are met.

Under existing law, the state board and the 9 California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would declare, except in compliance with the bill's provisions, that the discharge of treated wastewater from ocean outfalls is a waste and unreasonable use of water. The bill would require each wastewater treatment facility that discharges through an ocean outfall and affiliated water suppliers to reduce the facility's annual flow as compared to the average annual wastewater discharge baseline volume, as prescribed, by at least 50% on or before January 1, 2030, and by at least 95% on or before January 1, 2040. The bill would subject the owner or operator of a wastewater treatment facility, as well as the

affiliated water suppliers, to a civil penalty of \$2,000 per acre-foot of water above the required reduction in overall volume discharge for the failure to meet these deadlines.

The bill would require a holder of a NPDES permit authorizing the discharge of wastewater through an ocean outfall and affiliated water suppliers to submit and update a plan to meet these requirements to the executive director of the state board, as specified. The bill would also require this NPDES permitholder and affiliated water suppliers to submit on or before January 1, 2024, and by January 1 every 5 years thereafter, to the executive director of the state board a certain report containing, among other things, the progress toward meeting the reduction in annual flow deadlines. The bill would subject a permitholder and affiliated water suppliers to a penalty of up to \$10,000 for failing to submit a report by its deadline. The bill would require the state board to submit a report to the Governor and the Legislature on or before July 1, 2025, and by July 1 every 5 years thereafter, on the implementation of these provisions. The bill would make a permitholder and affiliated water suppliers that fail to timely submit a report ineligible for a state loan or grant until the delinquent report has been submitted.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Severe drought conditions persisted in California from 2012
- 4 to 2016, inclusive, and 2015 was the state's driest calendar year
- 5 on record.
- 6 (b) During the drought lasting from 2012 to 2016, inclusive,
- 7 California's water supplies dipped to alarmingly low levels
- 8 indicated by a very limited snowpack in the Sierra Nevada
- 9 Mountains, declining water levels in the state's largest water
- 10 reservoirs, reduced surface water flows in major river systems,
- 11 and historically low groundwater levels. Many of these water
- 12 supplies continue to be severely depleted following the drought
- 13 lasting from 2012 to 2016, inclusive.
- 14 (c) Based on the projected impact of climate change on
- 15 California's snowpack, extremely dry conditions and drought

1 similar to those experienced in 2012 to 2016, inclusive, will likely
2 become more common and occur more regularly in the future.

3 (d) Continuous severe drought conditions present urgent
4 challenges across the state, including, but not limited to, water
5 shortages in communities and for agricultural production, increased
6 risk of wildfires, degraded habitat for fish and wildlife, and threat
7 of saltwater contamination in large fresh water supplies.

8 (e) Water reuse is one of the most efficient and cost-effective
9 ways to improve drought resilience in California communities.

10 (f) The State Water Resources Control Board has established
11 goals of recycling 1,500,000 acre-feet of wastewater by 2020 and
12 2,500,000 acre-feet of wastewater by 2030, however, California
13 is not on track to meet the board's goals.

14 (g) The State Water Resources Control Board has established
15 a goal to reuse all dry weather discharges of treated municipal
16 wastewater that can be reasonably put to a beneficial use.

17 (h) The discharge of treated wastewater from ocean outfalls
18 constitutes the waste and unreasonable use of water within the
19 meaning of Section 2 of Article X of the California Constitution,
20 considering the opportunities to recycle this water for further
21 beneficial use.

22 (i) By requiring substantial reductions in ocean discharges from
23 wastewater treatment plants, California could dramatically
24 accelerate the adoption of water recycling and thus increase water
25 supplies available for beneficial use.

26 (j) Water recycling can reduce California's dependence on
27 diversions from surface rivers and streams that are subject to
28 variable climate and regulatory conditions.

29 (k) In addition to water supply benefits, requiring water
30 recycling for further beneficial use eliminates ocean wastewater
31 discharges, decreasing pollutant loadings to ocean waters and
32 reducing ocean acidification, thereby improving coastal water
33 quality and benefiting the aquatic environment and local economies
34 that depend on those coastal resources.

35 SEC. 2. Section 13557.5 is added to the Water Code, to read:

36 13557.5. (a) The Legislature hereby finds and declares that
37 the discharge of treated wastewater from ocean outfalls, except in
38 compliance with the provisions of this section, is a waste and
39 unreasonable use of water within the meaning of Section 2 of
40 Article X of the California Constitution.

1 (b) As used in this section, the following terms have the
2 following meanings:

3 (1) “Affiliated water suppliers” means all water suppliers that
4 provide water that is disposed of in the collection system of a
5 particular wastewater treatment facility that discharges through an
6 ocean outfall.

7 (2) “Average annual wastewater discharge baseline volume”
8 means the average annual volume of treated waste water
9 discharging through a facility’s ocean outfall as determined by the
10 state board using monitoring data available for calendar years 2010
11 to 2020, inclusive.

12 (3) “Ocean outfall” means a point source at the point where
13 raw, partially treated, or treated wastewater may be discharged
14 from a wastewater treatment facility or associated collection system
15 to saline waters, including the ocean, bays, and estuaries.

16 (4) “Point source” has the meaning provided by Section 122.2
17 of Title 40 of the Code of Federal Regulations.

18 (c) Each wastewater treatment facility that discharges through
19 an ocean outfall and affiliated water suppliers shall reduce the
20 overall volume of the facility’s annual flow, as follows, as
21 compared to the average annual wastewater discharge baseline
22 volume, by treating the water to be beneficially reused or by
23 reducing inflow through water conservation and efficiency
24 measures:

25 (1) By January 1, 2030, by at least 50 percent.

26 (2) By January 1, 2040, by at least 95 percent.

27 (d) (1) Each holder of a national pollutant discharge elimination
28 system (NPDES) permit authorizing the discharge of wastewater
29 through an ocean outfall as of January 1, 2020, in conjunction with
30 affiliated water suppliers, shall submit to the executive director of
31 the state board, on or before July 1, 2022, a plan to meet the
32 requirements of this section, directly or by contract. The plan shall
33 contain all of the following:

34 (A) An identification of all land acquisition and facilities
35 necessary to provide for treatment, transport, and reuse of treated
36 wastewater.

37 (B) Identification and projection of all wastewater reductions
38 due to implementation of conservation and efficiency measures in
39 the facilities service area.

1 (C) An analysis of the costs to meet the requirements of this
2 section.

3 (D) A financing plan for meeting the requirements of this
4 section, including identifying any actions necessary to implement
5 the financing plan, such as bond issuance or other borrowing,
6 assessments, rate increases, fees, charges, or other financing
7 mechanisms.

8 (E) A detailed schedule for the completion of all necessary
9 actions.

10 (F) Supporting data and other documentation accompanying
11 the plan.

12 (2) On or before January 1, 2026, each holder of a NPDES
13 permit authorizing the discharge of wastewater through an ocean
14 outfall and affiliated water suppliers, shall update and submit to
15 the executive director a plan, as described in paragraph (1), to
16 include any refinements or changes in the costs, actions, or
17 financing necessary to achieve the requirements of this section or
18 a written statement that the plan is current and accurate.

19 (e) On or before January 1, 2024, and every January 1 every
20 five years thereafter, the holder of a NPDES permit authorizing
21 the discharge of wastewater through an ocean outfall, in
22 conjunction with affiliated water suppliers, shall submit to the
23 executive director of the state board a report summarizing the
24 actions accomplished to date and the actions remaining and
25 proposed to meet the requirements of this section. The report shall
26 include progress toward meeting the deadlines set forth in
27 subdivisions (c) and (d) and specifically include the detailed
28 schedule for, and status of, the following:

- 29 (1) Evaluation of reuse and disposal options.
- 30 (2) Preparation of preliminary design reports.
- 31 (3) Preparation and submission of permit applications.
- 32 (4) Construction initiation.
- 33 (5) Construction progress milestones.
- 34 (6) Construction completion.
- 35 (7) Initiation of operation.
- 36 (8) Continuing operation and maintenance.

37 (f) (1) On or before July 1, 2025, and by July 1 every five years
38 thereafter, the state board shall submit a report to the Governor
39 and the Legislature on the implementation of this section. The
40 report shall summarize the progress to date, including, but not

1 limited to, the increased amount of reclaimed water provided and
2 potable water offsets achieved, and shall identify any obstacles to
3 continued progress, including all instances of substantial
4 noncompliance.

5 (2) A report to be submitted pursuant to paragraph (1) shall be
6 submitted in compliance with Section 9795 of the Government
7 Code.

8 (g) (1) Failure to meet the deadlines in subdivision (c) shall
9 subject the owner or operator of the wastewater treatment facility,
10 as well as affiliated water suppliers, to a penalty of two thousand
11 dollars (\$2,000) per acre-foot of water above the required reduction
12 in overall volume discharged.

13 (2) The failure of an NPDES permitholder and affiliated water
14 suppliers to submit a report required pursuant to subdivision (d)
15 or (e) by the report's deadline shall result in a penalty of up to ten
16 thousand dollars (\$10,000).

17 (3) Moneys collected from the civil penalties levied pursuant
18 to this subdivision shall be available, upon appropriation by the
19 Legislature.

20 (h) The failure of an NPDES permitholder and affiliated water
21 suppliers to submit a report required pursuant to subdivision (d)
22 or (e) shall make the permitholder and suppliers ineligible for a
23 state loan or grant until the delinquent report has been submitted.



March 18, 2019

The Honorable Ben Allen, Chair
Senate Environmental Quality Committee
State Capitol, Room 2205
Sacramento, CA 95814

RE: SB 332 (Hertzberg & Wiener): Oppose

Dear Senator Allen:

The coalition of undersigned associations respectfully opposes SB 332 (Hertzberg). As introduced, this measure would mandate wastewater treatment agencies that discharge treated effluent to saline waters, oceans, bays and estuaries to reduce their discharges by 50% of baseline volume by January 1, 2030, and by 95% of baseline volume by January 1, 2040. The bill would also declare that discharge from ocean outfalls is a “waste and unreasonable use” of water and impose penalties of \$2,000/acre-foot of water discharged above the reduction requirement.

Our coalition strongly supports maximizing water recycling and represents virtually all of the agencies at the forefront of advanced water treatment and reuse in the state. The provisions proposed in SB 332 could significantly disrupt existing efforts to promote recycled water production and use, as well as innovative reuse projects currently being planned and implemented. As a community we are fully supportive of recycled water projects where they are financially viable, where there are opportunities for beneficial use, and where watershed conditions are present to maximize supplies of this water.

California has a significant number of wastewater ocean and bay dischargers, and they vary dramatically in terms of treatment capacity, discharge, and the amount of recycling that occurs. Each watershed, region, treatment facility, and outfall is different, and the capability to beneficially reuse wastewater varies widely as well. Reliable and feasible end uses for recycled water are not always available and depend on factors other than simply the discharger’s technical ability to supply recycled water.

For this reason, a mandate on every ocean and bay discharger in the state is simply unworkable. In many circumstances, regional demand may not exist to reuse 95 percent of an agency’s ocean discharge. In addition, recharge and reuse options may be unavailable or infeasible for a variety of reasons, such as geographical or legal constraints in the watershed.

Furthermore, distribution can require complex arrangements between water recyclers and water purveyors, brine management may present significant issues in some areas, and public acceptance of beneficial reuse of wastewater remains an obstacle. These challenges exist and require a regional approach to the management of recycled water supplies.

There are also a host of other considerations and decisions that agencies must make when prioritizing capital expenditures, including projects critical to public health and environmental protection, not all of which can or should be delayed at the expense of trying to meet a mandate to reuse all treated wastewater.

As of today, the regulatory framework necessary for agencies to plan and implement projects to manage the massive volumes of water contemplated in SB 332 does not exist. Existing beneficial reuse options are limited and could not be utilized to manage such a vast quantity of water. Instead, every agency would necessarily need to implement large scale potable reuse projects. The State Water Board is charged with developing regulations for Direct Potable Reuse by 2023. Until that regulatory scheme has been developed it will be nearly impossible for agencies to plan for, let alone implement, projects to meet the mandate deadlines in SB 332. If the regulations are completed on schedule, agencies would then have a seven year window to plan, approve, execute and operate new infrastructure that would dramatically shift their day to day operations. To put this in perspective, some of the most ambitious recycling projects underway in the state currently have 20 to 30 year project schedules, and when fully operational will still not meet the discharge mandate proposed in the bill. Furthermore, no consideration is being given to these ambitious projects in the development of baseline discharge metrics, nor to other innovative project components such as stormwater capture and treatment.

California is already aggressively pursuing maximized water recycling as a regulatory priority. The State Water Board recently adopted revisions to its Recycled Water Policy that, for the first time, require wastewater treatment plants and recycled water producers to report the volume of wastewater treated and discharged, specify the level of treatment, and identify the volume of recycled water produced. The policy also requires annual reporting of monthly volume of treated wastewater discharged to the environment, which will be used to estimate the amount of wastewater that may be available to recycle.

There are numerous technical realities in the wastewater treatment and management processes that have not been considered in SB 332. The bill lacks consideration of major operational issues surrounding brine management, wet weather influent management, existing regulatory constraints relative to minimum flows, and other real and substantive conflicts with how wastewater agencies function in their communities. These technical issues are vast, far reaching, and vary based on the regional watershed and individual permitting levels.

It is important to note that some of California's most ambitious policy goals are not accounted for in SB 332, and we believe the implementation of the proposed mandate would have far reaching impacts that are contrary to those goals. For example, California is a leader on climate change mitigation and adaptation and has taken several steps in recent years to curb emissions

and transition to a more sustainable future. SB 332 could adversely impact those efforts by increasing the emissions associated with advanced wastewater treatment and the associated energy demand required to move the high volumes of water over or across a variety of geographical settings.

California is simultaneously pursuing policies to make living more affordable for all residents of the state. Unfortunately, SB 332 makes no consideration of the impacts that the massive proposed infrastructure would have on rate increases in the immediate future for a significant portion of the state's population, including some of the most disadvantaged communities in California. The proposed mandate would require rate increases in the order of hundreds of dollars per month per household in the impacted communities. The rate implications would likely have a trickle-down effect of impacting housing affordability as well, as connection fees and ongoing rates would necessarily increase living expenses and the cost of new development in impacted areas.

Finally, as California grapples with how to provide safe, affordable, clean drinking water for all, this bill would unnecessarily create additional strain on the limited resources available to fund clean water projects. To the extent that coastal agencies seeking to meet this mandate would be expected to apply for and absorb the limited existing grant and loan opportunities available to them, this would inevitably draw funds away from numerous inland areas (such as the Central Valley) where there are so many urgent drinking water and clean water priorities in need of funding.

Our initial estimate is that implementing the mandate in SB 332 is expected to cost local water and wastewater agencies across the state more than \$20 billion to comply. That burden would necessarily be borne by ratepayers, and the magnitude of the rate impacts to individual households and businesses in impacted communities would be staggering.

As stated above, our organizations are at the forefront of water recycling innovation, and we share the goal of maximizing recycled water to the fullest extent feasible in California. Unfortunately, SB 332 does not provide a workable pathway toward achieving that goal, so we must respectfully oppose the bill. Thank you for your consideration of our concerns.

Sincerely,



Jessica Gauger
California Association of Sanitation Agencies



Danielle Blacet
California Municipal Utilities Association



Rylan Gervase
California Special Districts Association



Wendy Ridderbusch
Association of California Water Agencies

AMENDED IN SENATE MARCH 6, 2019

SENATE BILL

No. 69

Introduced by Senator Wiener
(Coauthor: Assembly Member Levine)

January 9, 2019

An act to amend ~~Section 36002 of the Public Resources Code, Sections 5930 and 6922 of, to add Sections 5930.5 and 6921.5 to, and to add and repeal Section 1127 of, the Fish and Game Code, to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, to amend Sections 4582.71, 10001, 10004, 10005, and 71205.3 of, to add Sections 5814.5, 5818.3, 35626, 35633, and 35634 to, and to add Chapter 5 (commencing with Section 35655) to Division 26.5 of, the Public Resources Code, and to amend Section 13170.3 of, to add Sections 11916, 13170.4, and 13247.5 to, and to add Article 4.5 (commencing with Section 13278) to Chapter 4 of Division 7 of, the Water Code, relating to ~~ocean resources management: public resources.~~~~

LEGISLATIVE COUNSEL'S DIGEST

SB 69, as amended, Wiener. ~~Ocean resources management: state policy.~~ *Resiliency Act of 2019.*

(1) Existing law requires the Fish and Game Commission to establish fish hatcheries for the purposes of stocking the waters of California with fish, and requires the Department of Fish and Wildlife to maintain and operate those hatcheries.

This bill would require the department to undertake a pilot project to assess the effectiveness of parentage-based tagging, as defined, in improving the management of central valley Chinook salmon hatcheries and in rebuilding salmon runs and the California salmon fishing

industry. The bill would require the department to enter into an agreement with the University of California, or a similar entity with a proven record of working with parentage-based tagging, to assist in the design, implementation, and evaluation of the pilot project. The bill would require the department to begin implementation of the pilot project by July 1, 2021, and to conclude the pilot project no later than 5 years after implementation of the pilot project has begun. The bill would require the department to submit to the Legislature a report by July 1, 2021, summarizing progress in implementing the pilot project and a final report no later than one year after the conclusion of the pilot project summarizing the results of the pilot project.

(2) Existing law requires the Department of Fish and Wildlife to examine, from time to time, all dams in all rivers and streams in the state naturally frequented by fish.

This bill would instead specify that the department is required to undertake this duty at least every 5 years. The bill would also require the department on or before January 1, 2022, and every 5 years thereafter, to identify dams within the state for removal that are a priority for removal to protect and conserve fish and wildlife in accordance with a specified state policy. The bill would require the department, in consultation with the Department of Water Resources, to develop a schedule and funding proposal to initiate the removal of those dams identified by the department.

(3) The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act requires the Department of Fish and Wildlife, with the advice of the Advisory Committee on Salmon and Steelhead Trout and the Commercial Salmon Trollers Advisory Committee, to prepare and maintain a detailed and comprehensive program composed of specified elements for the protection and increase of salmon, steelhead trout, and anadromous fisheries. The act requires the department to consult with every public agency whose policies or decisions may affect the goals of the program. The act declares it the policy of the state and the department to encourage specified nonprofit salmon release and return operations operated by, or on behalf of, licensed commercial salmon fishermen for the purpose of enhancing California's salmon populations and increasing the salmon harvest by commercial and recreational fishermen. The act requires the department, to the extent that funds and personnel are available, to cooperate with fishing organizations in the siting and establishment of those operations to ensure the protection of natural spawning stocks of native salmon.

This bill would require department, in coordination with the above-described advisory committees, to develop, as an element of the program, a policy by January 1, 2022, for the use of releases, including in-river and ocean net pen releases, of salmon produced in state managed and comanaged hatcheries during periods of drought or in other circumstances that result in significantly abnormal levels of mortality during onsite releases. The bill would also require the department, no later than January 1, 2022, in consultation with those advisory committees, to develop and implement at least one additional ocean-based offsite hatchery salmon release operation.

(4) Existing law requires the Director of Fish and Wildlife to identify and list those streams and watercourses in the state, meeting designated conditions, for which minimum flow levels need to be established in order to assure the continued viability of stream-related fish and wildlife resources. Existing law requires the director to prepare proposed streamflow requirements for each identified stream or watercourse and, upon completion of the proposed streamflow requirements for any individual stream or watercourse, to transmit these proposed requirements to the State Water Resources Control Board. Existing law requires the Department of Fish and Wildlife to initiate studies to develop those requirements for those streams or watercourses in each fiscal year for which funds are appropriated and to complete studies on each stream or watercourse within 3 years. Existing law declares legislative intent that the department develop a program that will initiate studies on at least 10 streams or watercourses in each fiscal year. Existing law requires the department to impose and collect a filing fee of \$850 from a user of water for certain types of permit applications filed with the state board to defray the cost of identifying streams and providing those studies. Existing law requires the state board to forward these fees to the department every 6 months.

This bill would name the list of streams and watercourses identified by the director for these purposes as the California Endangered Rivers List. The bill would require the department to develop a program that will initiate studies on at least 3 streams or watercourses in each fiscal year. The bill would require the department to return the filing fees collected in a fiscal year to the state board for deposit in the Water Rights Fund if the department fails to initiate studies on at least 3 streams or watercourses in that fiscal year.

(5) Existing law establishes the State Air Resources Board and vests the state board with regulatory jurisdiction over air quality issues.

This bill would require the state board to develop and implement a voluntary vessel speed reduction incentive program for the Santa Barbara Channel and San Francisco Bay area regions to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the state board to implement the program by July 1, 2020, and would require the state board to submit a report to the Legislature by December 31, 2022, regarding the implementation of the program.

(6) Existing law requires the Natural Resources Agency to update all of the state's existing wetlands inventory resources in order to prepare a study to accomplish specified goals, and to report the study to the Legislature no later than January 1, 2003.

This bill would require the agency to inventory the state's existing coastal wetlands resources and prepare a new study that meets these goals, and to submit the study to the Legislature on or before January 1, 2023. The bill would require the study to be updated, at a minimum, once every 5 years after January 1, 2023.

(7) Under existing law, the Budget Act of 2018, \$6,000,000 was appropriated to the State Coastal Conservancy for support or local assistance to implement a beneficial reuse pilot program for dredged sediment in the Redwood City Harbor. Under existing law, this money is available for encumbrance or expenditure until June 30, 2020, and for liquidation until June 30, 2023.

This bill would require the conservancy to submit a report, as provided, to the Legislature on that pilot program on or before December 31, 2022, and, upon appropriation by the Legislature, would require the conservancy to develop, in coordination with the United States Army Corps of Engineers, a beneficial reuse program to place and reuse dredged sediment for coastal wetland restoration projects.

(8) Existing law requires the Ocean Protection Council, in consultation with the State Coastal Conservancy and other relevant entities, to the extent funds are available from bonds or other sources, to establish and administer the Ocean Acidification and Hypoxia Reduction Program for the purposes of achieving specified goals.

On or before December 1, 2022, this bill would require the council to submit a report, as provided, to the Legislature and relevant state entities on the state's progress toward meeting specified goals regarding use of low-trophic mariculture to mitigate and adapt to climate change impacts, such as ocean acidification and warming and sea level rise, and acceleration of local restoration plans to restore 8,000 acres of

San Francisco Bay shellfish, native oyster reefs, and kelp forests to sequester carbon, combat ocean acidification, and protect shorelines from sea level rise.

(9) Existing law, subject to the availability of funding, authorizes the Ocean Protection Council to develop an ocean acidification and hypoxia science task force to ensure that decisionmaking is supported by the best available science, and requires the council to take specified actions to address ocean acidification and hypoxia, as prescribed, and, beginning January 1, 2018, and annually thereafter, at its first meeting of the year, adopt recommendations for further actions that may be taken to address ocean acidification and hypoxia.

This bill would require the council to, on or before December 31, 2020, establish a representative statewide advisory group to advise the state on its policy, management, science, and communications priorities and strategies to address ocean acidification and hypoxia. The bill would require the Secretary of the Natural Resources Agency to direct the council to, on or before December 31, 2021, conduct a statewide vulnerability assessment to identify the risks ocean acidification poses to the state's biological resources, communities, and economies within the context of other ongoing environmental changes and hazards, and to identify priorities and options for actions to improve the state's adaptive capacity to address ocean acidification and hypoxia.

(10) Existing law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors.

This bill would require the Secretary of the Natural Resources Agency to implement a comprehensive, coordinated, and proactive program for ocean and coastal habitats to enhance the state's ability to adapt to the unavoidable impacts of climate change, as specified. The bill would provide that these provisions shall be implemented only to the extent that implementation of these provisions is consistent with federal law.

(11) Existing law, the Marine Invasive Species Act, requires the State Lands Commission to adopt specified regulations that require an owner or operator of a vessel carrying, or capable of carrying, ballast water that operates in the waters of the state to implement and comply with an interim performance standard, as prescribed, for specified periods and the final performance standard for the discharge of ballast water

of zero detectable living organisms for all organism size classes by January 1, 2030.

This bill would require the State Water Resources Control Board, instead of the commission, to adopt these regulations, as specified.

(12) Existing law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Under existing law, the department operates the State Water Resources Development System, also known as the State Water Project, composed of the state water facilities, including Oroville Dam.

Existing law requires the incorporation into certain water projects of features that the department determines necessary or desirable for the preservation of fish and wildlife, and necessary or desirable to permit, on a year-round basis, full utilization of the project for the enhancement of fish and wildlife and for recreational purposes to the extent that those features are consistent with other uses of the project, if any.

This bill would require the department to immediately reinstate the effort, as described in a specified proposed settlement for Oroville Dam and related facilities, to select a final alternative and a final project design for the retrofit of Thermalito Afterbay to improve downstream temperature conditions on the Feather River for salmon and other species. The bill would require, on or before March 31, 2020, the department to appoint and convene an advisory committee to assist in the selection of a preferred alternative and a final project design for the Thermalito Afterbay retrofit. The bill would require the department to annually submit a report to the Legislature regarding progress toward the selection of a preferred alternative and a final project design for the Thermalito Afterbay retrofit.

(13) Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the 9 California regional water quality control boards are the principal state agencies with responsibility for the coordination and control of water quality in the state. The act requires the state board to formulate and adopt state policies for water quality control and to formulate, adopt, and review a water quality control plan for the ocean waters of the state, known as the California Ocean Plan, and a water quality control plan for enclosed bays and estuaries, known as the California Enclosed Bays and Estuaries Plan, as prescribed. The act required the state board, on or before January 1, 2013, to either amend the California Ocean Plan,

or adopt separate standards, to address water quality objectives and effluent limitations that are specifically appropriate to brackish groundwater treatment system facilities that produce municipal water supplies for local use.

This bill would require the state board, on or before December 31, 2022, to amend the California Ocean Plan and the California Enclosed Bays and Estuaries Plan to include water quality objectives and effluent limitations that specifically address ocean acidification and hypoxia. The bill would require the water quality objectives and effluent limitations to include implementation provisions, including, but not limited to, requiring all publicly operated wastewater treatment facilities that discharge to waters subject to the plans to adopt, incorporate, or improve denitrification protocols. By imposing additional requirements on publicly operated wastewater treatment facilities, the bill would impose a state-mandated local program. The bill would also require the state board to rescind a specified resolution relating to the California Ocean Plan.

(14) Existing law establishes the Marine Managed Areas Improvement Act, which, among other things, prescribes 6 classifications for designating managed areas in the marine and estuarine environments to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea, including state water quality protection areas. The act defines state water quality protection areas for the purposes of the act as including areas of special biological significance.

This bill would prohibit waste from being discharged into areas of special biological significance, as provided. The bill would authorize the California regional water quality control boards, notwithstanding that prohibition, to approve waste discharge requirements or water quality certifications for limited-term activities in areas of special biological significance in accordance with specified conditions. The bill would require the State Water Resources Control Board to provide guidance to the regional boards on how to designate state water quality protection areas and would require a regional board to designate one state water quality protection area annually until all marine protected areas in the regional board's jurisdiction have an associated state water quality protection area.

(15) The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted

to, and approved by, the Department of Forestry and Fire Protection. The act requires the department, upon receipt of a timber harvesting plan, to transmit a copy to, among other entities, the appropriate California regional water quality control board, and prohibits a timber harvesting plan from being approved if the appropriate regional board finds, based on substantial evidence, that the timber operations proposed in the plan will result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to federal law, that causes or contributes to a violation of the regional water quality control plan. The act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations, as provided, to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the regional boards prescribe waste discharge requirements for the discharge of waste that could affect the quality of the waters of the state.

This bill would instead prohibit a timber harvesting plan from being approved unless the appropriate regional board finds that the timber operations proposed in the plan will not result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to federal law, that causes or contributes to a violation of the regional water quality control plan, basin plan, approved total maximum daily load requirement, or approved waste discharge requirement.

The bill would impose various forest practice requirements on a person who discharges sediment into a Class I, II, or III watercourse pursuant to a timber harvesting plan and would require the regional boards to incorporate those requirements into any applicable waste discharge requirements to manage controllable sources of sediment, achieve water quality objectives, and protect beneficial uses. The bill would provide that any requirements in the forest practice rules adopted by the State Board of Forestry and Fire Protection that contain more stringent sediment control standards shall prevail over the requirements established in the bill, and would incorporate definitions from the forest practice rules and regulations into the bill's provisions.

The bill would require a regional board, upon receipt of a timber harvesting plan submitted by the Department of Forestry and Fire Protection, to expeditiously review the plan for consistency with any applicable regional water quality control plan, basin plan, approved

total maximum daily load requirement, or approved waste discharge requirement, and to notify the department of any inconsistencies it finds.

(16) 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.

~~Existing law, the California Ocean Resources Management Act of 1990, declares that it is the policy of the State of California to take specified actions related to the preservation, protection, development, and enhancement of the state’s ocean resources and ensure coordinated management of ocean resources with appropriate federal, state, and local agencies:~~

~~This bill would make nonsubstantive changes in these provisions:~~

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

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

- 1 SECTION 1. *This act shall be known, and may be cited, as the*
- 2 *Ocean Resiliency Act of 2019.*
- 3 SEC. 2. *The Legislature finds and declares all of the following:*
- 4 (a) *Coastal and ocean ecosystems are significantly impacted*
- 5 *by climate change, which harms the industries and communities*
- 6 *that depend on those ecosystems. These effects are expected to*
- 7 *worsen without immediate and sustained action.*
- 8 (b) *Ocean acidification, hypoxia, and other changing ocean*
- 9 *conditions in California waters present a significant and direct*
- 10 *threat to marine life and ecosystems, fisheries, and farmed shellfish,*
- 11 *negatively impact many shell-forming species, including oysters,*
- 12 *mussels, abalone, crabs, and the microscopic plankton that form*
- 13 *the base of the oceanic food chain, and cause significant changes*
- 14 *in behavior and physiology of fish and invertebrates.*
- 15 (c) *Scientific evidence suggests that well-designed marine*
- 16 *protected area networks can contribute to the protection and*
- 17 *resilience of marine species as ocean conditions change. California*
- 18 *has invested significant resources in establishing a globally*

1 *recognized marine protected area network, which protects marine*
2 *species and habitats, and safeguards California’s coastal resources*
3 *and economy.*

4 *(d) It is the policy of the state that the protection, enhancement,*
5 *and management of coastal and ocean resources and anadromous*
6 *fishery resources are critical to enhance climate resiliency and to*
7 *improve the state’s ability to mitigate and adapt to the impacts of*
8 *climate change. The protection, enhancement, and management*
9 *of physical, biological, and chemical function of these resources*
10 *can result in enhanced ecosystem function and carbon*
11 *sequestration, which removes carbon from the atmosphere, while*
12 *reducing ocean acidification and other harmful changes to ocean*
13 *chemistry.*

14 *(e) The protection of riparian areas that facilitate the growth*
15 *of anadromous fisheries is critically important for ocean and*
16 *coastal ecosystem health and resilience. Most of the rivers in the*
17 *State of California are known to be impaired by sediment pollution,*
18 *and research and scientific evidence demonstrate that*
19 *inappropriate timber harvesting practices are responsible for*
20 *extensive water quality impairment due to ineffective and*
21 *inconsistent oversight.*

22 *(f) Enhancing the resilience of coastal and ocean resources*
23 *provides multiple public benefits, including, but not limited to,*
24 *assisting with adaptation to the impacts of climate change,*
25 *improving water quality and ecosystem health, conserving public*
26 *trust fisheries resources, improving coastal economies, and helping*
27 *communities become more resilient to climate change impacts.*

28 *SEC. 3. Section 1127 is added to the Fish and Game Code, to*
29 *read:*

30 *1127. (a) The department shall undertake a pilot project to*
31 *assess the effectiveness of parentage-based tagging, as defined in*
32 *subdivision (k), in improving the management of central valley*
33 *Chinook salmon hatcheries and in rebuilding salmon runs and the*
34 *California salmon fishing industry.*

35 *(b) The pilot project shall do all of the following:*

36 *(1) Include the development and implementation of a genetic*
37 *testing protocol using parentage-based tagging to provide data*
38 *required to evaluate and improve hatchery and salmon*
39 *management.*

1 (2) Compare parentage-based tagging with the current tagging
2 technologies used by central valley hatcheries.

3 (3) Evaluate the extent to which parentage-based tagging can
4 increase the flexibility of hatchery managers to release juvenile
5 salmon at optimal times.

6 (4) Evaluate whether earlier releases of hatchery-spawned
7 juvenile salmon during high river flows can significantly increase
8 the survival of juvenile hatchery salmon, both to increase spawning
9 populations and to benefit the sport and commercial salmon fishing
10 industry.

11 (5) Include the genetic testing of adult salmon, maintenance of
12 a database of adult salmon that have been genetically tested, and
13 analysis of the results of the pilot project.

14 (6) Make data and analysis completed for the pilot project
15 publicly available in a timely manner on an internet website.

16 (c) The department shall enter into an agreement with the
17 University of California, or a similar entity with a proven record
18 of working with parentage-based tagging, to assist in the design,
19 implementation, and evaluation of the pilot project. This
20 subdivision shall apply to the University of California only if the
21 Regents of the University of California, by resolution, make it
22 applicable to the university.

23 (d) The department shall begin implementation of the pilot
24 project by July 1, 2021. The pilot project shall conclude no later
25 than five years after implementation of the pilot project has begun.

26 (e) The department shall select the central valley hatchery or
27 hatcheries to be included in the pilot project. The department may
28 modify hatchery facilities and operations as required to implement
29 the pilot project.

30 (f) The department may collaborate with federal hatchery
31 managers in designing and implementing the pilot project.

32 (g) The pilot project shall not include the use of parentage-based
33 tagging to manage salmon fisheries.

34 (h) The department shall form an advisory committee for the
35 pilot project, including scientists and representatives from salmon
36 fishing community nongovernmental organizations. The department
37 and the entity that the department enters into an agreement with
38 pursuant to subdivision (c) shall consult with the advisory
39 committee during the design, implementation, and evaluation of
40 the pilot project.

1 (i) (1) (A) No later than July 1, 2021, the department shall
2 submit a report to the Legislature summarizing the progress in
3 implementing the pilot project.

4 (B) No later than one year after the conclusion of the pilot
5 project, the department shall submit a final report to the
6 Legislature that summarizes the results of the pilot project,
7 including potential benefits for juvenile salmon survival and the
8 salmon fishing industry, and includes recommendations, as
9 appropriate, to expand the use of parentage-based tagging and to
10 modify the use of existing tagging technology. Before submitting
11 the final report to the Legislature, the department shall submit a
12 copy of the final draft to the advisory committee formed pursuant
13 to subdivision (h) and provide the advisory committee an
14 opportunity to review and provide comments on the final draft.
15 The department may take the advisory committee's comments into
16 consideration and may revise the final draft based on those
17 comments before submitting the final report to the Legislature.

18 (2) The reports to be submitted pursuant to paragraph (1) shall
19 be submitted in compliance with Section 9795 of the Government
20 Code.

21 (j) It is the intent of the Legislature that the cost of the pilot
22 project shall be shared equally between the department and the
23 contractors of the State Water Project.

24 (k) For purposes of this section, "parentage-based tagging"
25 means a genetic-based fish tagging method that involves DNA
26 testing of broodstock whereby parent fish used for hatchery
27 production are genetically sampled at spawning, allowing the
28 parentage of adult salmon to be determined when they are
29 harvested in the recreational or commercial fisheries, or after they
30 return to spawn.

31 (l) This section shall become inoperative on July 1, 2028, and,
32 as of January 1, 2029, is repealed.

33 SEC. 4. Section 5930 of the Fish and Game Code is amended
34 to read:

35 5930. The department shall, ~~from time to time~~, at least every
36 five years, examine all dams in all rivers and streams in this State
37 state naturally frequented by fish.

38 SEC. 5. Section 5930.5 is added to the Fish and Game Code,
39 to read:

1 5930.5. (a) *On or before January 1, 2022, and every five years*
2 *thereafter, the department shall identify dams within the state for*
3 *removal that are a priority for removal to protect and conserve*
4 *fish and wildlife in accordance with the policy stated in Section*
5 *1600.*

6 (b) *On or before January 1, 2025, the department, in*
7 *consultation with the Department of Water Resources, shall*
8 *develop a schedule and funding proposal to initiate the removal*
9 *of dams identified pursuant to subdivision (a).*

10 SEC. 6. *Section 6921.5 is added to the Fish and Game Code,*
11 *to read:*

12 6921.5. *No later than January 1, 2022, the department shall,*
13 *in consultation with the Advisory Committee on Salmon and*
14 *Steelhead Trout and the Commercial Salmon Trollers Advisory*
15 *Committee, develop and implement at least one additional*
16 *ocean-based offsite hatchery salmon release operation.*

17 SEC. 7. *Section 6922 of the Fish and Game Code is amended*
18 *to read:*

19 6922. The program shall include, but is not limited to, all of
20 the following elements:

21 (a) Identification of streams where the natural production of
22 salmon and steelhead trout can be increased primarily through the
23 improvement of stream and streambank conditions without effect
24 on land ownership, land use practices, or changes in streamflow
25 operations.

26 (b) Identification of streams where the natural production of
27 salmon and steelhead trout can be increased only through the
28 improvement of land use practices or changes in streamflow
29 operations.

30 (c) Identification of streams where the protection of, and increase
31 in, salmon and steelhead trout resources require, as a result of
32 significant prior loss of stream habitat, the construction of artificial
33 propagation facilities.

34 (d) A program element for evaluating the effectiveness of the
35 program.

36 (e) Recommendations for an organizational structure, staffing,
37 budgeting, long-term sources of funding, changes in state statutes
38 and regulations and federal and local government policy and such
39 other administrative and legislative actions as the department finds
40 to be necessary to accomplish the purposes of this chapter.

1 (f) Identification of measures to protect and increase the
 2 production of other anadromous fisheries consistent with policies
 3 set forth in Section 6902.

4 (g) Identification of alternatives to, or mitigation of, manmade
 5 factors which cause the loss of juvenile and adult fish in
 6 California’s stream system.

7 (h) *Development of a policy by January 1, 2022, for the use of*
 8 *releases, including in-river and ocean net pen releases, of salmon*
 9 *produced in state managed and comanaged hatcheries during*
 10 *periods of drought or in other circumstances that result in*
 11 *significantly abnormal levels of mortality during onsite releases.*
 12 *In developing this policy, the department shall coordinate with the*
 13 *Advisory Committee on Salmon and Steelhead Trout and the*
 14 *Commercial Salmon Trollers Advisory Committee and may*
 15 *coordinate with other state agencies, the United States Fish and*
 16 *Wildlife Service, and the National Marine Fisheries Service.*

17 SEC. 8. Chapter 9 (commencing with Section 39950) is added
 18 to Part 2 of Division 26 of the Health and Safety Code, to read:

19
 20 CHAPTER 9. VOLUNTARY VESSEL SPEED REDUCTION INCENTIVE
 21 PROGRAM
 22

23 39950. (a) *The state board shall develop and implement a*
 24 *voluntary vessel speed reduction incentive program for the Santa*
 25 *Barbara Channel and San Francisco Bay area regions to reduce*
 26 *air pollution, the risk of fatal vessel strikes on whales, and harmful*
 27 *underwater acoustic impacts.*

28 (b) *As part of the program, the state board shall do all of the*
 29 *following:*

30 (1) *Collect data on ship speeds in other regions of the California*
 31 *coast in order to analyze the program for future refinement or*
 32 *expansion, or both.*

33 (2) *Provide financial incentives to program participants during*
 34 *peak ozone and whale seasons.*

35 (3) *Provide financial incentives to program participants based*
 36 *on percent of distance traveled by a participating vessel through*
 37 *a vessel speed reduction zone established by the state board at 10*
 38 *knots or less.*

39 (c) *The state board may impose additional qualifying criteria*
 40 *on individual transit speeds, for example, maximum speed in transit*

1 *or maximum transit average speed, in order to receive financial*
2 *incentives under the program.*

3 *(d) The state board shall provide financial incentives pursuant*
4 *to this section upon appropriation by the Legislature of funds made*
5 *available for this program.*

6 *(e) The state board shall implement the program by July 1,*
7 *2020, and report to the Legislature regarding the implementation*
8 *of the program by December 31, 2022. The report required by this*
9 *subdivision shall be submitted in compliance with Section 9795*
10 *of the Government Code.*

11 *SEC. 9. Section 4582.71 of the Public Resources Code is*
12 *amended to read:*

13 4582.71. (a) A timber harvesting plan ~~may~~ *shall* not be
14 approved ~~if unless~~ the appropriate regional water quality control
15 board ~~finds, based on substantial evidence,~~ *finds* that the timber
16 operations proposed in the plan will *not* result in a discharge into
17 a watercourse that has been classified as impaired due to ~~sediment~~
18 *sediment*, pursuant to subsection (d) of Section 303 of the Federal
19 Water Pollution Control Act, that causes or ~~contributes,~~ *contributes*
20 to a violation of the regional water quality control ~~plan.~~ *plan, basin*
21 *plan, approved total maximum daily load requirement, or approved*
22 *waste discharge requirement.*

23 (b) The exercise of a regional water quality control board's
24 authority pursuant to subdivision (a) may be delegated to the
25 executive officer of that regional water quality control board as
26 long as the executive officer's determination is subject to review
27 by that regional water quality control board upon request of the
28 person that has submitted the timber harvesting plan or upon
29 motion of that regional water quality control board.

30 (c) If the appropriate regional water quality control board makes
31 a finding ~~pursuant to subdivision (a),~~ *that a timber harvesting plan*
32 *will result in a discharge into a watercourse that has been*
33 *classified as impaired due to sediment, pursuant to subsection (d)*
34 *of Section 303 of the Federal Water Pollution Control Act, that*
35 *causes or contributes to a violation of the regional water quality*
36 *control plan, basin plan, approved total maximum daily load*
37 *requirement, or approved waste discharge requirement, the*
38 executive officer of that regional water quality control board shall,
39 before the close of the public comment period under Section
40 4582.7, notify the director in writing of the finding and advise the

1 director that the *timber harvesting plan* ~~may~~ *shall* not be approved.
2 If the issues that lead to a regional water quality control board's
3 finding pursuant to subdivision (a) cannot be resolved during the
4 director's determination period under Section 4582.7 or a longer
5 period that is mutually agreeable to the director and the person
6 that submitted the timber harvesting plan, the director shall deny
7 the timber harvesting plan and return the plan to the person that
8 submitted it. The director shall advise the person that submitted
9 the timber harvesting plan of the reasons why the plan is being
10 returned.

11 *SEC. 10. Section 5814.5 is added to the Public Resources Code,*
12 *to read:*

13 *5814.5. (a) It is the policy of the state that all state government*
14 *coastal wetland programs and policies ensure an overall net gain*
15 *of coastal wetlands.*

16 *(b) The agency shall inventory the state's existing coastal*
17 *wetlands resources and prepare a study that meets the goals*
18 *specified in paragraphs (1) to (8), inclusive, of subdivision (a) of*
19 *Section 5814. On or before January 1, 2023, the agency shall*
20 *submit the study to the Legislature, pursuant to Section 9795 of*
21 *the Government Code. The agency, in coordination with the State*
22 *Coastal Conservancy, the Department of Fish and Wildlife, and*
23 *the state's wetland and riparian area monitoring program and*
24 *surface water ambient monitoring program, shall include both of*
25 *the following in the study:*

26 *(1) A determination of a baseline for coastal wetlands, including*
27 *intertidal and subtidal eelgrass beds.*

28 *(2) An implementation plan to achieve an annual net gain of*
29 *ecologically functioning coastal wetlands within the state.*

30 *(c) The agency shall update the study described in subdivision*
31 *(b), at a minimum, once every five years after January 1, 2023.*

32 *(d) For purposes of this section, "coastal wetlands" means*
33 *lands within the coastal zone that may be covered periodically or*
34 *permanently with shallow water and includes saltwater marshes,*
35 *freshwater marshes, open or closed brackish water marshes,*
36 *swamps, mudflats, and fens.*

37 *SEC. 11. Section 5818.3 is added to the Public Resources Code,*
38 *to read:*

39 *5818.3. (a) On or before December 31, 2022, the State Coastal*
40 *Conservancy shall submit a report to the Legislature, pursuant to*

1 *Section 9795 of the Government Code, on the conservancy's*
2 *beneficial reuse pilot program for dredged sediment in Redwood*
3 *City Harbor that received six million dollars (\$6,000,000) pursuant*
4 *to Item 3760-101-0001 of Section 2.00 of Chapter 29 of the Statutes*
5 *of 2018. The report shall include how these funds were used, how*
6 *these funds were leveraged with federal partnerships, the benefits*
7 *obtained by the pilot program, budget estimates to make the pilot*
8 *program permanent, and recommendations to the Legislature on*
9 *how to improve the pilot program.*

10 *(b) Upon appropriation by the Legislature, the State Coastal*
11 *Conservancy, in partnership with the United States Army Corps*
12 *of Engineers, shall develop a beneficial reuse program to place*
13 *and reuse dredged sediment for coastal wetland restoration*
14 *projects.*

15 *SEC. 12. Section 10001 of the Public Resources Code is*
16 *amended to read:*

17 *10001. The Director of Fish and ~~Game~~ Wildlife shall establish*
18 *a California Endangered Rivers List. The director shall identify*
19 *and ~~list~~ include in the California Endangered Rivers List those*
20 *streams and watercourses throughout the state for which minimum*
21 *flow levels need to be established in order to assure the continued*
22 *viability of stream-related fish and wildlife resources. The director*
23 *shall include in ~~this identification list~~ the California Endangered*
24 *Rivers List those streams and watercourses the director determines*
25 *are significant, along with a statement of findings as to why that*
26 *stream or watercourse was selected. ~~The identification list~~*
27 *California Endangered Rivers List required by this section shall*
28 *rank the streams and watercourses beginning with those where the*
29 *need for establishing minimum flow levels is the greatest. The*
30 *director, ~~at his discretion~~, director may revise the ~~list~~ California*
31 *Endangered Rivers List and may add or delete streams or*
32 *watercourses as circumstances require. ~~The initial identification~~*
33 *list required by this section shall be completed no later than January*
34 *1, ~~1984~~. The director shall annually post the California*
35 *Endangered Rivers List on the Department of Fish and Wildlife's*
36 *internet website.*

37 *SEC. 13. Section 10004 of the Public Resources Code is*
38 *amended to read:*

39 *10004. The Department of Fish and ~~Game~~ Wildlife shall initiate*
40 *studies to develop proposed streamflow requirements for those*

1 streams or watercourses in each fiscal year for which funds are
 2 appropriated *from revenues from fees imposed pursuant to Section*
 3 *10005* and shall complete studies on each stream or watercourse
 4 within three years. ~~It is the intent of the Legislature that the~~ *The*
 5 department *shall* develop a program that will initiate studies on at
 6 least ~~10~~ *three* streams or watercourses in each fiscal year.

7 *SEC. 14. Section 10005 of the Public Resources Code is*
 8 *amended to read:*

9 10005. (a) The Department of Fish and ~~Game~~ *Wildlife* shall
 10 impose and collect a filing fee of eight hundred fifty dollars (\$850)
 11 to defray the costs of identifying streams and providing studies
 12 pursuant to ~~Division 10 (commencing with Section 10000) of the~~
 13 ~~Public Resources Code.~~ *this division.*

14 (b) The filing fee shall be proportional to the cost incurred by
 15 the Department of Fish and ~~Game~~ *Wildlife* and shall be annually
 16 reviewed and adjustments recommended to the Legislature in an
 17 amount necessary to pay the costs of the Department of Fish and
 18 ~~Game~~ *Wildlife* as specified in subdivision (a).

19 (c) Any user of water, including a person or entity holding
 20 riparian or appropriative rights, shall pay the filing fee to the
 21 Department of Fish and ~~Game~~ *Wildlife* upon application to the
 22 State Water Resources Control Board for any permit, transfer,
 23 extension, or change of point of diversion, place of use, or purpose
 24 of use, if there is a diversion of water from any waterway where
 25 fish reside. No permit, or other entitlement identified in ~~this section~~
 26 *section*, is effective until the filing fee is paid. The State Water
 27 Resources Control Board shall, every six months, forward all fees
 28 collected to the ~~department~~ *Department of Fish and Wildlife* and
 29 provide the location for each entitlement for which a filing fee has
 30 been collected.

31 (d) The fee imposed by this section shall not be imposed on the
 32 following applications filed with the State Water Resources Control
 33 Board:

34 (1) Small domestic use registrations and livestock stockpond
 35 certificates submitted pursuant to Article 2.7 (commencing with
 36 Section 1228) of Chapter ~~2~~ *1 of Part 2* of Division 2 of the Water
 37 Code.

38 (2) The first application for an extension of time for an
 39 individual permit if no change in point of diversion, place of use,
 40 or purpose of use is included in the application.

1 (3) Water applications—~~which~~, *that*, in the opinion of the
2 Department of Fish and ~~Game~~, *Wildlife*, are filed for administrative
3 and technical clarification purposes only.

4 (4) Water applications or petitions, the primary purpose of which
5 is to benefit fish and wildlife resources. The determination of the
6 benefit to fish and wildlife shall be made, in writing, by the
7 Department of Fish and ~~Game~~ *Wildlife* in order to be exempt from
8 the fee.

9 (e) If an applicant or petitioner files multiple applications or
10 petitions for the same appropriation, transfer, extension, or change,
11 and the State Water Resources Control Board reviews and
12 considers the applications or petitions together, only one filing fee
13 is required for those applications or petitions.

14 (f) *If the Department of Fish and Wildlife fails to initiate studies*
15 *for at least three streams or watercourses in a fiscal year in*
16 *accordance with Section 10004, the Department of Fish and*
17 *Wildlife shall return any filing fees received pursuant to subdivision*
18 *(c) for that fiscal year to the State Water Resources Control Board.*
19 *The State Water Resources Control Board shall deposit any funds*
20 *received pursuant to this subdivision in the Water Rights Fund*
21 *and may use those funds, upon appropriation by the Legislature,*
22 *for the purposes specified in Section 1257.5 of the Water Code.*

23 SEC. 15. Section 35626 is added to the Public Resources Code,
24 to read:

25 35626. (a) *On or before December 1, 2022, the council shall*
26 *submit a report to the Legislature, pursuant to Section 9795 of the*
27 *Government Code, and relevant state entities on the state's*
28 *progress toward meeting the following goals:*

29 (1) *Using low-trophic mariculture, such as shellfish, kelp, and*
30 *seaweed production, to mitigate and adapt to climate change*
31 *impacts, such as ocean acidification and warming and sea level*
32 *rise.*

33 (2) *Accelerating local restoration plans to restore 8,000 acres*
34 *of San Francisco Bay shellfish, native oyster reefs, and kelp forests*
35 *to sequester carbon, combat ocean acidification, and protect*
36 *shorelines in the face of sea level rise.*

37 (b) *The report described in subdivision (a) shall include, at a*
38 *minimum, all of the following:*

39 (1) *A report on the state's progress toward meeting the goals*
40 *described in paragraphs (1) and (2) of subdivision (a) and the*

1 main barriers to reaching these goals both statewide and within
2 the state's regions.

3 (2) Consideration of the beneficial use of low-trophic
4 mariculture systems to help address ocean acidification, habitat
5 loss, nitrification, and pollution; movement of marine sediments,
6 sea level rise, and storm preparedness; and food security and
7 access to farming opportunities.

8 (3) A discussion of potential improvements to the current
9 leasing, permitting, and oversight processes in connection with
10 the low-trophic mariculture industry, including, but not limited
11 to, all of the following:

12 (A) The potential of pilot programs to test such potential
13 improvements.

14 (B) Increased funding to relevant agencies and the feasibility
15 of transitioning to a fee-for-service model in different aspects of
16 the low-trophic mariculture industry.

17 (C) The increased use of experimental or proof-of-concept
18 permits.

19 (D) Improved federal partnerships.

20 (4) Workforce development and access to capital among
21 potential mariculturists.

22 (5) Ultimate potential size and scope of the low-trophic
23 mariculture industry, both statewide and within the state's regions,
24 and future goal setting.

25 SEC. 16. Section 35633 is added to the Public Resources Code,
26 to read:

27 35633. On or before December 31, 2020, the council shall
28 establish a representative statewide advisory group that includes
29 the diverse interests that will affect and be affected by ocean
30 acidification and technical and policy experts, including fishing,
31 aquaculture, agriculture, Indian tribes, municipalities, counties,
32 water management, conservation, and wastewater treatment
33 experts, representatives of relevant state and, if possible, federal
34 agencies, and scientists from relevant disciplines. The statewide
35 advisory group shall advise the state on its policy, management,
36 science, and communications priorities and strategies to address
37 ocean acidification and hypoxia.

38 SEC. 17. Section 35634 is added to the Public Resources Code,
39 to read:

1 35634. *The Secretary of the Natural Resources Agency shall*
2 *direct the council to, on or before December 31, 2021, conduct a*
3 *statewide vulnerability assessment to identify the risks ocean*
4 *acidification poses to the state’s biological resources, communities,*
5 *and economies within the context of other ongoing environmental*
6 *changes and hazards, and to identify priorities and options for*
7 *action to improve the state’s adaptive capacity to address ocean*
8 *acidification and hypoxia.*

9 *SEC. 18. Chapter 5 (commencing with Section 35655) is added*
10 *to Division 26.5 of the Public Resources Code, to read:*

11
12 *CHAPTER 5. NATURAL RESOURCES AGENCY BLUE CARBON*
13 *STRATEGY*
14

15 35655. *This chapter shall be known, and may be cited, as the*
16 *Natural Resources Agency Blue Carbon Strategy.*

17 35656. *For purposes of this chapter, “secretary” means the*
18 *Secretary of the Natural Resources Agency.*

19 35657. (a) *The secretary shall implement a comprehensive,*
20 *coordinated, and proactive program for ocean and coastal habitats*
21 *to enhance the state’s ability to adapt to the unavoidable impacts*
22 *of climate change, with a special focus on vulnerable communities,*
23 *ecological habitats, and industries that are disproportionately*
24 *affected by climate change.*

25 (b) *In implementing the program described in subdivision (a),*
26 *the secretary shall emphasize a blue carbon strategy to improve*
27 *ocean and coastal habitats and ecosystems’ abilities to sequester*
28 *carbon, especially by ensuring a healthy biomass of ocean*
29 *vegetation and associated food webs. The strategy shall include,*
30 *at a minimum, policies that identify and reduce ocean acidification*
31 *hot spots, improve water quality in the state’s marine protected*
32 *areas, improve the ecological health of coastal ecosystems, remove*
33 *barriers to improve river flows, and protect and restore ocean and*
34 *coastal vegetated habitats that are important for carbon storage,*
35 *including coastal marshes, seagrass meadows, and kelp forests.*

36 (c) *To maximize impact and coordination, the secretary shall*
37 *coordinate with, among other entities, the State Air Resources*
38 *Board, the California Environmental Protection Agency, the*
39 *council, the Office of Planning and Research, the State Water*

- 1 *Resources Control Board, and appropriate state conservancies to*
2 *implement this section.*
- 3 35658. *The secretary shall use the best available science,*
4 *including the following plans or reports, to implement this chapter:*
- 5 (a) *The plan adopted pursuant to Section 71153.*
6 (b) *The California Ocean Acidification Action Plan developed*
7 *pursuant to subdivision (b) of Section 35631.*
8 (c) *The California's Fourth Climate Change Assessment report.*
9 (d) *The Ready California Fisheries for Climate Change*
10 *report.*
- 11 35659. *To maximize the impact, coordination, and efficient*
12 *implementation of this chapter, the secretary shall do all of the*
13 *following:*
- 14 (a) *Coordinate with the Governor's cabinet members to*
15 *implement this chapter.*
- 16 (b) *Communicate and enter into agreements with other states*
17 *and international coalitions to further the policies of this chapter.*
- 18 (c) *Upon appropriation by the Legislature of funds under*
19 *Chapter 4.1 (commencing with Section 39710) of Part 2 of Division*
20 *26 of the Health and Safety Code, direct the State Coastal*
21 *Conservancy to work with other state conservancies and the State*
22 *Water Resources Control Board to develop and implement a*
23 *climate resiliency grant program to assist with the implementation*
24 *of this chapter.*
- 25 (d) *Use information and resources made available pursuant to*
26 *Section 71360.*
- 27 (e) *On or before March 31, 2021, and on or before March 31*
28 *of every year thereafter, present progress on implementation of*
29 *this chapter to appropriate policy and budget committees of the*
30 *Legislature.*
- 31 (f) *Support efforts of, and coordinate with, the Department of*
32 *Fish and Wildlife, the Department of Water Resources, and the*
33 *State Water Resources Control Board to support healthy riparian*
34 *corridors that improve water quality, water flow, and enhanced*
35 *species protections.*
- 36 (g) *Work with the council to implement the California Ocean*
37 *Acidification Action Plan developed pursuant to subdivision (b)*
38 *of Section 35631.*

1 (h) Identify and suggest regulatory and statutory changes
2 required to minimize existing policies that reduce the ability for
3 the coast and ocean ecosystems to adapt to climate change.

4 35660. The provisions of this chapter shall be implemented
5 only to the extent that implementation of the provisions of this
6 chapter is consistent with federal law.

7 SEC. 19. Section 71205.3 of the Public Resources Code is
8 amended to read:

9 71205.3. (a) ~~The commission~~ board shall adopt regulations
10 that do all of the following:

11 (1) Except as provided in Section 71204.7, require an owner or
12 operator of a vessel carrying, or capable of carrying, ballast water
13 that operates in the waters of the state to implement the interim
14 performance standards for the discharge of ballast water
15 recommended in accordance with Table x-1 of the California State
16 Lands Commission Report on Performance Standards for Ballast
17 Water Discharges in California Waters, as approved by the
18 commission on January 26, 2006.

19 (2) Except as provided in Section 71204.7, require an owner or
20 operator of a vessel carrying, or capable of carrying, ballast water
21 that operates in the waters of the state to comply with the interim
22 performance standards by the applicable following date:

23 (A) Upon first arrival at a California port for new vessels
24 constructed on or after January 1, ~~2020~~ 2021.

25 (B) As of the first scheduled drydocking on or after January 1,
26 ~~2020~~ 2021, for all other vessels.

27 (3) Notwithstanding Section 71204.7, require an owner or
28 operator of a vessel carrying, or capable of carrying, ballast water
29 that operates in the waters of the state to meet the final performance
30 standard for the discharge of ballast water of zero detectable living
31 organisms for all organism size classes by January 1, 2030.

32 (b) (1) Not less than 18 months ~~prior to~~ before January 1, 2020,
33 and January 1, 2030, the commission, in consultation with the
34 board, the United States Coast Guard, and the advisory panel
35 described in subdivision (b) of Section 71204.9, shall prepare, or
36 update, and submit to the Legislature a review of the efficacy,
37 availability, and environmental impacts, including the effect on
38 water quality, of currently available technologies for ballast water
39 treatment systems. If technologies to meet the performance
40 standards are determined in a review to be unavailable, the

1 commission shall include in that review an assessment of why the
2 technologies are unavailable.

3 (2) (A) The requirement for submitting a report imposed under
4 this subdivision is inoperative on January 1, 2024, for the interim
5 performance standards, and January 1, 2034, for the final
6 performance standard, pursuant to Section 10231.5 of the
7 Government Code.

8 (B) A report to be submitted pursuant to this subdivision shall
9 be submitted in compliance with Section 9795 of the Government
10 Code.

11 *SEC. 20. Section 11916 is added to the Water Code, to read:*

12 *11916. (a) The Department of Water Resources shall*
13 *immediately reinitiate the effort, as described in the proposed 2006*
14 *Federal Energy Regulatory Commission settlement for Oroville*
15 *Dam and related facilities, to select a final alternative and a final*
16 *project design for the retrofit of Thermalito Afterbay. The purpose*
17 *of this retrofit is to improve downstream temperature conditions*
18 *on the Feather River for salmon and other species. This subdivision*
19 *does not modify either of the following:*

20 *(1) The requirement for authorization from the Federal Energy*
21 *Regulatory Commission for the selected Thermalito Afterbay*
22 *retrofit alternative before construction may begin.*

23 *(2) The financing proposal for the Thermalito Afterbay retrofit,*
24 *as provided in the proposed 2006 Federal Energy Regulatory*
25 *Commission settlement.*

26 *(b) On or before March 31, 2020, the Department of Water*
27 *Resources shall appoint and convene an advisory committee to*
28 *assist in the selection of a preferred alternative and a final project*
29 *design for the Thermalito Afterbay retrofit. To the extent*
30 *practicable, this advisory committee shall be consistent with the*
31 *Ecological Committee included in the proposed 2006 Federal*
32 *Energy Regulatory Commission settlement, except that the*
33 *Department of Water Resources may appoint additional members*
34 *to the advisory committee that are not included in the Ecological*
35 *Committee.*

36 *(c) The Department of Water Resources shall annually submit*
37 *a report to the Legislature in compliance with Section 9795 of the*
38 *Government Code regarding progress toward the selection of a*
39 *preferred alternative and a final project design for the Thermalito*
40 *Afterbay retrofit. This requirement shall become inoperative upon*

1 *the approval of a renewed Federal Energy Regulatory Commission*
2 *license for Oroville Dam and related facilities.*

3 *SEC. 21. Section 13170.3 of the Water Code is amended to*
4 *read:*

5 13170.3. (a) On or before January 1, 2013, the state board
6 shall either amend the California Ocean Plan, or adopt separate
7 standards, to address water quality objectives and effluent
8 limitations that are specifically appropriate to brackish groundwater
9 treatment system facilities that produce municipal water supplies
10 for local use.

11 (b) On or before December 31, 2020, the state board shall
12 rescind Resolution No. 2012-0012.

13 (c) Waste shall not be discharged into areas of special biological
14 significance, as defined in subdivision (f) of Section 36700 of the
15 Public Resources Code. Waste discharges shall be located a
16 sufficient distance from areas of special biological significance
17 to ensure maintenance of natural water quality conditions in those
18 areas.

19 (d) Notwithstanding subdivision (c), a regional board may
20 approve waste discharge requirements or water quality
21 certifications for limited-term activities in areas of special
22 biological significance in accordance with both of the following
23 conditions:

24 (1) Water quality degradation shall be limited to the shortest
25 possible time.

26 (2) The waste discharge activities shall not permanently degrade
27 water quality.

28 (e) On or before December 31, 2022, the state board shall
29 provide guidance to the regional boards on how to designate state
30 water quality protection areas, as defined in subdivision (f) of
31 Section 36700 of the Public Resources Code. On or before
32 December 31, 2023, and each year thereafter, a regional board
33 with a marine protected area, as defined in subdivision (c) of
34 Section 2852 of the Fish and Game Code, within its jurisdiction
35 that does not have an associated state water quality protection
36 area shall designate one state water quality protection area
37 annually until all marine protected areas in the jurisdiction have
38 an associated state water quality protection area.

39 *SEC. 22. Section 13170.4 is added to the Water Code, to read:*

1 13170.4. (a) On or before December 31, 2022, the state board
2 shall amend the California Ocean Plan and the California
3 Enclosed Bays and Estuaries Plan to include water quality
4 objectives and effluent limitations that specifically address ocean
5 acidification and hypoxia.

6 (b) In conjunction with the development of the water quality
7 objectives and effluent limitations pursuant to subdivision (a), the
8 state board shall develop implementation provisions for complying
9 with those objectives and limitations. The implementation
10 provisions shall include, but are not limited to, requiring all
11 publicly operated wastewater treatment facilities that discharge
12 to waters subject to the California Ocean Plan or the California
13 Enclosed Bays and Estuaries Plan to adopt, incorporate, or
14 improve denitrification protocols to meet the water quality
15 objectives and effluent limitations adopted pursuant to subdivision
16 (a).

17 SEC. 23. Section 13247.5 is added to the Water Code, to read:

18 13247.5. (a) Upon receipt of a timber harvesting plan
19 submitted by the Department of Forestry and Fire Protection
20 pursuant to subdivision (a) of Section 4582.6 of the Public
21 Resources Code, a regional board shall expeditiously review the
22 plan for consistency with any applicable regional water quality
23 control plan, basin plan, approved total maximum daily load
24 requirement, or approved waste discharge requirement.

25 (b) If, while reviewing a timber harvesting plan pursuant to
26 subdivision (a), a regional board makes a finding of inconsistency
27 with a regional water quality control plan, basin plan, approved
28 total maximum daily load requirement, or approved waste
29 discharge requirement, the regional board shall notify the
30 Department of Forestry and Fire Protection in accordance with
31 subdivision (c) of Section 4582.71 of the Public Resources Code.

32 (c) If a regional board transmits a finding pursuant to
33 subdivision (b), the regional board shall include a description of
34 the specific components of the timber harvesting plan that are
35 inconsistent with the applicable regional water quality control
36 plan, basin plan, approved total maximum daily load requirement,
37 or approved waste discharge requirement and a recommendation
38 for how the plan could be revised to achieve consistency.

39 SEC. 24. Article 4.5 (commencing with Section 13278) is added
40 to Chapter 4 of Division 7 of the Water Code, to read:

1
2 *Article 4.5. Dischargers of Sediment Into Class I, II, and III*
3 *Watercourses*
4

5 *13278. A person who discharges sediment into a Class I*
6 *watercourse pursuant to a timber harvesting plan is subject to all*
7 *of the following requirements within the watercourse and lake*
8 *protection zone (WLPZ) for the Class I watercourse:*

9 *(a) The minimum WLPZ width shall be 150 feet from the*
10 *watercourse transition line or lake transition line. At least 85*
11 *percent overstory canopy shall be retained within 100 feet of the*
12 *watercourse transition line or lake transition line, with a 30-foot*
13 *no-cut buffer existing in the first 30 feet measured from the*
14 *watercourse transition line or lake transition line, and at least 65*
15 *percent overstory canopy within the remainder of the WLPZ,*
16 *composed of a minimum of 30 percent conifers. The overstory*
17 *canopy shall be comprised of at least 25 percent overstory conifer*
18 *canopy postharvest.*

19 *(b) Recruitment of large woody debris to a Class I watercourse*
20 *shall be ensured by retaining the 10 largest-diameter conifers, live*
21 *or dead, on each side of the watercourse, per 330 feet of stream*
22 *channel length, within 50 feet of the watercourse transition line*
23 *or lake transition line.*

24 *(c) All new crossings across a Class I watercourse shall either*
25 *span the Class I watercourse or use an arched culvert with a*
26 *natural bottom.*

27 *(d) Where an inner gorge extends beyond a WLPZ for a Class*
28 *I watercourse and slopes are greater than 55 percent, a special*
29 *management zone shall be established beyond the WLPZ where*
30 *the use of even-aged regeneration methods is prohibited. This zone*
31 *shall extend upslope to the first major break in slope where the*
32 *slope is less than 55 percent for a distance of 100 feet or more, or*
33 *300 feet as measured from the watercourse transition line or lake*
34 *transition line, whichever is less. Within this zone, the methods*
35 *and retention standards described in Sections 913.2, 933.2, and*
36 *953.2 of Title 14 of the California Code of Regulations shall apply.*

37 *13278.1. A person who discharges sediment into a Class II*
38 *watercourse pursuant to a timber harvesting plan is subject to all*
39 *of the following requirements within the watercourse and lake*
40 *protection zone (WLPZ) for the Class II watercourse:*

1 (a) At least 85 percent overstory canopy shall be retained within
2 50 feet of the watercourse transition line or lake transition line.
3 In an additional outer zone, overstory canopy closure shall be at
4 least 65 percent. The overstory canopy in each zone shall be
5 comprised of at least 25 percent overstory conifer canopy
6 postharvest. The outer zone shall be 25 feet in width where the
7 side slope class is less than 30 percent. The outer zone shall be 50
8 feet in width where the side slope class is 30 to 50 percent,
9 inclusive. The outer zone shall be 75 feet in width where the side
10 slope class is greater than 50 percent.

11 (b) Recruitment of large woody debris to Class II watercourses
12 shall be ensured by retaining the five largest-diameter conifers,
13 live or dead, on each side of the watercourse per 330 feet of stream
14 channel length, within 50 feet of the watercourse transition line
15 or lake transition line.

16 (c) All permanent Class II watercourse crossings that are
17 constructed or reconstructed shall be placed in the bottom of the
18 natural channel and capable of capturing low flows.

19 (d) Where an inner gorge extends beyond a WLPZ for a Class
20 II watercourse and slopes are greater than 55 percent, a special
21 management zone shall be established beyond the WLPZ where
22 the use of even-aged regeneration methods is prohibited. This zone
23 shall extend upslope to the first major break in slope where the
24 slope is less than 55 percent for a distance of 100 feet or more, or
25 200 feet as measured from the watercourse transition line or lake
26 transition line, whichever is less. Within this zone, the methods
27 and retention standards described in Sections 913.2, 933.2, and
28 953.2 of Title 14 of the California Code of Regulations shall apply.

29 13278.2. A person who discharges sediment into a Class III
30 watercourse pursuant to a timber harvesting plan is subject to all
31 of the following requirements within the watercourse and lake
32 protection zone (WLPZ) for the Class III watercourse:

33 (a) At least a 25-foot protection zone shall be maintained on
34 each side of the watercourse for slopes less than 30 percent and
35 at least a 50-foot protection zone on each side of the watercourse
36 shall be maintained for slopes equal to or greater than 30 percent.
37 All trees situated within the channel zone and trees that have boles
38 that overlap the edge of the channel zone shall be retained. Within
39 the protection zones, at least 50 percent of the understory
40 vegetation shall be left postharvest in an evenly distributed

1 condition. All regeneration conifers, snags, large woody debris,
2 and hardwoods shall be retained within the Class III protection
3 zones except when removal is necessary for yarding and crossings.

4 (b) Commercial timber operations may yard through a Class
5 III riparian management zone. Burning for purposes of site
6 preparation shall not be initiated in the protection zones and new
7 construction of tractor roads shall not be commenced.
8 Ground-based equipment shall not be permitted on slopes greater
9 than 50 percent, and ground-based operations shall be limited to
10 existing stable tractor roads that show no visible evidence of
11 sediment deposition being transported into the adjacent
12 watercourse or to the use of feller bunchers or shovel yarding.

13 (c) All permanent Class III watercourse crossings that are
14 constructed or reconstructed shall be placed in the bottom of the
15 natural channel and capable of capturing low flows.

16 13278.3. A person who discharges sediment into a Class I, II,
17 or III watercourse pursuant to a timber harvesting plan is subject
18 to all of the following requirements within the watercourse and
19 lake protection zone (WLPZ) for the Class I, II, or III watercourse:

20 (a) All permanent Class I, II, or III watercourse crossings that
21 are constructed or reconstructed shall accommodate the estimated
22 100-year flood flow, including debris and sediment loads.

23 (b) Use of any unpaved road segments within or appurtenant
24 to a timber harvesting plan area shall cease when precipitation is
25 sufficient to generate overland flow off the road surface or when
26 use of any portion of the road results in rutting of the road surface.
27 In either of these instances, road use shall not resume until the
28 road is dry. Access for road inspection and access to correct
29 emergency road-related problems or to respond to human
30 emergency situations shall be allowed at any time by a vehicle
31 rated one ton or less.

32 (c) While participating in a timber harvesting plan preharvest
33 inspections review team, a person subject to this section shall place
34 a high priority on the appropriate classification of all Class I, II,
35 and III watercourses and identification and remediation of
36 road-related sources of sediment likely to recruit into watercourses.

37 (d) Areas proposed for timber operations shall be assessed for
38 erosion potential using all available tools and methods, including,
39 but not limited to, soils and features maps, ocular assessment,
40 Light Detection and Ranging (LIDAR), aerial photos, and satellite

1 *imagery. Road construction and reconstruction shall not be*
2 *undertaken on erosive and unstable areas. Timber harvesting*
3 *activity shall not be undertaken on ground that shows evidence of*
4 *high erosion potential, including, but not limited to, slide areas,*
5 *areas shown to be slipping, and areas of disrupted ground.*

6 *(e) Historic erosion sites and sites with a high potential for*
7 *erosion shall be stabilized, if feasible.*

8 *13278.4. A California regional water quality control board*
9 *shall incorporate the requirements of this article into any*
10 *applicable waste discharge requirements adopted pursuant to*
11 *Section 13263 to manage controllable sources of sediment, achieve*
12 *water quality objectives, and protect beneficial uses.*

13 *13278.5. Any requirements in the forest practice rules adopted*
14 *by the State Board of Forestry and Fire Protection pursuant to*
15 *Section 4551 of the Public Resources Code that contain more*
16 *stringent sediment control standards than those established in this*
17 *article shall prevail.*

18 *13278.6. For purposes of this article, the following definitions*
19 *shall apply:*

20 *(a) “Canopy” has the same meaning as defined in Section 895.1*
21 *of Title 14 of the California Code of Regulations.*

22 *(b) “Channel zone” has the same meaning as defined in Section*
23 *895.1 of Title 14 of the California Code of Regulations.*

24 *(c) “Class I watercourse” has the same meaning as described*
25 *in Section 916.6 of Title 14 of the California Code of Regulations.*

26 *(d) “Class II watercourse” has the same meaning as described*
27 *in Section 916.6 of Title 14 of the California Code of Regulations.*

28 *(e) “Class III watercourse” has the same meaning as described*
29 *in Section 916.6 of Title 14 of the California Code of Regulations.*

30 *(f) “Dry” means a road surface that is well drained and is not*
31 *rutting, discharging fine sediments, or causing a visible turbidity*
32 *increase in a ditch or on a road surface that drains into a Class*
33 *I, II, or III watercourse.*

34 *(g) “Inner gorge” has the same meaning as defined in Section*
35 *895.1 of Title 14 of the California Code of Regulations.*

36 *(h) “Overstory” has the same meaning as defined in Section*
37 *895.1 of Title 14 of the California Code of Regulations.*

38 *(i) “Permanent watercourse crossing” has the same meaning*
39 *as defined in Section 895.1 of Title 14 of the California Code of*
40 *Regulations.*

1 (j) “Person” has the same meaning as defined in Section 4525
2 of the Public Resources Code.

3 (k) “Regeneration method” has the same meaning as defined
4 in Section 895.1 of Title 14 of the California Code of Regulations.

5 (l) “Riparian” has the same meaning as defined in Section 895.1
6 of Title 14 of the California Code of Regulations.

7 (m) “Site preparation” has the same meaning as defined in
8 Section 895.1 of Title 14 of the California Code of Regulations.

9 (n) “Slide area” has the same meaning as defined in Section
10 895.1 of Title 14 of the California Code of Regulations.

11 (o) “Snag” has the same meaning as defined in Section 895.1
12 of Title 14 of the California Code of Regulations.

13 (p) “Timber harvesting plan” means the plan filed pursuant to
14 Section 4582 of the Public Resources Code.

15 (q) “Timber operations” has the same meaning as defined in
16 Section 4527 of the Public Resources Code.

17 (r) “Understory” has the same meaning as defined in Section
18 895.1 of Title 14 of the California Code of Regulations.

19 (s) “Watercourse” has the same meaning as defined in Section
20 895.1 of Title 14 of the California Code of Regulations.

21 (t) “Watercourse and Lake Protection Zone (WLPZ)” has the
22 same meaning as defined in Section 895.1 of Title 14 of the
23 California Code of Regulations.

24 (u) “Watercourse transition line” has the same meaning as
25 defined in Section 895.1 of Title 14 of the California Code of
26 Regulations.

27 (v) “Woody debris” has the same meaning as defined in Section
28 895.1 of Title 14 of the California Code of Regulations.

29 (w) “Yarding” has the same meaning as defined in Section
30 895.1 of Title 14 of the California Code of Regulations.

31 SEC. 25. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

36 ~~SECTION 1. Section 36002 of the Public Resources Code is~~
37 ~~amended to read:~~

38 ~~36002. The Legislature further finds and declares all of the~~
39 ~~following:~~

- 1 ~~(a) It is the policy of the State of California to do all of the~~
2 ~~following:~~
- 3 ~~(1) Assess the long-term values and benefits of the conservation~~
4 ~~and development of ocean resources and uses with the objective~~
5 ~~of restoring or maintaining the health of the ocean ecosystem and~~
6 ~~ensuring the proper management of renewable and nonrenewable~~
7 ~~resources.~~
 - 8 ~~(2) Encourage ocean resources development that is~~
9 ~~environmentally sound, sustainable, and economically beneficial.~~
 - 10 ~~(3) Provide for efficient and coordinated resources management~~
11 ~~in state and federal waters.~~
 - 12 ~~(4) Assert the interests of this state in cooperation with federal~~
13 ~~agencies in the sound management of ocean resources.~~
 - 14 ~~(5) Promote research, study, and understanding of ocean~~
15 ~~processes and resources to acquire the scientific information~~
16 ~~necessary to understand the ocean ecosystem and life-support~~
17 ~~systems and the relationships of ocean development activities and~~
18 ~~associated impacts on ocean and coastal resources of the state and~~
19 ~~adjacent zones of federal jurisdiction.~~
 - 20 ~~(6) Encourage research and development of innovative,~~
21 ~~environmentally compatible marine technologies for protection,~~
22 ~~exploration, and utilization of ocean resources.~~
- 23 ~~(b) It is further the policy of the State of California to develop~~
24 ~~and maintain an ocean resources planning and management~~
25 ~~program to promote and ensure coordinated management of federal~~
26 ~~resources and uses with those in state waters, and with adjacent~~
27 ~~states, to ensure effective participation in federal planning and~~
28 ~~management of ocean resources and uses that may affect this state,~~
29 ~~and to coordinate state agency management of ocean resources~~
30 ~~with local government management of coastal zone uses and~~
31 ~~resources above the mean high tide line.~~

.....
(Original Signature of Member)

116TH 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. GARAMENDI 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 Section 402(b)(1)(B) of the Federal Water Pollution
6 Control Act (33 U.S.C. 1342(b)(1)(B)) is amended to read
7 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”.



March 14, 2019

The Honorable John Garamendi
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Garamendi:

On behalf of the above organizations dedicated to protection of public health and the environment, we write in strong support of your legislation to modernize National Pollutant Discharge Elimination System (NPDES) permit terms under the Clean Water Act. This is a commonsense approach to provide the U.S. Environmental Protection Agency or a delegated state with the discretionary authority to consider providing a permit term of up to ten years to reward those public agencies that have demonstrated compliance with existing permit conditions. We urge expeditious consideration of this legislation and look forward to working with you and your colleagues on the Committee on Transportation & Infrastructure.

Today's water quality needs are becoming more complex as public wastewater agencies continually face new challenges to ensuring improved water quality and a safe and reliable water supply. Meeting these challenges requires innovative approaches. Modern wastewater treatment often involves substantial investment of capital with construction terms that stretch out beyond the existing five-year permit term horizon. In some cases, a project construction timeline for clean water infrastructure can extend more than a decade as public agencies try to meet the requirements of extensive environmental reviews, project design, scheduling, and labor and construction agreements. The current NPDES permit term of five years simply does not align with today's water infrastructure complexities.

The Honorable John Garamendi

March 14, 2019

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The authority to extend NPDES permit terms up to a fixed period of ten years would better reflect today's clean water infrastructure reality as recently illustrated before the Subcommittee on Water Resources and Environment's hearing into water infrastructure needs. Extending permit terms would:

- Enhance the planning and efficiency of facility permitting;
- Give agencies the necessary time to comply with existing regulatory requirements prior to the imposition of new mandates, allowing agencies to better plan and construct new technologies and facilities; and
- Allows states to direct more resources to stormwater, nonpoint and watershed-based solutions.

At the same time, existing permit reopener provisions would allow for new conditions to be inserted where needed prior to permit expiration and protects the public's involvement in the permitting process.

Thank you again for your support on this important issue that is affecting the nation's public water and wastewater agencies.

Sincerely yours,

Association of California Water Agencies
California Association of Sanitation Agencies
National Association of Clean Water Agencies
National Association of Counties
National League of Cities
National Water Resources Association
U.S. Conference of Mayors
WaterReuse Association
Water Environment Federation



February 28, 2019

Via electronic mail to CalRecycle Docket

To Whom It May Concern:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on the recently proposed organics reduction regulatory language developed by CalRecycle for the implementation of SB 1383.

CASA is an association of local agencies engaged in advancing the recycling of wastewater into usable water, as well as the generation and beneficial reuse of renewable energy, biosolids, and other valuable resources. Through these efforts, we help create a clean and sustainable environment for Californians. CASA is pleased that CalRecycle recognizes the wastewater sector as part of the solution for organics diversion, and we greatly value the collaborative and productive relationship we have developed with CalRecycle. We also appreciate how responsive Hank Brady and his entire team have been through this process, which is reflected in the current draft regulations.

Our members are focused on helping the State achieve the mandates of SB 1383. Wastewater treatment plants can utilize existing infrastructure in the form of anaerobic digesters to co-digest food waste and other organic waste, thereby diverting it from landfills. Significant increases in biogas production, and in turn renewable energy production, result from co-digestion at much lower costs than building new infrastructure. For this to be viable, we need assurance of markets for the products of digestion, including both biosolids and biogas. While CalRecycle took positive steps toward assuring those markets exist, we request several clarifications below to expand those options.

Overall, CASA is extremely pleased that many of our comments submitted during the informal development of regulatory language have been addressed in this first draft of formal regulatory text.

Specific Comments and Recommendations:

1. Article 2 Section 18983.1(b)(6)(B)(1) – This section delineates activities which are deemed to be “recovery” and thus a reduction in landfill disposal. This section includes biosolids land application and references Appendix B of the federal part 503 regulations, which stipulate technology and other standards for both Class B and Class A pathogen reduction necessary for land application. The language in this section of the draft regulatory text, however, specifies only anaerobic digestion and compost as recovery activities. Appendix B provides detail on a suite of Class B and Class A pathogen reduction technologies, including far more options for achieving each Class, all of which are deemed equivalent to anaerobic digestion or composting.

None of the treatment processes delineated in Appendix B would generate methane. The greenhouse gas reduction achieved via land application rather than landfilling is the same regardless of the technology employed to meet the pathogen reduction and vector attraction reduction criteria. The methane reduction is realized in the avoidance of landfilling not by the process utilized to treat the biosolids. While it is true that most biosolids in California undergo either anaerobic digestion and/or composting, other compliant technologies are also utilized and entities should not be penalized for using them.

CASA strongly urges CalRecycle to replace the words “.... anaerobic digestion or composting...” With “..... one of the processes,”. In support of this argument, please refer to the BEAM model at this link: <https://casaweb.org/wp-content/uploads/2015/12/1-BrownetalEST-GHGCalculator10.pdf> which has been adopted by the Canadian Ministries of the Environment as a means to quantify the climate change mitigation benefits of biosolids land application.

2. Article 2 section 18983.1(c) – Includes “...or any other disposal of waste as defined by Section 40192(c) of the Public Resources Code.”, in the definition of Landfill. This is a very broad definition and seems to limit the disposition to organic waste deposited on land. We believe this is an overly restrictive definition, and will create confusion because of the inclusion of technologies other than landfilling in the definition of landfill (by virtue of the cross-reference to PRC Section 40192(c)). We request that CalRecycle clarify the scope of this definition. (see comment 3 below as well).
3. Article 6 Section 18987.2(a)(1) – The language requires all biosolids produced at any wastewater treatment plant to be treated via anaerobic digestion and/or composting and sent for land application. In addition to other treatment technologies as mentioned in comment 1 above, there are also other end uses employed which would be disallowed under this requirement. California has two incinerators and roughly five surface disposal sites located at wastewater treatment plants. None of the sludge produced at those facilities would ever be transported off-site and would neither be landfilled or land applied and thus would seem beyond the purview of these regulations. It would be cost prohibitive to require these facilities to change technology and management practices.

Similarly, it is imperative that all treatment options in 40 CFR part 503 Appendix B (Class A and Class B) be allowed and viewed as “recovery” (not just anaerobic digestion and composting). Treatment technologies are themselves dynamic and emerging resulting in alternative treatment and final disposition of biosolids. For example, thermal processes can produce energy and biochar. These technologies should be encouraged, not excluded as the language in this section appears to do. Dried biosolids have long been used effectively as alternative fuel at cement kilns in place of fossil-based fuels. We recommend all treatment technologies specified in Appendix B of 40 CFR part 503 which result in land application or land reclamation should be counted as a reduction in landfill disposal. Existing biosolids management practices whereby biosolids do not leave the site should be excluded from these regulations. And emerging technology which may result in energy production

(thermal) or avoid fossil-based fuels (cement kilns), but which do not send any biosolids to a landfill should be encouraged.

Additionally, our understanding is that CalRecycle does not intend (and lacks the authority) to ban any organic waste stream from landfills. Rather, future use was to be negotiated between a wastewater plant and their jurisdiction of origin. We request that these regulations be revised to explicitly articulate that approach.

We recommend the following revisions to this section:

Section 18987.2. Biosolids and Sewage Sludge Handling at a POTW

(a) Biosolids generated at a POTW shall be:

- (1) Treated and managed in accordance with the Land Application, Incineration, or Surface Disposal requirements specified in 40 CFR part 503,
- (2) Transported to a solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recovery as specified in Section 18983.1(b) of this division,
- (3) Be treated and managed in other approved manners, approved by the regional, state, or federal agencies having appropriate jurisdiction.
- (4) Notwithstanding subdivision (a)(1-3), sewage sludge and biosolids when it is not possible for them to be adequately treated and sent for additional processing or recovery may be sent for disposal to a permitted facility that can receive that sewage sludge and biosolids and has obtained the applicable approvals by the regional, state, and federal agencies having appropriate jurisdiction.

4. Article 9 Section 18990.1(c)(3) seems inconsistent with the language added to s. 18990.1(a & b) which restricts local ordinances such that they may not impede organics recycling. Sub (c)(3) seems to supersede that restriction. Clarity or revision of this language is requested to ensure an open market across California for organics recycling.

5. Article 12 Section 18993.1(f) defines eligible recovered organic waste products which satisfy the procurement requirements of s. 18993.1(e).

- a. Sub (f)(1) stipulates that compost is an eligible product. We assume this includes biosolids compost but request explicit confirmation of that. Furthermore, there are many other biosolids products which should be considered as eligible recovered organic waste products. A jurisdiction should be given broad latitude in meeting this requirement and all biosolids products meeting the land application requirements of 40 CFR part 503 should be eligible.
- b. Sub (f)(2) stipulates that renewable transportation fuel is also an eligible recovered organic waste product. While we support the intent of this requirement to help create end markets, we question the definition of Renewable Transportation Fuel in Article 1 18982(a)(62), which requires the fuel be derived "...from organic waste diverted from a landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 to recycle organic

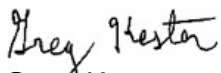
waste.” Does this exclude renewable transportation fuel which is derived from sewage sludge anaerobic digestion alone, without co-digestion? We trust that is not the intent, since anaerobically digesting sewage sludge, land applying the resultant biosolids, and producing low carbon transportation fuel is certainly consistent with the requirements of SB 1383 and these regulations. All sewage sludge which is anaerobically digested could be considered to be diverted from landfills. Please clarify whether the intent of the language is to include all sewage sludge and co-digested materials under this eligibility requirement. Alternatively, we respectfully request this definition be amended to read: “...gas derived from organic waste processed in an in-vessel digestion facility that is permitted or otherwise authorized by Title 14 or Title 23.”

- c. Sub(f)(2) – We also request that any other beneficial uses of methane be deemed eligible to qualify as fulfilling the procurement obligations. This includes pipeline injection, on-site power production and exported electricity, as well as the production of renewable transportation fuel. All should be deemed to be recovered organic waste products and eligible to satisfy the procurement requirements.

- 6. 2014 Waste Characterization Table – Please confirm that this Table has been updated to include biosolids data from 2014, since this serves as the baseline upon which compliance with the draft regulations is based.

Please feel free to contact me at 916-844-5262 or via email at gkester@casaweb.org for further information or clarification. We applaud your efforts in developing these important and exhaustive regulations.

Sincerely,



Greg Kester
Director of Renewable Resource Programs

cc: Howard Levenson – CalRecycle
Mark de Bie – CalRecycle
Hank Brady – CalRecycle
Evan Johnson – CalRecycle
Cara Morgan - CalRecycle
Scott Couch – SWRCB
Johnny Gonzales – SWRCB
Tung Le – CARB
Bobbi Larson - CASA

Subject: FW: Toxicity Provisions Meeting Summary
Date: Tuesday, March 19, 2019 at 11:36:10 AM Pacific Daylight Time
From: Adam Link <alink@casaweb.org>
To: Cheryl Mackelvie <cmackelvie@casaweb.org>
Attachments: image001.png, image002.png

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Subject: Toxicity Provisions Meeting Summary

CASA Toxicity Group,

Thanks to those of you who attended the meeting with SWRCB staff last week, I thought it was productive and informative.

First and foremost it sounds like the schedule for adopting the toxicity provisions will be pushed back. The original target was for staff to bring it to the Board by April 2019, but they are still digging through comments and working on the dredge & fill policy, so their best estimate is later in the summer. This means we have some additional time to schedule meetings with Board members, and I think it would make sense to do so later on, after some of our issues have (potentially) been resolved. Below are my impressions and next steps on the agenda items from the meeting:

1. Request for clarity and refinement of Regional Board discretion on the use acute testing in addition to chronic testing. Staff seemed open to incorporating the language from the staff report on this issue into the policy, no major pushback.
2. Request for more specific language encouraging reduced frequency of monitoring during a TRE. Staff seemed possibly open to language on this, but more reluctant than the previous item. We will need to make specific language suggestions before our next meeting.
3. Request for language modifications that would allow the use of prior (pre-plan) compliance data for reduced monitoring frequency. Staff seemed open on this as well. BACWA provided specific language. There were some unanswered questions about what to do in circumstances where there was limited data from previous testing, but it seemed this could get worked out.
4. Issues associated with current definition of a calendar month. We had a very lengthy discussion on this issue and did not reach resolution. We explained the difficulties with completing potentially 3 tests in a single 30 day period, and the waste of resources in preparing a second test every month without knowing whether the first test was a "fail" and a second test would actually be necessary. We discussed the BACWA approach (essentially tests on week 1, week 4, and week 6), and the big hang up seemed to be that later samples would be used for multiple purpose (e.g. the second "compliance" sample would be the first "routine" sample for the next month, and so on) and the sense that the testing would never "catch up" to yield an actual MMEL. We discussed a potential alternative whereby the second test would be done in week 3, and the fourth in week 4 (concurrent with next month's week 1 testing). This would address the wasted resources issue, but the third compliance test would still double as the first "routine" test for the next month. We will be getting back to SWRCB staff on this issue.
5. Request for flexibility in use of Instream Waste Concentration (IWC) and dilution. It seemed they understood the issue but were non-committal here. This is a big one for the CVCWA folks.
6. Request for changes in approach to determination of reasonable potential (RP) and numeric limits. We asked about the justification for setting a 10% effect threshold for RP, and staff indicated this was what was recommended by USEPA and was a built in "margin of safety." We noted that with such a low threshold, particularly on the cerio tests, virtually everyone would have RP and numeric limits, even if they used blank samples, simply due to the noise and variation in the test. We also briefly discussed the automatic numeric limits for those facilities over 5 MGD (essentially the same as determining there is RP). They did not seem likely to move on either of these issues. One question they asked repeatedly was how many facilities would have RP anyway if these lower thresholds were not in place. In other words, staff seemed to assume that most facilities would have a "hit" using the TST even at 25%, and so the initial 10% or 5 MGD thresholds wouldn't really matter all that much. We committed to getting them some data related to this.
7. Request for refinement of economic analysis. Limited discussion on this issue, just head nodding.
8. Use of the ceriodaphnia dubia reproduction endpoint. While we had significant discussion on this issue, it was mostly explanatory from our folks and not much in the way of response from SWRCB staff.

One item that was mentioned by Karen (somewhat disturbingly) was that somehow the ongoing ELAP revamp might help with improving reliability of this test, which I think is a total non sequitur. There was also discussion about the data quality issues in the Test Drive. I think everyone agreed that it would be good to go through the process of identifying how to make the test better and work together on making it more reliable, which may present a small opening. However, it was tough to get a read on how receptive they were to making modifications that would result in the cerio reproduction endpoint being a trigger and not used for numeric limits. My sense is they would be very reluctant to do so.

In terms of next steps, it probably makes sense to have one more meeting with SWRCB staff once we have a better sense of their response to comments and any potential changes on these issues. In the meantime, our action items are to:

- Come up with some language on item 2 (reduce monitoring during TRE)
- Develop an explanation of the logistics of the calendar month proposal that was in BACWA's comment letters a bit more plainly
- Check with your respective agencies regarding the alternative proposal on calendar month (2nd test at roughly 3 weeks rather than one month) and if that might be feasible and acceptable.
- See if there is any way to gather the information Karen requested about the likelihood of facilities "passing" if applying the TST and new scheme for MDEL and MMEL compliance.

For those that were in attendance, feel free to add or edit to this summary, and if anyone has any questions do not hesitate to reach out. Thanks.

- Adam

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Alternative 1 (BACWA Comment Letter)

Month 1	Month 2		Month 3	Next steps
Pass	Pass			Continue routine monitoring
Fail	Fail Violation			Accelerated monitoring in month 3
Fail	Pass	Pass No violation		Continue routine monitoring
Fail	Pass	Fail Violation	Pass	Continue routine monitoring
Fail	Pass	Fail Violation 1	Fail Violation 2	TIE/TRE

Alternative 2 (per meeting with SWB staff)

Month 1		Month 2		Month 3	Next steps
Pass	N/A				Continue routine monitoring
Fail	Fail Violation				Continue routine monitoring in month 2
Fail	Pass	Pass No violation			Continue routine monitoring in month 3
Fail	Pass	Fail Violation	Pass	Pass	Continue routine monitoring in month 4
Fail	Pass	Fail Violation 1	Pass	Fail Violation 2	TIE/TRE
Fail	Pass	Fail Violation 1	Fail Violation 2		TIE/TRE