

AMENDED IN SENATE MAY 23, 2025

AMENDED IN SENATE MAY 5, 2025

AMENDED IN SENATE APRIL 21, 2025

AMENDED IN SENATE APRIL 8, 2025

## SENATE BILL

**No. 601**

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

(Coauthors: Assembly Members Connolly, Kalra, and Rogers)

February 20, 2025

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An act to amend ~~Sections 16000.3 and 16100.3 of the Business and Professions Code, and to amend~~ Sections 13170, 13263, 13350, 13370, 13372, 13373, 13374, 13376, 13383.5, and 13385.1 of, to amend the heading of Chapter 5.5 (commencing with Section 13370) of Division 7 of, to add Sections 13052, 13164.5, 13250, 13251, 13352, and 13377.5 to, and to add Article 8 (commencing with Section 13366) to Chapter 5 of Division 7 of, the Water Code, relating to ~~water, and making an appropriation therefor.~~ *water.*

### LEGISLATIVE COUNSEL'S DIGEST

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

(1) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act (act) and the National Pollutant Discharge Elimination System (NPDES) permit program. ~~Existing law requires, when applying to a city or a county for an initial business license, equivalent instrument, or permit, or renewal thereof, a person who conducts a business operation that is a regulated industry,~~

~~as defined, to demonstrate enrollment with the NPDES permit program by providing specified information, under penalty of perjury, on the application. Existing law includes in this specified information, among other things, the Standard Industrial Classification Codes for the business, and a Waste Discharger Identification number (WDID), as specified. Under the act, the State Water Resources Control Board is authorized to adopt water quality control plans for waters for which quality standards are required by the federal Clean Water Act, as specified, and that in the event of a conflict, those plans supersede regional water quality control plans for the same waters.~~

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

~~(2) Under the act, the State Water Resources Control Board is authorized to adopt water quality control plans for waters for which quality standards are required by the federal Clean Water Act, as specified, and that in the event of conflict, those plans supersede regional water quality control plans for the same waters.~~

~~This bill would delete the limitation on the state board's authorization, and instead would authorize the state board to adopt water quality control plans for any waters of the state, which would include nexus waters, which the bill would define as all waters of the state that are not also navigable, except as specified. The bill would require any water quality standard applicable to nexus waters, which was submitted to, and approved by, or is awaiting approval by, the United States Environmental Protection Agency or the state board as of January 19,~~

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

(3)

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

This bill would require the above-described discharge requirements to, ~~among other things, implement state policies for water quality control.~~ *in the case of discharges to nexus waters, implement the relevant federal standards.*

(4)

(3) The act authorizes the imposition of civil penalties for violations of certain waste discharge requirements, including violation of a cease and desist order or a cleanup and abatement order, and requires that penalties imposed pursuant to these provisions be deposited into the Waste Discharge Permit Fund, to be expended by the state board, upon appropriation by the Legislature, for specified purposes related to water quality. For violations of certain other waste discharge requirements, the act imposes specified civil penalties, the proceeds of which are deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account.

This bill would require, commencing January 1, 2026, and each calendar year thereafter, the state board's executive director to adjust civil monetary penalties, as specified, including the civil penalties for the above-described provisions. ~~By increasing the amount of penalties deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account, the bill would make an appropriation. The bill would require moneys collected in accordance with these annual adjustments to be deposited into the Penalty Adjustment Account, that the bill would establish within the Waste Discharge Permit Fund, and upon appropriation by the Legislature, be expended by the state board~~

*for purposes of cleaning up and abating the effects of waste on waters of the state.*

(5)

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

This bill would authorize an action to be brought *in the public interest* in superior court by a person who has suffered an injury in fact ~~in the public interest~~ to enforce federal requirements, *specified* state standards ~~incorporated by or adopted under this division~~ applicable to nexus waters, or other waste discharge requirements applicable to discharges from any point source to nexus waters, as specified.

(6)

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

This bill would provide that “waste discharge requirements” include waste discharge requirements issued for discharges to nexus waters, and “discharge” includes discharges from any point source to nexus waters. The bill would provide that for purposes of compliance with the Federal Water Pollution Control Act, nexus waters shall be treated as though they are navigable waters and navigable waters of the United States. The bill would require waste discharge requirements adopted or amended for discharges to nexus waters to be adopted pursuant to and in accordance with the requirements of provisions implementing the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto, as specified.

(7)

(6) The act requires a person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state to file a report of the discharge, except as specified. The act prohibits the discharge of pollutants or dredged or fill material or the operation of a publicly owned treatment works or other treatment works treating

domestic sewage by any person, except as authorized by waste discharge requirements or dredged or fill material permits.

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

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

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

Vote:  $\frac{2}{3}$ -majority. Appropriation: yes-no. Fiscal committee: yes. State-mandated local program: yes.

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

1     ~~SECTION 1. Section 16000.3 of the Business and Professions~~  
2     ~~Code is amended to read:~~  
3     ~~16000.3. (a) When applying to a city for an initial business~~  
4     ~~license, equivalent instrument, or permit, or renewal thereof, a~~  
5     ~~person who conducts a business operation that is a regulated~~  
6     ~~industry, as defined in Section 13383.5 of the Water Code, shall~~  
7     ~~demonstrate enrollment with the National Pollutant Discharge~~  
8     ~~Elimination System (NPDES) or the Waste Discharge~~  
9     ~~Requirements (WDR) permit programs by providing all of the~~  
10    ~~following information, under penalty of perjury, on the initial~~  
11    ~~business license, equivalent instrument, or permit, or renewal~~  
12    ~~thereof, application:~~  
13    ~~(1) The name and location of facilities operated by the person~~  
14    ~~who conducts that business.~~  
15    ~~(2) All primary Standard Industrial Classification Codes, as~~  
16    ~~defined in Section 25244.14 of the Health and Safety Code, for~~  
17    ~~the business.~~  
18    ~~(3) Any of the following for each facility operated by the person~~  
19    ~~of that business:~~  
20    ~~(A) The stormwater permit number, known as the Waste~~  
21    ~~Discharger Identification number (WDID), issued for the facility~~  
22    ~~by the State Water Resources Control Board.~~  
23    ~~(B) The WDID application number issued for the facility by~~  
24    ~~the State Water Resources Control Board.~~

1     ~~(C) The “notice of nonapplicability” (NONA) identification~~  
2     ~~number issued for the facility by the State Water Resources Control~~  
3     ~~Board.~~

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

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

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

33    ~~(1) The company name and building or construction site name~~  
34    ~~or address.~~

35    ~~(2) The total planned disturbed acreage.~~

36    ~~(3) The WDID or WDID application number issued for the~~  
37    ~~construction or land disturbance activity by the State Water~~  
38    ~~Resources Control Board.~~

39    ~~(d) Before the issuance or renewal of a building or construction~~  
40    ~~permit, license, or equivalent instrument that authorizes~~

1 ~~construction or land disturbance over one acre, the city shall~~  
2 ~~confirm that the construction company has a valid WDID or WDID~~  
3 ~~application number. To confirm the WDID or WDID application~~  
4 ~~number, the city shall only need to keep a record of the applicable~~  
5 ~~documentation.~~

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

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

17 ~~(g) “City” includes a charter city and a charter city and county.~~

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

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

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

34 ~~(k) For purposes of this section, a business license, equivalent~~  
35 ~~instrument, or permit includes a business license, equivalent~~  
36 ~~instrument, or permit issued solely for the purpose of raising~~  
37 ~~revenue.~~

38 ~~SEC. 2. Section 16100.3 of the Business and Professions Code~~  
39 ~~is amended to read:~~

1     ~~16100.3. (a) When applying to a county for an initial business~~  
2 ~~license, equivalent instrument, or permit, or business renewal~~  
3 ~~thereof, a person who conducts a business operation that is a~~  
4 ~~regulated industry, as defined in Section 13383.5 of the Water~~  
5 ~~Code, shall demonstrate enrollment with the National Pollutant~~  
6 ~~Discharge Elimination System (NPDES) or the Waste Discharge~~  
7 ~~Requirements (WDR) permit programs by providing all of the~~  
8 ~~following information, under penalty of perjury, on the initial~~  
9 ~~business license, equivalent instrument, or permit, or renewal~~  
10 ~~thereof, application:~~

11     ~~(1) The name and location of facilities operated by the person~~  
12 ~~who conducts that business.~~

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

16     ~~(3) Any of the following for each facility operated by the person~~  
17 ~~of that business:~~

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

21     ~~(B) The WDID application number issued for the facility by~~  
22 ~~the State Water Resources Control Board.~~

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

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

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



1 of the Water Code, the county may use information provided by  
2 the State Water Resources Control Board, including information  
3 posted pursuant to Section 13383.10 of the Water Code for these  
4 purposes. To confirm the WDID, WDID application number,  
5 NONA, or NEC, the county shall only need to keep record of the  
6 applicable documentation.

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

15 (1) ~~The company name and building or construction site name~~  
16 ~~or address.~~

17 (2) ~~The total planned disturbed acreage.~~

18 (3) ~~The WDID or WDID application number issued for the~~  
19 ~~construction or land disturbance activity by the State Water~~  
20 ~~Resources Control Board.~~

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

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

36 (f) ~~For business license, equivalent instrument, or permit~~  
37 ~~renewals, a county may develop a provisional license procedure~~  
38 ~~that provides businesses three months to comply with the~~  
39 ~~requirements of this section.~~

1     ~~(g) “County” includes a charter county and a charter city and~~  
2     ~~county.~~

3     ~~(h) This section shall apply to applications for initial business~~  
4     ~~licenses, equivalent instruments, or permits, including building or~~  
5     ~~construction permits, and renewals thereof, submitted on and after~~  
6     ~~January 1, 2020.~~

7     ~~(i) This section shall not apply to a county that does not issue~~  
8     ~~or renew, or have an application process for issuing or renewing,~~  
9     ~~business licenses, equivalent instruments, permits that include a~~  
10    ~~business license, or building or construction permits.~~

11    ~~(j) This section shall not be construed to impose any additional~~  
12    ~~liability on a county under the NPDES or WDR permit programs~~  
13    ~~for nonenrollment under a General Permit for Storm Water~~  
14    ~~Discharges Associated with Industrial Activities Excluding~~  
15    ~~Construction Activities by a person who conducts a business~~  
16    ~~operation that is a regulated industry, as defined in Section 13383.5~~  
17    ~~of the Water Code, or consistent with Section 13374 of the Water~~  
18    ~~Code, associated with construction and land disturbance activities.~~

19    ~~(k) For purposes of this section, a business license, equivalent~~  
20    ~~instrument, or permit includes a business license, equivalent~~  
21    ~~instrument, or permit issued solely for the purpose of raising~~  
22    ~~revenue.~~

23    ~~SEC. 3.~~

24    ~~SECTION 1.~~ Section 13052 is added to the Water Code,  
25    ~~immediately following Section 13051, to read:~~

26    ~~13052. As used in this division:~~

27    ~~(a) “Federal standards” means federal laws or federal regulations~~  
28    ~~implementing the Federal Water Pollution Control Act (33 U.S.C.~~  
29    ~~Sec. 1251 et seq.), including, but not limited to, water quality~~  
30    ~~standards, effluent limitations, and drinking water standards in~~  
31    ~~effect as of January 19, 2025. If, after January 19, 2025, those~~  
32    ~~federal laws or regulations are modified to set a more stringent~~  
33    ~~requirement, the more stringent requirements shall apply.~~

34    ~~(b) “Nexus waters” means all waters of the state that are not~~  
35    ~~also navigable waters, as defined in Section 13373, except for the~~  
36    ~~following waters of the state:~~

37    ~~(1) Any waters of the state that were determined to be~~  
38    ~~nonjurisdictional for purposes of the Federal Water Pollution~~  
39    ~~Control Act (33 U.S.C. Sec. ~~1251~~, 1251 et seq.) by either the~~  
40    ~~United States Environmental Protection Agency or a United States~~

1 Army Corps of Engineers approved jurisdictional determination  
2 or verified aquatic resource delineation report prior to May 25,  
3 2023.

4 (2) Nonwetland tributaries that are tributary only to a water of  
5 the state that was determined to be nonjurisdictional pursuant to  
6 paragraph (1).

7 (3) A wetland water of the state that is adjacent to, adjoining,  
8 or otherwise hydraulically connected only to a water of the state  
9 that was determined to be nonjurisdictional pursuant to paragraph  
10 (1).

11 (4) A wetland water of the state that is not adjacent to, adjoining,  
12 or otherwise hydraulically connected to any nonwetland waters of  
13 the state.

14 (5) Groundwater.

15 (6) Waste treatment systems, including treatment ponds or  
16 lagoons, designed to meet the requirements of the Federal Water  
17 Pollution Control Act (33 U.S.C. Sec. ~~1251~~, 1251 et seq.).

18 (7) Prior converted cropland designated by the United States  
19 Secretary of Agriculture.

20 (8) Ditches, including roadside ditches, excavated wholly in  
21 and draining only dry land and that do not carry a relatively  
22 permanent flow of water.

23 (9) Artificially irrigated areas that would revert to dry land if  
24 the irrigation ceased.

25 (10) Artificial lakes or ponds created by excavating or diking  
26 dry land to collect and retain water and that are used exclusively  
27 for purposes such as stock watering, irrigation, settling basins, or  
28 rice growing.

29 (11) Artificial reflecting or swimming pools or other small  
30 ornamental bodies of water created by excavating or diking dry  
31 land to retain water for primarily aesthetic reasons.

32 (12) Water-filled depressions created in dry land incidental to  
33 construction activity and pits excavated in dry land for the purpose  
34 of obtaining fill, sand, or gravel unless and until the construction  
35 or excavation operation is abandoned.

36 (13) Swales and erosional features characterized by low-volume,  
37 infrequent, or short-duration flow.

38 (c) *“Nexus waters” does not include any wetland excluded from*  
39 *the definition of “waters of the state” as set forth in the “State*  
40 *Policy for Water Quality Control: State Wetland Definition and*

1 *Procedures for Discharges of Dredged or Fill Material to Waters*  
2 *of the State” as revised April 6, 2021, referenced in Section 2926*  
3 *of Title 23 of the California Code of Regulations.*

4 ~~SEC. 4.~~

5 *SEC. 2.* Section 13164.5 is added to the Water Code, to read:

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

13 ~~SEC. 5.~~

14 *SEC. 3.* Section 13170 of the Water Code is amended to read:

15 13170. The state board may adopt water quality control plans  
16 in accordance with the provisions of Sections 13240 to 13244,  
17 inclusive. Those plans, when adopted, supersede any regional  
18 water quality control plans for the same waters to the extent of any  
19 conflict.

20 ~~SEC. 6.~~

21 *SEC. 4.* Section 13250 is added to the Water Code, to read:

22 13250. Any water quality standard applicable to nexus waters,  
23 which was submitted to, and approved by, or is awaiting approval  
24 by, the United States Environmental Protection Agency or the state  
25 board as of January 19, 2025, shall remain in effect, except where  
26 the state board, regional board, or United States Environmental  
27 Protection Agency adopts a more stringent standard.

28 ~~SEC. 7.~~

29 *SEC. 5.* Section 13251 is added to the Water Code, to read:

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

37 ~~SEC. 8.~~

38 *SEC. 6.* Section 13263 of the Water Code is amended to read:

39 13263. (a) (1) The regional board, after any necessary hearing,  
40 shall prescribe requirements as to the nature of any proposed

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

13 (2) For purposes of discharges from any point source, as defined  
14 in Section 13373, to nexus waters, the provisions of Section 13241  
15 do not need to be considered, and the requirements for those  
16 discharges shall implement the relevant federal standards, which  
17 shall control to the extent there is a conflict.

18 (b) A regional board, in prescribing requirements, need not  
19 authorize the utilization of the full waste assimilation capacities  
20 of the receiving waters.

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

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

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

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

32 (g) No discharge of waste into the waters of the state, whether  
33 or not the discharge is made pursuant to waste discharge  
34 requirements, shall create a vested right to continue the discharge.  
35 All discharges of waste into waters of the state are privileges, not  
36 rights.

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

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

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

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

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

(4) The discharges are more appropriately regulated pursuant to general discharge requirements than individual discharge requirements.

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

~~SEC. 9.~~

*SEC. 7.* Section 13350 of the Water Code is amended to read:

13350. (a) A person who violates a cease and desist order, cleanup and abatement order, waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, or causes or permits any oil or any residuary product of petroleum to be deposited into or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).

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

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

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

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

4 (1) An act of war.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4 ~~SEC. 10.~~

5 *SEC. 8.* Section 13352 is added to the Water Code, to read:

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

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

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

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

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

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

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

36 (h) *Notwithstanding any other law, moneys collected in*  
37 *accordance with this section shall be deposited into the Penalty*  
38 *Adjustment Account, which is hereby established in the Waste*  
39 *Discharge Permit Fund. The funds in the account shall be expended*  
40 *by the state board, upon appropriation by the Legislature, to assist*

1 *regional boards and other public agencies with authority to clean*  
2 *up waste or abate the effects of the waste, in cleaning up or abating*  
3 *the effects of the waste on waters of the state or for purposes*  
4 *authorized in Section 13443.*

5 ~~SEC. 11.~~

6 SEC. 9. Article 8 (commencing with Section 13366) is added  
7 to Chapter 5 of Division 7 of the Water Code, to read:

8  
9 Article 8. Citizen Enforcement

10  
11 13366. (a) (1) An action may be brought *in the public interest*  
12 *in superior court by a person who has suffered an injury in fact in*  
13 ~~*the public interest*~~ to enforce federal requirements, state standards  
14 incorporated by or adopted under this division applicable to nexus  
15 waters, or other waste discharge requirements applicable to  
16 discharges from any point source to nexus waters, each to the  
17 extent a cause of action was available pursuant to Section 1365 of  
18 Title 33 of the United States Code and implementing regulations  
19 ~~prior to as of May 25, 24, 2023.~~

20 (2) It is the intent of the Legislature that this subdivision only  
21 applies to an action that would satisfy all the requirements to bring  
22 a cause of action pursuant to Section 1365 of Title 33 of the United  
23 States Code before Sackett v. Environmental Protection Agency  
24 (2023) 598 U.S. 651, and should not be interpreted to grant  
25 standing to a plaintiff who would not have satisfied standing  
26 requirements, or to nexus waters that would not have met the  
27 definition of a water of the United States, before that decision.

28 (b) At least 60 days before initiating an action pursuant to this  
29 section, the person who intends to initiate the action shall provide  
30 a written notice of the alleged violation to the alleged violator, the  
31 state board, the Attorney General, the applicable regional board,  
32 and a district attorney, county counsel, and prosecutor in whose  
33 jurisdiction the violation is alleged to have occurred. A demand  
34 for payment or request for payment that is made before providing  
35 the written notice pursuant to this subdivision shall be deemed a  
36 violation of the requirement to provide at least 60 days' notice as  
37 required by this subdivision.

38 (c) A civil monetary penalty action shall not be commenced  
39 pursuant to this section if the state board, the Attorney General, a  
40 regional board, a district attorney, a city attorney, a county counsel,

1 or a prosecutor in whose jurisdiction the violation is alleged to  
2 have occurred has commenced, and is diligently prosecuting, a  
3 civil or criminal judicial enforcement proceeding against the  
4 alleged violator for the same violations noticed pursuant to  
5 subdivision (b).

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

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

14 (f) Civil penalties that may be imposed by a superior court for  
15 an action brought pursuant to this section are equivalent in value  
16 to penalties available for citizen suits brought under the Federal  
17 Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.) and its  
18 implementing regulations. Notwithstanding any law requiring or  
19 authorizing higher penalties, civil penalties assessed pursuant to  
20 this section shall not exceed the civil penalty levels under Part 19  
21 (commencing with Section 19.1) of Subchapter A of Chapter 1 of  
22 Title 40 of the Code of Federal Regulations. Penalties assessed  
23 and recovered in a civil action brought pursuant to this section  
24 shall be deposited into the Waste Discharge Permit Fund and  
25 separately accounted for in that fund. Those moneys shall be  
26 expended by the state board, upon appropriation by the Legislature,  
27 to assist regional boards, and other public agencies with authority  
28 to clean up waste or abate the effects of the waste, in cleaning up  
29 or abating the effects of the waste on waters of the state or for the  
30 purposes authorized in Section 13443. This subdivision shall not  
31 apply to settlement agreements or consent decrees.

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

34 (h) This section shall only apply to violations concerning nexus  
35 waters.

36 (i) For purposes of this section, the following definitions apply:

37 (1) "Federal requirements" shall have the same meaning as  
38 "effluent standard or limitation under this chapter" in Section 1365  
39 of Title 33 of the United States Code and implementing regulations  
40 as of May 24, 2023.

(2) “Good faith discharger” means a discharger who obtained a waste discharge requirement that is not also a federal permit or certification pursuant to the Federal Water Pollution Control Act between May 25, 2023, and January 1, 2026, inclusive, for a discharge to a nexus water.

(3) “Person” has the same meaning as in Section 19 and Section 13050.

(j) An action shall not be brought pursuant to this section against a good faith discharger for violations alleged to have occurred between January 1, 2026, and six months after implementation of waste discharge requirements for nexus waters.

(k) The department shall provide public notification to currently enrolled permittees on the waste discharge requirements for nexus waters and potential for enforcement pursuant to this section.

(l) The Attorney General shall publish on its internet website by December 31 of each year, a report on all of the following:

(1) The number of written notices received pursuant to subdivision (b).

(2) The number of actions filed pursuant to subdivision (d).

(3) To the extent known, the outcome for all notices received pursuant to subdivision (b), including, but not limited to, settlements, offers in compromise, actions filed in court, or whether a public prosecuting entity pursued the matter.

~~SEC. 12.~~

*SEC. 10.* The heading of Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code is amended to read:

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

~~SEC. 13.~~

*SEC. 11.* Section 13370 of the Water Code is amended to read:  
13370. The Legislature finds and declares as follows:

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

1 (b) The Federal Water Pollution Control Act, as amended,  
2 provides that permits may be issued by states that are authorized  
3 to implement the provisions of that act.

4 (c) It is in the interest of the people of the state, in order to avoid  
5 direct regulation by the federal government of persons already  
6 subject to regulation under state law pursuant to this division, to  
7 enact this chapter in order to authorize the state to implement the  
8 provisions of the Federal Water Pollution Control Act and acts  
9 amendatory thereof or supplementary thereto, and federal  
10 regulations and guidelines issued pursuant thereto, provided, that  
11 the state board shall request federal funding under the Federal  
12 Water Pollution Control Act for the purpose of carrying out its  
13 responsibilities under this program.

14 (d) It is in the interest of the people of the state to restore and  
15 retain protections afforded to certain waters of the state prior to  
16 May 25, 2023, under the Federal Water Pollution Control Act and  
17 acts amendatory thereof or supplementary thereto, and federal  
18 regulations and guidelines issued pursuant thereto, regardless of  
19 actions taken at the federal level.

20 ~~SEC. 14.~~

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

22 13372. (a) This chapter shall be construed to ensure  
23 consistency with the requirements for state programs implementing  
24 the Federal Water Pollution Control Act and acts amendatory  
25 thereof or supplementary thereto, as applicable. To the extent other  
26 provisions of this division are consistent with the provisions of  
27 this chapter and with the applicable requirements for state programs  
28 implementing the Federal Water Pollution Control Act and acts  
29 amendatory thereof or supplementary thereto, those provisions  
30 apply to actions and procedures provided for in this chapter. The  
31 provisions of this chapter shall prevail over other provisions of  
32 this division to the extent of any inconsistency. The provisions of  
33 this chapter apply only to actions required under the Federal Water  
34 Pollution Control Act and acts amendatory thereof or  
35 supplementary thereto and to actions required under the Federal  
36 Water Pollution Control Act prior to May 25, 2023.

37 (b) The provisions of Section 13376 requiring the filing of a  
38 report for the discharge of dredged or fill material and the  
39 provisions of this chapter relating to the issuance of dredged or  
40 fill material permits by the state board or a regional board shall be

1 applicable only to discharges for which the state has an approved  
2 permit program, in accordance with the provisions of the Federal  
3 Water Pollution Control Act, as amended, for the discharge of  
4 dredged or fill material.

5 ~~SEC. 15.~~

6 *SEC. 13.* Section 13373 of the Water Code is amended to read:

7 13373. (a) The terms “navigable waters,” “administrator,”  
8 “pollutants,” “biological monitoring,” “discharge,” and “point  
9 sources” as used in this chapter shall have the same ~~meaning~~  
10 *meanings* as in the Federal Water Pollution Control Act and acts  
11 amendatory thereof or supplementary thereto.

12 (b) For purposes of this chapter, nexus waters shall be treated  
13 as though they are navigable waters and navigable waters of the  
14 United States.

15 (c) “Discharge” shall include discharges from any point source  
16 to nexus waters.

17 ~~SEC. 16.~~

18 *SEC. 14.* Section 13374 of the Water Code is amended to read:

19 13374. (a) The term “waste discharge requirements” as referred  
20 to in this division is the equivalent of the term “permits” as used  
21 in the Federal Water Pollution Control Act, as amended.

22 (b) For purposes of this chapter, “waste discharge requirements”  
23 shall include waste discharge requirements issued for discharges  
24 to nexus waters.

25 ~~SEC. 17.~~

26 *SEC. 15.* Section 13376 of the Water Code is amended to read:

27 13376. A person who discharges pollutants or proposes to  
28 discharge pollutants to the navigable waters of the United States  
29 within the jurisdiction of this state or a person who discharges  
30 dredged or fill material or proposes to discharge dredged or fill  
31 material into the navigable waters of the United States within the  
32 jurisdiction of this state shall file a report of the discharge in  
33 compliance with the procedures set forth in Section 13260. Unless  
34 required by the state board or a regional board, and except for  
35 discharges to nexus waters, a report need not be filed under this  
36 section for discharges that are not subject to the permit application  
37 requirements of the Federal Water Pollution Control Act, as  
38 amended. A person who proposes to discharge pollutants or  
39 dredged or fill material or to operate a publicly owned treatment  
40 works or other treatment works treating domestic sewage shall file

1 a report at least 180 days in advance of the date on which it is  
2 desired to commence the discharge of pollutants or dredged or fill  
3 material or the operation of the treatment works. A person who  
4 owns or operates a publicly owned treatment works or other  
5 treatment works treating domestic sewage, which treatment works  
6 commenced operation before January 1, 1988, and does not  
7 discharge to navigable waters of the United States, shall file a  
8 report within 45 days of a written request by a regional board or  
9 the state board, or within 45 days after the state has an approved  
10 permit program for the use and disposal of sewage sludge,  
11 whichever occurs earlier. The discharge of pollutants or dredged  
12 or fill material or the operation of a publicly owned treatment  
13 works or other treatment works treating domestic sewage by any  
14 person, except as authorized by waste discharge requirements or  
15 dredged or fill material permits, is prohibited. This prohibition  
16 does not apply to discharges or operations if a state or federal  
17 permit is not required under the Federal Water Pollution Control  
18 Act, as amended, except in the case of discharges to nexus waters.

19 ~~SEC. 18.~~

20 *SEC. 16.* Section 13377.5 is added to the Water Code, to read:

21 13377.5. (a) Notwithstanding any other provision of this  
22 division, waste discharge requirements adopted or amended for  
23 discharges to nexus waters shall be adopted pursuant to and in  
24 accordance with the requirements of this chapter.

25 (b) Notwithstanding any other provision of this division, waste  
26 discharge requirements for discharges to nexus waters that are not  
27 also Federal Water Pollution Control Act permits shall be at least  
28 as stringent as any analogous Federal Water Pollution Control Act  
29 permits, including with respect to total maximum daily load-based  
30 effluent limitations and effluent standards or limitations necessary  
31 to implement water quality control plans, or for the protection of  
32 beneficial uses, or to prevent nuisance.

33 (c) Notwithstanding any other provision of this division, waste  
34 discharge requirements for discharges to nexus waters shall ensure  
35 compliance with requirements of Sections 1311, 1312, 1316, 1317,  
36 1318, and 1343 of Title 33 of the United States Code, as those  
37 sections were in effect prior to May 25, 2023.

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

(e) Notwithstanding any other law in this division, waste discharge requirements for discharges of dredged or fill material to nexus waters that are wetlands shall be issued in accordance with the “State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State” referenced in Section 2926 of Title 23 of the California Code of Regulations. In the event of a conflict, the provisions of the “State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State” as revised April 6, 2021, referenced in Section 2926 of Title 23 of the California Code of Regulations shall control.

~~SEC. 19.~~

SEC. 17. Section 13383.5 of the Water Code is amended to read:

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

(b) This section only applies to regulated municipalities that were subject to a stormwater permit on or before December 31, 2001, and to regulated industries that are subject to a General Permit for Storm Water Discharges Associated with Industrial Activities Excluding Construction Activities.

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

- (1) Standardized methods for collection of stormwater samples.
- (2) Standardized methods for analysis of stormwater samples.
- (3) A requirement that every sample analysis under this program be completed by a state certified laboratory or by the regulated municipality or industry in the field in accordance with the quality assurance and quality control protocols established pursuant to this section.
- (4) A standardized reporting format.



1 (5) Standard sampling and analysis programs for quality  
2 assurance and quality control.

3 (6) Minimum detection limits.

4 (7) Annual reporting requirements for regulated municipalities  
5 and industries.

6 (8) For the purposes of determining constituents to be sampled  
7 for, sampling intervals, and sampling frequencies, to be included  
8 in a municipal stormwater permit monitoring program, the regional  
9 board shall consider the following information, as the regional  
10 board determines to be applicable:

11 (A) Discharge characterization monitoring data.

12 (B) Water quality data collected through the permit monitoring  
13 program.

14 (C) Applicable water quality data collected, analyzed, and  
15 reported by federal, state, and local agencies, and other public and  
16 private entities.

17 (D) Any applicable listing under Section 303(d) of the federal  
18 Clean Water Act (33 U.S.C. Sec. 1313) or Section 13251 of this  
19 code.

20 (E) Applicable water quality objectives and criteria established  
21 in accordance with the regional board basin plans, statewide plans,  
22 and federal regulations.

23 (F) Reports and studies regarding source contribution of  
24 pollutants in runoff not based on direct water quality measurements.

25 (d) The requirements prescribed pursuant to this section shall  
26 be included in all stormwater permits for regulated municipalities  
27 and industries that are reissued following development of the  
28 requirements described in subdivision (c). Those permits shall  
29 include these provisions on or before July 1, 2008. In a year in  
30 which the Legislature appropriates sufficient funds for that purpose,  
31 the state board shall make available to the public via the internet  
32 a summary of the results obtained from stormwater monitoring  
33 conducted in accordance with this section.

34 ~~SEC. 20.~~

35 *SEC. 18.* Section 13385.1 of the Water Code is amended to  
36 read:

37 13385.1. (a) (1) For the purposes of subdivision (h) of Section  
38 13385, a “serious violation” also means a failure to file a discharge  
39 monitoring report required pursuant to Section 13383 for each  
40 complete period of 30 days following the deadline for submitting

1 the report, if the report is designed to ensure compliance with  
2 limitations contained in waste discharge requirements that contain  
3 effluent limitations. This paragraph applies only to violations that  
4 occur on or after January 1, 2004.

5 (2) (A) Notwithstanding paragraph (1), a failure to file a  
6 discharge monitoring report is not a serious violation for purposes  
7 of subdivision (h) of Section 13385 at any time prior to the date a  
8 discharge monitoring report is required to be filed or within 30  
9 days after receiving written notice from the state board or a regional  
10 board of the need to file a discharge monitoring report, if the  
11 discharger submits a written statement to the state board or the  
12 regional board that includes both of the following:

13 (i) A statement that there were no discharges reportable under  
14 the applicable waste discharge requirements during the relevant  
15 monitoring period.

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

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

21 (C) If, in a statement submitted pursuant to subparagraph (A),  
22 the discharger willfully states as true any material fact that the  
23 discharger knows to be false, that person shall be subject to a civil  
24 penalty not exceeding ten thousand dollars (\$10,000). Any public  
25 prosecutor may bring an action for a civil penalty under this  
26 subparagraph in the name of the people of the State of California,  
27 and the penalty imposed shall be enforced as a civil judgment.

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

31 (b) (1) Notwithstanding paragraph (1) of subdivision (a), a  
32 mandatory minimum penalty shall continue to apply and shall be  
33 assessed pursuant to subdivision (h) of Section 13385, but only  
34 for each required report that is not timely filed, and shall not be  
35 separately assessed for each 30-day period following the deadline  
36 for submitting the report, if both of the following conditions are  
37 met:

38 (A) The discharger did not on any occasion previously receive,  
39 from the state board or a regional board, a complaint to impose  
40 liability pursuant to subdivision (b) or (c) of Section 13385 arising

1 from a failure to timely file a discharge monitoring report, a notice  
2 of violation for failure to timely file a discharge monitoring report,  
3 or a notice of the obligation to file a discharge monitoring report  
4 required pursuant to Section 13383, in connection with its  
5 corresponding waste discharge requirements.

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

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

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

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

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

22 (4) This subdivision shall become inoperative on January 1,  
23 2014.

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

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

34 (d) For the purposes of this section, paragraph (2) of subdivision  
35 (f) of Section 13385, and subdivisions (h), (i), and (j) of Section  
36 13385 only, “effluent limitation” means a numeric restriction or  
37 a numerically expressed narrative restriction, on the quantity,  
38 discharge rate, concentration, or toxicity units of a pollutant or  
39 pollutants that may be discharged from an authorized location. An  
40 effluent limitation may be final or interim, and may be expressed

1 as a prohibition. An effluent limitation, for those purposes, does  
2 not include a receiving water limitation, a compliance schedule,  
3 or a best management practice.

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

9 ~~SEC. 21.~~

10 *SEC. 19.* This bill is not intended to modify or weaken existing  
11 protections. In the event of a conflict between the provisions of  
12 this bill and any existing state law or regulation, the more stringent  
13 provision shall prevail.

14 ~~SEC. 22.~~

15 *SEC. 20.* The provisions of this bill are severable. If any  
16 provision of this bill or its application is held invalid, that invalidity  
17 shall not affect other provisions or applications that can be given  
18 effect without the invalid provision or application.

19 ~~SEC. 23.~~

20 *SEC. 21.* No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 a local agency or school district has the authority to levy service  
23 charges, fees, or assessments sufficient to pay for the program or  
24 level of service mandated by this act or because costs that may be  
25 incurred by a local agency or school district will be incurred  
26 because this act creates a new crime or infraction, eliminates a  
27 crime or infraction, or changes the penalty for a crime or infraction,  
28 within the meaning of Section 17556 of the Government Code, or  
29 changes the definition of a crime within the meaning of Section 6  
30 of Article XIII B of the California Constitution.