

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

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.

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.

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) 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.

(4) 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.

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

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

(6) The act provides various provisions related to waste discharge to ensure consistency with the requirements for state programs implementing the Federal Water Pollution Control Act and acts amendatory thereof or supplementary thereto. The act defines the terms

“navigable waters,” “administrator,” “pollutants,” “biological monitoring,” “discharge,” and “point sources” as having the same meaning as in the Federal Water Pollution Control Act.

This bill would provide that “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) The act requires a person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state ~~shall~~ 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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

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

1 16000.3. (a) When applying to a city for an initial business
2 license, equivalent instrument, or permit, or renewal thereof, a
3 person who conducts a business operation that is a regulated
4 industry, as defined in Section 13383.5 of the Water Code, shall
5 demonstrate enrollment with the National Pollutant Discharge
6 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 city shall determine whether
30 any of the primary Standard Industrial Classification Codes are
31 applicable to a General Permit for Storm Water Discharges
32 Associated with Industrial Activities Excluding Construction
33 Activities, as referenced in Section 13383.5 of the Water Code,
34 and if applicable, the city shall confirm that the WDID, WDID
35 application number, NONA, or NEC corresponds to the business
36 requesting the initial business license or business license renewal.
37 To determine whether any of the primary Standard Industrial
38 Classification Codes are applicable to a General Permit for Storm
39 Water Discharges Associated with Industrial Activities Excluding
40 Construction Activities, as referenced in Section 13383.5 of the

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

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

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

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

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

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

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

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

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

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

23 16100.3. (a) When applying to a county for an initial business
24 license, equivalent instrument, or permit, or business renewal
25 thereof, a person who conducts a business operation that is a
26 regulated industry, as defined in Section 13383.5 of the Water
27 Code, shall demonstrate enrollment with the National Pollutant
28 Discharge Elimination System (NPDES) or the Waste Discharge
29 Requirements (WDR) permit programs by providing all of the
30 following information, under penalty of perjury, on the initial
31 business license, equivalent instrument, or permit, or renewal
32 thereof, application:

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

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

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

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

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

6 (C) The “notice of nonapplicability” (NONA) identification
7 number issued for the facility by the State Water Resources Control
8 Board.

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

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

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

38 (1) The company name and building or construction site name
39 or address.

40 (2) The total planned disturbed acreage.

1 (3) The WDID or WDID application number issued for the
2 construction or land disturbance activity by the State Water
3 Resources Control Board.

4 (d) Before the issuance or renewal of a building or construction
5 permit, license, or equivalent instrument that authorizes
6 construction or land disturbance over one acre, the county shall
7 confirm that the construction company has a valid WDID or WDID
8 application number. To confirm the WDID or WDID application
9 number, the county shall only need to keep a record of the
10 applicable documentation.

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

19 (f) For business license, equivalent instrument, or permit
20 renewals, a county may develop a provisional license procedure
21 that provides businesses three months to comply with the
22 requirements of this section.

23 (g) "County" includes a charter county and a charter city and
24 county.

25 (h) This section shall apply to applications for initial business
26 licenses, equivalent instruments, or permits, including building or
27 construction permits, and renewals thereof, submitted on and after
28 January 1, 2020.

29 (i) This section shall not apply to a county that does not issue
30 or renew, or have an application process for issuing or renewing,
31 business licenses, equivalent instruments, permits that include a
32 business license, or building or construction permits.

33 (j) This section shall not be construed to impose any additional
34 liability on a county under the NPDES or WDR permit programs
35 for nonenrollment under a General Permit for Storm Water
36 Discharges Associated with Industrial Activities Excluding
37 Construction Activities by a person who conducts a business
38 operation that is a regulated industry, as defined in Section 13383.5
39 of the Water Code, or consistent with Section 13374 of the Water
40 Code, associated with construction and land disturbance activities.

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

SEC. 3. Section 13052 is added to the Water Code, immediately following Section 13051, to read:

13052. As used in this division:

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

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

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

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

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

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

(5) Groundwater.

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

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

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

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

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

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

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

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

19 SEC. 4. Section 13164.5 is added to the Water Code, to read:

20 13164.5. The state board shall include nexus waters in all
21 processes pursuant to the federal Clean Water Act (33 U.S.C. Sec.
22 1313(d)), including, but not limited to, the California Integrated
23 Report and the establishment of total maximum daily loads.
24 California Integrated Report listings and total maximum daily
25 loads listed, established, or in process for nexus waters prior to
26 January 19, 2025, shall continue in effect or development.

27 SEC. 5. Section 13170 of the Water Code is amended to read:

28 13170. The state board may adopt water quality control plans
29 in accordance with the provisions of Sections 13240 to 13244,
30 inclusive. Those plans, when adopted, supersede any regional
31 water quality control plans for the same waters to the extent of any
32 conflict.

33 SEC. 6. Section 13250 is added to the Water Code, to read:

34 13250. Any water quality standard applicable to nexus waters,
35 which was submitted to, and approved by, or is awaiting approval
36 by, the United States Environmental Protection Agency or the state
37 board as of January 19, 2025, shall remain in effect, except where
38 the state board, regional board, or United States Environmental
39 Protection Agency adopts a more stringent standard.

40 SEC. 7. Section 13251 is added to the Water Code, to read:

1 13251. The regional boards shall include nexus waters in all
2 processes pursuant to the federal Clean Water Act (33 U.S.C. Sec.
3 1313(d)), including, but not limited to, the California Integrated
4 Report and the establishment of total maximum daily loads.
5 California Integrated Report listings and total maximum daily
6 loads listed, established, or in process for nexus waters prior to
7 January 19, 2025, shall continue in effect or development.

8 SEC. 8. Section 13263 of the Water Code is amended to read:

9 13263. (a) (1) The regional board, after any necessary hearing,
10 shall prescribe requirements as to the nature of any proposed
11 discharge, existing discharge, or material change in an existing
12 discharge, except discharges into a community sewer system, with
13 relation to the conditions existing in the disposal area or receiving
14 waters upon, or into which, the discharge is made or proposed.
15 The requirements shall implement any relevant water quality
16 control plans and state policies for water quality control that have
17 been adopted, and shall take into consideration the past, present,
18 and probable future beneficial uses to be protected, the water
19 quality objectives reasonably required for that purpose, other waste
20 discharges, the provisions of Section 13241, and the need to prevent
21 nuisance. In the case of discharges to nexus waters, the
22 requirements shall implement the relevant federal standards.

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

28 (b) A regional board, in prescribing requirements, need not
29 authorize the utilization of the full waste assimilation capacities
30 of the receiving waters.

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

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

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

38 (f) The regional board shall notify in writing the person making
39 or proposing the discharge or the change therein of the discharge

1 requirements to be met. After receipt of the notice, the person so
2 notified shall provide adequate means to meet the requirements.

3 (g) No discharge of waste into the waters of the state, whether
4 or not the discharge is made pursuant to waste discharge
5 requirements, shall create a vested right to continue the discharge.
6 All discharges of waste into waters of the state are privileges, not
7 rights.

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

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

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

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

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

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

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

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

26 13350. (a) A person who violates a cease and desist order,
27 cleanup and abatement order, waste discharge requirement, waiver
28 condition, certification, or other order or prohibition issued,
29 reissued, or amended by a regional board or the state board, or
30 causes or permits any oil or any residuary product of petroleum
31 to be deposited into or on any of the waters of the state, except in
32 accordance with waste discharge requirements or other actions or
33 provisions of this division, shall be liable civilly, and remedies
34 may be proposed, in accordance with subdivision (d) or (e).

35 (b) (1) A person who, without regard to intent or negligence,
36 causes or permits a hazardous substance to be discharged in or on
37 any of the waters of the state, except in accordance with waste
38 discharge requirements or other provisions of this division, shall
39 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)).

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

(1) An act of war.

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

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

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

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

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

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

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

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

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

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

8 (B) When there is no discharge, but a cease and desist order or
9 cleanup and abatement order issued by the regional board is
10 violated, except as provided in subdivision (f), the civil liability
11 shall not be less than one hundred dollars (\$100) for each day in
12 which the violation occurs.

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

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

21 (g) The Attorney General, upon request of a regional board or
22 the state board, shall petition the superior court to impose, assess,
23 and recover the sums. Except in the case of a violation of a cease
24 and desist order, a regional board or the state board shall make the
25 request only after a hearing, with due notice of the hearing given
26 to all affected persons. In determining the amount to be imposed,
27 assessed, or recovered, the court shall be subject to Section 13351.

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

31 (i) A person who incurs any liability established under this
32 section shall be entitled to contribution for that liability from a
33 third party, in an action in the superior court and upon proof that
34 the discharge was caused in whole or in part by an act or omission
35 of the third party, to the extent that the discharge is caused by the
36 act or omission of the third party, in accordance with the principles
37 of comparative fault.

38 (j) Remedies under this section are in addition to, and do not
39 supersede or limit, any and all other remedies, civil or criminal,
40 except that no liability shall be recoverable under subdivision (a)

1 for a violation for which liability is recovered under Section 13268
2 or under subdivision (b) for any discharge for which liability is
3 recovered under Section 13385.

4 (k) Notwithstanding any other law, all funds generated by the
5 imposition of liabilities pursuant to this section shall be deposited
6 into the Waste Discharge Permit Fund. These moneys shall be
7 separately accounted for, and shall be expended by the state board,
8 upon appropriation by the Legislature, to assist regional boards,
9 and other public agencies with authority to clean up waste or abate
10 the effects of the waste, in cleaning up or abating the effects of the
11 waste on waters of the state, or for the purposes authorized in
12 Section 13443, or to assist in implementing Chapter 7.3
13 (commencing with Section 13560).

14 SEC. 10. Section 13352 is added to the Water Code, to read:

15 13352. (a) Commencing January 1, 2026, and each calendar
16 year thereafter, the state board's executive director shall adjust
17 civil monetary penalties in accordance with this section.

18 (b) The adjustment for inflation pursuant to this section shall
19 be determined by increasing the maximum civil monetary penalty
20 or the range of minimum and maximum civil monetary penalties,
21 as applicable, for each civil monetary penalty by the cost-of-living
22 adjustment. Any increase determined pursuant to this subdivision
23 shall be rounded to the nearest multiple of one dollar (\$1).

24 (c) For purposes of subdivision (b), "cost-of-living adjustment"
25 means the percentage, if any, for each civil monetary penalty by
26 which the Consumer Price Index for the month of October
27 preceding the date of the adjustment exceeds the Consumer Price
28 Index for the month of October one year before the month of
29 October preceding the date of the adjustment.

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

33 (e) The amount of the increase in a civil monetary penalty under
34 subdivision (a) shall not exceed 150 percent of the amount of that
35 civil monetary penalty from the previous year, except for the first
36 adjustment.

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

1 (g) For purposes of this section, “civil monetary penalties”
2 means the civil penalty or liability provided for in Sections 13261,
3 13265, 13268, 13308, 13350, 13385, 13385.1, 13399.33, 13497,
4 13498, 13499, 13529.4, 13611, 13627.1, 13627.2, and 13627.3.

5 SEC. 11. Article 8 (commencing with Section 13366) is added
6 to Chapter 5 of Division 7 of the Water Code, to read:

7
8 Article 8. Citizen Enforcement
9

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

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

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

36 (c) A civil monetary penalty action shall not be commenced
37 pursuant to this section if the state board, the Attorney General, a
38 regional board, a district attorney, a city attorney, a county counsel,
39 or a prosecutor in whose jurisdiction the violation is alleged to
40 have occurred has commenced, and is diligently prosecuting, a

1 civil or criminal judicial enforcement proceeding against the
2 alleged violator for the same violations noticed pursuant to
3 subdivision (b).

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

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

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

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

32 (h) This section shall only apply to violations concerning nexus
33 waters.

34 (i) ~~As used in~~ *For purposes of this section, “federal the following*
35 *definitions apply:*

36 (1) “Federal requirements” shall have the same meaning as
37 “effluent standard or limitation under this chapter” in Section 1365
38 of Title 33 of the United States Code and implementing regulations
39 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) As used in this section, “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, for a discharge to a nexus water.~~

~~(l)~~

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

1 (a) The Federal Water Pollution Control Act (33 U.S.C. Sec.
2 1251 et seq.), as amended, provides for permit systems to regulate
3 the discharge of pollutants and dredged or fill material to the
4 navigable waters of the United States and to regulate the use and
5 disposal of sewage sludge.

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

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

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

25 SEC. 14. Section 13372 of the Water Code is amended to read:

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

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

SEC. 15. Section 13373 of the Water Code is amended to read:

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

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

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

SEC. 16. Section 13374 of the Water Code is amended to read:

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

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

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

13376. A person who discharges pollutants or proposes to discharge pollutants to the navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into the navigable waters of the United States within the jurisdiction of this state shall file a report of the discharge in compliance with the procedures set forth in Section 13260. Unless required by the state board or a regional board, and except for discharges to nexus waters, a report need not be filed under this section for discharges that are not subject to the permit application requirements of the Federal Water Pollution Control Act, as amended. A person who proposes to discharge pollutants or dredged or fill material or to operate a publicly owned treatment

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

20 SEC. 18. 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.

1 SEC. 19. Section 13383.5 of the Water Code is amended to
2 read:

3 13383.5. (a) As used in this section, “regulated municipalities
4 and industries” means the categories of municipalities and
5 industries required to obtain a stormwater permit under Section
6 402(p) of the federal Clean Water Act (33 U.S.C. Sec. 1342(p))
7 and implementing regulations, including industries required to
8 obtain a stormwater permit for discharges prior to May 25, 2023.

9 (b) This section only applies to regulated municipalities that
10 were subject to a stormwater permit on or before December 31,
11 2001, and to regulated industries that are subject to a General
12 Permit for Storm Water Discharges Associated with Industrial
13 Activities Excluding Construction Activities.

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

19 (1) Standardized methods for collection of stormwater samples.

20 (2) Standardized methods for analysis of stormwater samples.

21 (3) A requirement that every sample analysis under this program
22 be completed by a state certified laboratory or by the regulated
23 municipality or industry in the field in accordance with the quality
24 assurance and quality control protocols established pursuant to
25 this section.

26 (4) A standardized reporting format.

27 (5) Standard sampling and analysis programs for quality
28 assurance and quality control.

29 (6) Minimum detection limits.

30 (7) Annual reporting requirements for regulated municipalities
31 and industries.

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

37 (A) Discharge characterization monitoring data.

38 (B) Water quality data collected through the permit monitoring
39 program.

1 (C) Applicable water quality data collected, analyzed, and
2 reported by federal, state, and local agencies, and other public and
3 private entities.

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

7 (E) Applicable water quality objectives and criteria established
8 in accordance with the regional board basin plans, statewide plans,
9 and federal regulations.

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

12 (d) The requirements prescribed pursuant to this section shall
13 be included in all stormwater permits for regulated municipalities
14 and industries that are reissued following development of the
15 requirements described in subdivision (c). Those permits shall
16 include these provisions on or before July 1, 2008. In a year in
17 which the Legislature appropriates sufficient funds for that purpose,
18 the state board shall make available to the public via the internet
19 a summary of the results obtained from stormwater monitoring
20 conducted in accordance with this section.

21 SEC. 20. Section 13385.1 of the Water Code is amended to
22 read:

23 13385.1. (a) (1) For the purposes of subdivision (h) of Section
24 13385, a “serious violation” also means a failure to file a discharge
25 monitoring report required pursuant to Section 13383 for each
26 complete period of 30 days following the deadline for submitting
27 the report, if the report is designed to ensure compliance with
28 limitations contained in waste discharge requirements that contain
29 effluent limitations. This paragraph applies only to violations that
30 occur on or after January 1, 2004.

31 (2) (A) Notwithstanding paragraph (1), a failure to file a
32 discharge monitoring report is not a serious violation for purposes
33 of subdivision (h) of Section 13385 at any time prior to the date a
34 discharge monitoring report is required to be filed or within 30
35 days after receiving written notice from the state board or a regional
36 board of the need to file a discharge monitoring report, if the
37 discharger submits a written statement to the state board or the
38 regional board that includes both of the following:

1 (i) A statement that there were no discharges reportable under
2 the applicable waste discharge requirements during the relevant
3 monitoring period.

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

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

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

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

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

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

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

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

39 (A) Files a discharge monitoring report that had not previously
40 been timely filed within 30 days after the discharger receives

1 written notice, including notice transmitted by electronic mail,
2 from the state board or regional board concerning the failure to
3 timely file the report.

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

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

10 (4) This subdivision shall become inoperative on January 1,
11 2014.

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

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

22 (d) For the purposes of this section, paragraph (2) of subdivision
23 (f) of Section 13385, and subdivisions (h), (i), and (j) of Section
24 13385 only, “effluent limitation” means a numeric restriction or
25 a numerically expressed narrative restriction, on the quantity,
26 discharge rate, concentration, or toxicity units of a pollutant or
27 pollutants that may be discharged from an authorized location. An
28 effluent limitation may be final or interim, and may be expressed
29 as a prohibition. An effluent limitation, for those purposes, does
30 not include a receiving water limitation, a compliance schedule,
31 or a best management practice.

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

37 SEC. 21. This bill is not intended to modify or weaken existing
38 protections. In the event of a conflict between the provisions of
39 this bill and any existing state law or regulation, the more stringent
40 provision shall prevail.

1 SEC. 22. The provisions of this bill are severable. If any
2 provision of this bill or its application is held invalid, that invalidity
3 shall not affect other provisions or applications that can be given
4 effect without the invalid provision or application.

5 SEC. 23. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 a local agency or school district has the authority to levy service
8 charges, fees, or assessments sufficient to pay for the program or
9 level of service mandated by this act or because costs that may be
10 incurred by a local agency or school district will be incurred
11 because this act creates a new crime or infraction, eliminates a
12 crime or infraction, or changes the penalty for a crime or infraction,
13 within the meaning of Section 17556 of the Government Code, or
14 changes the definition of a crime within the meaning of Section 6
15 of Article XIII B of the California Constitution.