

Date of Hearing: April 29, 2025

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 754 (Connolly) – As Amended April 21, 2025

**SUBJECT:** Water quality: pollution prevention plans

**SUMMARY:** Repeals an obsolete provision of law relating to pollution prevention plans (Plans) submitted by an entity when required by the State Water Resources Control Board (State Water Board), a Regional Water Quality Control Board (Regional Water Board), or a publicly owned treatment works (POTW). Makes other conforming, non-substantive changes. Specifically, **this bill:**

**EXISTING LAW:**

- 1) Establishes the federal Clean Water Act (CWA) to regulate discharges of pollutants into the waters of the United States and to regulate quality standards for surface waters. (33 United States Code (USC) §1251 et seq.)
- 2) Establishes the National Pollutant Discharge Elimination System (NPDES) permit program which requires the State Water Board and the nine Regional Water Boards to prescribe waste discharge requirements that, among other things, regulate the discharge of pollutants into stormwater, including municipal stormwater systems. (33 USC § 1342)
- 3) Establishes the Porter-Cologne Water Quality Control Act (Water Quality Act), which prohibits the discharge of pollutants to surface waters unless the discharger obtains a permit from the State Water Board. (Water Code (WC) § 13000 et seq.)
- 4) Requires the State Water Board, a Regional Water Board, or a POTW, to complete and implement a Plan if certain conditions apply. (WC § 13263.6 as added by Chapter 92, Statutes of 1999)
- 5) Requires the State Water Board, a Regional Water Board, or a POTW, to complete and implement a Plan if certain conditions apply. (WC § 13263.6 as added by Chapter 807, Statutes of 2000)

**FISCAL EFFECT:** Unknown.

**COMMENTS:**

*Need for the bill:* According to the author, "This is a clean-up bill to repeal an obsolete provision of law relating to pollution prevention plans."

*Federal Clean Water Act (CWA):* The Federal Water Pollution Control Act of 1948 was the first major United States law to address water pollution. The law was amended in 1972, and became commonly known as the Clean Water Act (CWA). The federal CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. Under the CWA, the United States Environmental Protection Agency has implemented pollution control programs, including setting

wastewater standards for industrial facilities, as well as setting water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters without a permit. Industrial, municipal, and other facilities must obtain a permit under NPDES in order to discharge into surface water.

*State regulation of water pollution:* The State Water Board is responsible for administering the federal CWA and California's Water Quality Act, enacted in 1969, which set up the statewide structure for water quality control. The Water Quality Act designates the State Water Board as the water pollution control agency for all purposes stated in the CWA, and it authorizes the State Water Board to exercise any powers that the federal CWA delegates to the State. The State Water Board and Regional Water Boards are charged with preventing and reducing water pollution in rivers, streams, lakes, beaches, bays, and groundwater.

*National Pollution Discharge Elimination System (NPDES):* As authorized by the CWA, the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Examples of pollutants include, but are not limited to, rock, sand, dirt, and agricultural, industrial, and municipal waste discharged into waters of the United States. The NPDES Program is a federal program which has been delegated to the State of California for implementation through the State Water Board and Regional Water Boards.

*This bill:* AB 754 repeals an obsolete provision of law relating to Plans that are required to be submitted by an entity, when that entity is subject to a requirement to submit a Plan under the State Water Board, a Regional Water Board, or a POTW. The code section the bill is repealing is actually in the codes twice; therefore, this bill resolves an unnecessary duplication in current law. Specifically, this code section, Water Code section 13236.3 was added by Chapter 92, Statutes of 1999 and was added by Chapter 807, Statutes of 2000. This bill repeals the section that was added by Chapter 92, Statutes of 1999.

*Arguments in support:* None on file.

*Arguments in opposition:* None on file.

*Related legislation:*

AB 565 (Lee, 2023). Would have repealed an obsolete provision of law relating to pollution prevention plans (Plans) that are required to be submitted by an entity, when that entity is required to submit a Plan by the State Water Board, a Regional Water Board or a POTW; also would have made conforming, non-substantive changes. This bill was held in the Senate Environmental Quality Committee.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file.

### **Opposition**

None on file.

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