

Senator Wes Chesbro
State Capitol, Room 5035
Sacramento, CA 95814

Assembly Member Noreen Evans
State Capitol, Box 942849
Sacramento, CA 94249 – 2007

Assembly Member Patty Berg
State Capitol, P.O. Box 942849
Sacramento, CA 94249 - 2001

Subject: Support SB 646

Dear Senator Chesbro and Assemblywomen Evans and Berg,

The Sonoma County Water Coalition (SCWC) is a coalition of 26 organizations, mostly in Sonoma County. These 26 organizations have a combined donor/member base of 25,000 concerned citizens.

We are asking you to support SB 646 (Kuehl). This bill would help protect California's diminished and impaired water resources.

The Porter-Cologne Act authorizes regional water boards to issue waivers of reporting and permitting requirements under certain conditions. In SB 390 of 1999 (Alpert) and SB 923 of 2003 (Sher) the Legislature specified the conditions under which waivers are to be granted. Among the conditions is a stipulation that the waiver must be in the "public interest." Most new waivers are falling short of this legislative mandate.

The "Public Interest" Problem - Regional Boards are issuing waivers as a catch-all regulatory device instead of following legislative direction to take a hard look at whether a waiver is in the public interest.

The "Public Interest" Solution in SB 646:

SB 646 restricts the ability of regional water boards to issue waivers for discharges of pollutants into those bodies of water that are listed as "impaired" under the Federal Clean Water Act Section 303(d) (the 303(d) list).

The 303(d) list sets out those bodies of water where uses like swimming, drinking water, and wildlife habitat are impaired. It is not in the public interest to waive regulation of the very pollutants that caused the waterbodies to fail Clean Water Act Standards.

Implementation and Enforcement Problems:

- Normal remedies set out under the Porter-Cologne Act are not available to enforce conditions set out in waivers.
- Many boards issue waivers even though dischargers and discharges remain unidentified.
- Few boards require site inspections.
- Several boards allow a polluter to self-certify compliance.
- None of the boards have a monitoring program that satisfies the monitoring requirements added by SB 923.

Implementation and Enforcement Solutions in SB 646:

SB 646 requires the board to make an affirmative finding that a waiver is in the public interest.

SB 646 ensures enforcement with adequate funding from mandatory fees.

SB 646 ensures that routine enforcement mechanisms in Porter-Cologne apply to waiver conditions.

Poor water quality is costing our state in resources and money. Poor water quality is a public health and safety issue.

Please support the citizens of California with good water quality by supporting SB 646.

Thank you for your attention.

Sincerely,

Veronica Jacobi and Stephen Fuller-Rowell
Co-Founders
Sonoma County Water Coalition

(Cc: Senator Sheila Kuehl, State Capitol, Sacramento CA 95814)