

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: April 9, 2021

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 21-0002-S76
Assignment No: 21-04-0279

SUBJECT: AB 377 (Rivas)

CLA RECOMMENDATION: Adopt the attached Resolution (O’Farrell – Martinez) to include in the City’s 2021 - 2022 State Legislative Program SUPPORT for AB 377 (Rivas), which would require all surface waters in the State to be fishable, swimmable, and drinkable by 2050; and would require the State Water Resources Control Board to develop an Impaired Waterways Enforcement Program to address all water quality standard violations that are impairing water bodies by January 1, 2030.

SUMMARY

On March 23, 2021 a Resolution (O’Farrell – Martinez) was introduced in Council to support AB 377 (Rivas), which would add Article 3.5 (commencing with Section 13150) to Chapter 3 of Division 7 of the Water Code, relating to water quality. The Resolution states that AB 377 (Rivas) would recommit California to restore and maintain the physical and biological integrity of its water bodies by eliminating the discharge of pollutants into its waterways. As stated in the resolution, AB 377 would require all surface waters in the State to be fishable, swimmable, and drinkable by January 1, 2050. The bill would also require the State Water Resources Control Board (SWRCB) to develop an Impaired Waterways Enforcement Program to rectify all water quality standard violations that are impairing water bodies by January 1, 2030. The bill proposes to prevent water quality permits from being reissued, modified, or renewed to include less stringent effluent limitations than prior permits. Therefore, the Resolution requests that the City support AB 377.

BACKGROUND

In 1972, Congress passed the Clean Water Act, which set a goal of restoring and maintaining clean water in all of the nation’s rivers, lakes, wetlands, and other waterways by 1985. Five decades later, roughly 19 out of 20 waterways in California are polluted or impaired, as stated by Assembly Member Rivas. The impairment of water bodies in California impacts the majority of rivers, streams, lakes, ponds, wetlands, bays and estuaries. These water bodies are polluted by chemicals, sediment, or other toxic materials.

On February 1, 2021, AB 377 was introduced by Assembly Member Rivas to eliminate impaired waterways and make all waters in the State safe for public use and consumption. This bill would require the SWRCB to develop an Impaired Waterways Enforcement Program to rectify all water

quality standard violations that are impairing water bodies by January 1, 2030. Any new water quality standards adopted after January 1, 2030 must be compliant of the new regulations set forth in the measure.

AB 377 would change the regional water boards' enforcement procedures by requiring them to form an Impaired Waterways Enforcement Program by January 1, 2030 as well. They would be charged with enforcing remaining local violations that cause or contribute to exceedances of water quality standards. Penalties assessed for violations would go to a special fund for the regional water boards to use upon Legislative authorization to further program efforts.

The regional water boards would also be required to prepare plans, by January 1, 2040, to bring the remaining impaired waterways into attainment of water quality standards by the 2050 deadline. The bill would require the SWRCB and the regional water boards to close permit loopholes and ensure that all dischargers are in compliance with water quality standards, and direct a larger proportion of existing funding toward cleaning up impaired waterways.

Many low-income and communities of color are disproportionately impacted by polluted and toxic water bodies, this bill would significantly change that by facilitating their access to clean and vibrant water bodies. The City has been on the forefront of implementing policies and programs to improve the water quality of its water bodies and waterways for over two decades; therefore, the City should support AB 377. In this manner, the City can continue to improve the health and welfare of the environment and the quality of life of its residents.

BILL STATUS

AB 377

04/07/21	In committee: Hearing postponed by committee.
03/23/21	Re-referred to Committee on Environmental Safety & Toxic Materials (E.S. & T.M).
03/22/21	From committee chair, with author's amendments: Amend, and re-refer to Committee on E.S. & T.M. Read second time and amended.
03/09/21	Re-referred to Committee on E.S. & T.M.
03/08/21	From committee chair, with author's amendments: Amend, and re-refer to Committee on E.S. & T.M. Read second time and amended.
02/12/21	Referred to Committee on E.S. & T.M.



Kimberly A. Tejada
Analyst

SMT:kat

Attachments: Resolution (O'Farrell – Martinez)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Federal Clean Water Act was enacted on October 18, 1972, to regulate discharges of pollutants into the waters of the United States and improve quality standards for surface waters; and

WHEREAS, The State Water Resources Control Board protects and enhances the quality of the State's water resources by implementing the provisions of the Federal Clean Water Act with the intent of making all waterways swimmable, fishable, and drinkable; and

WHEREAS, as of 2018, nearly 95 percent of all fresh waters assessed in California, and over 1,400 water bodies, are listed as pollutant impaired; and

WHEREAS, in honor of the Federal Clean Water Act's 50-year anniversary, it is the intent of AB 377 (Rivas) to recommit the State to restore and maintain the physical and biological integrity of the its water bodies by eliminating the discharge of pollutants into waterways; and

WHEREAS, AB 377, amended March 8, 2021, would require all surface waters in the State to be fishable, swimmable, and drinkable by January 1, 2050; and

WHEREAS, the measure would also require the State Water Resources Control Board to develop an Impaired Waterways Enforcement Program to rectify all water quality standard violations that are impairing water bodies by January 1, 2030; and

WHEREAS, the City has been on the forefront of implementing policies and programs to improve the water quality of its water bodies and waterways for over two decades; and

WHEREAS, the objectives of the measure are consistent with the City's commitment to improve the health and welfare of the environment and the quality of life of its residents;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program SUPPORT for AB 377 (Rivas) that would require all surface waters in the State to be fishable, swimmable, and drinkable by January 1, 2050; and would require the State Water Resources Control Board to develop an Impaired Waterways Enforcement Program to address all water quality standard violations that are impairing water bodies by January 1, 2030.

PRESENTED BY:

MITCH O'FARRELL

Councilmember, 13th District

MAR 23 2021

SECONDED BY: