

May 29, 2007

Honorable Mayor and Members of
the Hermosa Beach City Council

Regular Meeting of
June 12, 2007

**AB1338 (HUFFMAN) LOCAL COASTAL PROGRAMS: NONPOINT
SOURCE POLLUTING - PROPOSED LETTER OF SUPPORT**

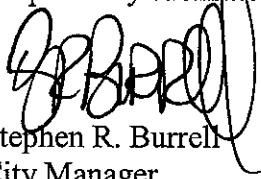
Recommendation:

That the City Council direct that a letter of support for AB1338 be sent and staff track the bill.

Background:

The City has an NPDES permit issued by the Regional Water Control Board. This legislation would allow the City to use the provisions of that permit to satisfy Coastal Commission requirements on the subject. This was one of the issues that we had with the draft LCP that we prepared several years ago. If this bill is enacted, we could use our up to date NPDES permit instead of redoing this in the LCP. This bill has been supported by the League of California Cities and the Coastal Issues Group. A copy of the bill is attached.

Respectfully submitted,


Stephen R. Burrell
City Manager



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

April 4, 2007

Assembly Member Jared Huffman
California State Assembly
State Capitol, Room 4139
Sacramento, CA 95814

RE: **AB 1338 (Huffman). Public Resources: Local Coastal Programs: Nonpoint Source Pollution.**

Hearing Date: April 16, 2007 – Assembly Natural Resources Committee
Notice of Support

Dear Assembly Member Huffman:

The League of California Cities supports AB 1338, which would require that when a new local coastal program (LCP) or major amendment of an existing LCP is submitted to the Coastal Commission for approval, the local government submitting the LCP shall include within it a nonpoint pollution prevention element with policies that are consistent with the state's coastal nonpoint source pollution control plan.

Additionally, this bill allows local governments who have NPDES permits approved or amended after March 1, 2000, to use the substantive provisions of an approved management plan adopted as a part of the NPDES permit to satisfy the requirement of a nonpoint source pollution control element for those land uses and project development categories covered by the NPDES permit.

For these reasons, the League supports AB 1338. If you have any questions regarding the League's position on this bill, please contact me at: (916) 658-8252.

Sincerely,

A handwritten signature in cursive script that reads "Kyra Emmanuel's Ross".

Kyra Ross
Legislative Representative

cc: Members of the Assembly Natural Resources Committee
Consultant, Assembly Republican Caucus
Scott Daucher, Governor's Office of Planning and Research

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1338

Introduced by Assembly Member Huffman

February 23, 2007

An act to add Sections 30522.5 and 30522.7 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1338, as amended, Huffman. Public resources: local coastal programs: nonpoint source pollution.

(1) ~~The existing~~ California Coastal Act of 1976 establishes procedures for the preparation, approval, and certification of local coastal programs. Under the act, a local government with a certified local coastal program, among other things, assumes review and permitting authority over coastal land and resources in the coastal zone, as defined.

This bill would enact the California Coastal Protection Act of 2007. ~~The bill would require every~~ *Every* local coastal government when preparing and adopting a local coastal program for certification by the California Coastal Commission, after consultation with the commission and the appropriate regional water quality control board, *would be required* to include a nonpoint source pollution prevention element, within its local coastal program. ~~This bill would additionally require a~~ *A* local coastal government submitting to the commission major amendments to a certified local coastal program, after consultation with the commission and the appropriate regional water quality control board, *would be required* to submit with those amendments a nonpoint source pollution prevention element with policies for reducing nonpoint source pollution, consistent with the state's coastal nonpoint source pollution

control plan. By imposing these requirements, the bill would impose a state-mandated local program. ~~The bill would also require the commission~~ *would be required* to assist local governments in obtaining grant funds to help defray the costs associated with the preparation of that nonpoint source pollution prevention element.

(2) Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program.

This bill would provide that if a local government is subject to a NPDES permit that was approved or amended after March 1, 2000, ~~the~~ *any applicable* substantive provisions of an approved management plan adopted in compliance with that permit would be sufficient to satisfy the requirement of the nonpoint source pollution control element for those land uses and project development categories covered by the permit.

The bill would authorize a local government at its sole discretion to adopt stricter requirements than those applicable to land uses and project development categories covered by the permit. These provisions would not restrict the authority of the commission, a regional water quality control board, the State Water Resources Control Board, or a local government to implement management measures contained in the "Plan for California's Nonpoint Source Pollution Control Program," for those land uses and project development categories not covered by the NPDES permit or preclude the adoption of a stricter NPDES permit.

(3) 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 a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 California Coastal Protection Act of 2007.
- 3 SEC. 2. Section 30522.5 is added to the Public Resources Code,
- 4 to read:

1 30522.5. (a) Every local coastal government, when preparing
2 and adopting a local coastal program for certification by the
3 commission, shall, after consultation with the commission and the
4 appropriate regional water quality control board, include a nonpoint
5 source pollution prevention element within its local coastal program
6 that is consistent with the purposes set forth in Sections 30230 and
7 30231 and the “Plan for California’s Nonpoint Source Pollution
8 Control Program” prepared and adopted by the State Water
9 Resources Control Board and the California Coastal Commission,
10 and approved by the United States Environmental Protection
11 Agency and the National Oceanic and Atmospheric Administration.

12 (b) The commission shall assist local governments in obtaining
13 grant funds to help defray the costs associated with the preparation
14 of that nonpoint source pollution prevention element of the local
15 coastal program, including, but not limited to, funds received from
16 the local government assistance grant programs.

17 (c) A local coastal government submitting major amendments
18 to a certified local coastal program, submitted to the commission
19 for approval and certification, shall, after consultation with the
20 commission and the appropriate regional water quality control
21 board, include with those amendments, a nonpoint source pollution
22 prevention element with policies for reducing nonpoint source
23 pollution consistent with the state’s coastal nonpoint source
24 pollution control plan.

25 (d) As used in subdivision (c), “major amendment” means any
26 amendment that is not minor or de minimus as described in
27 subdivision (c) or (d) of Section 30514 or Sections 13554 and
28 13555 of Title 14 of the California Code of Regulations.

29 SEC. 3. Section 30522.7 is added to the Public Resources Code,
30 to read:

31 30522.7. (a) If a local government is subject to a stormwater
32 national pollutant discharge elimination system (NPDES) permit
33 pursuant to Section 402(p) of the Clean Water Act (33 U.S.C. Sec.
34 1342(p)), that was approved or amended on or after March 1, 2000,
35 ~~an any applicable substantive provision~~ *provisions* of an approved
36 management plan adopted in compliance with that permit shall be
37 deemed to satisfy the requirement of subdivision (a) of Section
38 30522.5 for a nonpoint source pollution prevention element for
39 those land uses and project development categories covered by
40 that permit. At its sole discretion, a local government may adopt

1 stricter requirements than those applicable to land uses and project
2 development categories covered by the permit.

3 (b) This section does not limit the authority of the commission,
4 a regional water quality control board, the State Water Resources
5 Control Board, or a local government to implement the
6 management measures set forth in the federally approved "Plan
7 for California's Nonpoint Source Pollution Control Program,"
8 dated July 17, 2000, and as may be amended, for those land uses
9 and project development categories not covered by the NPDES
10 permit specified in subdivision (a) and consistent with Section
11 30412.

12 (c) This section does not preclude the adoption of a stricter
13 NPDES permit.

14 SEC. 4. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 a local agency or school district has the authority to levy service
17 charges, fees, or assessments sufficient to pay for the program or
18 level of service mandated by this act, within the meaning of Section
19 17556 of the Government Code.