



City Council Agenda Item

City Council Meeting Date: May 4, 2021

TO: Jim Throop, City Manager

FROM: Stacy L. Lawson
Senior Environmental Coordinator

SUBJECT: Consideration of Letter of Opposition to AB 377 (Rivas) Water Quality:
Impaired Waters

Recommendation:

Staff recommends the City Council consider the attached letter of opposition, direct staff to make any desired changes, and submit the letter to the State Assembly Appropriations Committee

Background:

Introduced on February 01, 2021, by Assembly Member Robert Rivas, Assembly Bill (AB) 377 seeks to ensure California's waterways are drinkable, fishable and swimmable by 2050. The bill has strong support from environmental non-governmental organizations. On April 21, 2021, the bill was passed by the California State Assembly Environmental Safety and Toxics Materials and has been re-referred to the Committee on Appropriations.

Discussion:

If enacted, AB 377 would require the State Water Resources Control Board and the Regional Water Quality Control Boards to prioritize enforcement of all water quality violations of surface water standards. Monies obtained from local agencies and industries through enforcement would be placed in a newly established Waterway Recovery Account, for use by the state in further actions designed to ensure the drinkable surface water goals are met across California by 2050.

In the Lompoc Valley, this priority enforcement would apply to water quality exceedances of standards in the Santa Ynez River and San Miguelito Creek, and may also apply to exceedances in contributions from the East-West Channel, minor creeks and agricultural drainage channels.

Non-compliant discharges to surface water from the Regional Wastewater Reclamation Plant, and the Regional Landfill, as well as public and private storm water discharges, would be subject to enforcement.

Fiscal Impact:

While the fiscal impact of this letter of opposition is negligible, the impact of AB 377 on local agencies, agriculture and industry would be potentially devastating, if enacted.

Conclusion:

AB 377 would eliminate the State and Regional Water Board's discretion in extending existing compliance schedules, or development of new compliance schedules, as a tool in achieving surface water quality improvements. In its place, AB 377 requires enforcement and monetary penalties of \$5,000 to \$10,000, for each day water quality standards are exceeded, as the primary tool to achieving drinkable surface water.

Respectfully submitted,

Stacy L. Lawson, Senior Environmental Coordinator

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Christie Alarcon, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

Attachment: Letter in Opposition to AB 377 (Rivas)