

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Ashley

SUBMITTAL DATE: March 23, 2010

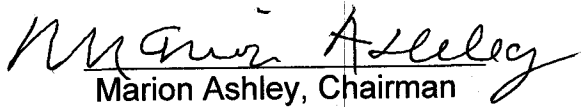
SUBJECT: Support For Assembly Bill 2407 With Proposed Amendments To Include Riverside County

RECOMMENDED MOTION: That the Board of Supervisors:

1. Authorize the Chairman of the Board of Supervisors to forward a letter to Assemblywoman Harkey and the Assembly Committee on Environmental Safety and Toxic Materials in support of Assembly Bill 2407, including proposed amendments (draft attached).
2. Direct Executive Office staff to have our County legislative advocates monitor and actively support the proposed amendments to Assembly Bill 2407, on behalf of the County and immediately report back to the County Executive Office on any changes.

BACKGROUND: Riverside County is unique as it is the only County in California to be regulated by three Regional Water Quality Control Boards (RWQCBs). The RWQCBs issue various water quality related permits, certifications and activities that affect the County, including its cities, businesses and residents. These requirements profoundly impact public and private development, including road development and maintenance projects. Although the State Water Resource Control Board is charged by the California Constitution with overseeing and coordinating the regulatory activities of the RWQCBs, the SWRCB has not exercised its authority. The RWQCBs therefore operate with autonomy and have widely varying approaches to discharging their duties. As noted by a January 2009 Report prepared by the Little Hoover Commission evaluating the SWRCB and RWQCB effectiveness, this autonomy has resulted in "a system that lacks consistency, accountability and transparency, and is unable to match resources to priorities."

(Continued)


Marion Ashley, Chairman
Supervisor, Fifth District

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

Prev. Agn. ref.

Dist. 3 & 5

AGENDA NO.

3.24

Form 11

Supervisor Marion Ashley

Fifth District

**SUBJECT: Support for Assembly Bill 2407 with Proposed Amendments to Include
Riverside County**

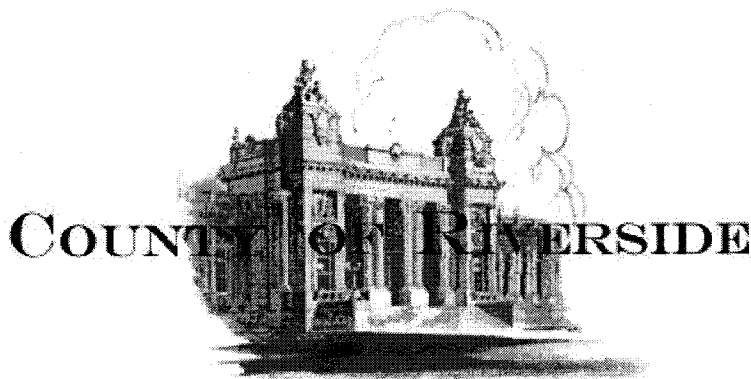
Continued:

The failure of the state to appropriately manage the RWQCBs has negatively impacted the County by allowing inconsistent and conflicting regulatory mandates, unclear regulatory expectations and National Pollutant Discharge Elimination System Permits that contain broad and unnecessary mandates that fail to focus on or address local water quality issues, much less recognize limitations on local resources. This has resulted in complex regulatory programs that are unwieldy, confusing, administratively burdensome and unnecessarily costly. Further, the inconsistent regulatory requirements and directives from the RWQCBs are confusing for our staff, businesses and communities; resulting in increased compliance costs, lower overall program effectiveness and delayed or missed opportunities to improve or enhance water quality.

The most significant problems have been associated with policies, permits and regulatory activities of the San Diego RWQCB. Five of the six Riverside County municipal governments regulated by the San Diego RWQCB are also regulated by the Santa Ana RWQCB – only the City of Temecula is wholly in the San Diego RWQCB's jurisdiction. The San Diego RWQCB has consistently failed to recognize this jurisdictional division of the municipal governments, existing effective programs implemented to address local water quality issues, or the confusion that is caused by having multiple and inconsistent regulatory mandates within a single municipal jurisdiction, and the costs inherent in the regulatory inconsistencies.

It has come to my attention that Assembly Bill 2407 (Harkey), an act to amend Section 13200 of the Water Code, relating to division of the state into nine RWQCBs, would amend the division to place Orange County, which is similarly divided between the jurisdictions of the Santa Ana and San Diego RWQCBs, into the sole jurisdiction of the Santa Ana RWQCB.

Riverside County has maintained a positive relationship with the Santa Ana RWQCB due to its collaborative and stakeholder led approaches to addressing water quality problems. Given the San Diego RWQCB's ongoing contentious relationship with the County and their directive regulatory approach and failure to engage regulated entities in productive dialog, the County should engage Assemblywoman Harkley to similarly amend her bill to remove southwestern Riverside County from the jurisdiction of the San Diego RWQCB and place it within the jurisdiction of the Santa Ana RWQCB. The County should also support AB2407, as amended.



Board of Supervisors

District 1	Bob Buster 951-955-1010
District 2	John F. Tavaglione 951-955-1020
District 3	Jeff Stone 951-955-1030
District 4	John Benoit 951-955-1040
District 5	Marion Ashley 951-955-1050

Honorable Diane L. Harkey, Assemblywoman
Assembly District 73
State Capitol
Sacramento, CA 95814
Phone: (916) 319-2073
Fax: (916) 319-2173

March 23, 2010

Subject: Assembly Bill 2407, an act to amend Section 13200 of the Water Code, relating to division of the state into nine RWQCBs.

Assemblywoman Harkey,

The County of Riverside, similar to Orange County, is regulated by both the Santa Ana and San Diego Regional Water Quality Control Boards (RWQCBs). Five of the six municipal governments regulated by the San Diego RWQCB are also regulated by the Santa Ana RWQCB – only the City of Temecula is wholly within the San Diego RWQCB's jurisdiction. This dual regulation has caused significant confusion, substantially increased costs and delayed water quality benefits for our local municipalities, businesses and residents due to the variable approaches to regulation by the two RWQCBs. The County has been monitoring Assembly Bill 2407 and requests that the bill be amended to similarly amend the Santa Ana RWQCB boundary to encompass not only all of southern Orange County, but all of southwest Riverside County.

This amendment is appropriate as:

- 1) The majority of the coastally draining portions of Riverside County are within the Santa Ana River watershed;
- 2) Five of the six municipal governments regulated by the San Diego RWQCB are already regulated by the Santa Ana RWQCB;
- 3) Only one municipality, the City of Temecula, is wholly within the San Diego RWQCB's jurisdiction;

- 4) The offices of the Santa Ana RWQCB are located in the City of Riverside and readily accessible to the County and the regulated cities; and
- 5) The County has already developed the necessary contacts and relationships with downstream governments in San Diego County to ensure that a watershed scale regulatory issues are addressed.

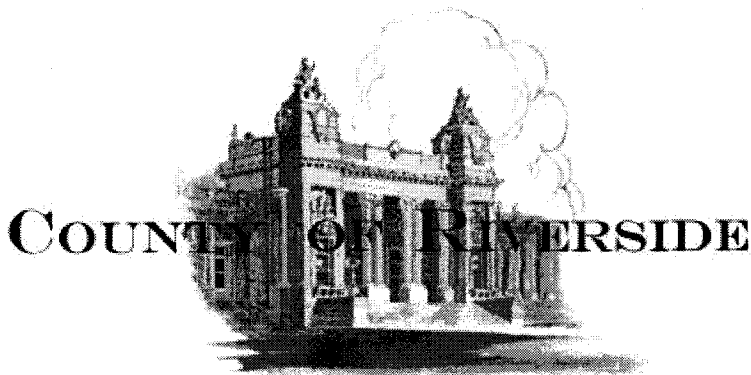
Please find the following proposed language to amend Assembly Bill 2407 to address the concerns raised herein.

Section (5) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and the southern border of Riverside and Orange Counties.

The County would be glad to meet with your staff to discuss the amendments and provide further support for the bill once it has been amended.

Marion Ashley, Chairman
Supervisor, Fifth District
Riverside County Board of Supervisors

cc: Honorable Dennis Hollingsworth, 36th Senatorial District
Honorable Mimi Walters, 33rd Senatorial District
Honorable Chuck Devore, 70th Assembly District
Honorable Kevin Jefferies, 66th Assembly District
Honorable Jeff Miller, 71st Assembly District
Honorable Brian Nestande, 64th Assembly District



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Committee on Environmental Safety and Toxic Materials
Honorable Wesley Chesbro-Chair
Honorable Jeff Miller-Vice Chair
State Capitol
Sacramento, CA 95814
Phone: (916) 319-3965

March 23, 2010

Subject: Assembly Bill 2407, an act to amend Section 13200 of the Water Code, relating to division of the state into nine RWQCBs.

Members of the Committee on Environmental Safety and Toxic Materials,

The County of Riverside, similar to Orange County, is regulated by both the Santa Ana and San Diego Regional Water Quality Control Boards (RWQCBs). Five of the six municipal governments regulated by the San Diego RWQCB are also regulated by the Santa Ana RWQCB – only the City of Temecula is wholly within the San Diego RWQCB's jurisdiction. This dual regulation has caused significant confusion, substantially increased costs and delayed water quality benefits for our local municipalities, businesses and residents due to the variable approaches to regulation by the two RWQCBs. The County has been monitoring Assembly Bill 2407 and requests that the bill be amended to similarly amend the Santa Ana RWQCB boundary to encompass not only all of southern Orange County, but all of southwest Riverside County.

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- 5) The County has already developed the necessary contacts and relationships with downstream governments in San Diego County to ensure that a watershed scale regulatory issues are addressed.

Please find the following proposed language to amend Assembly Bill 2407 to address the concerns raised herein.

Section (5) Santa Ana region, which comprises all basins draining into the Pacific Ocean between the southeasterly boundary of the Los Angeles region and the southern border of Riverside and Orange Counties.

The County would be glad to meet with your staff to discuss the amendments and provide further support for the bill once it has been amended.

Marion Ashley, Chairman
Supervisor, Fifth District
Riverside County Board of Supervisors

ASSEMBLY BILL

No. 2407

Introduced by Assembly Member Harkey

February 19, 2010

An act to amend Section 13200 of the Water Code, relating to the California regional water quality control boards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2407, as introduced, Harkey. California regional water quality control boards: boundaries.

Under the Porter-Cologne Water Quality Control Act, the 9 California regional water quality control boards are among the principal state agencies that carry out responsibilities relating to water quality. The act prescribes the boundaries of each regional board.

This bill would revise the description of the boundaries of the Santa Ana Regional Water Quality Control Board and the San Diego Regional Water Quality Control Board.

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

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

- 1 SECTION 1. Section 13200 of the Water Code is amended to
- 2 read:
- 3 13200. (a) The state is divided, for the purpose of this division,
- 4 into nine regions:
- 5 (a)
- 6 (1) North Coast region, which comprises all basins including
- 7 Lower Klamath Lake and Lost River Basins draining into the

1 Pacific Ocean from the California-Oregon state line southerly to
2 the southerly boundary of the watershed of Estero de San Antonio
3 and Stemple Creek in Marin and Sonoma Counties.

4 (b)

5 (2) San Francisco Bay region, which comprises San Francisco
6 Bay, Suisun Bay, from Sacramento River and San Joaquin River
7 westerly from a line which passes between Collinsville and
8 Montezuma Island and follows thence the boundary common to
9 Sacramento and Solano Counties and that common to Sacramento
10 and Contra Costa Counties to the westerly boundary of the
11 watershed of Markley Canyon in Contra Costa County, all basins
12 draining into the bays and rivers westerly from this line, and all
13 basins draining into the Pacific Ocean between the southerly
14 boundary of the north coastal region and the southerly boundary
15 of the watershed of Pescadero Creek in San Mateo and Santa Cruz
16 Counties.

17 (c)

18 (3) Central Coast region, which comprises all basins, including
19 Carrizo Plain in San Luis Obispo and Kern Counties, draining into
20 the Pacific Ocean from the southerly boundary of the watershed
21 of Pescadero Creek in San Mateo and Santa Cruz Counties to the
22 southeasterly boundary, located in the westerly part of Ventura
23 County, of the watershed of Rincon Creek.

24 (d)

25 (4) Los Angeles region, which comprises all basins draining
26 into the Pacific Ocean between the southeasterly boundary, located
27 in the westerly part of Ventura County, of the watershed of Rincon
28 Creek and a line which coincides with the southeasterly boundary
29 of Los Angeles County from the ocean to San Antonio Peak and
30 follows thence the divide between San Gabriel River and Lytle
31 Creek drainages to the divide between Sheep Creek and San
32 Gabriel River drainages.

33 (e)

34 (5) Santa Ana region, which comprises all basins draining into
35 the Pacific Ocean between the southeasterly boundary of the Los
36 Angeles region and ~~a line which follows the drainage divide~~
37 ~~between Muddy and Moro Canyons from the ocean to the summit~~
38 ~~of San Joaquin Hills; thence along the divide between lands~~
39 ~~draining into Newport Bay and into Laguna Canyon to Niguel~~
40 ~~Road; thence along Niguel Road and Los Aliso Avenue to the~~

1 ~~divide between Newport Bay and Aliso Creek drainages; thence~~
2 ~~along that divide and the southeasterly boundary of the Santa Ana~~
3 ~~River drainage to the divide between Baldwin Lake and Mojave~~
4 ~~Desert drainages; thence along that divide to the divide between~~
5 ~~Pacific Ocean and Mojave Desert drainages~~ *the southern border*
6 *of Orange County.*

7 (f)

8 (6) San Diego region, which comprises all basins draining into
9 the Pacific Ocean between the southern boundary of the Santa Ana
10 region and the California-Mexico boundary.

11 (g)

12 (7) Central Valley region, which comprises all basins including
13 Goose Lake Basin draining into the Sacramento and San Joaquin
14 Rivers to the easterly boundary of the San Francisco Bay region
15 near Collinsville. The Central Valley region shall have section
16 offices in the Sacramento Valley and the San Joaquin Valley.

17 (h)

18 (8) Lahontan region, which comprises all basins east of the
19 Santa Ana, Los Angeles and Central Valley regions from the
20 California-Oregon boundary to the southerly boundary located in
21 Los Angeles and San Bernardino Counties of the watersheds
22 draining into Antelope Valley, Mojave River Basin and Dry Lake
23 Basin near Ivanpah.

24 (i)

25 (9) Colorado River Basin region, which comprises all basins
26 east of the Santa Ana and San Diego regions draining into the
27 Colorado River, Salton Sea and local sinks from the southerly
28 boundary of the ~~Lahontan~~ *Lahontan* region to the
29 California-Mexico boundary.

30 The

31 (b) *The* regions defined and described in this section shall be
32 as precisely delineated on official maps of the department and
33 include all of the areas within the boundaries of the state.

34 For

35 (c) *For* purposes of this section the boundaries of the state
36 extend three nautical miles into the Pacific Ocean from the line of
37 mean lower low water marking the seaward limits of inland waters
38 and three nautical miles from the line of mean lower low water on
39 the mainland and each offshore island.

40 Nothing

- 1 *(d) Nothing* in this section shall limit the power conferred by
- 2 this chapter to regulate the disposal of waste into ocean waters
- 3 beyond the boundaries of the state.

O