



April 21, 2005

The Honorable Alan Lowenthal, Chair
Senate Environmental Quality Committee
State Capitol, 3048
Sacramento, CA 95814

**SUBJECT: SB 729 (Lowenthal) Relating to Water Quality –
As Amended April 19, 2005 – OPPOSE**

Dear Senator Lowenthal:

On behalf of the above local government associations, the League of California Cities, the Regional Council of Rural Counties, the California State Association of Counties and the California Association of Sanitation Agencies, we must oppose SB 729 by Senator Alan Lowenthal, which would make sweeping changes to the State Water Resources Control Board's (SWRCB) and Regional Water Quality Control Boards' (Regional Board) structure and programs. Given the broad scope of the proposed legislation, we are still conducting a detailed review of all of the provisions. However, the following provisions of SB 729 alone are significant enough to warrant our opposition:

- The bill would require stormwater permits to contain enforceable numeric limits. The nature of municipal stormwater discharges is such that compliance with numeric limits would not be feasible without expenditure of billions of dollars of local taxpayer revenues, which simply do not exist.
- While we appreciate the desire to ensure that Regional Board members possess an adequate level of expertise SB 729 would exclude capable people with valuable practical experience in implementing water quality programs from serving on Regional Boards. For example, the bill would preclude competent local government members and water suppliers who have years of experience dealing with water quality issues from re-appointment to their current seats on regional boards.
- The bill requires local governments to notify the appropriate Regional Board of the preparation of a tentative subdivision map or an application for a building permit that could involve the discharge of waste. This creates a new unfunded local mandate without any demonstrated environmental benefit. In addition, this is not the appropriate point in the development approval process to address potential discharge issues.

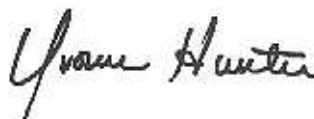
- While we support public access to credible water quality information, SB 729 requires the SWRCB and Regional Boards to post on a public database any complaints they receive from the public that are related to "possible" water quality problems or "potential" illegal discharges. The bill does not require the SWRCB or the Regional Boards to verify the accuracy of complaints submitted by the public prior to posting the information on the SWRCB website. Thus, those who access the data will get an unwarranted impression that those complaints are reliable.

This letter describes only a few of our concerns with SB 729. We also have concerns with respect to how the bill would revise the TMDL program and the way in which the bill emphasizes measuring enforcement success numerically rather than by prioritizing enforcement to achieve environmental results. Further, the bill's changes would impose additional costs and require additional funding that the SWRCB, Regional Boards, and the regulated community can neither afford nor deliver unless drastic measures, such as fee increases, also occur. For all of these reasons, we must oppose SB 729.

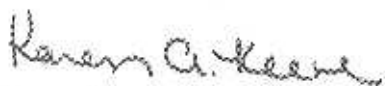
Sincerely,



Mike Dillon
CASA



Yvonne Hunter
LOCC



Karen Keene
CSAC



Kathy Mannion
RCRC

cc: Committee Consultants