

SUMMARY OF SB No. 332 (HERTZBERG AND WIENER)

AS INTRODUCED FEBRUARY 19, 2019

General:

- Declaration of discharge from ocean outfalls as waste and unreasonable use.
- Ocean outfalls consist of point source discharges to saline waters, including oceans, bays and estuaries.
- Applies to both NPDES permit holders (owner/operator of wastewater treatment facility) and affiliated water suppliers.
- Affiliated water suppliers defined broadly as all water suppliers that provide water disposed of in the collection system tributary to wastewater treatment facility.
- Baseline volume is average annual volume of wastewater discharged through ocean outfall for calendar years 2010 through 2020.
- No mention of the need for brine disposal or wet-weather discharges.

Reduction Requirements:

- 50% reduction of baseline volume by January 1, 2030.
- 95% reduction of baseline volume by January 1, 2040.

Plans:

- By July 1, 2022, a plan is required of NPDES permit holders, prepared “in conjunction with affiliated water suppliers,” including specific information on facilities, cost, financing and schedule for meeting reduction requirements.
- By January 1, 2026, an updated plan is required to include refinements or changes and a written statement that the plan is current and accurate.

Reports:

- Reports to be submitted by NPDES permit holder and affiliated water suppliers to SWRCB every five years, including specific information on progress toward meeting reduction requirements.
 - First report due on January 1, 2024.
 - Subsequent reports due on January 1st of 2029, 2034 and 2039.

Penalties:

- All penalties apply to both NPDES permit holder and affiliated water suppliers.
- \$2,000/acre-foot of water discharged above reduction requirement.
- \$10,000 for failing to submit report by deadline.
- Ineligibility for state loans or grants until delinquent report is submitted.

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COMPARISON OF SB No. 332 (2019) AND SB No. 163 (2015)

Bill No.	Applies to	Numerical Requirements	Exemptions	Plans	Reports	Penalties
SB No. 332 (2019)	NPDES permittees for ocean outfalls <u>and</u> affiliated water suppliers.	<ul style="list-style-type: none"> • 50% reduction by 01/01/30. • 95% reduction by 01/01/40. • Baseline = avg. annual for CY 2010 to 2020, inclusive. 	None.	<ul style="list-style-type: none"> • By 07/01/22, a plan is required of NPDES permittees, prepared in conjunction with affiliated water suppliers. • By 01/01/26, an updated plan is required with a written statement that it is current and accurate. 	<ul style="list-style-type: none"> • By 01/01/24, first report required of NPDES permittees <u>and</u> affiliated water suppliers. • Subsequent reports due on Jan. 1st every five years. 	<ul style="list-style-type: none"> • \$2,000/AF discharged above reduction requirement. • \$10,000 for failure to submit report by deadline. • Ineligibility for state grants or loans until delinquent report is submitted. • All penalties apply to both NPDES permittee <u>and</u> affiliated water suppliers.
SB No. 163 (2015)	NPDES permittees for ocean outfalls.	<ul style="list-style-type: none"> • 50% reuse by 01/01/26. • 100% reuse by 01/01/36, and no discharge <u>except</u> as a backup discharge. • Backup discharge is during periods of low recycled water demand such as wet-weather. • Baseline = avg. annual for CY 2009 to 2014, inclusive. 	<ul style="list-style-type: none"> • On or after 01/01/22, permittees may petition SWRCB for partial exemption if they can demonstrate inability to meet req'ts for one of three specified reasons. • Partial exemptions last for five years, upon which time permittee may reapply. • Permittees with partial exemptions ineligible for state grants and loans, except those specifically for compliance with req'ts. 	<ul style="list-style-type: none"> • By 07/01/20, a plan is required of NPDES permittees. • By 01/01/24, an updated is plan is required with a written statement that it is current and accurate. 	<ul style="list-style-type: none"> • By 01/01/17, first report required of NPDES permittees. • Subsequent reports due on Jan. 1st every five years. 	None.