

California



Perspective

California History

- The California Constitution of 1879 included Article XIV, entitled "Water and Water Rights," and Article XV, "Harbor Frontages, Etc"
- 1884 Edwards Woodruff v. North Bloomfield Mining and Gravel Company-Sawyer Decision
- 1913 The Water Commission Act created California's first water rights governing agency, the State Water Commission

Yuba Goldfields



California History (2)

- 1949 the Dickey Water Pollution Act created a "State Water Pollution Control Board."
- 1952 McKee & Wolf "Water Quality Criteria" Published
- 1956 The State Water Rights Board and the Department of Water Resources created
- 1963 2nd Ed. McKee & Wolf "Water Quality Criteria" Published

California History (3)

- 1967 "State Water Quality Control Board" and "State Water Rights Board" were merged and became "State Water Resources Control Board"
- 1969 Porter-Cologne Water Quality Control Act
- 1971 "Interim" Water Quality Control Plans
- 1975 Water Quality Control Plan Adopted

Statutory Authority to Protect Water Quality

- U.S. Environmental Protection Agency
 - Federal Water Pollution Control Act (Clean Water Act)
 - Found in 33 United States Code
- California Water Boards
 - Porter-Cologne Water Quality Control Act
 - Found in Division 7 of the California Water Code
 - Delegated authority from U.S. EPA to implement the Clean Water Act

Water Quality Standards

Federal Clean Water Act—

- Provisions of state or federal law
- Designated use or uses for waters of the United States and
- Water quality criteria for such waters based upon such uses
- Antidegradation policies included

[40 CFR 130.2(c) and 131.3(i)]

Water Quality Standards In California

- Found in the **Water Quality Control Plans** (Basin Plans)
- Adopted by
 - State Water Resources Control Board
 - 9 Regional Water Quality Control Boards

Water Quality Standards In California

Water Quality Standards include

- **Beneficial Uses**
for each water body or portion thereof
- **Water Quality Objectives**
(criteria) to protect uses

Porter-Cologne Act also requires

- **Implementation Programs**
to achieve the objectives

Where Do Water Quality Standards Apply?

- Waters of the United States (Federal)
 - Navigable surface waters and their tributaries
- Waters of the State (California)
 - Include both surface waters and groundwater
 - Very broadly defined

Protected Uses

- Federal
 - Designated Uses
- California
 - Beneficial Uses



Beneficial Uses of Waters of the State

California Water Code § 13050(f)

- **Beneficial uses of the waters of the state that may be protected against water quality degradation include, but are not necessarily limited to**
 - **domestic, municipal, agricultural and industrial supply;**
 - **power generation;**
 - **recreation;**
 - **esthetic enjoyment;**
 - **navigation; and**
 - **preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.”**

Beneficial Uses

- Porter-Cologne Act (California term)
- Uses of water to be protected against degradation
- Found in Water Quality Control Plans
- Groundwater and Surface Water

Limits to Protect Uses

- Federal
 - Water Quality Criteria
- California
 - Water Quality Objectives

Water Quality Criteria

- Federal Clean Water Act (surface water)
- Levels of water quality that support particular uses
- CWA Section 303(c) Criteria
 - Enforceable limits under CWA (promulgated)
 - California Toxics Rule & National Toxics Rule
- CWA Section 304(a) Criteria
 - Advisory to states and tribes
 - National Recommended Water Quality Criteria

Water Quality Objectives

California Water Code §13050(h)

- Limits or levels of water quality constituents or characteristics
- Established for the
 - Reasonable protection of beneficial uses of water or
 - Prevention of nuisance within a specific area
 - Also in CWC §13241

Water Quality Objectives

- Porter-Cologne Act (California term)
- Found in Water Quality Control Plans
- Groundwater and Surface Water
- Same legal status as CWA Section 303(c) water quality criteria

Water Quality Objectives

California Water Code §13241

- Factors to be considered:
 - Past, present, and probable future beneficial uses
 - Environmental characteristics of the hydrographic unit, including the quality of water available thereto
 - Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area
 - Economic considerations
 - Need for developing housing within the region
 - Need to develop and use recycled water

Enforceable Water Quality Standards

➤ Federal

- 303(c) Water Quality Criteria (promulgated)
+ Designated Use or Uses

➤ In California

- Water Quality Objectives
+ Beneficial Use designations or
- CTR or NTR Criteria
+ Beneficial Use designations

Waste Discharge Permitting

➤ Federal

- National Pollutant Discharge Elimination System (NPDES) Permits

➤ California

- Waste Discharge Requirements
 - WDRs for discharges to Waters of the U.S.
= NPDES Permits

Study Question 1

- The Federal Water Pollution Control Act Amendment (Clean Water Act) was enacted prior to the Porter Cologne Water Quality Control Act.
 - True
 - False

Study Question 1

- The Federal Water Pollution Control Act Amendment (Clean Water Act) was enacted prior to the Porter Cologne Water Quality Control Act.
 - True
 - False
- Porter Cologne was enacted in 1969 while the Clean Water Act was enacted in 1972

Study Question 2

- Porter-Cologne requires Water Quality Objectives to protect beneficial uses while the federal Clean Water Act requires Water Quality Criteria to protect designated uses.
 - True
 - False

Study Question 2

➤ Porter-Cologne requires Water Quality Objectives to protect beneficial uses while the federal Clean Water Act requires Water Quality Criteria to protect designated uses.

- True
- False

Study Question 3

- The Clean Water Act and Porter-Cologne require programs of implementation for water quality standards
 - True
 - False

Study Question 3

- The Clean Water Act and Porter-Cologne require programs of implementation for water quality standards
 - True
 - False
- Only Porter-Cologne requires a program of implementation; however, the Clean Water Act requires certain provisions addressing implementation of water quality standards for surface waters