

SB 866 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 3/9

WHAT THE MEASURE DOES:

Requires state agency, special district or local government (discharging agency) that discharges storm water into canals or other infrastructure of a special district or local government to take reasonable steps to ensure that the discharge complies with state water quality standards and the federal Clean Water Act.

Prior to discharge of storm water into canals or infrastructure of special district or local government, requires discharging agency to obtain written permission. If such permission is not obtained, specifies that discharging agency is liable to the district or local government for actual damages, losses, costs and attorney fees resulting from discharge. Stipulates that discharging agency that does not obtain permission may avoid liability if it does not receive permission or permission is granted and later revoked and the discharging agency devises a detailed plan for infrastructure improvements meeting specified criteria that will be fully implemented within 5 years of date of refusal or revocation. Failure to meet 5 year requirement results in discharging agency liability. Bill provisions addressing approval of discharge and discharging agency liability become effective on July 1, 2019. Declares emergency, effective upon passage.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Storm water runoff from land and impervious areas such as paved streets, parking lots and building rooftops during rainfall and snow events often contains pollutants that can adversely affect water quality. National Pollutant Discharge Elimination System permits are required for storm water discharges to surface waters from construction and industrial activities and municipalities if storm water from rain or snow melt leaves a site through a “point source” and reaches surface waters either directly or through storm drainage. A point source is a natural or human-made conveyance of water through things such as pipes, culverts, ditches, catch basins or any other type of channel.

Senate Bill 866 would require a state agency, special district or local government (discharging agency) that discharges storm water into canals or other infrastructure of a special district or local government to take reasonable steps to ensure that the discharge complies with state and federal water quality standards. Effective January 1, 2019, the bill would also require discharging agencies to obtain permission for storm water discharges or prepare a plan for infrastructure improvements that avoid water quality and liability consequences and that can be fully implemented within five years.