



*Sacramento Legislative Office*

March 24, 2021

The Honorable Robert Rivas  
California State Assembly  
State Capitol, Room 5158  
Sacramento, CA 95814

RE: AB 377 (Rivas, R.): Water quality: impaired waters – **OPPOSE**

Assembly Environmental Safety & Toxic Materials Committee – April 21, 2021

Dear Assembly Member Rivas:

On behalf of the Metropolitan Water District of Southern California (Metropolitan), I respectfully regret to inform you of Metropolitan's opposition to AB 377, as amended on March 22, 2021. The bill requires that all California surface waters attain applicable beneficial uses by January 1, 2050. In addition, AB 377 specifies that the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Boards) may not reissue National Pollution Discharge Elimination System (NPDES) permits, waste discharge requirements, or waivers that cause or contribute to an exceedance of an applicable water quality standard in receiving waters.

Metropolitan is a regional wholesaler that delivers water to 26 member agencies (including 14 cities, 11 municipal water districts, and one county water authority) which in turn, directly or through their sub-agencies, provide water to approximately 19 million people in southern California. Metropolitan and our member agencies are subject to multiple NPDES permits, waste discharge requirements, and waivers administered by the State Water Board and the Regional Boards. These permits are in compliance with the federal Clean Water Act and the California Porter Cologne Water Quality Control Act.

While it is laudable to set a goal to clean up California's surface waters, AB 377 would significantly alter how the State Water Board and the Regional Boards negotiate and issue permits, which is problematic for water purveyors throughout the state. For example, Metropolitan temporarily discharges treated drinking water into surface streams in order to perform routine and emergency maintenance activities on its drinking water pipelines. This work is covered under the Statewide General NPDES Permit for Drinking Water System Discharges to Waters of the United States (General Permit) issued by the State Water Board that includes exemptions for drinking water system discharges and the implementation of best management practices (BMPs) to maintain water quality standards. Assembly Bill 377 would eliminate the State Board's authority when renewing this General Permit to maintain or even update these exemptions and BMPs.

In addition, the underlying premise of the bill is that most surface water bodies in California are listed as impaired. However, there are many different types of beneficial uses for surface waters in the state, and hence many different reasons why surface waters are included on the 303(d) list of impaired water bodies. Furthermore, AB 377 does not address the fact that California is required to include a priority ranking of impaired waters that

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takes into account the severity of impairment and the uses of the water, including waters targeted for the development of total maximum daily loads (TMDLs). Each Regional Board reviews its 303(d) listings and prioritizes TMDLs for completion based on multiple local factors for meeting water quality objectives that are considered through a rigorous and detailed process. Given the complexity involved with multiple point and nonpoint sources that must be considered, coupled with growing number of new constituents of emerging concern, the State Water Board and Regional Boards rely on long-term BMPs as part of the permitting process to allow for local circumstances, scientific decision-making, and regulatory certainty.

For the reasons mentioned above, Metropolitan must oppose AB 377 and will urge members of the Assembly Environmental Safety and Toxic Materials Committee to vote "No" when it comes up for a hearing. Metropolitan would be happy to meet with you and the supporters of your bill to explore other more practical approaches for how to address water quality challenges facing our region. Should you have questions about our position, please contact me at [kviatella@mwdh2o.com](mailto:kviatella@mwdh2o.com) or (619) 517-5823.

Sincerely,



Kathryn C. Viatella  
Executive Legislative Representative

cc: Members of the Assembly Environmental Safety & Toxic Materials Committee  
Josh Tooker, Chief Consultant, Assembly Environmental Safety & Toxic Materials Committee  
Greg Melkonian, Policy Consultant, Senate Republican Caucus