

AMENDED IN ASSEMBLY MARCH 22, 2021

AMENDED IN ASSEMBLY MARCH 8, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 377**

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**Introduced by Assembly Member Robert Rivas**

(Principal coauthor: Senator Hertzberg)

~~(Coauthor: Assembly Member Lee)~~

*(Coauthors: Assembly Members Bloom and Lee)*

February 1, 2021

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An act to add Article 3.5 (commencing with Section 13150) to Chapter 3 of Division 7 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 377, as amended, Robert Rivas. Water quality: impaired waters.

(1) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality and prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act. Existing law requires each regional board to formulate and adopt water quality control plans for all areas within the region, as provided.

This bill would require all California surface waters to ~~be fishable, swimmable, and drinkable~~ *attain applicable beneficial uses* by January 1, 2050, ~~as prescribed.~~ 2050. The bill would ~~prohibit~~ *require* the state board and regional ~~boards from authorizing~~ *boards, when issuing* an NPDES ~~discharge, or permit, a waste discharge requirement or requirement, or a waiver of a waste discharge requirement for a~~

~~discharge, requirement, to require that the discharge to surface water that causes or contributes does not cause or contribute to an exceedance of an applicable water quality standard in receiving waters, or from authorizing and to not authorize the use of a best management practice permit term to authorize a discharge to surface water that causes or contributes to an exceedance of an applicable water quality standard in receiving waters. The bill would prohibit, on or after January 1, 2030, a regional water quality control plan from including a schedule for implementation for achieving a water quality standard for a surface water of the state that was adopted as of January 1, 2021, and would prohibit a regional water quality control plan from including a schedule for implementation of a water quality standard for a surface water of the state that is adopted after January 1, 2021, unless specified conditions are met. The bill would prohibit an NPDES permit, waste discharge requirement, or waiver of a waste discharge requirement to discharge to a surface water of the state from being renewed, reissued, or modified to contain effluent limitations or conditions that that, among other things, are less stringent than those in the previous permit, requirement, or waiver, except as specified.~~

(2) Existing law authorizes the imposition of civil penalties for violations of certain waste discharge requirements and requires that penalties imposed pursuant to these provisions be deposited into the Waste Discharge Permit Fund, to be expended by the state board, upon appropriation by the Legislature, for specified purposes related to water quality. For violations of certain other waste discharge requirements, including the violation of a waste discharge requirement effluent limitation, existing law imposes specified civil penalties, the proceeds of which are deposited into the continuously appropriated State Water Pollution Cleanup and Abatement Account, which is established in the State Water Quality Control Fund.

This bill would require, by January 1, 2030, the state board and regional boards to develop an Impaired Waterways Enforcement Program to enforce all remaining water quality standard violations that are causing or contributing to an exceedance of a water quality ~~standard~~ *standard in a surface water of the state*. To ensure any water segments impaired by ongoing pollutants are brought into attainment with water quality standards, the bill would require the state board and regional boards, by January 1, 2040, to evaluate the state's remaining impaired *state surface* waters using a specified report. The bill would require, by January 1, 2040, the state board and regional boards to report to the

Legislature a plan to bring the final impaired water segments into attainment by January 1, 2050. The bill would create the Waterway Attainment Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Attainment Account available for the state board to expend, upon appropriation by the Legislature, to bring remaining impaired water segments into attainment in accordance with the plan. The bill would create in the Waterway Attainment Account the Waterway Attainment Penalty Subaccount, composed of penalties obtained pursuant to the Impaired Waterways Enforcement Program, and would make moneys in the subaccount available for the state board to expend, upon appropriation by the Legislature, for purposes of the program. The bill would require, by January 1, 2040, and subject to a future legislative act, 50% of the annual proceeds of the State Water Pollution Cleanup and Abatement Account to be annually transferred to the Waterway Attainment Account. The bill would require the state board, upon appropriation by the Legislature, to expend 5% of the annual proceeds of the State Water Pollution Cleanup and Abatement Account to fund a specified state board program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:  
3 (1) Water is a necessity of human life, and every Californian  
4 deserves access to clean and safe water. Yet climate change  
5 jeopardizes the quality and safety of our water. Climate change is  
6 impacting the state's hydrology to create water resource  
7 vulnerabilities that include, but are not limited to, changes to water  
8 supplies, subsidence, increased amounts of water pollution, erosion,  
9 flooding, and related risks to water and wastewater infrastructure  
10 and operations, degradation of watersheds, alteration of aquatic  
11 ecosystems and loss of habitat, multiple impacts in coastal areas,  
12 and ocean acidification.  
13 (2) Many aspects of climate change and associated impacts will  
14 continue for centuries, even if anthropogenic emissions of  
15 greenhouse gases are reduced or stopped. Given the magnitude of  
16 climate change impacts on California's hydrology and water  
17 systems, the state's climate change response should include

1 attainment of water quality standards to allow the state's  
2 watersheds to resiliently adapt to forthcoming and inevitable  
3 climate change stressors.

4 (3) The federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.)  
5 was enacted on October 18, 1972, to establish the basic structure  
6 for regulating discharges of pollutants into the waters of the United  
7 States and regulating quality standards for surface waters. The  
8 objective of the federal Clean Water Act is to restore and maintain  
9 the chemical, physical, and biological integrity of the nation's  
10 waters. To achieve that objective, Congress declared a national  
11 goal that the discharge of pollutants into navigable waters be  
12 eliminated by 1985.

13 (4) California has long been a national and international leader  
14 on environmental stewardship efforts, including the areas of air  
15 quality protections, energy efficiency requirements, renewable  
16 energy standards, and greenhouse gas emission standards for  
17 passenger vehicles. The program established by this act will  
18 continue this tradition of environmental leadership by placing  
19 California at the forefront of achieving the nation's goal of making  
20 all waterways swimmable, fishable, and drinkable.

21 (5) The State Water Resources Control Board, along with the  
22 nine California regional water quality control boards, protect and  
23 enhance the quality of California's water resources through  
24 implementing the federal Clean Water Act, as amended, and  
25 California's Porter-Cologne Water Quality Control Act (Division  
26 7 (commencing with Section 13000) of the Water Code).

27 (6) The State Water Resources Control Board's mission is to  
28 "preserve, enhance, and restore the quality of California's water  
29 resources and drinking water for the protection of the environment,  
30 public health, and all beneficial uses, and to ensure proper water  
31 resource allocation and efficient use, for the benefit of present and  
32 future generations."

33 (7) Under Section 303(d) of the federal Clean Water Act (33  
34 U.S.C. Sec. 1313(d)), California is required to review, make  
35 changes as necessary, and submit to the United States  
36 Environmental Protection Agency a list identifying water bodies  
37 not meeting water quality standards (303(d) list). California is  
38 required to include a priority ranking of those waters, taking into  
39 account the severity of the pollution and the uses to be made of

1 those waters, including waters targeted for the development of  
2 total maximum daily loads (TMDLs).

3 (8) As of the most recent 2018 303(d) list, nearly 95 percent of  
4 all fresh waters assessed in California, and over 1,400 water bodies,  
5 are listed as impaired, with only 114 TMDLs having been approved  
6 since 2009 in California. Of 164,741 assessed miles of rivers and  
7 streams, 82 percent were impaired. Of 929,318 assessed acres of  
8 lakes, reservoirs, and ponds, 93 percent were impaired. Of 575,000  
9 assessed acres of bays, harbors, and estuaries, 99 percent were  
10 impaired. Of 2,180 assessed miles of coastal shoreline, 93 percent  
11 were impaired. Of 130,084 assessed acres of wetlands, 99 percent  
12 were impaired.

13 (b) (1) In honor of the federal Clean Water Act’s 50-year  
14 anniversary, it is the intent of the Legislature in enacting this act  
15 to recommit California to achieve the national goal to restore and  
16 maintain the chemical, physical, and biological integrity of the  
17 state’s waters by eliminating the discharge of pollutants into  
18 impaired waterways.

19 (2) It is further the intent of the Legislature in enacting this act  
20 to require that the State Water Resources Control Board and the  
21 California regional water quality control boards meet the national  
22 goal of ~~achieving swimmable, fishable, and drinkable waters~~  
23 *restoring applicable beneficial uses in surface water* by no later  
24 than January 1, 2050.

25 SEC. 2. Article 3.5 (commencing with Section 13150) is added  
26 to Chapter 3 of Division 7 of the Water Code, to read:

27  
28 Article 3.5. State Waters Impairment

29  
30 13150. All California surface waters shall ~~be fishable,~~  
31 ~~swimmable, and drinkable~~ *attain applicable beneficial uses* by  
32 January 1, 2050. To bring all water segments into attainment with  
33 this requirement, the state board and regional boards shall comply  
34 with the requirements of this article.

35 13151. (a) (1) The state board and regional ~~boards shall not~~  
36 ~~do either~~ *boards, when issuing an NPDES permit, shall comply*  
37 *with both* of the following:

38 (A) ~~Authorize an NPDES~~ *Shall require that the* discharge to a  
39 surface water of the United States ~~that causes or contributes~~ *does*

1 *not cause or contribute* to an exceedance of an applicable water  
2 quality standard in receiving waters.

3 ~~(B) Authorize an NPDES permit that uses~~ *Shall not authorize*  
4 *the use of* an alternative compliance determination, safe harbor  
5 “deemed in compliance” term, or any other best management  
6 practice permit term to authorize a discharge to a surface water of  
7 the United States that causes or contributes to an exceedance of  
8 an applicable water quality standard in receiving waters.

9 (2) (A) Paragraph (1) does not prohibit enhanced watershed  
10 management programs or watershed management programs from  
11 being used as a planning tool for achieving compliance with  
12 applicable water quality standards in receiving waters.

13 (B) Paragraph (1) does not prevent NPDES permittees from  
14 using best management practices to meet applicable water quality  
15 standards in receiving waters.

16 (C) Paragraph (1) does not apply to salt and nutrient  
17 management ~~plans~~ *plans, including the program of implementation,*  
18 approved as of January 1, 2021, that include alternative compliance  
19 options.

20 (b) The state board and regional boards shall not do either of  
21 the following:

22 (1) Authorize a permit that does not include monitoring  
23 sufficient to demonstrate compliance with water quality standards  
24 and, unless infeasible, that does not include end-of-discharge pipe  
25 monitoring.

26 (2) Authorize a permit unless it establishes criteria for, and  
27 requires, monitoring to evaluate compliance with water quality  
28 standards.

29 (c) (1) ~~The state board and regional boards shall not do either~~  
30 *boards, when issuing a waste discharge requirement or waiver of*  
31 *a waste discharge requirement, shall comply with both of the*  
32 following:

33 ~~(A) Authorize a waste discharge requirement or waiver of a~~  
34 ~~waste discharge requirement for a~~ *Shall require that the discharge*  
35 *to a surface water of the state that causes or contributes does not*  
36 *cause or contribute* to an exceedance of an applicable water quality  
37 standard in receiving waters.

38 ~~(B) Authorize a waste discharge requirement or waiver of a~~  
39 ~~waste discharge requirement that uses~~ *Shall not authorize the use*  
40 *of* an alternative compliance determination, safe harbor “deemed

1 in compliance” term, or any other best management practice permit  
2 term to authorize a discharge to a surface water of the state that  
3 causes or contributes to an exceedance of an applicable water  
4 quality standard in receiving waters.

5 (2) (A) Paragraph (1) does not prevent a waste discharge  
6 requirement or waiver of a waste discharge requirement from using  
7 best management practices to meet applicable water quality  
8 standards in receiving waters.

9 (B) Paragraph (1) does not apply to salt and nutrient  
10 management ~~plans~~ *plans, including the program of implementation,*  
11 approved as of January 1, 2021, that include alternative compliance  
12 options.

13 13152. (a) (1) Notwithstanding Section 13242, on and after  
14 January 1, 2030, a regional water quality control plan, including  
15 the program of implementation, shall not include a schedule for  
16 implementation for achieving a water quality standard *for a surface*  
17 *water of the state* that was adopted in an approved regional water  
18 quality control plan as of January 1, 2021. It is the intent of the  
19 Legislature in enacting this requirement to ensure that all water  
20 quality standards in effect as of January 1, 2021, are fully  
21 implemented and achieved by January 1, 2030.

22 (2) Paragraph (1) does not apply to salt and nutrient management  
23 ~~plans~~ *plans, including the program of implementation,* approved  
24 as of January 1, 2021, that include a time schedule for compliance.

25 (b) The state board and regional boards shall only include in a  
26 regional water quality control plan a schedule for implementation  
27 of a water quality standard *for a surface water of the state* that is  
28 adopted after January 1, 2021, if all of the following conditions  
29 are met:

30 (1) The schedule for implementation of the water quality  
31 standard is the shortest time necessary, and in no instance exceeds  
32 five years.

33 (2) The schedule for implementation is necessary for the  
34 permittee to undertake physical construction that is necessary to  
35 achieve compliance with the water quality standard.

36 (3) The water quality standard is not substantially similar to a  
37 water quality standard that was in effect as of January 1, 2021.

38 (c) (1) An NPDES permit, waste discharge requirement, or  
39 waiver of a waste discharge requirement *to discharge to a surface*  
40 *water of the state* shall not be renewed, reissued, or modified to

1 contain effluent limitations or conditions that ~~are~~ *satisfy any of the*  
2 *following:*

3 (A) ~~Are less stringent than the comparable effluent limitations~~  
4 ~~or conditions in the previous permit, requirement, or waiver,~~  
5 ~~including, but not limited to, if the implementation of the less~~  
6 ~~stringent effluent limitation or condition would result in a violation~~  
7 ~~of an applicable water quality standard in receiving waters. waiver.~~

8 (2) ~~Notwithstanding paragraph (1), an NPDES permit, waste~~  
9 ~~discharge requirement, or waiver of a waste discharge requirement~~  
10 ~~may be renewed, reissued, or modified to contain a less stringent~~  
11 ~~effluent limitation or condition applicable to a pollutant if any of~~  
12 ~~the following apply:~~

13 (B) *Are less stringent than required by effluent limitation*  
14 *guidelines promulgated under Section 304(b) of the federal Clean*  
15 *Water Act (33 U.S.C. Sec. 1314(b)) in effect at the time the permit*  
16 *is renewed, reissued, or modified.*

17 (C) *The implementation of the limitation or condition would*  
18 *result in a violation of a water quality standard under Section 303*  
19 *of the federal Clean Water Act (33 U.S.C. Sec. 1313) to those*  
20 *waters.*

21 (2) *A permit with respect to which paragraph (1) applies may*  
22 *be renewed, reissued, or modified to contain a less stringent*  
23 *effluent limitation or condition applicable to a pollutant if any of*  
24 *the following apply:*

25 (A) Material and substantial alterations or additions to the  
26 permitted facility occurred after permit issuance that justify the  
27 application of the less stringent effluent limitation or condition.

28 (B) Information, other than revised regulations, guidance, or  
29 test methods, is available that was not available at the time of  
30 permit issuance that would have justified the application of the  
31 less stringent effluent limitation or condition at the time of permit  
32 issuance.

33 (C) The permit issuer determines that technical mistakes or  
34 mistaken interpretations of law were made in issuing the permit  
35 in accordance with Section 402(a)(1)(B) of the federal Clean Water  
36 Act (33 U.S.C. Sec. 1342(a)(1)(B)).

37 (D) The less stringent effluent limitation or condition is  
38 necessary because of events over which the permittee has no  
39 control and for which there is no reasonably available remedy.



1 (E) The permittee has received a permit modification pursuant  
2 to Section 301(c), 301(g), 301(h), 301(i), 301(k), 301(n), or 316(a)  
3 of the federal Clean Water Act (33 U.S.C. Secs. 1311(c), 1311(g),  
4 1311(h), 1311(i), 1311(k), 1311(n), and 1326(a)).

5 (F) The permittee has installed the treatment facilities required  
6 to meet the effluent limitations or conditions in the previous permit  
7 and has properly operated and maintained the facilities but has  
8 nevertheless been unable to achieve the previous effluent  
9 limitations or conditions, in which case the limitations or conditions  
10 in the renewed, reissued, or modified permit may reflect the level  
11 of pollutant control actually achieved, but shall not be less stringent  
12 than required by effluent limitation guidelines promulgated under  
13 Section 304(b) of the federal Clean Water Act (33 U.S.C. Sec.  
14 1314(b)) in effect at the time of permit renewal, reissuance, or  
15 modification.

16 (3) Subparagraphs (B) and (C) of paragraph (2) do not apply to  
17 a revised waste load allocation or an alternative grounds for  
18 translating water quality standards into effluent limitations or  
19 conditions unless both of the following are satisfied:

20 (A) The cumulative effect of the revised allocation or alternative  
21 grounds results in a decrease in the amount of pollutants discharged  
22 into receiving waters.

23 (B) The revised allocation or alternative grounds is not the result  
24 of a discharger eliminating or substantially reducing its discharge  
25 of pollutants due to complying with the requirements of the federal  
26 Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or for reasons  
27 otherwise unrelated to water quality.

28 (d) The state board and regional boards shall not authorize an  
29 NPDES permit, waste discharge requirement, or waiver of a waste  
30 discharge requirement that does not include a complete  
31 antidegradation analysis as set out in State Water Resources  
32 Control Board Resolution No. 68-16 and Administrative Procedures  
33 Update 90-004.

34 13153. (a) (1) By January 1, 2030, the state board and regional  
35 boards shall develop an Impaired Waterways Enforcement Program  
36 to enforce all remaining water quality standard violations pursuant  
37 to Chapter 12 (commencing with Section 1825) of Part 2 of  
38 Division 2 and Article 1 (commencing with Section 13300) of  
39 Chapter 5 that are causing or contributing to an exceedance of a  
40 water quality ~~standard~~. *standard in a surface water of the state.*

1 (2) An enforcement action taken pursuant to the program shall  
 2 result in sufficient penalties, conditions, and orders to ensure the  
 3 person subject to the enforcement action is no longer causing or  
 4 contributing to an exceedance of a water quality ~~standard~~. *standard*  
 5 *in a surface water of the state.*

6 (3) A discharger shall remain liable for a violation of a water  
 7 quality standard until sampling ~~at the point of discharge~~  
 8 demonstrates that the discharge is no longer causing or contributing  
 9 to the ~~exceedance~~. *exceedance in a surface water of the state.*

10 (4) *A discharger shall not be responsible for natural sources*  
 11 *of pollution in surface waters of the state if the discharger can*  
 12 *demonstrate all of the following:*

13 (A) *Natural sources are not caused or mobilized by*  
 14 *anthropogenic activity contributing to a water quality standard*  
 15 *exceedance in receiving waters.*

16 (B) *Anthropogenic sources to a surface water of the state are*  
 17 *controlled and do not cause or contribute to an exceedance of an*  
 18 *applicable water quality standard in receiving waters.*

19 (C) *The discharge is consistent with any applicable waste load*  
 20 *allocation assigned through a total maximum daily load.*

21 ~~(4)~~

22 (5) Penalties obtained pursuant to the program shall be deposited  
 23 into the Waterway Attainment Penalty Subaccount, which is hereby  
 24 created in the Waterway Attainment Account. Moneys in the  
 25 subaccount shall be available for the state board to expend, upon  
 26 appropriation by the Legislature, for purposes of the program.

27 ~~(5)~~

28 (6) The state board and regional boards may issue an  
 29 enforcement order pursuant to Chapter 12 (commencing with  
 30 Section 1825) of Part 2 of Division 2 or Article 1 (commencing  
 31 with Section 13300) of Chapter 5 that includes a compliance  
 32 schedule deadline that extends beyond January 1, 2030, to a  
 33 discharger for a discharge that is causing or contributing to an  
 34 exceedance of a water quality standard.

35 (b) (1) By January 1, 2040, to ensure any water segments  
 36 impaired by ongoing legacy pollutants and nonpoint source  
 37 pollution are brought into attainment with water quality standards,  
 38 the state board and regional boards shall evaluate the state's  
 39 remaining impaired *state surface* waters using the most current  
 40 integrated report.

1 (2) The state board and regional boards shall, by January 1,  
2 2040, report to the Legislature in compliance with Section 9795  
3 of the Government Code a plan to bring the final impaired water  
4 segments into attainment by January 1, 2050.

5 (3) The requirement for submitting a report imposed under  
6 paragraph (2) is inoperative on January 1, 2044, pursuant to Section  
7 10231.5 of the Government Code.

8 (c) (1) The Waterway Attainment Account is hereby created  
9 in the Waste Discharge Permit Fund. Moneys in the Waterway  
10 Attainment Account shall be available for the state board to expend,  
11 upon appropriation by the Legislature, to bring remaining impaired  
12 water segments into attainment in accordance with the plan  
13 submitted pursuant to paragraph (2) of subdivision (b), subject to  
14 subdivision (d).

15 (2) (A) By January 1, 2040, subject to a future legislative act,  
16 50 percent of the annual proceeds of the State Water Pollution  
17 Cleanup and Abatement Account shall be annually transferred to  
18 the Waterway Attainment Account.

19 (B) This paragraph shall become inoperative January 1, 2051,  
20 or when all water segments are in attainment with water quality  
21 standards, whichever comes first.

22 (d) Moneys in the Waterway Attainment Account shall be  
23 expended by the state board, upon appropriation by the Legislature,  
24 to bring impaired waterways into attainment with water quality  
25 standards to the maximum extent possible. Moneys expended from  
26 the account shall address or prevent water quality impairments or  
27 address total maximum daily loads under the federal Clean Water  
28 Act (33 U.S.C. Sec. 1251 et seq.). Moneys in the account shall  
29 only be expended on the following:

30 (1) Restoration projects, including supplemental environmental  
31 projects, that improve water quality.

32 (2) Best management practice research innovation and incentives  
33 to encourage innovative best management practice implementation.

34 (3) Source control programs.

35 (4) Identifying nonfilers.

36 (5) Source identification of unknown sources of impairment.

37 (6) Enforcement actions that recover at least the amount of  
38 funding originally expended, which shall be deposited into the  
39 Waterway Attainment Account.

1 (7) Competitive grants to fund projects and programs for  
 2 municipal separate storm sewer system permit compliance  
 3 requirements that would prevent or remediate pollutants, including  
 4 zinc, caused by tires in the state. Priority shall be given to  
 5 applicants that discharge to receiving waters with zinc levels that  
 6 exceed the established total maximum daily loads and to projects  
 7 that provide multiple benefits.

8 (e) The state board shall, upon appropriation by the Legislature,  
 9 expend 5 percent of the annual proceeds of the State Water  
 10 Pollution Cleanup and Abatement Account to fund the state board's  
 11 SWAMP - Clean Water Team Citizen Monitoring Program in  
 12 order to inform the integrated report.

13 13154. For purposes of this article, the following definitions  
 14 apply:

15 (a) "Best management practice" means a practice or set of  
 16 practices determined by the state board or a regional board for a  
 17 designated area to be the most effective feasible means of  
 18 preventing or reducing the generation of a specific type of nonpoint  
 19 source pollution, given technological, institutional, environmental,  
 20 and economic constraints.

21 ~~(b) "Drinkable" applies to waters subject to a regional water~~  
 22 ~~quality control plan and means that the waters are drinkable to the~~  
 23 ~~extent required by the regional water quality control plan.~~

24 ~~(e)~~

25 (b) "Integrated report" means the state report that includes the  
 26 list of impaired waters required pursuant to Section 303(d) of the  
 27 federal Clean Water Act (33 U.S.C. Sec. 1313(d)) and the water  
 28 quality assessment required pursuant to Section 305(b) of the  
 29 federal Clean Water Act (33 U.S.C. Sec. 1315(b)).

30 ~~(d)~~

31 (c) "NPDES" means the national pollutant discharge elimination  
 32 system established in the federal Clean Water Act (33 U.S.C. Sec.  
 33 1251 et seq.).

34 ~~(e)~~

35 (d) "Regional board" means a California regional water quality  
 36 control board.

37 ~~(f)~~

38 (e) "Regional water quality control plan" means a water quality  
 39 control plan developed pursuant to Section 13240.

40 ~~(g)~~

1 (f) “State board” means the State Water Resources Control  
2 Board.

3 ~~(h)~~

4 (g) “State Water Pollution Cleanup and Abatement Account”  
5 means the State Water Pollution Cleanup and Abatement Account  
6 created pursuant to Section 13440.

7 ~~(i)~~

8 (h) “Supplemental environmental project” means an  
9 environmentally beneficial project that a person subject to an  
10 enforcement action voluntarily agrees to undertake in settlement  
11 of the action and to offset a portion of a civil penalty.

12 ~~(j)~~

13 (i) “Waste Discharge Permit Fund” means the Waste Discharge  
14 Permit Fund created pursuant to Section 13260.

15 ~~(k)~~

16 (j) “Waterway Attainment Account” means the Waterway  
17 Attainment Account created pursuant to paragraph (1) of  
18 subdivision (c) of Section 13153.

19 ~~(l)~~

20 (k) “Waterway Attainment Penalty Subaccount” means the  
21 Waterway Attainment Penalty Subaccount created pursuant to  
22 paragraph ~~(4)~~ (5) of subdivision (a) of Section 13153.