

1.1.2 Regulatory Framework: Water and Environmental Legislation

The State Water Resources Control Board (SWRCB) was created by the Legislature in 1967. The mission of the SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables the SWRCB to provide comprehensive protection for California's waters.

The SWRCB consists of five full-time salaried Members appointed by the Governor. There are nine Regional Water Quality Control Boards (RWQCB). The mission of the RWQCBs is to develop and enforce water quality objectives and implementation plans that will best protect the beneficial uses of the State's waters, recognizing local differences in climate, topography, geology and hydrology.

Each RWQCB has nine part-time Members, also appointed by the Governor, and confirmed by the Senate. RWQCBs develop "**Basin Plans**" for their hydrologic areas, establish water quality requirements, issue waste discharge permits, take enforcement action against violators, and monitor water quality.

The task of protecting and enforcing the many uses of water, including the needs of industry, agriculture, municipal districts, and the environment is an ongoing challenge for the SWRCB and RWQCBs.

History of the Organization

Water is essential to every aspect of life in California. Our State Constitution makes it clear that all water belongs to the people of California. The voters also declared in the Constitution that users of our water resources shall put water to the highest beneficial use possible and shall not waste or use it unreasonably. Years ago, the California Legislature recognized that we would not have sufficient clean water for agricultural, municipal, industrial, environmental and other uses unless water quality and water quantity decision-making was coordinated. The State Water Resources Control Board was created and has been entrusted with broad authority and immense responsibility to balance competing demands on our water resources and to resolve decades-long water disputes.

Both the SWRCB and the RWQCBs make important regulatory decisions at public meetings after receiving and considering comment from interest groups and the public. The boards work together to ensure that clean water is available for more than 30 million Californians who depend upon water for food, jobs, power, and recreation, as well as for fish and wildlife that also depend upon water for life.

The State Water Board has always followed its original mandate to balance, to the extent possible, all uses of California's water resources be they domestic, agricultural, or environmental. The task of balancing competing water needs in a state where water supply can be located hundreds of miles from its heaviest demand is often difficult. In

the past decade, the challenge has been exacerbated by California's rapid population growth and episodes of drought. Former State Water Board Chairman Don Maughan summed up his perception of the board's mission:

"The State Water Board has never had the luxury of advocating protection of just one water need, such as the environment or agriculture or the water needs of large cities. Our charge is to balance all water needs of the state. Some call it a superhuman task, but through the years, this Board, aided by its excellent staff, has done what I call a superhuman job of accomplishing that mandate despite the intense historical, political, and economic pressures that always accompany California water issues."

In addition to implementing the State Porter-Cologne Act, the SWRCB and RWQCBs are responsible for State-wide implementation of the federal Clean Water Act under a declaration of authority from the U.S. Environmental Protection Agency (U.S. EPA). California's recently approved Non-point Source Pollution Control Program was developed to comply with both the clean water act and the coastal Zone Act Reauthorization amendments of 1990. (Czara)

Total Maximum Daily Load

Section 303(d) of the federal Clean Water Act (CWA) requires states to identify and prepare a list of waters that do not, or are not expected to meet water quality standards after applying existing required controls (e.g., minimum sewage treatment technology). States are then required to prioritize waters/watersheds and target high priority sites for total maximum daily load (TMDL) development.

This means that the State will determine the amount of a specific pollutant a waterbody can receive and still attain and/or maintain the water quality standards that protect beneficial uses. The pollution load is then allocated among existing and potential sources, and an implementation plan is developed to reduce the pollutant load to an acceptable level. In addition to load allocations, a margin of safety also is established. Citizen Monitoring is a critical component of tracking water quality conditions throughout the State.

For more information on TMDLs, please see the State Water Resources website at <http://www.swrcb.ca.gov/tmdl/index.html>.