

**WATER EDUCATION FOUNDATION  
WATER 101—THE BASICS AND BEYOND**

**LEGAL AND INSTITUTIONAL MANAGEMENT  
FRAMEWORK**

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# THE CLEAN WATER ACT

FEDERAL LAW: 33 U.S.C. §§ 1251 *et seq.*

## Restrictions on Water Pollution

- “Point Source” Control
- “Nonpoint Source” (Runoff) Limitations
- Water Quality Standards



## Permit System

- NPDES Discharge Permits
  - Effluent limitations
- Nonpoint Source Pollution Management Programs
  - Industrial stormwater
  - TMDL Program

# SAFE DRINKING WATER ACT

FEDERAL LAW: 42 U.S.C. §§ 300f *et seq.*

## Contaminant Regulations

- EPA (or State) Lists regulated contaminants
- Sets Max Levels for “adequate margin of safety”
- Must be technologically feasible; EPA identifies affordable technologies to achieve standards

## Application of the Law

- Systems regularly serving at least 25 people or 15 service connections for human consumption

## Prohibits “underground injection”

- Law prohibits un-permitted underground injection (“Fracking” exempted)



# ENDANGERED SPECIES ACT

(FEDERAL LAW: 16 U.S.C. §§ 1531 *et seq.* AND CALIFORNIA LAW: CA FISH & G CODE §§ 2050 *et seq.*)

## Endangered and Threatened Listing

- Duty to consult: no jeopardizing listed species.
- Restrictions on “taking” an endangered species.
  - “Incidental take” is allowed if permit acquired
  - Civil and criminal penalties may apply

## Designation of Critical Habitat

- Duty to consult: must ensure that fed/state actions will not destroy designated critical habitat



# PORTER-COLOGNE WATER QUALITY ACT

STATE LAW: CAL WATER CODE §§ 13000 *et seq.*

## Permitting Program

- State and Regional Water Boards implement EPA's NPDES permitting program
- The Boards also issue NPDES Storm Water permits and Waste Discharge Requirements

## Water Quality Control Plans (Basin Plans)

- Identify beneficial uses
- Set water quality objectives
- Implementation program

# DELTA REFORM ACT OF 2009

CALIFORNIA LAW: CA WATER CODE §§ 85000 *et seq.*

## Coequal Goals

- Providing reliable water supply for California
- Protecting, restoring, and enhancing Delta ecosystem

## Delta Stewardship Council & Delta Plan

- Develops long-term Delta management plan
- Delta Plan functions as enforceable framework to achieve coequal goals
- Requires State and Local Agency “covered actions” to be consistent with the Delta Plan

## Other components of the Act

Delta Watermaster, Bay Delta Conservation Plan, Delta Levees/Flood Protection, Science Program

# State Water Resources Control Board

## 3 Major Programs

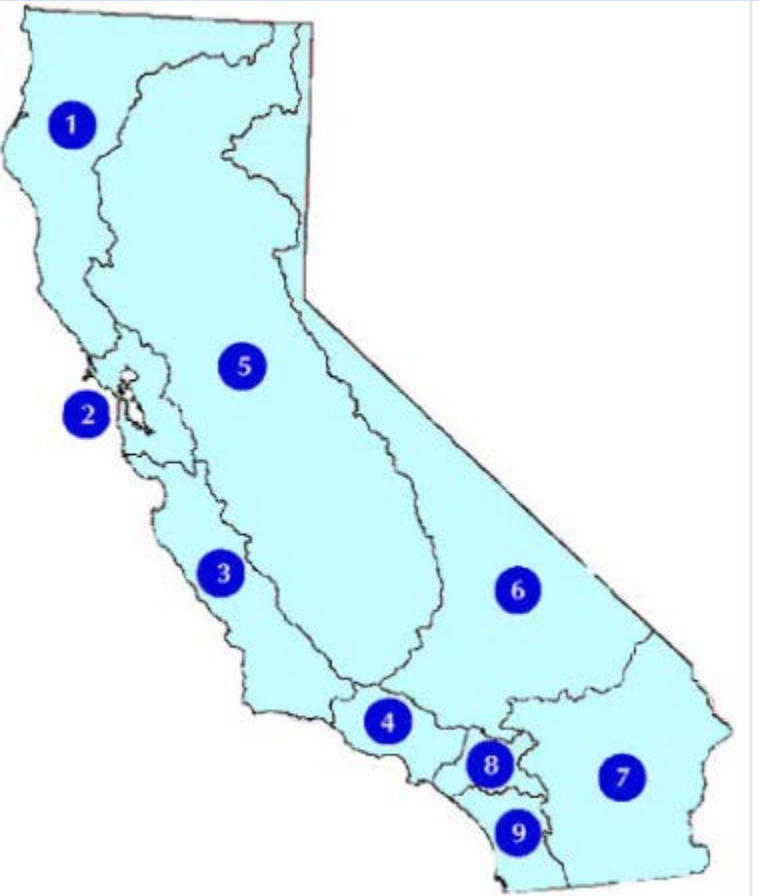
- Water Quality Protection
- Financial Assistance for Water Projects/Activities
- Water Rights Permitting Program

## SWRCB Roles in California Government

- Multi-Region water quality plans
- Issuance of water rights after 1914
- Implementation of federal CWA required actions
- Adjudication of water quality and water rights disputes

# REGIONAL WATER QUALITY CONTROL BOARDS

## Nine Regional Boards



- Organized by various geographical, hydrological, topographical, and geological factors

## RWQCB Roles

- Setting water quality standards
- Issuing permits and waste discharge requirements
- Monitoring compliance efforts by regulated parties
- Conducting enforcement proceedings



# CALIFORNIA DEPARTMENT OF WATER RESOURCES

## DWR Roles in California Government

- Manages the State Water Project
- California Water Plan
- Integrated Regional Water Management (IRWM)
- Division of flood management and dam safety
- SGMA role in drafting regulations
- Information services, CDEC

## Mission Statement (1956)

*To manage the water resources of California in cooperation with other agencies, to benefit the State's people, and to protect, restore, and enhance the natural and human environments*

# U.S. BUREAU OF RECLAMATION CENTRAL VALLEY PROJECT (CVP)



## Reclamation Role

- Development of major water projects, including dams, power plants, and canals

## Central Valley Project

- Consists of 20 dams and reservoirs, 11 power plants, and 500 miles of major canals
- Manages around 9 million acre feet of water for agricultural, urban, and wildlife uses

# U.S FISH & WILDLIFE SERVICE

## Federal Role

- Conserve, protect, and enhance fish, wildlife, plants and their habitats.
- Enforce federal wildlife laws (including ESA), manage migratory birds, restore fisheries, fund state fish and wildlife agencies
- Coordinate state efforts

## CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

## State Role

- Manage California's fish, wildlife, and plant resources
- Administer the California Endangered Species Act
- Respond to oil spills and "Hazmat" incidents
- Oversee hunting and fishing activities

# CALIFORNIA WATER COMMISSION

## Commission Role

- Confers with, advises, and makes recommendations to the director of the Department of Water Resources
- Reviews rules and regulations promulgated by DWR
- Selects water storage projects for funding and adopts methods for managing the projects

## Involvement with State Water Project

- Annually reviews the construction and operation of the Project
- Report findings to Legislature and DWR
- Hold public hearings regarding eminent domain proceedings and SWP operations

# CALIFORNIA DELTA CONSERVANCY

## The Conservancy Promotes Delta Interests

- Implements projects that will create environmental, economic, and social benefits for the Delta

## Specific Programs

- Ecosystem Restoration Program
- Economic Development Program
- Education and Outreach Program

## CDC Strategic Plan

- Establishes priorities and criteria for projects and programs designed to improve Delta conditions

# REGIONAL AND LOCAL WATER DISTRICTS

## Function of the Water Districts

- Essentially, a water district is a regional or local district that supplies water and sewer needs to a community

## Including...

- Irrigation, reclamation, or drainage of land
- Diversion, storage, management, and distribution of water

# CALIFORNIA PUBLIC UTILITIES COMMISSION WATER DISTRICTS

## CPUC Water Responsibilities

- Ensure that California's investor-owned water utilities deliver clean, safe, and reliable water

## CPUC Water District Operations

- 108 investor-owned water utilities
- Providing water service to around 16% of California Residents
- Annual water and wastewater revenues total \$1.4 billion

# MAJOR CONSTITUENCY GROUPS AND AGENCIES

- State and Federal Water Projects
- Water Project Contractors
- Irrigation Districts
- CPUC
- Reclamation Districts
- Mutual Water Companies
- Regional Joint Powers Authorities
- Individual Water Rights Holders





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