

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 601 (Allen)  
Version: April 21, 2025  
Hearing Date: April 29, 2025  
Fiscal: Yes  
Urgency: No  
AM

**SUBJECT**

Water: waste discharge

**DIGEST**

This bill seeks to preserve requirements under the federal Clean Water Act for nexus waters as they existed before May 25, 2023, including authorizing citizen enforcement of these provisions, as specified. The bill requires dischargers to demonstrate enrollment in federal discharge permits or state permits when applying for local business licenses or building permits. The bill also authorizes certain civil penalties related to violations of the Porter-Cologne Water Quality Control Act to be increased by the cost-of-living adjustment, as provided.

**EXECUTIVE SUMMARY**

On May 25, 2023, the U.S. Supreme Court issued its ruling in *Sackett v. Environmental Protection Agency*, which narrowed the definition of what constitutes a water of the United States (WOTUS) for purposes of being subject to the federal Clean Water Act (CWA). (*Sackett v. EPA* (2023) 598 U.S. 651 (hereafter *Sackett*.) The author, sponsors, and supporters of this bill state that this ruling has stripped many California streams and wetlands of federal protection under the CWA, and note that the Trump administration has indicated a desire to further limit the definition of WOTUS. They argue these federal rollbacks result in less protection for California wetlands and streams, and places an insurmountable burden on state regulators to re-write federal permits as state permits. They posit this bill merely places California in the same status before the *Sackett* decision. The provisions in the bill in this Committee's jurisdiction are the citizen suit enforcement provisions and increase in existing civil penalties.<sup>1</sup>

The bill is sponsored by the California Coastkeeper Alliance and Defenders of Wildlife. The bill is supported by a large coalition of environmental organizations. The bill is

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<sup>1</sup> For a detailed analysis of how the bill affects water law in the state please see the Senate Environmental Quality Analysis of this bill.

opposed by a large coalition of business organizations and associations, water agencies, and organizations representing various agricultural products. The bill passed the Senate Environmental Quality Committee on a vote of 5 to 3.

### **PROPOSED CHANGES TO THE LAW**

Existing federal law:

- 1) Establishes the federal Clean Water Act (CWA) to regulate discharges of pollutants into the waters of the United States (WOTUS) and to regulate quality standards for surface waters. (33 U.S.C. §§ 1251 et seq.)
- 2) Authorizes, under the federal Safe Drinking Water Act (SDWA), the United States Environmental Protection Agency (US EPA) to set standards for drinking water quality and to oversee the states, localities, and water suppliers who implement those standards. (42 U.S.C. §§ 300(f) et seq.)
- 3) Establishes the National Pollutant Discharge Elimination System (NPDES) permit program, which requires the State Water Resources Control Board (State Water Board) and the nine Regional Water Boards to prescribe waste discharge requirements that, among other things, regulate the discharge of pollutants into stormwater, including municipal stormwater systems. (33 U.S.C. § 1342.)

Existing state law:

- 1) Establishes the Porter-Cologne Water Quality Control Act (Porter-Cologne), which prohibits the discharge of pollutants to surface waters in the state unless the discharger obtains a permit from the State Water Board. (Wat. Code §§ 13000 et seq.)
- 2) Requires regulated industries and businesses to demonstrate enrollment with the NPDES permit program when applying to a city for an initial business license, equivalent instrument, or permit. (Bus. & Prof. Code § 16000.3.)
- 3) Requires regulated industries to demonstrate enrollment with the NPDES permit program when applying to a county for an initial business license, equivalent instrument, or permit. (Bus. & Prof. Code § 16100.3.)
- 4) Requires a Regional Water Board to prescribe requirements for any proposed discharge, existing discharge, or material change in an existing discharge, except discharges into a community sewer system, with relation to the conditions existing in the disposal area upon or receiving waters into which the discharge is made or proposed.
  - a) Specifies that requirements must implement any relevant water quality control plans that have been adopted, and take into consideration the

beneficial uses to be protected, water quality objectives, other waste discharges, the need to prevent nuisance, and other factors. (Wat. Code § 13263.)

- 5) Requires Regional Water Boards to adopt water quality standards within their region of jurisdiction. (Wat. Code § 13240.)
- 6) Provides for civil liability for the violation of a cease and desist order, cleanup and abatement order, violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued during the discharge of waste. (Wat. Code § 13350.)

This bill:

- 1) Requires regulated industries to demonstrate enrollment with the National Pollutant Discharge Elimination System (NPDES) or the Waste Discharge Requirements (WDR) permit programs when applying to a city or county for an initial business license, equivalent instrument, or permit.
  - a) For building and construction permits, requires regulated industries that seek permission for construction activities over one acre to demonstrate enrollment with the NPDES or WDR permit programs.
  - b) Requires a city or county to confirm that the regulated industries, including those requesting building and construction permits, have a valid Waste Discharger Identification Number (WDID) and WDID application number before issuing the requested permit, license, or equivalent instrument.
  - c) Requires a city or county to transfer compliance information for regulated industries, including those requesting building and construction permits, to the State Water Board.
- 2) Requires any water quality standard applicable to nexus waters that was submitted to, approved by, or awaiting approval by the U.S. EPA or State Water Board prior to January 19, 2025, to remain in effect unless a more stringent standard is adopted.
- 3) Defines “federal standards” to mean federal laws or regulations implementing the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) in effect as of January 19, 2025, including, but not limited to, water quality standards, effluent limitations, and drinking water standards in effect as of January 19, 2025. If, after January 19,

2025, those federal laws or regulations are modified to set a more stringent requirement, the more stringent requirements shall apply.

- 4) Defines “nexus waters” to mean all waters of the state that are not also navigable waters, as defined in Section 13373 of the Water Code, except as specified.
- 5) Requires the State Water Board and Regional Water Boards to include nexus waters in all processes pursuant to the federal CWA, as provided.
- 6) Authorizes the State Water Board to adopt water quality control plans for any waters of the state.
- 7) Requires the Regional Water Boards (Regional Boards) to implement relevant water quality control plans and state policies for water quality control when prescribing requirements for any proposed or existing discharge.
  - a) Removes the existing requirement for the consideration of additional factors in establishing water quality objectives including, but not limited to economic considerations, the need for developing housing, and the need to develop and use recycled water.
- 8) Requires, beginning January 1, 2026, the State Water Board’s executive director to adjust civil monetary penalties for violations of specified provisions of the Water Code based on the cost-of-living adjustment.
  - a) Specifies that the amount of the increase in a civil monetary penalty is not to exceed 150 percent of the amount of that civil monetary penalty from the previous year, except for the first adjustment.
  - b) Provides that any increase under these provisions to civil monetary penalties apply for violations that predated the increase, but for which are assessed after the date the increase takes effect.
- 9) Provides that nexus waters are to be treated as though they are navigable waters of the United States, and discharge is to include discharges from any point source to nexus waters.
- 10) Authorizes an action to be brought in superior court by a person in the public interest to enforce federal requirements, state standards incorporated by or adopted under these provisions applicable to nexus waters, or other waste discharge requirements applicable to discharges from any point source to nexus waters, each to the extent a cause of action was available pursuant to Section 1365 of Title 33 of the United States Code (CWA) and implementing regulations prior to May 25, 2023.
  - a) A person who intends to initiate an action must, at least 60 days before initiating such action, provide a written notice of the alleged violation to the alleged violator, the State Water Board, the Attorney General, the applicable

- Regional Board, and a district attorney, county counsel, and prosecutor in whose jurisdiction the violation is alleged to have occurred.
- b) Prohibits an action from commencing if the state board, the Attorney General, a regional board, a district attorney, a city attorney, a county counsel, or a prosecutor in whose jurisdiction the violation is alleged to have occurred has commenced, and is diligently prosecuting, a civil or criminal judicial enforcement proceeding against the alleged violator for the same violations.
  - c) Requires the complainant to notify the AG that the action has been filed.
  - d) Authorizes the court to award costs of litigation, including reasonable attorney's and expert witness fees, to any prevailing or substantially prevailing plaintiff, whenever the court determines that award is appropriate for an action brought pursuant under these provisions.
  - e) Authorizes civil penalties to be imposed by a superior court that are equivalent in value to penalties available for citizen suits brought under the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.) and its implementing regulations.
  - f) Civil penalties are prohibited from exceeding the civil penalty amounts under Part 19 (commencing with Section 19.1) of Subchapter A of Chapter 1 of Title 40 of the Code of Federal Regulations.
  - g) Penalties assessed and recovered are to be deposited into the Waste Discharge Permit Fund and separately accounted for in that fund. Those moneys are to be expended by the State Water Board, upon appropriation by the Legislature, to assist Regional Boards, and other public agencies with authority to clean up waste or abate the effects of the waste, in cleaning up or abating the effects of the waste on waters of the state or for specified other purposes. These provisions do not apply to settlement agreements or consent decrees.
  - h) Prohibits an action from being brought against a good faith discharger for violations alleged to have occurred between January 1, 2026, and six months after implementation of waste discharge requirements for nexus waters.

### COMMENTS

#### 1. Stated need for the bill

The author writes:

Water is a precious resource in our state, and essential for our communities to drink, grow food, safely bathe and swim in, as well as to support healthy ecosystems and the environment. Through a robust permitting process implemented by the state, the federal Clean Water Act has regulated if, how, and when industrial, municipal, or other business facilities could discharge pollutants into our "Waters of the United States", or "WOTUS" for decades. These protections were abruptly changed in May 2023, when the U.S. Supreme Court ruling in *Sackett v. EPA* significantly narrowed

which waters fell under the “WOTUS” definition, undermining and rolling back these pollution protection measures for many of our streams and wetlands. SB 601 will roll back the clock to before the *Sackett v. EPA* decision to maintain the protections these waters had enjoyed for decades by enshrining a new framework into state law for the previously federally protected waters, and empowering the State Water Resources Control Board with tools to efficiently implement and enforce this framework. SB 601 will also help future-proof our drinking water standards by having the Water Board quickly adopt the standards that were in place prior to the current federal administration, providing protections against uncertainty or possible retreating federal policy.

## 2. Background

### *a. Federal law - Clean Water Act (CWA) and Safe Drinking Water Act (SDWA)*

The CWA regulates discharges of pollutants into the waters of the United States (WOTUS) and regulates quality standards for surface waters. (33 U.S.C. § 1251.) Under the SDWA, the U.S. EPA sets standards for drinking water quality. (42 U.S.C. § 300(f).) Under the CWA, there is the National Pollutant Discharge Elimination System (NPDES) permit program. This program requires the State Water Board and the nine Regional Boards to prescribe waste discharge requirements. Entities that are point source dischargers into a navigable water of the United States (WOTUS) are required to get NPDES permits. For those that discharge dredged and fill materials into a WOTUS, a 404 permit is required. Under the CWA, the State Water Board is granted authority to implement regulations and bring enforcement actions, which are both civil and criminal.

### *b. Citizen suit provisions under the CWA*

The CWA includes a qui tam or citizen enforcement provision. The citizen enforcement provision works as follows:

- Before a suit can be brought, a plaintiff must send a 60-day notice of intent to file suit to the entity it alleges is in violation, the state regulator (State Water Board), and the U.S. EPA.
- This starts a 60-day period for the alleged violator to come into compliance with its permit to avoid a court case.
- A citizen suit can only move forward after the 60-day period expires if: (1) the violator has not come into compliance; (2) the regulating agency failed to require compliance through an order or other action; and (3) the regulating entity did not bring its own enforcement action.

A violator can be hit with an injunction, civil penalties of up to \$37,500 per each separate violation (these are paid to the Government), and litigation costs can be

recouped by the citizen plaintiff. Settlements and offers in compromise can be made under the CWA, with settlement funds often going to fund projects in the affected community.

*c. State law - Porter-Cologne Water Quality Control Act*

The Porter-Cologne Water Quality Control Act (Porter-Cologne) prohibits the discharge of any pollutant into waters of the state unless the discharger obtains a permit from the State Water Board. (Wat. Code §§ 13000 et seq.) Additionally, regulated industries are required to show evidence that they have a NPDES permit when applying for an initial business license with a city and/or county. (Bus. & Prof. Code § 16000.3 & § 16100.3.) Waters subject to Porter-Cologne are referred to as waters of the state, which encompass all surface waters and groundwater within the state. Waters of the state that are not also regulated as a WOTUS under the CWA, must get a waste discharge requirement permit from the State Water Board and/or the Regional Boards.

*d. SCOTUS on WOTUS*

In order to be subject to the CWA, a body of water has to be considered a WOTUS. The definition of what constitutes a WOTUS was narrowed by the U.S. Supreme Court in the *Sackett v. Environmental Protection Agency* decision effective May 25, 2023. (*Sackett v. EPA* (2023) 598 U.S. 651.) In essence, the *Sackett* decision affects wetlands and streams. The court held that “only wetlands that are as a practical matter indistinguishable from” a WOTUS are covered by the CWA. This changed the prior understanding of what a WOTUS encompassed, which included a wetland with a significant nexus to a traditional navigable water. After *Sackett*, a wetland or stream does not need to be merely adjacent to a WOTUS, but it must have a continuous surface connection with the WOTUS, making it difficult to determine where the WOTUS ends and a wetland (or stream) begins.

3. Bill seeks to preserve requirements under the CWA for nexus waters as they existed before May 25, 2023

The bill is intended to address the *Sackett* decision by requiring any water quality standard applicable to nexus waters that was submitted to, approved by, or awaiting approval by the U.S. EPA or State Water Board prior to January 19, 2025, to remain in effect unless a more stringent standard is adopted. “Nexus waters” is defined as all waters of the state that are not also navigable waters, as defined in Section 13373 of the Water Code, with certain exceptions. Section 13373 of the Water Code defines navigable waters as having the same meaning as under the CWA. This approach is similar to the one taken in SB 1 (Atkins, 2019), which sought to establish mechanisms to preserve specified environmental, public health, and labor standards and remedies in California as they existed on January 19, 2017, should federal standards be weakened. That bill applied to the CWA in addition to several other federal acts. SB 1 passed the Legislature

but was ultimately vetoed by Governor Newsom. (*see* Prior Legislation, below, for veto statement.)

#### 4. Citizen suit provision

The citizen suit provision in this bill is modeled off the language in SB 1. Under the bill, an action may be brought in superior court by a person in the public interest to enforce federal requirements, state standards incorporated by or adopted under the bill's provisions applicable to nexus waters, or other waste discharge requirements applicable to discharges from any point source to nexus waters, each to the extent a cause of action was available pursuant to Section 1365 of Title 33 of the CWA and any implementing regulations prior to May 25, 2023. A person who intends to initiate an action must provide a written notice of the alleged violation to the alleged violator, the AG, the State Water Board, the applicable Regional Board, and the local prosecutor in whose jurisdiction the violation is alleged to have occurred. A suit cannot go forward if one of the governmental entities commences a cause of action. A prevailing plaintiff, or substantially prevailing plaintiff, is authorized to receive costs of litigation, including attorneys fees and expert witness fees. A civil penalty cannot exceed that which can be recovered under the CWA. The bill prohibits an action from being brought against a good faith discharger for violations alleged to have occurred between January 1, 2026, and six months after implementation of waste discharge requirements for nexus waters.

The sponsors of the bill and the support coalition write in regards to the citizen suit provisions that:

SB 601 maintains the same level of community enforcement that has existed for over 50 years. The bill explicitly states that community enforcement is only available if a cause of action is available under the Clean Water Act and only for point-source discharges to waters protected by the Clean Water Act prior to *Sackett*. This is the same language that opposition and the Sponsors negotiated in good faith to get opposition to neutral back 2019 on a similar bill, SB 1 (Atkins, 2019)

SB 601 requires communities to provide 60 days of notice to a polluter and the government before an enforcement action may be submitted to a court to prevent frivolous litigation. Polluters can use those 60 days to clean up their act or come to a settlement agreement. Additionally, government, including the State Attorney General, local Attorney General, and the State Water Boards, all receive notice and can step in to take away the case if they believe the case was brought frivolously. Despite the opposition's baseless claims, community enforcement has not led to excessive litigation. Opposition claims that SB 601 will lead to excessive litigation similar to ADA compliance litigation – that assertion is completely unsupported by the evidence. Again, SB 601 only maintains the same level of enforcement that has been allowed for the last 50 years. And when you compare community clean water



enforcement to ADA compliance litigation, the numbers are staggeringly dissimilar. In the last 5 years, over 12,000 ADA lawsuits were filed in California; compared to only 800 clean water enforcement notifications sent to polluters – the majority of which never resulted in litigation because they were settled out of court.

The opposition coalition has many concerns with the bill. In regards to the citizen suit provision, they write:

SB 601 would, for the first time, establish a private right of action (citizen suit provision) under the Porter-Cologne Act, which will increase the potential for litigation on permittees under the proposed definition of “nexus waters.” There is currently no private right of action under the Porter-Cologne Act, as enforcement is handled by the state and regional water boards. Unfortunately, the six-month delay in implementation of this provision that was amended into the bill does not address our concerns. Proponents of this provision will argue that the private right of action is needed to match the pre-*Sackett* status quo. However, the standards for achieving standing in a state court are much lower than in federal court. A state level private right of action is not analogous to a federal private right of action.

The addition of a private right of action is deeply troubling, as it will almost certainly instigate a wave of new litigation, as anyone would be allowed to bring a lawsuit alleging a violation of permit conditions for permits associated with point source discharges to “nexus waters.” The confusing and expansive definition of “nexus waters” in SB 601 significantly increases the risk of predatory and frivolous litigation. SB 601 also allows for recovery of attorneys’ fees and expert fees, which further incentivizes this litigation. Proposition 65, which has a similar citizen suit provision, has enabled a flood of costly frivolous lawsuits. SB 601 would allow for opportunistic legal challenges against permit holders, including local governments, the costs of which will be borne by ratepayers, taxpayers, and local general funds.

5. Bill increases certain civil penalties based on the cost-of-living adjustment

The bill requires, beginning January 1, 2026, that the State Water Board’s executive director adjust civil monetary penalties for violations of specified provisions of the Water Code based on the cost-of-living adjustment. The penalty amount adjustment is to be determined by increasing the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment. Any increase is to be rounded to the nearest multiple of \$1. The amount of the increase is not to exceed 150 percent of the amount of that civil monetary penalty from the previous year, except for the first adjustment. The “cost-of-living adjustment” means the percentage, if any, for each civil monetary penalty by which the Consumer Price Index for the month of October preceding the

date of the adjustment exceeds the Consumer Price Index for the month of October one year before the month of October preceding the date of the adjustment.

## 6. Amendments

To address some of the concerns raised by the opposition, the author has agreed to amend the bill to do all of the following:

- Specify that a person bringing an action under the citizen suit provision has to have suffered an injury in fact.
- State it is the intent of the Legislature that the citizen enforcement provision only applies to an action that would satisfy all the requirements to bring a cause of action pursuant to Section 1365 of Title 33 of the United States Code prior to *Sackett*, and should not be interpreted to grant standing to a plaintiff who would not have satisfied standing requirements, or to nexus waters that would not have met the definition of a water of the united states, prior to that decision.
- Specify that a demand for payment or request for payment that is made prior to providing the required 60-day written notice is deemed a violation of the requirement to provide that notice.
- Clarify that person has the same meaning as in Section 19 and Section 13050, inclusive, of the Water Code.
- Require the AG to publish a report on its website each year on all of the following: (a) the number of 60-day notices received; (b) the number of actions actually filed; (c) the outcome, to the extent known, for all 60-day notices received, including, but not limited to, settlements, offers in compromise, actions filed in court, or whether a public prosecuting entity pursued the matter.

The specific amendments are as follows:<sup>2</sup>

Section 13366 of the Water Code is amended to read:

**13366.** (a) (1) An action may be brought in superior court by a person *who has suffered an injury in fact* in the public interest to enforce federal requirements, state standards incorporated by or adopted under this division applicable to nexus waters, or other waste discharge requirements applicable to discharges from any point source to nexus waters, each to the extent a cause of action was available pursuant to Section 1365 of Title 33 of the United States Code and implementing regulations prior to May 25, 2023.

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<sup>2</sup> The amendments may also include technical, nonsubstantive changes recommended by the Office of Legislative Counsel.

*(2) It is the intent of the Legislature that this subdivision only applies to an action that would satisfy all the requirements to bring a cause of action pursuant to Section 1365 of Title 33 of the United States Code prior to Sackett v. EPA (2023) 598 U.S. 651, and should not be interpreted to grant standing to a plaintiff who would not have satisfied standing requirements, or to nexus waters that would not have met the definition of a water of the united states, prior to that decision.*

(b) At least 60 days before initiating an action pursuant to this section, the person who intends to initiate the action shall provide a written notice of the alleged violation to the alleged violator, the state board, the Attorney General, the applicable regional board, and a district attorney, county counsel, and prosecutor in whose jurisdiction the violation is alleged to have occurred. *A demand for payment or request for payment that is made prior to providing the written notice under this subdivision shall be deemed a violation of the requirement to provide at least 60 days' notice as required under this subdivision.*

(c) A civil monetary penalty action shall not be commenced pursuant to this section if the state board, the Attorney General, a regional board, a district attorney, a city attorney, a county counsel, or a prosecutor in whose jurisdiction the violation is alleged to have occurred has commenced, and is diligently prosecuting, a civil or criminal judicial enforcement proceeding against the alleged violator for the same violations noticed pursuant to subdivision (b).

(d) Upon filing the action, the complainant shall notify the Attorney General that the action has been filed.

(e) The court may award costs of litigation, including reasonable attorney's and expert witness fees, to any prevailing or substantially prevailing plaintiff, whenever the court determines that award is appropriate for an action brought pursuant to this section. Attorney's fees awarded under this section shall be awarded pursuant to Section 1021.5 of the Code of Civil Procedure.

(f) Civil penalties that may be imposed by a superior court for an action brought pursuant to this section are equivalent in value to penalties available for citizen suits brought under the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.) and its implementing regulations. Notwithstanding any law requiring or authorizing higher penalties, civil penalties assessed pursuant to this section shall not exceed the civil penalty levels under Part 19 (commencing with Section 19.1) of Subchapter A of Chapter 1 of Title 40 of the Code of Federal Regulations. Penalties assessed and recovered in a civil action brought pursuant to this section shall be deposited into the Waste Discharge Permit Fund and separately accounted for in that fund. Those moneys shall be expended by the state board, upon appropriation by the Legislature, to assist regional boards, and other public agencies with authority to clean up waste or abate the effects of the waste, in cleaning up or abating the effects of the waste on

waters of the state or for the purposes authorized in Section 13443. This subdivision shall not apply to settlement agreements or consent decrees.

(g) This section does not limit other remedies and protections available under state or federal law.

(h) This section shall only apply to violations concerning nexus waters.

(i) As used in this section, ~~“federal requirements”~~ *the following terms have the following meanings:*

(1) “Federal requirements” shall have the same meaning as “effluent standard or limitation under this chapter” in Section 1365 of Title 33 of the United States Code and implementing regulations as of May 24, 2023.

(2) “Good faith discharger” means a discharger who obtained a waste discharge requirement that is not also a federal permit or certification pursuant to the Federal Water Pollution Control Act between May 25, 2023, and January 1, 2026, for a discharge to a nexus water.

(3) “Person has the same meaning as Section 19 and Section 13050.

(j) An action shall not be brought pursuant to this section against a good faith discharger for violations alleged to have occurred between January 1, 2026, and six months after implementation of waste discharge requirements for nexus waters.

~~(k) As used in this section, “good faith discharger” means a discharger who obtained a waste discharge requirement that is not also a federal permit or certification pursuant to the Federal Water Pollution Control Act between May 25, 2023, and January 1, 2026, for a discharge to a nexus water.~~

~~(k)~~ (k) The department shall provide public notification to currently enrolled permittees on the waste discharge requirements for nexus waters and potential for enforcement pursuant to this section.

(l) The Attorney General shall publish a report on its internet website by December 31 of each year on all of the following:

(1) The number of written notices received pursuant to subdivision (b).

(2) The number of actions filed pursuant to subdivision (d).

(3) To the extent known, the outcome for all notices received pursuant to subdivision (b), including, but not limited to, settlements, offers in compromise, actions filed in court, or whether a public prosecuting entity pursued the matter.

## 7. Statements in support

The sponsors of the bill and the support coalition write:

[...]SB 601 would restore and preserve 50 years of federal protections by codifying them in state law to ensure California’s clean water protections do not go backwards. The Act would provide California with the same Clean Water Act tools it had before Trump and Sackett, while assisting the resource-constrained California Water Boards. GIS mapping estimates that over 600,000 miles of CA streams and up to 93% of CAs wetlands are at risk of losing Clean Water Act protections. SB 601 would ensure clean water protections remain at least as protective for those waters as they did prior to the Sackett decision.

SB 601 would allow the Water Boards to efficiently develop state permits akin to previous Clean Water Act Permits. SB 601 gives the Water Board the legal tools to “copy and paste” federal permits into state permits to respond to the *Sackett* and Trump rollbacks. Without SB 601, the California Water Boards would be forced to write thousands of new, individual permits all requiring CEQA. With SB 601, the California Water Boards would simply need to draft several new findings into existing permits when re-issuing them. Finally, SB 601 aims to disincentivize “permit shopping” by standardizing enforcement. By creating state permits with the same standards and enforcement that we have under the Clean Water Act, SB 601 prevents permittees from permit shopping for less stringent, more cumbersome to enforce state permits. SB 601 provides the same level of enforcement in state law as the Clean Water Act provides to dis-incentivize permittees from requesting less stringent state permits.[...]

## 8. Statements in opposition

The opposition coalition writes, “[while we share the author’s goal of protecting water quality, the approach proposed by this bill goes far beyond simply returning to a previous level of protection, as the bill’s sponsors assert it would. SB 601 would strain local resources and unnecessarily complicate California’s legal and regulatory framework for achieving water quality goals. We acknowledge that the author has made some amendments to the bill; however, as those amendments do not address our primary concerns with SB 601, we must remain respectfully opposed for the reasons listed below[:]”

- SB 601 proposes a complex and costly change to the state’s water quality law that will make it harder for local governments to deliver critical services.
- The proposed citizen suit provision will delay infrastructure construction, raise utility bills, and invite predatory litigation.
- California already has the ability to protect water quality standards when federal requirements are relaxed.

- SB 601 will frustrate efforts to build desperately needed housing and water infrastructure.
- SB 601 would needlessly strain local budgets and drive up costs for Californians.

### SUPPORT

California Coastkeeper Alliance (sponsor)  
Defenders of Wildlife (sonsor)  
A Voice for Choice Advocacy  
Active San Gabriel Valley  
Alianza Coachella Valley  
American Rivers  
Audubon California  
Azul  
Batiquitos Lagoon Foundation  
Battle Creek Alliance  
Bolsa Chica Land Trust  
Cactustocloud Institute  
California Coastal Protection Network  
California Environmental Voters  
California Marine Sanctuary Foundation  
California Native Plant Society  
California Public Interest Research Group Students  
California Sportfishing Protection Alliance  
California Trout  
California Wilderness Coalition  
Californians for Alternatives to Toxics  
Catholic Charities of Stockton  
Center for Biological Diversity  
Center for Community Action and Environmental Justice  
Center for Environmental Health  
Central California Environmental Justice Network  
Citizens Committee to Complete the Refuge  
Citizens for Los Angeles Wildlife  
Clean Water Action California  
Cleaneearth4kids.org  
Climate Action California  
Coast Action Group  
Coastal Corridor Alliance  
Coastal Environmental Rights Foundation  
Coastal Policy Solutions  
Community Water Center  
East Area Progressive Democrats  
Ecological Rights Foundation

Endangered Habitats League  
Environmental Defense Center  
Environment California  
Environment in the Public Interest  
Environmental Action Committee of West Marin  
Environmental Center of San Diego  
Environmental Defense Fund  
Environmental Law Foundation  
Environmental Protection Information Center  
Exergy Systems  
Fish On  
Food and Water Watch  
Friends Committee on Legislation of California  
Friends of Ballona Wetlands  
Friends of Gualala River  
Friends of Harbors, Beaches and Parks  
Friends of the Dunes  
Friends of the Eel River  
Friends of the Inyo  
Friends of the River  
Golden Gate Bird Alliance  
Golden Gate Salmon Association  
Heal the Bay  
Hills for Everyone  
Humboldt Waterkeeper  
Idle No More, Venice  
Inland Empire Waterkeeper  
Leadership Counsel for Justice and Accountability  
Linde Center for Science, Society, and Policy at Caltech  
Los Angeles Alliance for a New Economy  
Los Angeles Neighborhood Land Trust  
Los Angeles United Methodist Urban Foundation  
Los Angeles Waterkeeper  
Los Padres Forest Watch  
Mono Lake Committee  
Monterey Waterkeeper  
Mount Shasta Bioregional Ecology Center  
National Parks Conservation Association  
Native American Land Conservancy  
NRDC  
Occidental Arts and Ecology Center  
Orange County Coastkeeper  
Orange County Environmental Justice  
Ourwaterla Coalition

Physicians for Social Responsibility - Los Angeles  
Planning and Conservation League  
Plastic Pollution Coalition  
Resource Renewal Institute  
Restore the Delta  
Russian Riverkeeper  
San Diego Bird Alliance  
San Diego Coastkeeper  
San Francisco Baykeeper  
San Luis Obispo Coastkeeper  
Santa Barbara Channelkeeper  
Santa Clara Valley Bird Alliance  
Save California Salmon  
Save Our Shores  
Save the Bay  
Sea of Clouds  
Seventh Generation Advisors  
Shasta Waterkeeper  
Sierra Club California  
Sierra Nevada Alliance  
Siskiyou Crest Coalition  
Smith River Alliance  
Social 350 Climate Action  
Social Eco Education  
Sonoma County Conservation Action  
Sonoma County Japanese American Citizens League  
Sonoma Ecology Center  
Sonoma Mountain Preservation  
Sonoma Safe Agriculture Safe Schools  
South Yuba River Citizens League  
Surfrider Foundation  
The 5 Gyres Institute  
The League to Save Lake Tahoe  
The Otter Project  
The River Project  
The Stream Team  
The Summertree Institute  
Trout Unlimited  
Tuolumne River Trust  
Turtle Island Restoration Network  
Union of Concerned Scientists  
Ventura Coastkeeper  
Water Climate Trust  
Waterkeeper Alliance



Wildcoast

Winnemem Wintu Tribe

Wishtoyo Chumash Foundation

Yuba River Waterkeeper

## OPPOSITION

African American Farmers of California

Agricultural Council of California

Almond Alliance

Association of California Egg Farmers

Association of California Water Agencies

Brea Chamber of Commerce

California Agricultural Aircraft Association

California Apple Commission

California Association of Realtors

California Association of Wheat Growers

California Association of Winegrape Growers

California Bean Shippers Association

California Blueberry Association

California Blueberry Commission

California Building Industry Association

California Chamber of Commerce

California Citrus Mutual

California Construction and Industrial Materials Association

California Cotton Ginners and Growers Association

California Farm Bureau

California Fresh Fruit Association

California Grain and Feed Association

California Independent Petroleum Association (CIPA)

California League of Food Producers

California Manufacturers & Technology Association

California Municipal Utilities Association

California Pear Growers Association

California Rice Commission

California Seed Association

California State Floral Association

California Stormwater Quality Association

California Strawberry Commission

California Tomato Growers Association

California Walnut Commission

California Water Association

Carlsbad Chamber of Commerce

City of Santa Rosa

Corona Chamber of Commerce  
County of Monterey  
Cucamonga Valley Water District  
Elsinore Valley Municipal Water District  
Garden Grove Chamber of Commerce  
Greater High Desert Chamber of Commerce  
Grower-Shipper Association of Central California  
Imperial Irrigation District  
Industry Business Council  
J.G. Boswell Company  
Lake Elsinore Valley Chamber of Commerce  
Livermore Valley Chamber of Commerce  
Long Beach Chamber of Commerce  
Milk Producers Council  
Napa Chamber of Commerce  
Nisei Farmers League  
North San Diego Business Chamber  
Northern California Water Association  
Oceanside Chamber of Commerce  
Olive Growers Council of California  
Orange County Business Council  
Pacific Egg & Poultry Association  
Padre Dam Municipal Water District  
Rancho Cordova Chamber of Commerce  
Rancho Mirage Chamber of Commerce  
Redondo Beach Chamber of Commerce  
Ridgecrest Chamber of Commerce  
Rural County Representatives of California  
Santa Clarita Valley Chamber of Commerce  
Santa Clarita Valley Water Agency  
South Bay Association of Chambers of Commerce  
The Metropolitan Water District of Southern California  
Tulare Chamber of Commerce  
Ventura County Farm Bureau  
Western Growers Association  
Western Municipal Water District  
Western Plant Health Association  
Western Tree Nut Association  
Wine Institute

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation: SB 1 (Atkins, 2019), would have established mechanisms to preserve specified environmental, public health, and labor standards and remedies in California as they existed on January 19, 2017, should federal standards be weakened. SB 1 was vetoed by the Governor stating, “[w]hile I disagree about the efficacy and necessity of Senate Bill 1, I look forward to working with the Legislature in our shared fight against the weakening of California's environmental and worker protections.”

**PRIOR VOTES:**

Senate Environmental Quality Committee (Ayes 5, Noes 3)

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