

Gov. Davis signs law to get tough on water polluters

By Jenifer Warren
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Sacramento—Cracking down on polluters and regulators who police them, California has a new law toughening penalties for repeat violators of state water quality rules.

Signed into law by Gov. Gray Davis just before midnight Monday, the new standards take effect Jan. 1. They come on the heels of several studies documenting lax enforcement of regulations designed to protect the state's waterways.

The studies found that the State Water Resources Control Board, along with nine regional boards, routinely fail to punish repeat polluters.

The new law attacks the problem by removing some of the boards' discretion. In cases of serious and repeat violations, polluters will now face a minimum mandatory fine of \$3,000.

Violators also can be forced to prepare a pollution prevention plan, a process requiring an audit of their facility and a blueprint showing how they intend to comply with clean water laws.

Supporters of the bill rejoiced over its signing, calling it the first new environmental initiative approved by Davis.

"It's a very important step," said Andy Igrejas, a lobbyist for the California League of Conservation Voters. "Up until now, there has been a strong incentive to pollute in California, because nobody was getting fined. This law turns that around."

Mark Gold, executive director of the Santa Monica-based non-profit group Heal the Bay, called Davis action "a signal that the days of 'it pays to pollute' may be over."

The law was modeled after a New Jersey program that has dramatically increased compliance with water quality rules in that state. The bill's author, Assembly-woman Carole Migden (D-San Francisco), said her intent was to "put some might and grit into the law."

"This isn't about the accidental discharges, it's about the flagrant, repeat violator who has had ample warning and is still polluting our rivers, bays and brooks, Migden said.

A 1998 study by the U.S. Environmental Protection found that only 37% of the state's bays and harbors were safe for swimming. Only 8% were safe for fishing.

The state and regional water boards are the regulators in charge. They issue permits to more than 20,000 businesses, oil refineries and sewage plants.