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AB-834 Freshwater and Estuarine Harmful Algal Bloom Program. (2019-2020)

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Assembly Bill No. 834

CHAPTER 354

An act to add Section 13182 to the Water Code, relating to water quality.

[Approved by Governor September 27, 2019. Filed with Secretary of State September 27, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 834, Quirk. Freshwater and Estuarine Harmful Algal Bloom Program.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with regulatory authority over water quality.

The State Civil Service Act authorizes state agencies to enter into personal services contracts if prescribed conditions are met, including a clear demonstration by the contracting agency that the proposed contract will result in actual overall cost savings to the state, compared to the cost to the state of providing the same services, and award of the contract through a publicized, competitive bidding process. Existing law generally requires state agencies to obtain at least 3 competitive bids for each contract. Under existing law, this requirement does not apply under certain circumstances, including, among others, in cases of emergency, as defined, where a contract is necessary for the immediate preservation of the public health, welfare, or safety, or protection of state property.

This bill would require the state board to establish a Freshwater and Estuarine Harmful Algal Bloom Program to protect water quality and public health from harmful algal blooms. The bill would require the state board, in consultation with specified entities, among other things, to coordinate immediate and long-term algal bloom event incident response, as provided, and conduct and support algal bloom field assessment and ambient monitoring at the state, regional, watershed, and site-specific waterbody scales. The bill would require the state board, on or before July 1, 2021, to post on its internet website information including, among other things, the incidence of, and response to, freshwater and estuarine harmful algal blooms in the state during the previous 3 years and actions taken by the state board related to harmful algal blooms, as provided. The bill would authorize the state board, if it determines that the occurrence of harmful algal blooms is an emergency, as defined, to enter into contracts to procure goods and services to aid in incident response without meeting the conditions prescribed for personal services contracts under the State Civil Service Act, including the requirement for a competitive bidding process, or any other competitive bidding requirements under existing law.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Cyanobacteria are small microbes that live in nearly every habitat on land and in the water. They have existed for millions of years as essential components of freshwater ecosystems and form the foundation of most aquatic food chains. However, when environmental conditions favor cyanobacteria growth, they can multiply very rapidly, creating nuisance blooms. When these nuisance blooms are dominated by toxin-producing cyanobacteria, they are referred to as harmful algal blooms. In recent years, harmful algal blooms are increasing in incidence, duration, and toxicity statewide and, as a result, health impacts on humans, domestic animals, dogs and livestock in particular, and wildlife are increasing in prevalence.

(b) Increased prevalence of harmful algal blooms has been attributed to various anthropogenic factors, the most significant of which include degradation of watersheds, nutrient loading, hydrologic alteration, and impacts from climate change. Toxins from harmful algal blooms, both benthic and planktonic, can accumulate in recreational and drinking bodies of water and can be transported hundreds of miles from freshwater to estuarine and marine environments where they accumulate in marine shellfish.

(c) The California Cyanobacteria and Harmful Algal Bloom (CCHAB) Network is a multientity workgroup of the California Water Quality Monitoring Council established pursuant to Section 13181 of the Water Code. The CCHAB Network is charged with the development and maintenance of a comprehensive, coordinated program to identify and address the causes and impacts of cyanobacteria and harmful algal blooms in California. The CCHAB Network maintains a centralized public internet website to receive incident reports, provide incident report data, and provide information and tools to the public and decisionmakers on freshwater and estuarine harmful algal blooms.

SEC. 2. Section 13182 is added to the Water Code, to read:

13182. (a) To protect water quality and public health from harmful algal blooms, the state board shall establish a Freshwater and Estuarine Harmful Algal Bloom Program and, in consultation with the California Water Quality Monitoring Council, Office of Environmental Health Hazard Assessment, State Department of Public Health, Department of Water Resources, Department of Fish and Wildlife, Department of Parks and Recreation, other appropriate state and federal agencies, and California Native American tribes, as defined in Section 21073 of the Public Resources Code, shall do all of the following:

(1) Coordinate immediate and long-term event incident response, including notification to state and local decisionmakers and the public regarding where harmful algal blooms are occurring, waters at risk of developing harmful algal blooms, and threats posed by harmful algal blooms.

(2) Conduct and support field assessment and ambient monitoring to evaluate harmful algal bloom extent, status, and trends at the state, regional, watershed, and site-specific waterbody scales.

(3) Determine the regions, watersheds, or waterbodies experiencing or at risk of experiencing harmful algal blooms to prioritize those regions, watersheds, or waterbodies for assessment, monitoring, remediation, and risk management.

(4) Conduct applied research and develop tools for decision-support.

(5) Provide outreach and education, and maintain a centralized internet website for information and data related to harmful algal blooms.

(6) On or before July 1, 2021, post on the state board's internet website a report including the following information:

(A) The incidence of, and response to, freshwater and estuarine harmful algal blooms in the state during the previous three years.

(B) Actions taken by the state board as required pursuant to paragraphs (1) to (5), inclusive.

(C) Recommendations, by the state board and other entities participating in the Freshwater and Estuarine Harmful Algal Bloom Program, for additional actions, including preventative actions where possible, that should be taken to protect water quality and public health from harmful algal blooms, including recommendations for statutory or regulatory changes that are needed to achieve that goal.

(b) (1) If the state board determines that an occurrence of harmful algal blooms is an emergency, as defined in Section 1102 of the Public Contract Code, the state board may enter into contracts with public or private entities to procure goods and services to aid in incident response, including contracts to monitor harmful algal blooms and to communicate the risk of harmful algal blooms to the public. The aggregate cost of contracts entered into pursuant to this paragraph in a fiscal year shall not exceed one hundred thousand dollars (\$100,000).

(2) Contracts authorized by paragraph (1) shall not be subject to Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code and, notwithstanding any other law, shall be exempt from competitive bidding requirements.

(3) The authority in this subdivision is in addition to, and does not supersede or limit, the authority of the state board pursuant to any other law.