

Mandatory Minimum Penalty Reform Legislation Introduced

Senator Denise Ducheny has introduced SB 1284, which would make a number of changes to the Mandatory Minimum Penalty Law. The bill would:

1. Specify that MMPs do not apply to the following “failure to report” violations:
 - With respect to a violation for a failure to file a discharge monitoring report, a violation for which the state board or regional board does not inform the discharger of the alleged violation within 90 days of the date on which the discharge monitoring report was due to be filed.
 - A violation that consists of a failure to file a discharge monitoring report for any period in which no discharge occurred.
 - A violation that consists of a failure to file a discharge monitoring report for any period in which discharges do not violate effluent limitations contained in waste discharge requirements that contain numeric effluent limitations.
2. Increase the small community population threshold from 10, 000 to 20,000
3. Allow up to 10 years of MMP protection in an outside the permit compliance order (current law allows a maximum of 5 years.)

The bill is co-sponsored by the Association of California Water Agencies, the League of California Cities and the Regional Council of Rural Counties. CASA’s State Legislative Committee will consider the bill at its March 5, 2010 meeting.