



April 22, 2025

The Honorable Senator Umberg, Chair
California Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento, CA 95814

RE: Senate Bill 601 (Allen) – The Right to Clean Water Act – SUPPORT

Dear Chair Umberg and Members of the Senate Judiciary Committee,

The undersigned organizations advocate for the protection of environmental and public health, water quality, and a resilient water future. On behalf of the undersigned organizations, we write in strong support of Senate Bill 601 (Allen), The Right Clean Water Act, to put federal Clean Water Act protections into California state law to restore protections California enjoyed for over 50 years while buttressing against Trump Administration rollbacks. The goal of SB 601 is to maintain the status quo for Californians' right to clean water while the rest of the nation goes backwards.

Over 50 years ago the federal government delegated Clean Water Act authority to California to issue Clean Water Act permits and develop policies to protect our state's waters. California's federally-derived authority is defined and limited by what are "waters of the United States." If a California water is not a "water of the United States," then it is not protected under the Clean Water Act; instead, the State Water Board may only use its state authority, which results in less protective policies, less efficient permitting, and less accountability.

Two years ago, the U.S. Supreme Court issued a decision (*Sackett v. EPA*) that stripped many California streams and wetlands of federal Clean Water Act protections, leaving state waters highly vulnerable to pollution. The Trump Administration has also announced plans to further erode the Clean Water Act via a new, narrower "waters of the United States" rule. Other federal rollbacks will further hinder California's ability to protect its waterways. Federal rollbacks will not only result in the loss of protections, but will also put an insurmountable burden on the California Water Boards to re-write federal permits as state permits via a different process with different applicable standards. Currently, there are no state general permits akin to California's federal general permits, meaning tens of thousands of state permits could be necessary – all requiring individual CEQA compliance. The California Water Boards would also lose – and have already lost – certain critical enforcement tools necessary to hold polluters accountable and provide an even playing field for the regulated community.

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 disincentivize permittees from requesting less stringent state permits.

SB 601 does not add another layer of regulation or permitting. The bill would not require someone to get both a Clean Water Act Permit and a state permit. If you are a current Clean Water Act (NPDES) permittee, nothing in this bill requires you to change permits, permit requirements or change anything currently being implemented for compliance. This bill does nothing to those Clean Water Act permittees that do not want to move to a less-stringent, more cumbersome to enforce state permit. SB 601 is only a safety net for those seeking weaker standards and to avoid accountability.

SB 601 is not intended to expand regulation to non-Clean Water Act permittees. If you are a current state permit holder, your permit requirements will remain the same. Meaning agriculture and groundwater dischargers will continue to have the same permit requirements. SB 601 was purposefully designed to reside in Chapter 5.5 of the Water Code – that section is only for implementing the Clean Water Act – not state permitting. We explicitly excluded any groundwater discharges from nexus water permitting. The Senate Environmental Quality Committee also made significant amendments to address concerns and ensure the bill does not encroach onto state permitting. SB 601 is explicit that any “nexus water permits” are only for point sources, not non-point sources, which then excludes agriculture from SB 601.

SB 601 does not create a new private right of action. 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).

SB 601 and the Clean Water Act provide safeguards to prevent excessive or frivolous litigation. 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.

SB 601 does not impede affordable housing development. SB 601 does not change clean water permitting for housing. Construction projects have always been required to enroll in the existing Clean Water Act Construction General Permit. SB 601 does not change that requirement, nor does the bill change the terms of that Permit. SB 601 could actually help expediate construction projects by allowing the Water Boards to more efficiently issue construction stormwater permits. For example, if a construction permittee argues that they do not need a Clean Water Act permit because they no longer discharge to a Water of the United States, the Water Boards will still be required to issue them a state permit. There are no state general construction permits for a project to simply enroll into; they would be forced to wait until the Water Board wrote a new,

individual permit that requires CEQA. With SB 601, that same construction project would simply be allowed to enroll into the existing Clean Water Act Permit with some additional findings added to include nexus waters. Finally, opposition makes the unfounded claim that community enforcement would hinder housing projects. In the last 5 years, only 10 notices of violation have been issued to construction projects, constituting only 1.2% of the total clean water enforcement notifications over that time period. Comparatively, ADA lawsuits are 1,000 times more prevalent than construction clean water violation notifications.

Californians have enjoyed 50 years of Clean Water Act protections. The U.S. Supreme Court's misguided and incongruent decision for California cannot demand that we go backwards. The Trump Administration will only further weaken federal clean water protections and make it more difficult for California to regulate our waterways via federal law. SB 601 will bolster state law to safeguard California from federal turbulence on clean water protections. For these reasons, we urge your 'aye' vote on SB 601 to protect the health of communities and the environment, now and for future generations.

Sincerely,

Sean Bothwell
Executive Director
California Coastkeeper Alliance

Molly Culton
Chapter Organizing Manager
Sierra Club CA

Ashley Overhouse
Water Policy Advisory
Defenders of Wildlife

Tracy Quinn
President & CEO
Heal the Bay

Melissa Romero
Legislative Affairs Manager
California Environmental Voters

Kyle Jones
Policy & Legal Director
Community Water Center

Mark Gold, D.Env.
Director of Water Scarcity
Natural Resources Defense Council

Michael Claiborne
Directing Attorney
Leadership Counsel for Justice & Accountability

Kristan Culbert
Associate Director
American Rivers

Joshua Quigley
Policy Manager
Save the Bay

J.P. Rose
Policy Director, Urban Wildlands Program
Center for Biological Diversity

Jennifer Savage
California Policy Associate Director
Surfrider

Jennifer Clary
California Director
Clean Water Action

Kasil Willie
Staff Attorney
Save California Salmon

Garry Brown
Founder & President
Orange County Coastkeeper

Keila Villegas
Water Justice Director
Orange County Environmental Justice

Laura Deehan
State Director
Environment California

Gary Mulcahy
Government Liaison
Winnemem Wintu Tribe

Bruce Reznik
Executive Director
Los Angeles Waterkeeper

Mike Lynes
Director of Public Policy
Audubon California

Robert T. Przeklasa
Executive Vice President
Native American Land Conservancy

Akash Singh
Western States Policy Advocate
Union of Concerned Scientists

Matthew Baker
Policy Director
Planning and Conservation League

Jann Dorman
Executive Director
Friends of the River

Phillip Musegaas
Executive Director and Coastkeeper
San Diego Coastkeeper

Lauren Ahkiam
Climate Campaign Co-Director
Los Angeles Alliance for a New Economy

Anne Middleton
Associate Director
WILDCOAST

Marce Gutierrez-Graudins
Executive Director
Azul

Linda Krop
Chief Counsel
Environmental Defense Center

Scott Artis
Executive Director
Golden State Salmon Association

Ted Morton
Executive Director & Channelkeeper
Santa Barbara Channelkeeper

Maggie Gardner
Coalition Coordinator
OurWaterLA Coalition

Don McEnhill
Deputy Director
Russian Riverkeeper

Jen Kalt
Director
Humboldt Waterkeeper

Aaron Zettler-Mann, Ph.D.
Executive Director
South Yuba River Citizens League
Yuba River Waterkeeper

Konrad Fisher
Director
Water Climate Trust
Shasta Waterkeeper

Natalie R. Herendeen
Executive Director
Monterey Waterkeeper

Rikki Eriksen
Director Marine Science
California Marine Sanctuary Foundation

Susan Jordan
Founder & Executive Director
California Coastal Protection Network

Gordon Hensley
San Luis Obispo Coastkeeper
Environment in the Public Interest

Kristen Northrop
Policy Advocate
Coastal Environmental Rights Foundation

Benjamin Pitterle
Director of Advocacy
Los Padres Forest Watch

Katelyn Roedner Sutter
California State Director
Environmental Defense Fund

Alan Levine
Director
Coast Action Group

Dan Silver
Executive Director
Endangered Habitats League

Garry Brown
Executive Director
Inland Empire Waterkeeper

Tevin Schmitt
Associate Director
Wishtoyo Foundation
Ventura Coastkeeper

Leslie Tamminen
Director
Seventh Generation Advisors

Chris Shutes
Executive Director
California Sportfishing Protection Alliance

Alison Waliszewski
Director of Regional Policy
The 5 Gyres Institute

Katie Thompson
Executive Director
Save Our Shores

Anupa Asokan
Founder and Executive Director
Fish On

Barbara Barrigan-Parrilla
Executive Director
Restore the Delta

Scott Webb
Director of Advocacy and Engagement
Resource Renewal Institute

Melanie Winter
Founder & Director
The River Project

Scott Culbertson
Executive Director
Friends of Ballona Wetlands

Mary Buxton
Activist Volunteer
Climate Action California

Azita Yazdani
CEO
Exergy Systems, Inc.

Suzanne Hume
Educational Director and Founder
CleanEarth4Kids.org

Andrea Vega
Southern California Senior Organizer
Food & Water Watch

Michael Wellborn
President
Friends of Harbors, Beaches and Parks

Jenn Engstrom
State Director
CALPIRG

Marc Yaggi
Chief Executive Officer
Waterkeeper Alliance

Cecelia Shimizu
President
Sonoma County Japanese American Citizens
League

Matthew Callaway
Political Director
Sonoma County Conservation Action

Dave Henson
Executive Director
Occidental Arts and Ecology Center

Tom Wheeler
Executive Director
Environmental Protection Information Center

David Diaz
Executive Director
Active San Gabriel Valley

Alicia Hamann
Executive Director
Friends of the Eel River

Nathaniel Kane
Executive Director
Environmental Law Foundation

Dianna Cohen
Co-Founder & CEO
Plastic Pollution Coalition

Carin High
Co-Chair
Citizens Committee to Complete the Refuge

Darcie Goodman Collins, PhD
CEO
The League to Save Lake Tahoe

Peter Drekmeier
Policy Director
Tuolumne River Trust

Linda S. Sherby
Executive Director
Ecological Rights Foundation

Martha Camacho Rodríguez
Director
Social Eco Education

Jim Lindburg
Legislative Consultant
Friends Committee on Legislation of California

Jenny Hatch
Executive Director
Sierra Nevada Alliance

Neal Desai
Senior Director, Pacific Region
National Parks Conservation Association

Ashley Eagle-Gibbs
Executive Director
Environmental Action Committee of West Marin

Kenneth Bouley
Executive Director
Turtle Island Restoration Network

Hans Johnson
President
East Area Progressive Democrats

Ana Gonzalez
Executive Director
Center for Community Action and
Environmental Justice

Jack Eidt
Co-Founder
SoCal 350 Climate Action

Nayamin Martinez
Executive Director
Central California Environmental Justice
Network

Lydia Ponce
Lead Organizer
Idle No More Venice

Kim Kolpin
Executive Director
Bolsa Chica Land Trust

Nathan Ramser
President
Friends of Gualala River

Chris Ross
President and Board Member
Batiquitos Lagoon Foundation

Michael Rincon
Director of Policy & Research
Physicians for Social Responsibility-Los Angeles

Megan Kaun
Director
Sonoma Safe Ag Safe Schools

Mark Green
Executive Director
CalWild

Richard Dale
Executive Director
Sonoma Ecology Center

Pamela Heatherington
Executive Director
Environmental Center of San Diego

Robin Kobaly
Executive Director
The SummerTree Institute

Anne Hawthorne
Executive Director
Los Angeles United Methodist Urban Foundation

Nick Joslin
Forest and Watershed Watch Program Manager
Mount Shasta Bioregional Ecology Center

Allison Weber
Forest and Water Policy Director
Friends of the Inyo

Ector Olivares
Program Manager
Catholic Charities of Stockton

Nick Jensen
Conservation Program Director
California Native Plant Society

Marily Woodhouse
Director
Battle Creek Alliance

Suzie Fortner
Executive Director
Friends of the Dunes

Tracy Salcedo
Chair
Sonoma Mountain Preservation

Tori Kjer
Executive Director
Los Angeles Neighborhood Land Trust

Suzie Savoie
Volunteer
Siskiyou Crest Coalition

Michael Blum
Director
Sea of Clouds

Colin Barrows
CoFounder
CactusToCloud Institute

Aydee Palomino
Campaign Project Manager
Alianza Coachella Valley

Claire Schlotterbeck
President
Hills For Everyone

Patty Clary
Executive Director
Californians for Alternates to Toxics

Shani Kleinhaus
Environmental Advocate
Santa Clara Valley Bird Alliance

Natalie Caulk
Associate Director
The Otter Project

Patty McCleary
Co-Executive Director
Smith River Alliance

Betsy Reifsnider
Sacramento Policy Associate
Mono Lake Committee

Christie Ralston
Associate Attorney
San Francisco Baykeeper

Thomas R. Fox
Senior Legislative Counsel
Center for Environmental Health

James A. Peugh
Conservation Co-Chair
San Diego Bird Alliance

Terry M. Welsh, MD
President
Coastal Corridor

Rebecca Schwartz Lesberg
President
Coastal Policy Solutions

Timmarie Hamill
Board Member
The Stream Team

Glenn Phillips
Executive Director
Golden Gate Bird Alliance

Tony Tucci
Chair & Co-founder
Citizens for Los Angeles Wildlife (CLAW)