



## **River Defenders Win Major Victory for CA Waterways** *Ruling requires state compliance with the Clean Water Act*

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**Sacramento, CA** (Sept 9, 2019)—A coalition of river and coastal defenders have won a major victory against the State Water Resources Control Board (Water Board), securing an order that requires the Water Board to meet the statutory deadlines for its list of impaired waterways in California. The lawsuit focused on the Water Board's violations of the Clean Water Act and the Porter-Cologne Water Quality Control Act, the latter being California's guiding clean water law that protects the health of the state's inland and coastal waters.

"This victory will ensure that the State Water Board upholds its basic legal duty to identify and restore impaired waterways in a timely manner," said Grant Wilson, Directing Attorney of Earth Law Center. "This is an important step towards reversing the historic decline of aquatic ecosystems across California."

Earth Law Center, Los Angeles Waterkeeper (LAW), and San Diego Coastkeeper filed suit in November 2017, challenging the Water Board's Integrated Report process. The Integrated Report contains the previously mentioned list of impaired waterways, along with a broader report on overall water quality. For nearly two decades, California has submitted its biennial Integrated Report years late, resulting in water quality decisions that are based on severely outdated information. For example, California's 2014 Integrated Report was submitted to the U.S. EPA more than 3 years and 6 months late. As a result of this ruling, the Water Board must submit reports on time.

"It was clear that the State Water Board was not taking the impaired waters lists as seriously as they should be or allocating the staff resources necessary for such an important program," said Arthur Pugsley, Senior Attorney at LAW. "The Integrated Reports are foundational. Considering the necessity of these reports to inform the public of possible health threats and to trigger the adoption of restoration plans, this ruling is a victory not only for our waterways, but for the people and wildlife of California."

"This victory should result in a more up-to-date and complete understanding of the challenges our waterways are facing, ensuring increased efficacy of restoration and recovery plans," noted Matt O'Malley, Executive Director and Managing Attorney at San Diego Coastkeeper.

“We are pleased with the ruling, but it is unfortunate that watchdog groups have to bring suit in order to get the Water Board to abide by what the Clean Water Act requires of it,” said Bruce Reznik, Executive Director of LAW.

“While we prevailed in ensuring the Water Board fulfills its obligations under the Clean Water Act, we are disappointed by the dismissal of our plea to consider hydromodification (i.e., channelization) as an impairment itself when compiling its list of impaired waterways,” noted Grant Wilson, Directing Attorney at Earth Law Center. “Drained and fragmented waterways challenge species that are critical to our ecosystem, and those challenges will only intensify with the impacts of climate change. Our groups will continue working to ensure that the concretization that has devastated so many of our river systems in California is recognized for the negative impact it has on our environment and our communities and will work to restore them to healthy ecosystems.”

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### **About California’s Integrated Report Process**

California's Integrated Report process combines two reporting requirements, pursuant to sections 303(d) and 305(b) of the Clean Water Act. These requirements are also directly adopted into state law by the California Water Code. Section 303(d) requires states to undertake a process every two years to list waterways that are “impaired” if pollutants impact water uses, such as for drinking, swimming, fishing, and habitat. Such listings then trigger the development of clean-up plans. Currently, more than 40,000 miles (or about 20 percent) of California’s rivers and streams are classified as impaired by a variety of pollutants. Inclusion on the 303(d) list is often the first step towards development and implementation of remedial water quality plans. Section 305(b) includes a broader reporting requirement on the overall health of the state’s waterways, and is an important planning document, typically combined with the 303(d) list into an Integrated Report.

### **About the Plaintiffs**

*Earth Law Center ([www.earthlawcenter.org](http://www.earthlawcenter.org)) works to transform the law to recognize and protect nature’s inherent rights to exist, thrive and evolve. This includes advancing the inherent rights of rivers.*

*San Diego Coastkeeper ([www.sdcoastkeeper.org](http://www.sdcoastkeeper.org)) protects the region’s bays, beaches, watersheds and ocean for the people and wildlife that depend on them. Coastkeeper uses community outreach, education, and advocacy to promote stewardship of clean water and healthy coastal ecosystems.*

*Los Angeles Waterkeeper ([www.lawaterkeeper.org](http://www.lawaterkeeper.org)) safeguards LA’s inland and coastal waters by enforcing laws and empowering communities.*