



BOARD OF SUPERVISORS

PRESIDENT
Mary Sackett
1ST DISTRICT

June 30, 2025

VICE PRESIDENT
Eric Lucan
5TH DISTRICT

The Honorable Ben Allen
California State Senate
1021 O Street, Suite 8630
Sacramento, CA 95814

2ND VICE PRESIDENT
Stephanie Moulton-Peters
3RD DISTRICT

RE: SB 601 (Allen) Water: waste discharge – Oppose (As amended June 25)

Brian Colbert
2ND DISTRICT

Dear Senator Allen,

Dennis Rodoni
4TH DISTRICT

On behalf of the Marin County Board of Supervisors, I write to respectfully reaffirm our opposition to SB 601, which includes consideration of the latest **June 25 amendments**. While we appreciate the author’s intent to respond to federal rollbacks of environmental protections, the bill as currently drafted would impose sweeping changes to California’s water quality regulatory framework that duplicate existing law, significantly increase costs for local governments, and still expose public agencies to broad new litigation risks.

Derek Johnson
COUNTY EXECUTIVE
CLERK OF THE BOARD

Marin County is a long-standing leader in environmental protection and watershed stewardship—long prioritizing local habitat protection, wetlands restoration, and water quality. We are also a leading partner in the Marin County Stormwater Pollution Prevention Program (MCSTOPPP)—a multi-jurisdictional effort that coordinates local implementation of state and federal stormwater regulations to protect the health of Marin’s waterways and wetlands.

Carla Kacmar
ASSISTANT CLERK OF THE BOARD

We remain concerned that SB 601, even as amended, would undermine these types of collaborative local efforts:

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San Rafael, CA 94903
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- **Creation of a new “nexus waters” category broadens regulation unnecessarily.** The bill establishes a new, expansive new category of “nexus waters” that would apply to most waters of the state not classified as “Waters of the U.S.” While narrowed slightly in the June 25 amendments, this definition still dramatically expands the scope of state regulation—despite the fact that California’s Porter-Cologne Water Quality Control Act already provides comprehensive protection for these waters.
- **Elimination of Water Code Section 13241 considerations.** SB 601 would eliminate the requirement that the Water Boards consider critical local factors such as economic feasibility, housing needs, and recycled water development—currently protected under Water Code §13241. These are essential to how under resourced local governments plan, finance and prioritize sustainable infrastructure.
- **Continued enforcement concerns and legal exposure.** While the June 25 amendments appear to remove the bill’s original private right of action, they replace it with new language allowing enforcement by the Attorney General,

district attorneys, or city attorneys. However, the enforcement provisions remain vague and potentially expansive, and no safe harbor language has been added to protect local governments acting in good faith under valid state-issued permits. Our County Counsel continues to raise serious concerns that the bill creates a troubling regulatory environment in which local governments may be vulnerable to enforcement on all sides, regardless of intent or compliance efforts.

- **Freezing of water quality standards and annual penalty escalations.** The bill freezes current water quality standards in place and prevents updates unless they are more stringent—locking in outdated assumptions and discouraging the use of new science or adaptive management. The bill’s civil penalty violation increases would also disproportionately impact local governments and utilities.
- **Statewide planning would supersede local, on-the-ground conditions.** The expanded State Water Board authority to supersede regional basin planning significantly diminishes the ability of regional boards to tailor solutions to local conditions—that programs like **MCSTOPPP** are designed to address.

Our Board remains **fully committed** to protecting water quality, wetlands, and fish and wildlife habitat – and we share your urgency in ensuring protections of these critical habitats are not impeded under the new federal administration. However, we believe that the State of California already has the legal tools it needs to protect waterways from any withdrawn federal protections. We remain concerned that SB 601 is not the solution it intends to be, and rather would divert limited public resources away from local collaborative water quality initiatives like MCSTOPPP and into litigation, paperwork, and project delays.

We stand ready to partner with you and your office on thoughtful, workable solutions that meaningfully advance California’s water quality goals. We welcome the opportunity to collaborate on approaches that strengthen environmental protections while honoring the practical realities in water quality control faced by local governments across the state.

Thank you for your continued consideration of our input.

Sincerely,



Mary Sackett, President
Marin County Board of Supervisors

CC: Marin County Board of Supervisors
Senator Mike McGuire
Assemblymember Damon Connolly