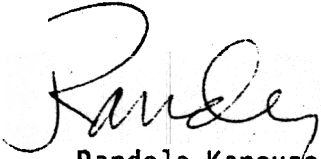


State of California

Memorandum

To : DIVISION CHIEFS AND ABOVE

Date : October 7, 1988



Rande Kanouse, Chief
Office of Legislative and Public Affairs

From : STATE WATER RESOURCES CONTROL BOARD

Subject: LEGISLATIVE SUMMARY FOR SECOND HALF OF 1987-88 SESSION

The second year of the 1987-88 Session of the Legislature has been completed. The Legislature will reconvene for the 1989-90 Session in December.

The attached summary identifies legislation introduced during the 1988 portion of the Session, as well as bills carried over from the 1987 portion ("two-year bills"). The legislation is presented under the following categories:

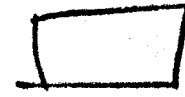
- Administration
- Oceans and Bays
- Proposition 65
- San Francisco Bay and Delta
- Sewage Treatment
- Solid Waste Landfills
- Surface Impoundments
- Toxic and Hazardous Waste
- Underground Tanks
- Water Quality
- Water Rights and Supply

Within each category, we have separated legislation into Enacted, Vetoed, and Failed Passage sections. No bills carry over from one Session to the next, so all bills must fall into one of these three sections. Bills marked with an asterisk in the Index are urgency measures which become effective immediately upon signature by the Governor. The effective date is noted in the bill summary. All other statutes take effect on January 1, 1989.

If you need further information or copies of the statutes or bills, please let me know.

Attachment

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sponsored

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ADMINISTRATION

Enacted

SB 1764 (Maddy) - State Board status (Statutes of 1988, Chapter 758) - Moves the State Board from "minor" to "major" status. Major status boards include the Unemployment Insurance Appeals Board, the Agricultural Labor Relations Board, Public Utilities Commission, and the Energy Commission.

*SB 2172 (Campbell) Pooled Money Investment Account: loans (Statutes of 1988, Chapter 984) - Requires all loans provided from the Pooled Money Investment Account to carry out a State general obligation bond program to pay the loan interest out of the proceeds derived from bond sales. Previously, the State Board could obtain loans from the Account and make repayments without paying any interest. SB 2172 impacts all of the State Board's bond programs. This law became effective on September 19, 1988.

SR 36 (Roberti) State bonds: senate legislative committee (Adopted April 21, 1988) - Creates a new Senate standing committee named the Senate Committee on Bond Indebtedness and Methods of Financing. The Committee consists of seven members and will be assigned legislation relating to bond indebtedness and methods of financing.

Vetoed

None

Failed Passage

AB 451 (Peace) - State mandated local costs - Would have broadened the definition of "costs mandated by the State" by creating a new statutory definition of "higher level of service" to include virtually all increased costs to local governments which stem from new statutes or executive orders.

AB 4354 (Roybal-Allard) - Career development programs - Would have directed the Department of Personnel Administration to survey those departments employing engineers and scientists to determine the availability of career development programs for employees in those classifications and to conduct a salary and benefits survey of engineers and scientists.

ACA 53 (McClintock) - State mandated local programs - Would have declared that the State shall pay local governments' increased costs whenever the State imposes any mandate with increased costs and would have made compliance with those mandates voluntary if the Commission on State Mandates determines that State funding is insufficient to cover local government costs.

OCEANS AND BAYS

Enacted

*AB 2325 (Killea) - San Diego Interagency Water Quality Panel (Statutes of 1988, Chapter 174) - Clarifies the composition and operation of the San Diego Interagency Water Quality Panel; provides one representative for each of four cities (San Diego, National City, Chula Vista, Coronado); clarifies that each participating agency has only one member on the Panel; authorizes non-scientists to be members of the Panel; and authorizes the Panel to meet without the San Diego Regional Board member chairing the meeting. An urgency measure effective June 15, 1988.

SCR 88 (Bergeson) - Newport Bay follow-up study (Statutes of 1988, Resolution Chapter 96) - Requests the Santa Ana Regional Board to submit a follow up study to the Legislature by September 1, 1989 on the condition of Newport Bay, with emphasis on changes since the submission of an earlier report required by required by SCR 38 (Statutes of 1985, Resolution Chapter 97) also by Bergeson.

SJR 41 (Rosenthal) - Santa Monica Bay - National Estuary Program nomination (Statutes of 1988, Resolution Chapter 47) - Requests the U.S. Environmental Protection Agency to select Santa Monica Bay for inclusion in the National Estuary Program created under the federal Clean Water Act.

Vetoed

AB 1990 (Hayden) - Ocean monitoring and discharge reporting - Would have required the State Board to study the feasibility of implementing a standardized and computerized reporting system for NPDES discharges to bays, estuaries, or the ocean. Would have appropriated \$145,000 from the General Fund to the Board for this study.

AB 2975 (Seastrand) - San Joaquin Valley agricultural drains - Prohibits discharge from San Joaquin Valley agricultural drains to Morro Bay or to the ocean between Morro Bay and Monterey Bay until after January 1, 1996.

AB 3947 (W. Brown) - Bay protection and toxic cleanup - Would have required the State Water Board to develop a workplan for the creation of "sediment quality thresholds", to create an inventory of "toxic hot spots" in California's bays and estuaries, and to reevaluate and rewrite waste discharge requirements for those dischargers found to be contributing to the creation or maintenance of a hot spot. Would have funded these activities from bond revenues generated by AB 4471 (W. Brown) and, after AB 4471 was dropped, by SB 2097 (Torres). However, as passed, SB 2097 did not contain a bond act.

SB 2691 (Hart) - Review of Bays and Estuaries Policy - Would have required the State Water Board to review and update the Board's "Water Quality Control Policy for the Enclosed Bays and Estuaries of California", to adopt numerical water quality objectives in the updated Policy, and to approve regional water quality control plans that had been updated to conform to the updated Policy. Would have appropriated \$50,000 from the General Fund to the Board for these activities.

Failed Passage

AB 248 (Stirling) - San Diego Bay water quality - Would have authorized the San Diego Port District to monitor water quality in San Diego Bay, to review and approve construction within the District's boundaries which would result in increased runoff to the Bay, to petition the Superior Court to enjoin pollutant discharges, and to enter into a joint powers agreement with the San Diego Regional Board.

AB 2838 (Farr) - Ocean Resources Management Act of 1988 - Would have created three new government organizations to create a plan for the management of California's ocean resources.

AB 3726 (Stirling) - San Diego Regional Board monitoring program - Would have authorized the San Diego Regional Board to create a separate monitoring program for discharges to San Diego Bay and to fund this new program through new fees on dischargers.

AB 4242 (Hayden) - Ocean Plan review schedule - Would have required the State Board to provide the Legislature with an annual listing of the topics the Board intended to review during the upcoming year regarding the Ocean Plan.

AB 4471 (W. Brown) - Bay Protection and Toxic Cleanup Bond Act - Would have authorized sale of \$50 million in general obligation bonds to finance the bay and estuaries program proposed in AB 3947 (W. Brown).

SB 594 (Rosenthal) - Santa Monica Bay sewer discharges - Would have required the State Board to submit an annual report to the Legislature on compliance by the City of Los Angeles with the consent decree governing discharges from Hyperion Wastewater Treatment Plant. The report was to include recommendations for expediting compliance with the consent decree and an evaluation of sewage discharge data collected by the Southern California Coastal Water Research Project.

SB 1846 (Rosenthal) - Santa Monica Bay monitoring - Would have required the State Water Board to establish a monitoring program, of specified content, for Santa Monica Bay. The program was to be a pilot project, with annual reports to the Legislature. Funding was to be provided via SB 2106.

SB 2106 (Rosenthal) - Santa Monica Bay monitoring - funding - Would have established a volunteer fund to finance the monitoring program proposed in SB 1846. Funding would have been through contributions gathered via "checkoff" on bills from sewer agencies discharging to Santa Monica Bay. Later versions of the bill incorporated the text of SB 1846.

PROPOSITION 65

Enacted

None

Vetoed

AB 1028 (Katz) Toxic chemicals: government agencies - Would have expanded existing law to include public agencies under the warning requirements of Proposition 65. Specifically, AB 1028 would have prohibited local, State, and, to the extent feasible, federal agencies from knowingly or intentionally exposing any individual to a listed chemical without giving clear and reasonable warning to those individuals. This measure would not have changed the drinking water prohibitions contained in Proposition 65.

SB 269 (Kopp) Toxic chemicals: government agencies - Would have required public water systems, local and State government agencies and, to the extent permitted by federal law, federal agencies to comply with the warning and discharge prohibition requirements of Proposition 65. As approved by the voters in November 1986, this law currently exempts public agencies from these prohibitions. SB 269 would have required public agencies to warn individuals when they are exposed to listed chemicals and to refrain from releasing restricted chemicals into drinking water sources. This measure would have held public agencies liable for the same civil penalties assessed against private entities under Proposition 65. SB 269 would have been placed before the voters on the November 8, 1988, ballot as an initiative.

Failed Passage

AB 65 (Connelly) Toxic chemicals: civil and criminal penalties - Would have required government employees with actual knowledge of a discharge or threatened discharge of a listed chemical in concentrations which will cause injury to disclose this information within 72 hours. This measure would have revised the civil and criminal penalty provisions of Proposition 65.

AB 260 (Jones) Toxic chemicals: discharges and exposure - Would have exempted those dischargers in compliance with drinking water standards, occupational safety and health standards, airborne toxic control measures, and regulations or tolerances adopted by the Department of Food and Agriculture from the discharge prohibition and warning requirements of Proposition 65. Those dischargers in noncompliance with these requirements or those individuals regulated under other restrictions, such as waste discharge requirements, would not have been eligible for exemption under AB 260.

AB 511 (Bradley) Toxic chemicals: discharges and exposure - Would have allowed the local health officer, in conjunction with the County Board of Supervisors, to jointly designate a local agency for enforcing the requirements of Proposition 65.

AB 517 (Bradley) Toxic chemicals: discharges and exposure - Would have required the publication of the chemical list under Proposition 65 to be considered as adopting or amending a regulation for the purposes of the Administrative Procedures Act.

AB 2714 (Jones) Toxic chemicals: discharges and exposure - Would have made the warning requirement for listed chemicals contained in Proposition 65 less stringent. AB 2714 would have reduced from 1,000 to 100 the safety factor for exposure to a birth defect causing chemical. Under existing law, the warning requirement is triggered when exposure occurs at a level 1,000 times lower than the accepted safety limit.

SB 65 (Torres) Toxic chemicals: civil and criminal penalties - Would have exempted designated government employees from the 72-hour disclosure requirement, if the employee had previously disclosed the information in question to the local district attorney or Attorney General and the result of this knowledge is confirmed in writing. Also, would have revised those provisions of Proposition 65 relating to the collection and disbursement of civil and criminal penalties. SB 65 was an urgency measure.

SAN FRANCISCO BAY AND DELTA

Enacted

*SB 2463 (Kopp) - Bay-Delta hearing records (Statutes of 1988, Chapter 971) - Directs the State Water Board to make one copy of the transcripts of the Bay-Delta hearings available at five specified locations throughout the State. Directs the Board to make transcripts and other materials available at several locations via computer hookup. An urgency measure effective September 19, 1988

Vetoed

None

Failed Passage

AB 2917 (Jones) - Bay-Delta contamination - Would have prevented the State Water Board from using increased flows as a means to achieve water quality objectives in the Bay or Delta and would have required use of discharge requirements to achieve these objectives.

AB 3664 (Bates) - California Water Policy Commission - Would have created a nine-member California Water Policy Commission to make recommendations to the Governor and the Legislature on solutions to seven specified problems relating to the Delta and San Francisco Bay.

AB 3666 (Bates) - San Francisco Regional Board inspection program - Would have required the San Francisco Regional Board to conduct unannounced inspections of dischargers throughout the region, according to a set schedule of four times annually for major dischargers and twice annually for all other dischargers. Would have directed the Regional Board to establish discharger fees to pay for this inspection program.

AB 3668 (Bates) - Delta Plan - Would have imposed various restrictions on water development until January, 1992; would have required the State Water Board to reject water right permit applications if a substitute supply could be found through conservation, reclamation, or transfer; to reject any application to export water from specified north coast rivers; to include water right permit terms requiring applicants to undertake conservation, reclamation, or transfer; and to include a specified list of topics in the environmental impact report for any application for appropriation of more than 3,000 acre-feet per-year. Would also have created a nine-member Delta Advisory Commission to report to the Governor and the Legislature, by June 30, 1990, on recommended solutions to a variety of problems in the Delta, and would have required the State Water Board to review and revise the San Francisco Bay Water Quality Control Plan.

SJR 43 (McCorquodale) - Water sales: Central Valley Project - Would have requested Congress and the President to direct the Bureau of Reclamation to suspend sales of about 1.1 million acre-feet of water from the Central Valley Project, which is currently unsold, until the State Water Board adopts its water right decision in the Bay-Delta hearings.

SEWAGE TREATMENT

Enacted

*AB 1720 (Costa) Bond measure: water conservation (Statutes of 1988, Chapter 297) - Makes technical changes to the Water Conservation Bond Law of 1988 (Statutes of 1988, Chapter 46 -- Proposition 82) which will be placed before the voters on the November 8, 1988 ballot. Although AB 1720 makes technical changes that primarily affect the Department of Water Resources (DWR), one provision directly impacts the State Board. Specifically, the bill removes criteria which would have allowed the DWR to issue water conservation loans for wastewater reclamation projects. Since the State Board administers the 1984 Wastewater Reclamation Loan program, it would have been unnecessary and duplicative to have both agencies administer similar programs. This law became effective on July 7, 1988.

AB 4465 (Duplissea) - On site wastewater disposal zones (Statutes of 1988, Chapter 719) - Authorizes West Bay Sanitary District in San Mateo County to operate, as a pilot project ending January 1, 1991, "on site wastewater disposal systems" which are connected to a communitywide sewer system.

*SB 997 (Mello) Bond measure: wastewater reclamation and wastewater construction (Statutes of 1988, Chapter 47) - Places the Clean Water and Water Reclamation Bond Law of 1988 (Proposition 83) on the November 8, 1988 ballot asking for voter approval of \$65 million in general obligation bonds. This measure provides \$25 million for the Small Communities Assistance Program, \$30 million for the Reclamation Loan Program, and \$10 million for a Local Agency Bond Guarantee Program. Consistent with the federal Clean Water Act, another \$10 million would be reserved from the State Board's Clean Water Construction Loan Program for financing defensive treatment works to prevent pollution inflows from Mexico around the Jutting area. Finally, this bill makes technical changes to the 1988 Clean Water Bond Law, 1984 Clean Water Bond Law, and the 1986 Agricultural Drainage Bond Law to assure consistency with the federal Tax Law of 1986. This law became effective on March 18, 1988.

Vetoed

None

Failed Passage

AB 1992 (Hayden) Water quality: sewer hookup fees - Would have required the State Water Board to develop a proposed statewide standardized sewer hookup fee schedule, designed to generate enough revenue to fund the additional sewer plant capacity needed to comply with the federal Clean Water Act. Would have required the Board to submit the proposed fee schedule to the Legislature by January 1, 1989.

AB 3278 (Filante) - Liability for capital facilities fees - Would have explicitly authorized public agencies providing sewage collection, treatment, or disposal services to charge other public agencies a nondiscriminatory user fee to cover the costs of the capital facilities of the sewage agency.

AB 3411 (Killea) - Mission Bay Park - Would have directed the State Coastal Conservancy to review water quality problems in Mission Bay and San Diego and to recommend to the Governor and Legislature by July 31, 1989, methods to mitigate problems caused by sewer spillage into the Bay.

AB 3885 (Bradley) Bond measure: wastewater reclamation - Would have placed the Reclaimed Water Use Facilities Bond Act on the November 8, 1988 ballot asking for voter approval of \$20 million in general obligation bonds. AB 3885 would have authorized the Department of Water Resources to make loans to local agencies for the construction of wastewater reclamation projects.

ACA 27 (R. Johnson) - Procedures for assessments on real property - Would have required local governments which assess fees on real property to pay for a variety of services, including sewage services, to follow specified procedures for making those assessments. The assessments would have been required to be directly proportional to the benefit derived by each parcel, the assessments could not have generate more revenue than needed for the specific project, and the assessment revenue could not have been used for other purposes than funding the project. Such assessments could have been nullified by protest of a majority of proposed fee-payers at a mandated public hearing.

SB 1487 (Bergeson) Bond measure: wastewater reclamation and wastewater construction - Would have placed the Clean Water and Water Reclamation Bond Law of 1988 on the November 8, 1998, ballot asking for voter approval of \$400 million in general obligation bonds. This measure would have provided \$200 million for wastewater construction loans to local agencies; \$50 million for the Small Communities Assistance Program, and \$150 million for the Reclamation Loan Program. Finally, this bill would have made technical changes to the proposed 1988 Clean Water Bond Law, 1984 Clean Water Bond Law, and the 1986 Agricultural Drainage Bond Law to assure consistency with the federal Tax Law of 1986.

SB 2070 (Bergeson) - Local infrastructure study - Would have created an 18-member California Local Infrastructure Council, under the leadership of the State Department of Commerce, to develop and evaluate government management and fiscal policies affecting the State's economic infrastructure, including wastewater treatment facilities. Would have required a report to the Governor and Legislature by September 1, 1989, and would have appropriated \$50,000 from General Fund to the Department of Commerce for support of the Council.

SCA 21 (Royce) - Procedures for assessment on real property - Virtually identical to ACA 27 (Johnson).

SOLID WASTE LANDFILLS

Enacted

AB 2818 (LaFollette) Solid waste cleanups: task force (Statutes of 1988, Chapter 1304) - Expands the responsibilities of the Solid Waste Cleanup and Maintenance Advisory Committee (created by Chapter 1319, Statutes of 1987) to include an annual report to the Legislature on landfill cleanup activities conducted by State agencies. Also, expands the availability of loan guarantee funds under Chapter 1319 to include corrective actions taken under the Solid Waste Assessment Test Program.

AB 3071 (Eastin) Solid waste landfills: closure maintenance plan (Statutes of 1988, Chapter 263) - Makes numerous technical and clarifying changes to Chapter 1319, Statutes of 1987, to alleviate any duplication of authority between the State Board and the California Waste Management Board (WMB). Namely, AB 3071 removes the WMB's authority to take enforcement action for corrective actions involving the migration of hazardous waste. Also, further clarifies that closure plans required under Chapter 1319 would be cooperatively reviewed by both the State Board and the WMB. The State Board retains the authority over water quality issues and the WMB will administer a process for those issues other than water quality, such as methane gas, general nuisance, rodents, and vectors. Makes changes to the financial responsibility sections of Chapter 1319 requiring dischargers to establish financial means to ensure post-closure maintenance for as long a time as the waste poses a threat to water quality.

AB 3804 (Mountjoy) Solid waste landfills: gravel pit prohibition (Statutes of 1988, Chapter 1476) - Prohibits the Regional Boards from issuing waste discharge requirements to new landfills or lateral expansions of existing landfills situated over land which was used for the mining of sand or gravel. The Regional Boards can grant a variance from this prohibition, if the Regional Board determines that the landfill will be constructed in a manner that will prevent any migration of hazardous constituents to water.

SR 33 (Roberti) Solid waste disposal: task force (Adopted March 10, 1988, Statutes of 1988) - This resolution establishes a Senate Task Force on Waste Management. The State Board, along with representatives from State and local government and industry, make up the membership of this Task Force. The Task Force is charged with making a report to the Legislature by December 1, 1988, addressing the problems of landfill capacity and pollution and developing a legislative solution to these problems.

Vetoed

AB 3012 (Katz) Solid waste landfills: construction and design - This bill would have required the State Board to adopt regulations by July 1, 1990 requiring the owners of any new landfill, lateral expansion or reconstruction of a existing landfill to install a clay or synthetic liner, leachate collection and removal system, and a ground water monitoring system. The Regional Boards would have been prohibited from issuing waste discharge requirements (WDR) for landfills unless they were in compliance with the regulations or had been granted a variance from these regulations. Also would have prohibited the Regional Board from issuing a WDR if a landfill is situated over a former sand or gravel pit. The Regional Board could have

issued a variance from this prohibition if a demonstration could be made that the landfill would not pollute or threaten to pollute water resources. In addition, the issuance of a WDR would have been prohibited for a landfill unless a demonstration could be made that the landfill would not pollute or threaten to pollute a well used primarily for drinking water, ground water recharge area, or reservoir used for drinking water. The requirements of AB 3012 did not apply to landfills that only contain inert wastes, nonhazardous wood wastes, agricultural crop wastes, or wastes from mining operations.

Failed Passage

AB 2748 (Condit) Used tire disposal areas: task force - Would have created the California Tire Storage and Disposal Task Force within the Office of the State Fire Marshall. The State Board, along with other State agencies and industry representatives, would have sat as members of the Task Force. The Task Force would have developed fire standards for storage areas; identified a lead State agency for regulation; developed siting criteria; identified financing options; and reviewed existing disposal practices. The primary emphasis of AB 2748 was with the management of large tire stockpile sites and fire prevention issues.

SURFACE IMPOUNDMENTS

Enacted

AB 2875 (Costa) Surface impoundments: evaporation ponds (Statutes of 1988, Chapter 1287) - Contains language which chapters out certain sections of AB 3843 (Statutes of 1988, Chapter 920). These changes involve the addition of wildlife mitigation measures prepared in cooperation with the Department of Fish and Game. Other changes include the use of waste reduction techniques and a requirement for the issuance of waste discharge requirements. A technical correction regarding the 180-day period for submittal of an exemption application has also been made. Finally, the bill appropriates funds for agricultural drainage loans. (Refer to Water Quality section for further information regarding AB 2875.)

AB 2942 (Katz) Surface impoundments: mining exemptions (Statutes of 1988, Chapter 885) - Creates three separate exemption processes for relieving owners of mining ponds from specified requirements of the Toxic Pits Cleanup Act (TPCA). The first exemption applies to owners who met the statutory deadline for submitting a hydrogeological assessment report and the Regional Board later found the report to be deficient, but failed to notify the owner before January 1, 1988. AB 2942 then affords the owner one additional year to correct those deficiencies in the report. The second exemption allows the Regional Boards to exempt closed mining ponds from the requirements of the TPCA, if the pond was constructed at the direction of the Regional Board to cleanup a pollution threat and the environmental benefits of discharging to the pond outweighs any threat to water quality. Finally, the third process allows the Regional Board to exempt a mining pond from the requirements of the TPCA if all of the following criteria are met: the pond is used for recharging ground water; hazardous constituents in the pond originated from the ground water below; the pond is not within one-half mile of a drinking water source; and waste discharge requirements have been issued. The pond owner is required to prepare a technical report for all three exemption processes and the Regional Board retains the authority to revoke an exemption.

AB 3736 (Jones) Surface impoundments: pollution (Statutes of 1988, Chapter 679) - Adds a definition of "pollution" to the TPCA to have the same meaning as used in the Porter-Cologne Water Quality Control Act. Various sections throughout the TPCA use the terms "pollute" or "threaten to pollute".

AB 3843 (Costa) Surface impoundments: agricultural exemptions (Statutes of 1988, Chapter 920) - Allows the Regional Boards to exempt agricultural drainage ponds containing surface and subsurface drainage waters from the requirements of the TPCA, if the following criteria are met: contains only surface or subsurface drainage waters; a waste discharge permit has been issued, or such issuance has been waived; the pond is operated in an acceptable manner; adverse impacts to wildlife are prevented; and the ground water is monitored. The pond owner is required to prepare a technical report and the Regional Board retains the authority to revoke an exemption. The State Board will prepare a report to the Legislature by January 1, 1992 on the management of agricultural drainage waters.

Vetoed

Failed Passage

AB 2040 (Katz) Solid waste policy: surface impoundments - Would have removed a policy statement from the Government Code which stated that it was the right of an individual to dispose of organic and toxic materials on the person's own property in evaporation ponds from which there was no drainage or leakage.

AB 2871 (Peace) Surface impoundments: hydrogeological assessment reports - Would have pushed back by six months, from January 1, 1988 to July 1, 1988, the deadline for submitting a hydrogeological assessment report to the Regional Board, if all of the following conditions were met: the pond is owned by a pest control operator; the pond is located in Imperial County; and the owner is not otherwise subject to the TPCA. The bill would have required the State Board to submit a report to the Legislature by May 31, 1988, containing a detailed analysis on implementation of the TPCA by each of the Regional Boards.

AB 4697 (Chandler) Surface impoundments: rice seed exemption - Would have allowed the Regional Boards to grant a waiver to pond owners from the requirements of the TPCA, if the pond met the following requirements: the pond accepted rice seed soak waters containing copper hydroxide; waste discharge requirements were issued, or such issuance waived; the pond was operated in a manner acceptable to the Regional Board; and the pond was constructed prior to August 1, 1988. The pond owner would have been required to prepare a technical report and closure plan as a condition of the waiver.

SB 2564 (Maddy) Surface impoundments: closure requirements - Would have clarified the Regional Board's existing authority (Water Code Section 13301) to issue an enforcement order placing specific discharge prohibition requirements on surface impoundment owners according to a time schedule. SB 2564 would have allowed the Regional Boards to grant a time extension, through the issuance of an enforcement order containing a time schedule for compliance, from the discharge prohibitions and closure requirements of the TPCA.

TOXIC AND HAZARDOUS WASTE

Enacted

AB 3383 (Quackenbush) Hazardous Waste Control Law: federal compliance (Statutes of 1988, Chapter 1632) - Makes several non-controversial changes to the Hazardous Waste Control Law to achieve consistency with the federal Resource Conservation and Recovery Act. AB 3383 makes only minor technical amendments and is a companion bill to AB 4636 (Statutes of 1988, Chapter 1631).

AB 4636 (Quackenbush) Hazardous Waste Control Law: federal compliance (Statutes of 1988, Chapter 1631) - Makes several policy changes to the Hazardous Waste Control Law to achieve consistency with the federal Resource Conservation and Recovery Act (RCRA). AB 4636, together with implementing regulations, will provide the authority for the Department of Health Services (DHS) to implement a State RCRA program. Specifically, the measure that clarifies the statutory mandate that the DHS apply all applicable State and Regional Board requirements is not a limitation on the authority of the DHS to impose any more stringent requirements necessary to implement RCRA. Also, adds a new section that updates the requirement that permits issued by the DHS incorporate State and Regional Board requirements. AB 4636 is a companion bill to AB 3383 (Statutes of 1988, Chapter 1631).

SB 2093 (Torres) Residual repositories: regulations (Statutes of 1988, Chapter of 1417) - Requires the Department of Health Services, in conjunction with the State Board, to adopt regulations by May 1, 1990 to establish siting criteria, facility performance standards, and composition standards for residual storage facilities. The standards adopted by the DHS are required to be at least as strict as federal standards.

Vetoed

AB 1453 (Tanner) Hazardous wastes: small business loan program - Would have established a program to provide low-interest loans to responsible parties to pay for the cost of cleanup at California Superfund sites. The Department of Commerce is responsible for implementing this measure. Loans would have been made available to small businesses who are under an enforceable agreement with the Department of Health Services. The loan would have been used to pay for remedial actions, site investigations, characterization reports, or actual site cleanup.

Failed Passage

AB 1061 (LaFollette) Residual repositories: facility permits - Would have required the Department of Health Services (DHS) to adopt regulations to establish design, operation, and construction standards for residual repository facilities. These facilities would have accepted only treated wastes or wastes generated from cleanup operations. The DHS would have had until January 1, 1990, to adopt the regulations.

AB 1682 (Johnston) Hazardous waste: small business loan program - Would have created a low-interest loan program to finance the cleanup of underground tank leaks. Small businesses that could demonstrate financial hardship would have been eligible for receiving loans under this program.

AB 1931 (Bader) Hazardous waste disposal site: Stringfellow Quarry cleanup - Would have required the Department of Health Services to establish a hydraulic barrier south of Highway 60 as part of the ground water cleanup activities for the Stringfellow Disposal Site. Also would have reappropriated \$2.5 million from the Special Stringfellow Reserve Account to carry out this requirement.

AB 2002 (Hayden) Hazardous waste: pretreatment - Would have prohibited the State and Regional Board from issuing waste discharge requirements to individuals discharging over 100 kilograms annually of pollutants to navigable waters or to a publicly owned treatment works, unless the discharger complies with a hazardous waste reduction plan prepared by a qualified government agency.

AB 2868 (LaFollette) Hazardous waste: statute review - Would have authorized the Department of Health Services to contract for a study to review and revise those statutes governing the regulation of hazardous waste and hazardous materials. The study was intended to identify overlaps and inconsistencies in hazardous waste regulatory programs. This bill was similar to AB 3587.

AB 3587 (Sher) Hazardous waste: statute review - Would have authorized the Department of Health Services to contract for a study to review and revise those statutes governing the regulation of hazardous waste and hazardous materials. The study was intended to identify overlaps and inconsistencies in hazardous waste regulatory programs. This bill was similar to AB 2868.

AB 4224 (Harvey) Hazardous waste facility permits: treatment technology projects - Would have required the Department of Health Services (DHS) to adopt regulations to expedite the issuance of hazardous waste facility permits for specified on site experimental treatment projects. If approved by the DHS, the experimental treatment project would have been allowed to operate for a 180-day test period. During this test period, all State and federal permits would have been preempted -- including waste discharge requirements and NPDES permits.

SB 38 (Boatwright) Residual repositories: facility permits - Would have established a new category of hazardous waste facilities designed specifically for the disposal of treated wastes or wastes generated from cleanup operations. SB 38 would have prohibited any hazardous waste facility from operating as a residual repository unless the facility had been certified by the Department of Health Services as meeting specific requirements.

SB 842 (Torres) Hazardous waste: small business loan insurance program - Would have established a loan insurance program to assist qualified applicants in obtaining credit necessary to cleanup hazardous substance releases. The Department of Commerce would have been responsible for administering the program and would have entered into contracts with financial institutions to pay the premiums on loan insurance.

SB 1912 (Rogers) Hazardous waste: zinc - Would have exempted certain zinc rich materials from the definition of a "hazardous substance" under the Health and Safety Code. Specifically, this bill would have made the Toxic Pits Cleanup Act, as well as other hazardous waste regulatory programs, inapplicable to those facilities containing the zinc rich material specified in SB 1912.

SB 2094 (Torres) Hazardous waste cleanup: bond measure - Would have placed the Hazardous Substance Cleanup Bond Act of 1988 on the November 1988 ballot asking for voter approval of \$150 million in general obligation bonds to finance the cleanup of hazardous waste sites and correct water pollution problems. Specifically, the bond funds would have been used for the following purposes: \$95 million for the California Superfund program; \$20 for underground tank cleanups; \$20 million to abate wastewater pollution from Mexico; \$5 million for a loan program; and \$10 million for ocean and bay cleanups.

SB 2587 (Torres) - Assessment of laboratory certification programs - Would have directed the Department of Health Services to conduct an assessment of various certification programs for environmental laboratories.

SB 2767 (Petris) Hazardous substances: toxic reduction program - Would have created an ambitious program to reduce hazardous substance use in California. SB 2767 would have required businesses to prepare hazardous substance inventories complete with detailed information on the fate of all hazardous substances. In addition, all handlers of hazardous substances would have been required to prepare use reduction plans. SB 2767 would have created a Department of Hazardous Substance Use Reduction to oversee all hazardous substance reduction activities. The new Department would have adopted regulations to phase out the use of hazardous substances based on their threat to the workplace or environment.

SB 2816 (Seymour) Hazardous waste cleanup: bond measure - Would have placed a Bond Act on the November 1988 ballot asking for voter approval of \$150 million in general obligation bonds to finance the cleanup of hazardous waste sites and correct water pollution problems. Specifically, \$120 million of the bond funds would have augmented the existing California Superfund program and \$30 million would have gone to the State Board for underground tank cleanups.

UNDERGROUND STORAGE TANKS

Enacted

AB 190 (Bradley) Underground vaulted tanks: San Diego County exemption (Statutes of 1988, Chapter 876) - Exempts tanks located on or above the floor of a below-grade structure (vaulted tank) from the requirements of the Underground Storage Tank Law, if all of the following requirements are met: the tank and connecting pipelines can be monitored by direct viewing; secondary containment is provided in a manner acceptable to the local agency; the tank owner conducts daily inspections and maintains a log for local agency review; the tank meets requirements which are equal to, or more stringent than, the Underground Storage Tank Law; and the tank is located in San Diego County. The State Board estimates that less than 250 vaulted tanks will be eligible for an exemption under Chapter 876.

AB 1571 (Speier) Underground storage tank permit inventory: San Mateo County (Statutes of 1988, Chapter 296) - Requires anyone who authorizes or delivers hazardous substances to an underground storage tank located in San Mateo County to transmit to the County by January 1, 1990 a complete list of deliveries made between January 1, 1989 and December 31, 1989. The list will include information on the owner, tank location, and type and quality of hazardous substances delivered. Anyone failing to submit the delivery information could be subject to civil penalties up to \$1,000. This San Mateo County pilot program will assess the feasibility of identifying unregistered tanks through delivery manifests.

*AB 4613 (Sher) Underground storage tanks: pilot program (Statutes of 1988, Chapter 1431) - Makes several conforming changes to the State Board's Underground Storage Tank Pilot Program and would extend the Program's sunset date from July 1, 1988 to January 1, 1990. AB 4613 deletes the requirement that the Department of Health Services issue an enforcement order; list the site on an expenditure plan; and prepare a remedial action plan prior to spending bond funds. Also, requires local agencies to notify responsible parties of their obligations to pay for any direct or indirect costs incurred under the Pilot Program. Creates a process for aggrieved persons to petition the State Board to review local agency actions taken under the pilot program. Finally, this bill extends cleanup immunity to all local agencies involved in the cleanup of leaking tanks. This law became effective on September 26, 1988.

Vetoed

AB 1057 (Hauser) Underground storage tanks: insurance and small business loan program financing - This bill was double-joined to SB 539 (Keene), which if enacted later, would have chaptered out the appropriation provisions of SB 539. This measure was used by the sponsors of SB 539 as a trailer bill to redirect the \$5 million appropriation contained in SB 539. AB 1057 would have made a loan of \$4 million from the General Fund to the insurance program, to have been repaid by loans. Another \$1 million loan from the General Fund would have financed the loan program, with repayments generated by loan paybacks.

SB 539 (Keene) Underground storage tanks: insurance and small business loan program - Would have created a special fund for the purposes of providing insurance to owners of petroleum tanks against the expenses of cleanup and third-party liability. The program would have provided insurance up to \$1 million per occurrence and at least \$2 million aggregate coverage (multiple tanks) for each facility. A \$50 per-tank fee would have been levied upon specified permitted petroleum tank owners to finance the insurance program. SB 539 would also have established a low-interest loan program to help petroleum tank owners pay for the costs of tank repairs, replacement, or upgrading necessary to comply with State and federal laws. Loans could not exceed 70 percent of the total project cost and would have been limited to those small businesses which could demonstrate financial hardship. SB 539 would have made a loan of \$5 million from the General Fund to the loan program for financing low-interest loans.

Failed Passage

AB 1194 (Wright) Underground storage tanks: local implementing agencies - Would have stated that underground storage tanks containing wastes and regulated by the Department of Health Services under the Resource Conservation and Recovery Act would not be subject to regulation by local agencies pursuant to the Underground Storage Tank Law. AB 1194 would have restated an existing section of law -- Health and Safety Code Section 25281(o).

SB 1833 (Davis) Leaking underground storage tanks: financing - Would have transferred \$20 million from the General Fund to the State Allocation Board within the Department of General Services to finance the cleanup of leaking tanks at school districts and county offices of education. SB 1833 would have paid for cleanup costs, but not for the costs of compliance, such as installing tanks, pipes, or monitoring equipment.

WATER QUALITY

Enacted

AB 2875 (Costa) Agricultural Drainage Loan Program: evaporation ponds (Statutes of 1988, Chapter 1287) - Authorizes the State Board to make seven loans, totaling \$6,173,000, for various agricultural drainage studies and construction projects. These low-interest loans are provided by the Water Conservation and Water Quality Bond Law of 1986 and are intended to help local agencies build agricultural drainage management facilities. AB 2875 requires the State Board, prior to making a loan, to review and consider the findings and recommendations contained in any federal or State study submitted to the State Board. Finally, this bill makes corrections to AB 3843 (Statutes of 1988, Chapter 920) relating to the Toxic Pits Cleanup Act. (Refer to Surface Impoundments section for further information regarding AB 2875.)

AB 3046 (Kelley) - Exclusion from monitoring well requirements (Statutes of 1988, Chapter 622) - Excludes, from reporting requirements for monitoring wells, those wells constructed to determine the effect of ground water levels on crop root zones.

AB 3739 (Jones) - Laboratory certification program consolidation (Statutes of 1988, Chapter 894) - Consolidates, under Department of Health Services' (DHS) authority, three environmental laboratory certification programs: wastewater, drinking water, and hazardous materials. Requires laboratory work done to satisfy requirements of the Porter-Cologne Water Quality Control Act to be done by a laboratory certified by the DHS. "Grandfathers" the DHS certification for laboratories certified by the State Water Board, until DHS can conduct its own certification. Authorizes the DHS to charge laboratories (including public agency laboratories) fees to cover the cost of the consolidated program. Transfers repayment of a \$200,000 General Fund loan to the State Board over to the DHS.

SB 2396 (Boatwright) - Discharges to sewers (Statutes of 1988, Chapter 1057) Makes it a crime, separate from water quality control and hazardous waste control laws, to discharge harmful materials to sewers or to discharge -- without a permit from the sewerage agency -- commercial quantities of any substance to portions of the sewer system not intended for deposit of discharges.

SB 2829 (Bergeson) - Annual water quality fee (Statutes of 1988, Chapter 1026) - Converts the water quality fee system from filing fees to annual fees for most dischargers; establishes a maximum annual fee of \$10,000; phases-in annual fees for NPDES permit holders as their current fees come due for renewal; directs the State Board to adopt implementing regulations on an emergency basis by January 1, 1990; leaves currently-operating dairies under the filing fee system; and exempts injection wells covered by an interagency agreement between the State Board and Division of Oil and Gas, Department of Conservation, from all water quality fees.

Vetoed

SB 1335 (McCorquodale) Timber harvesting: on site inspections - Would have allowed the State Board, Regional Boards, and the Department of Fish and Game to enter and inspect the site of a proposed or active timber harvesting operation, if accompanied by a Department of Forestry representative. SB 1335 would have limited inspections to any time before the Director of the Department of Forestry has issued a report of satisfactory completion of stocking or before the end of the first winter following the filing of a work completion report. Also, would have allowed inspection team members to utilize any necessary measurement or evaluation devices (photographs, water samples, etc.) when conducting an inspection.

Failed Passage

AB 313 (Hayden) Tributyltin use: antifouling paint - Would have prohibited use of antifouling paints and pesticides containing tributyltin (TBT) within navigable waters of California. Would have required the State Water Board to conduct a study on the use of TBT and other organotins.

AB 930 (W. Brown) - International border cleanup bonds - Would have authorized sale of \$150 million in general obligation bonds to correct pollution problems entering California from Mexico via the New River, Alamo River, and Tijuana River. (See AB 2699.)

AB 1476 (Bradley) Drainage requirements - Would have exempted dairies and animal feed lots from drainage requirements adopted by the State Water Board to regulate the handling and discharge of manure and wastewater.

AB 1977 (Bates) San Francisco Bay: protection - Would have directed the State Water Board to conduct a comprehensive study of all existing data on the bay, to identify data gaps, and report to the Legislature by July 1, 1988. Would have required the Board to adopt water quality standards for the bay and to establish a monitoring program to evaluate the effectiveness of the standards.

AB 1991 (Hayden) Water quality research facilities - Would have required the State Water Board to establish two ocean water quality research facilities; one in southern California to specialize in ocean water quality monitoring and analysis, the other in northern California to specialize in bay and estuary water quality analysis.

AB 2612 (Peace) - Underwater cleaning of vessels - Would have prohibited the underwater cleaning of vessels if such cleaning resulted in the discharge of hazardous wastes to the waters of the State.

AB 2630 (Connelly) Pesticides: water pollution - Would have required the Director of the Department of Food and Agriculture after October 1, 1989 to cancel the registration of any pesticide product containing an active ingredient for which there is a data gap or a degradation product of an active ingredient for which there is a data gap, if that active ingredient has been identified as a persistent water contaminant.

AB 2699 (Peace) - International Border Pollution Control Authority - Would have created a 17-member International Border Pollution Control Authority to coordinate various government activities regarding pollution control along the California-Mexico border and to oversee the expenditure of revenues from bonds sold pursuant to AB 930.

AB 2759 (Jones) Pesticides: ground water pollution - Would have changed the definition of "pollution" contained in the Pesticide Contamination Prevention Act (Statutes of 1985, Chapter 1298) to have the same meaning as used in the Porter-Cologne Water Quality Control Act. This measure would have expanded the definition of "pollution" and lended support to a broader set of situations under which pollution could be found. The definition contained in Chapter 1298 refers only to adverse health effects, while the Porter-Cologne Water Quality Control Act is defined in terms of the unreasonable and adverse effects on the beneficial uses of water.

AB 3123 (Hansen) - SWRCB laboratory certification program - Would have made the State Board's authority to charge laboratory certification fees permanent. Would have authorized the State Board to impose laboratory certification fees on public agency laboratories. Would have postponed repayment of a \$200,000 General Fund loan until January 1, 1991. (See AB 3739.)

AB 3218 (Connelly) - Drinking water standards - Would have declared maximum contaminant level in drinking water for lead to be 20 parts per billion, effective January 1, 1989, and for total trihalomethanes (THMs) to be 50 parts per billion, effective January 1, 1991. Would have repealed these levels upon the filing by Department of Health Services of regulations which establish more stringent maximum contaminant levels or, in the case of total THMs, which establish that the levels cannot be safely achieved.

AB 3630 (Sher) Forest practices: timber harvesting plans - Would have required the Board of Forestry, by July 1, 1989, to report to the Governor and Legislature on actions taken to adopt rules and regulations for site preparation and long-term maintenance of erosion control facilities and to access deficiencies identified in the Final Report of the Forest Practice Rules Assessment Team submitted to the State Board. AB 3630 also would have required timber operators to notify the Department of Forestry, within ten days before the start of harvesting in each calendar year, of the locations and dates of harvesting.

AB 3911 (Sher) - Drinking water standards - Would have directed the Department of Health Services to establish public health drinking water standards and primary drinking water standards. Would have appropriated \$3 million from the General Fund to the DHS for this work. A reintroduction of AB 859 (1987).

AB 4147 (Allen) - Water quality impacts on fish and wildlife - Would have directed Department of Fish and Game to study the impact of water quality, including selenium levels, on the State's fish and wildlife resources and to report to the Legislature on this study by June 1, 1989.

AB 4152 (Hauser) - Study of vessel pollution of marinas - Would have directed the Department of Fish and Game to study the presence of various metals in marinas throughout the State.

SB 529 (Dills) Wetlands: mitigation study - Would have established a 28-member, multi-agency California Wetlands Mitigation Task Force, including representation by the State Water Board, to study the effects of port expansion into bays and wetlands.

SB 1122 (Ayala) Drinking water: standards - Would have required the Department of Health Services (DHS) to adopt primarily drinking water standards specifying maximum contaminant levels for all substances found in drinking water which may adversely affect human health, except if the DHS finds that it is economically or technologically unfeasible to measure the level of contaminant. If such a finding had been made, the DHS may require the use of a specified treatment technique in lieu of a maximum contaminant level.

SB 1641 (Keene) Timber Harvesting Plans: appeal process - Would have authorized the State Board and the Department of Fish and Game to file an appeal with the Board of Forestry within 10 days of approval of a Timber Harvesting Plan by the Director of Forestry. This appeal could have been filed if the agency participated on an on-site inspection of the area and was involved in the multi-disciplinary review of the Plan. Any timber harvesting authorized under the Plan would be halted until the appeal had been resolved.

SB 2284 (Rogers) - Definition of monitoring well - Would have revised the definition of "monitoring well" to exclude those wells less than 30 feet deep and 3 inches in diameter. (See AB 3046.)

SB 2454 (Garamendi) - Water quality research by Department of Health Services (DHS) - Would have directed the DHS to operate a research program on water quality issues, with emphasis on drinking water and would have appropriated \$225,000 to the DHS for this program.

WATER RIGHTS AND WATER SUPPLY

Enacted

AB 982 (Costa) - Temporary changes due to transfers (Statutes of 1988, Chapter 1145) - Modifies procedures for Board approval of temporary changes in water rights (changes in place or season of diversion or changes in place of use) due to transfer of water. Requires formal Board approval for such changes; authorized transfers of the amount "consumptively used" or the amount stored; defines "consumptively used"; and repeals language authorizing long-term transfers.

*SB 32 (Ayala) - Drought relief (Statutes of 1988, Chapter 957) - Directs the Department of Water Resources (DWR) to identify areas in the State which would be particularly hard-hit by a third dry year, to develop options for addressing these difficulties; to identify needed changes in laws or regulations, and to report to the Legislature on these activities by January 21, 1989. Also directs the DWR to assist local governments in implementing drought relief measures which are currently authorized. The bill is to become inoperative if the May 1, 1989, the DWR Bulletin 120 forecast indicates that the 1988-89 hydrologic year in the Sacramento River basin is an above normal or wet year or if the Director of the DWR declares that the drought is over. An urgency measure effective September 19, 1988.

*SB 34 (Boatwright) - Flood control: delta levees (Statutes of 1988, Chapter 28) - Creates the Delta Flood Protection Fund, to be financed from tidelands oil and gas revenues. Fund to be used to pay the costs of maintenance and improvement of Delta levees, of special delta flood protection projects, and of subsidence monitoring and studies. Creates a separate special fund for use by Department of Water Resources for mitigation of adverse effects in the delta, Suisun Marsh, and San Francisco Bay from upstream depletions and diversions and for mitigation of adverse effects in the Salton Sea. An urgency measure that took effect March 11, 1988.

SB 1839 (Ayala) - Small domestic use registration program (Statutes of 1988, Chapter 1040) - Mandates the State Board to create a registration program as the exclusive means for issuing water rights for small domestic uses. Removes requirements for a notice and hearing prior to issuing water right permits for qualifying diversions. Exempts from the registration program those streams subject to streamflow requirements proposed by Department of Fish and Game -- such exemption leaves these streams under current permitting laws. Requires the Division of Water Rights to advise the Board if any streams open to registration are approaching a full appropriation status. Requires a report to the Legislature by January 1, 1993. The program is to sunset January 1, 1994. This measure was sponsored by the Board.

SJR 30 (Ayala) - Central Valley Project transfer (Statutes of 1988, Resolution Chapter 123) - Requests Congress to transfer control and operation of the Central Valley Project to the State.

Vetoed

AB 3294 (Sher) - Permits for small hydroelectric projects - Would have prohibited State agencies from issuing permits for development of small hydroelectric power projects if the developer obtained use of private property without the owner's consent or of public property without the consent of the administering agency (via condemnation proceedings).

Failed Passage

AB 525 (Stirling) Water reclamation: feasibility study - Would have required Department of Water Resources and Department of Health Services to study the feasibility of mandating the future construction of water reclamation facilities, rather than sewage treatment plants, in San Diego County to provide needed wastewater treatment.

AB 734 (Johnston) Water: long-term transfers - Would have required the State Water Board to issue a public notice and hold a hearing before approving a long-term transfer. Would have required the Board to make findings regarding potential impact of the transfer on fish, wildlife, and other instream beneficial uses and on other legal users of water. Would have required the Board to retain jurisdiction over the transfer and authorized the Board to review the permit periodically.

AB 1626 (Sher) - Hydroelectric power - Would have prohibited the State Water Board, until January 1, 1996, from issuing a water right permit for a hydroelectric project which would result in significant reduction in anadromous salmon and steelhead resources or significant loss in fish habitat. (See AB 3294.)

AB 2128 (Bates) Water resources - Would have required the State Board to reject any water right application to export water from several rivers draining into the Sacramento-San Joaquin Delta and San Francisco Bay. Would have required the State Board, beginning June 30, 1989, to review all water right permits which would impact the Delta. Would have required all applications to appropriate more than 3,000 acre-feet of water to contain an economic and environmental analysis of water conservation, reclamation, and transfer alternatives.

AB 2244 (Bates) Water resources development: delta plan - Similar to AB 2128 (Bates), but would also have established a nine-member Delta Advisory Commission to develop solutions to water quality and environmental problems in the Delta.

AB 2518 (R. Campbell) - Fish and wildlife protection: construction projects Would have authorized Department of Fish and Game to require project proponents to comply with mitigation agreements on previous projects before negotiating on mitigation measures for a second project.

AB 3609 (Costa) - Definition of area of origin - Would have expanded the areas of origin, which are protected from detrimental transfers of water, to include the Tuolumne River basin.

AB 3610 (Costa) - Water rights monitoring and compliance - Would have created a water rights monitoring and compliance program at the State Board, to be funded through an annual fee on water right permits and licenses. This measure was sponsored by the State Board.

AB 3633 (Sher) - Administrative civil liabilities - Would have authorized the State Board to impose administrative civil liabilities (fines) on water right permit or license holders who violated a Board-issued order directing the right holder to cease and desist from violations of the terms of their permit or license.

AB 3655 (Johnston) - Temporary changes due to transfers - Would have amended the provision of law governing temporary changes to water right permits or licenses due to transfers of water. (Consolidated into AB 982 [Costa].)

AB 3748 (Katz) - Temporary changes due to transfers - Would have amended the provision of law governing temporary changes to water right permits or licenses due to transfers of water. (Consolidated into AB 982 [Costa].)

AB 4027 (Kelley) - Temporary changes due to transfers - Would have amended the provision of law governing temporary changes to water right permits or licenses due to transfers of water. (Consolidated into AB 982 [Costa].)

AB 4439 (N. Waters) - Owens Valley - Mono Lake ground water - Would have prohibited transfer of ground water from the Owens Valley and Mono Lake ground water basins to other basins via unused aqueduct capacity. Earlier versions of this bill would have postponed application of the public trust doctrine.

ACA 61 (Bates) - Area-of-origin protections: voter approval - Would have required voter approval in the same fashion as for initiative statutes (simple majority vote) for laws amending, adding to, or repealing county-of-origin, watershed protection, area-of-origin, and Delta protection acts. Would have allowed enactment of such laws by two-thirds vote of the Legislature if the proposed law would not reduce protection for fish and wildlife.

AJR 61 (Costa) - Water rights: federal reservations - Would have requested federal agencies to quantify their water right claims for federally reserved lands within the State water right process; would have requested Congress and the President to make specific provisions for water right claims under State water right law in any new federal legislation reserving lands; would have requested Congress and the President to encourage negotiated settlement of Indian reserved right disputes through development of federal water projects; and would have requested Congress and the President to provide funding for hydrological and quantification studies needed to resolve disputes over reserved water rights.

SB 35 (Ayala) - Delta - Would have expressed the Legislature's approval of the decision of the court in United States v. State Water Resources Control Board and would have directed the Board to fully comply with the decision.

SB 1455 (Boatwright) Water resources: Sacramento/San Joaquin Valley - Would have required the State Water Board to inventory water diversions in the Sacramento and San Joaquin River watersheds which affect the outflow of water through the Sacramento/San Joaquin Delta and San Francisco Bay estuary. Would have required the Board to study the effects of upstream discharges on the waters of the bay and estuary.

SB 2390 (W. Campbell) - Fish screens - Would have authorized the Department of Fish and Game to charge water diverters the full cost for replacing ineffective fish screens.

