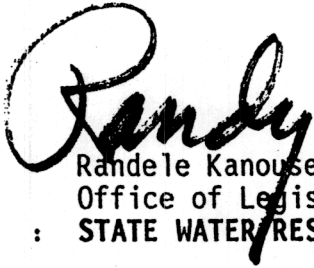


State of California

Memorandum

To : DIVISION CHIEFS AND ABOVE

Date : October 13, 1989



Randele Kanouse, Chief
Office of Legislative and Public Affairs

From : STATE WATER RESOURCES CONTROL BOARD

Subject: LEGISLATIVE SUMMARY FOR FIRST HALF OF 1989-90 SESSION

The first year of the 1989-90 Session of the Legislature has been completed and the Legislature will reconvene for the second year in January.

The attached summary identifies legislation introduced during the 1989 portion of the Session. The legislation is presented under the following categories:

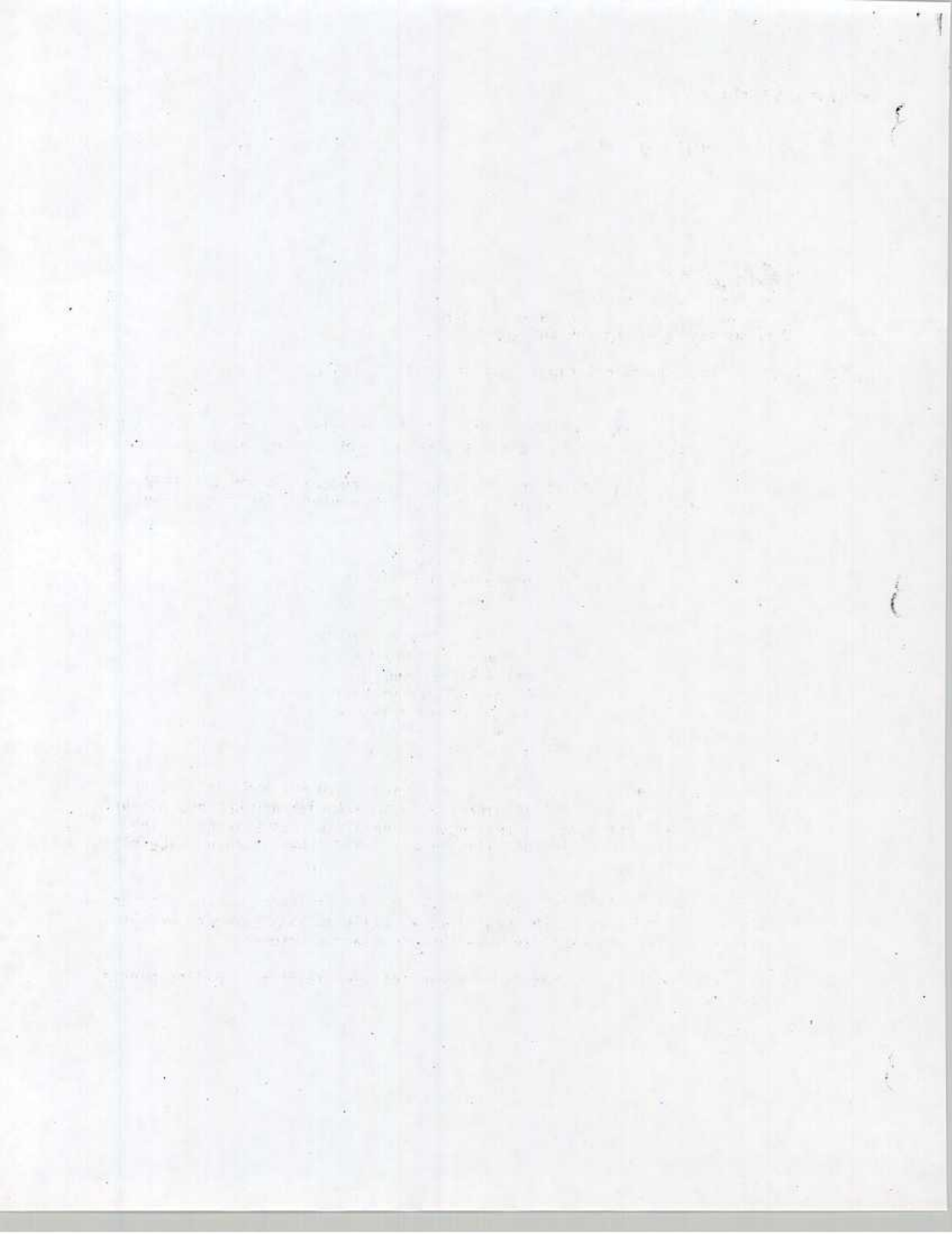
- Administration
- Agricultural Drainage
- Oceans and Bays
- Proposition 65
- San Francisco Bay and Delta
- Sewage Treatment
- Solid Waste Landfill
- Toxic and Hazardous Waste
- Underground Tanks
- Water Quality
- Water Rights and Supply

Within each category, legislation is separated into Enacted, Vetoed, and Two-Year Bill sections. Bills marked with an asterisk 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, 1990.

The group identified as Two-Year Bills should be reviewed carefully since, according to the rules of the Legislature, bills in this category may be carried over for consideration when the Legislature returns.

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

Attachment



STATE WATER RESOURCES CONTROL BOARD
OFFICE OF LEGISLATIVE AND PUBLIC AFFAIRS

1989 LEGISLATIVE SUMMARY

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* urgency measure

ADMINISTRATION

Enacted

AB 2320 (Costa) Regional Board compensation (Chapter 536, Statutes of 1989) - Changes the maximum annual compensation for Regional Water Quality Control Board (Regional Board) Member from \$1,500 per Member to \$13,500 per Regional Board.

Vetoed

None

Two-Year Bill

AB 13 (Katz) General Obligation bonds: debt service limitation - Would prohibit the Treasurer from selling general obligation bonds in any amount which would require the payment of principal and interest on all outstanding bonds to exceed 5 percent of the General Fund expenditures for the preceding fiscal year.

AB 855 (Felando) Administrative regulations - Would establish procedures for repeal of regulations which are based on statutory authority that has been repealed, become ineffective, or inoperative.

ACA 1 (McClintock) State-mandated local programs - Would authorize the Commission on State Mandates to suspend the duty of local governments to carry out State mandated programs if the Commission finds that the State has not provided sufficient funding to local governments for those programs.

Enacted

AB 583 (Costa) Agricultural drainage loan approval (Chapter 934, Statutes of 1989)
State Water Resources Control Board (State Board) bill. Authorizes the State Board to award \$100,000 from the Water Conservation and Water Quality Bond Law of 1986 to the Buena Vista Water Storage District (District) for a study on groundwater movement and contamination. The loan funds are to be used for installing shallow and deep groundwater monitoring wells to evaluate perched water, groundwater quality, and hydraulic movement in the District's groundwater.

Vetoed

None

Two-year bill

AB 523 (Seastrand) San Joaquin Valley agricultural drain - Would prohibit discharge of San Joaquin Valley agricultural drains to Morro Bay, Pacific Ocean between Monterey and Morro Bays, and associated tributary streams; would sunset January 1, 1996.

Enacted

*** AB 41 (Wright) Bay & Estuary Protection Program (Chapter 1032, Statutes of 1989)**
 This bill is a trailer bill for SB 475. As it changes those provisions of Chapter 269 affecting the State Board authority, it corrects technical and drafting errors which were not fixed prior to SB 475 being enacted. Technical amendments have also been made to AB 41 that directly affect the Department of Health Services (DHS) and their programs. This law became effective on September 30, 1989.

*** SB 475 (Torres) Bay & Estuary Protection Program (Chapter 269, Statutes of 1989)**
 Revises the hazardous waste fee collection system administered by the DHS. SB 475 creates a Bay and Estuary Protection and Cleanup Program and provides the State Board with \$5 million for first year administrative costs. The bill directs the State Board and Regional Boards to develop a plan for the cleanup of toxic hot spots in enclosed bays and estuaries, to reevaluate waste discharge requirements to prevent further pollution of hot spots, and to develop a work plan for the development of "sediment quality thresholds". The bill also makes an appropriation to the State Board for the underground tank program (Refer to the Underground Tank section for further information.). This law became effective August 3, 1989.

Vetoed

None

Two-Year Bill

AB 478 (Bates) Water quality: coastal bays - Would require the Regional Boards to conduct unannounced inspections of NPDES dischargers in specified bays; and would require an inspection program to be supported by new fees on NPDES dischargers in the coastal regions.

AB 1000 (Hayden) Water quality: ocean resources - Would require the State Board to adopt a nonpoint source and stormwater management plan; to update the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries to include numerical water quality and sediment quality standards; and to coordinate State and local monitoring programs for bays and estuaries. Would require the DHS to prepare a comprehensive plan for health risk assessments for marine pollution.

AB 2000 (Farr) California Ocean Resources Management Act of 1990 - Would create two new State organizations to develop an ocean resources report for the Governor and Legislature by January 1, 1992. These organizations would require the participation of the State Board Chair or Executive Officer and the executive officers of the coastal Regional Boards.

AB 2092 (W. Brown) Water quality: bay protection and toxic cleanup - Reintroduction of AB 3947 from 1988. Would create the bay protection and toxic hot spots cleanup program. Incorporated into SB 475 (Torres).

AJR 22 (Farr) Ocean boundaries: United States, coastal states - Would ask Congress and the President to statutorily extend to ocean boundary of coastal states from 3 to 12 geographical miles offshore.

AJR 43 (Lempert) Dredged material: ocean disposal - Would ask Congress and the President to direct the Corps of Engineers and the EPA to prohibit disposal, on the continental shelf, of toxic materials; to determine the safety of dredged materials to fishery resources; and to select disposal sites off the continental shelf.

SB 1500 (Hart) Coastal resources: ocean, estuaries, and wetlands - Would require the State Board to review the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries to include numerical water quality and sediment quality standards; to submit a cleanup plan for toxic hot spots to the Legislature by January 1, 1993; to amend NPDES permits in accordance with those standards; and, by January 1, 2000, to revoke all waivers from the Clean Water Act's secondary treatment requirement. Would require NPDES dischargers to perform biomonitoring. Would authorize publicly owned treatment works to impose fees to recover costs incurred to meet the bill's requirements on removal of toxic chemicals from sewage. Would authorize citizen suits to enforce its provisions.

Enacted

None

Vetoed

None

Two-Year Bill

*** AB 42 (Jones) Warning requirements** - This bill would revise the warning requirement contained in the Safe Drinking Water and Toxics Enforcement Act (Proposition 65) for chemicals listed by the Governor as causing reproductive toxicity. AB 42 is similar to AB 2714 (Jones) of last year, which did not pass out of the Assembly.

AB 2123 (Tanner) Scientific Advisory Panel - Would establish a new Office of Science Policy and Risk Assessment (Office) within the State government. This Office would replace the Scientific Advisory Panel created by Proposition 65 for the review of hazardous chemicals. The Office would also undertake new responsibilities for conducting and reviewing health risk assessments.

*** SB 65 (Torres) Discharge prohibition** - SB 65 would require 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 under this prohibition. Specifically, SB 65 would require public agencies to warn individuals when they are exposed to listed chemicals and to refrain from releasing listed chemicals into drinking water sources. This measure would also hold public agencies liable for the same civil penalties assessed against private entities under Proposition 65. This measure would be placed before the voters as an initiative on the June 5, 1990 ballot.

Enacted**AB 2344 (Kelley) Water quality control plans (Chapter 578, Statutes of 1989)**

Requires the State Board, when adopting a water quality control plan, to consider all relevant management agency agreements which are intended to protect a specific beneficial use of water.

Vetoed

None

Two-Year Bill

AB 67 (N. Waters) American River: water quality: bonds - Would enact a \$200 million general obligation bond act, to be ratified by the voters, to finance the costs of design and development of benefits associated with construction of a multipurpose dam on the American River at Auburn. Would require first use of water stored by the dam to be to provide flows in the lower American River for fisheries and recreational purposes; second use would be to provide flows in the Delta for water quality, fish and wildlife, and recreation; and third use would be for other uses under contract.

AB 1433 (Burton) Water quality standards: San Francisco Bay - Would declare State policy to be that, in any proceeding to establish water quality standards for the Bay and Delta Estuary, the State Board may establish standards specifically for protection of beneficial uses of the Bay.

AB 2210 (Campbell) Bay-Delta Estuary protection - Would declare State policy to be to protect and preserve all reasonable and beneficial uses of the Bay and Delta Estuary and its tributaries; would require the Department of Water Resources (DWR) to operate the State Water Project to mitigate any negative impacts on the Bay and Delta Estuary from the project; would require the DWR, when determining the availability of water for export from the Bay and Delta Estuary, to ensure that the project is operated to protect all reasonable and beneficial uses.

SB 277 (Kopp) Water quality: San Francisco Bay - Would require the State Board to study factors which affect or appear to affect beneficial uses of San Francisco Bay; to develop a monitoring program for the Bay; to appoint an advisory committee; and to submit a report to the Legislature. Would require the San Francisco Regional Board to impose fees on NPDES dischargers to pay for the monitoring program.

SB 405 (Ayala) Water quality standards: State and Federal projects - Would require the State Board to develop "without project" water quality standards for San Francisco Bay-Delta Estuary; if the State Board determines that higher water quality standards are necessary, would require upstream depleters to assume responsibility for maintenance of difference in levels and would require the State Board to determine each depleter's responsibility.

SB 614 (Doolittle) Water flows: San Francisco Bay-Delta Estuary - Would prohibit the State Board from placing new terms or conditions on existing water rights that would require Delta flows greater than those in effect on January 1, 1989; would sunset in November 1990 if SB 1721 (Ayala) fails passage by the voters.

* SB 1712 (Ayala) Auburn dam water quality protection bonds - Would enact a \$1.2 billion general obligation bond act, to be ratified by the voters for construction of a multipurpose dam on the American River at Auburn. Would require first use of water stored by the dam to be to satisfy State Board requirements for San Francisco Bay-Delta Estuary; second use would be for water needs of the area immediately surrounding the dam; third use would be for export.

SCR 55 (Boatwright) Delta water quality - Urges the State Board and the DHS to study the quality of drinking water from the Delta, with emphasis on trihalomethane precursors contributed by agricultural drainage and salt intrusion; would request submission of a report to the Legislature by June 30, 1990.

SJR 26 (McCorquodale) Bureau of Reclamation sale of water - Would request the Bureau of Reclamation to halt new sales of water from the Central Valley Project and to complete, by January 1, 1993, studies on the need for water to mitigate adverse impacts of the Central Valley Project on fisheries.

Enacted

AB 632 (Kelley) Wastewater facilities loan: San Jacinto (Chapter 551, Statutes of 1989) - Forgives repayment of interest and postpone beginning of principal payments on a \$500,000 loan from the State Board to San Jacinto Mountain Area Water Study Agency. Previously a Bradley bill; incorporates AB 917 (Kelley), see below.

SJR 16 (Rosenthal) Sewage treatment: Los Angeles County (Resolution Chapter 52, Statutes of 1989) - Requests the EPA to deny Los Angeles County's request for a waiver from the Clean Water Act requirement for secondary treatment of effluent.

Vetoed

SB 966 (Bergeson) Housing planning: housing: wastewater treatment funding - Would have required the State Board to give consideration to city and county efforts to meet their fair share of regional housing needs when ranking wastewater treatment projects for funding.

In vetoing this bill, the Governor expressed his position that the apparent failure of local governments to meet housing needs is not a good policy reason for changing wastewater funding programs in ways that might interfere with the purposes of the programs. Further, the Governor observed that the bill would inappropriately require the State Board to become expert in housing issues; that the bill does not contain a definition of "substantial progress;" and that the basic data to determine "substantial progress" is not available.

Two-Year Bill

AB 917 (Kelley) Wastewater facilities loan: San Jacinto - Would forgive repayment of interest and postpone beginning of principal payments on a \$500,000 loan from the State Board to San Jacinto Mountain Area Water Study Agency. However, these provisions were amended into AB 632 (see above).

AB 1312 (Filante) Wastewater reclamation: State bonds - Would place the 1990 Reclamation Bond Law on the June 1990 ballot asking for voter approval of \$200 million in general obligation bonds to finance water reclamation construction projects. The money generated from this bond would be used to continue operating the State Board's existing water reclamation loan program.

SB 699 (Ayala) State lands: sludge disposal - Would authorize use of State lands for disposal of sludge and related materials.

SB 961 (Maddy) California and Baja California Enterprise Zone Authority - Would create the California and Baja California Enterprise Zone Authority, with power to issue revenue bonds and to finance projects, including sewer and wastewater treatment projects.

* SB 1054 (Bergeson) Water pollution control: revenue bonds - State Board bill. Would authorize the State Board to issue \$250 million annually in revenue bonds from 1990 through 1999 to finance construction of publicly owned treatment works, to finance projects to control nonpoint sources of pollution, and to finance projects for estuary enhancement.

SB 1332 (Presley) Subregional planning - Would require the State Board to give preference to local agencies which have participated in subregional planning when selecting wastewater treatment projects for funding.

Enacted

AB 939 (Sher) Waste Management Board reorganization (Chapter 1095, Statutes of 1989) - Completely reorganizes the regulation of solid waste in California by creating a new State agency, the California Integrated Waste Management and Recycling Board (CIWMRB). The CIWMRB has substantially greater and more complex authority than the former Waste Management Board. The statutes have been rewritten to place a greater emphasis on the recycling and conservation of solid wastes in an attempt to move away from the disposal of solid wastes into landfills. AB 939 establishes various State and local waste recycling and conservation programs. Also, local agencies are required to develop several planning documents for the long-term handling of solid wastes in their respective counties. In terms of the State Board's role, our current authority to regulate landfills and protect water quality remains unchanged. The CIWMRB is prohibited from taking any action that would duplicate, or conflict with, the State and Regional Boards' authority to protect water quality.

*** AB 1010 (Eastin) Wood waste landfills (Chapter 72, Statutes of 1989)** - Exempts landfills accepting only nonhazardous wood waste generated from timber production or wood product manufacturing operations from the requirements and benefits of the Solid Waste Disposal Site Hazard Reduction Act (Chapter 1319, Statutes of 1987). Specifically, this includes exemptions from the Waste Management Board closure process, fee collection requirements, and from eligibility under the loan and grant program. This bill does not exempt wood waste landfills from preparing a closure plan under the State Board's Waste Discharge to Land regulations (Subchapter 15). This law became effective June 29, 1989.

AB 1092 (Tanner) San Gabriel Valley landfills (Chapter 736, Statutes of 1989) Revises the landfill variance process created by Chapter 1476, Statutes of 1988 (AB 3804). Specifically, AB 1092 prohibits a Regional Board from issuing waste discharge requirements to a new landfill or lateral expansion of an existing landfill built over a former sand or gravel pit and located within the boundaries of the Main San Gabriel Groundwater Basin. This prohibition applies even if the Regional Board determined that the landfill would not pollute water resources consistent with the variance process created by Chapter 1476.

AB 1413 (Tanner) Mining waste regulation (Chapter 642, Statutes of 1989) - Exempts mining wastes from most of the hazardous waste regulatory laws administered by the DHS if such wastes test as being nonhazardous. The bill does not exempt mining wastes from regulation under the Toxic Pits Cleanup Act. However, the DHS retains authority over specified categories of mining wastes (i.e., public safety, employee protections and hazardous substances). The State Board is directed to adopt a statewide policy for water quality monitoring; establish standards for water quality monitoring; and adopt regulations for incorporating these standards into waste discharge requirements for mining waste facilities. Finally, the State Board is required, by January 1, 1991, to investigate current analytical procedures for testing mining wastes for acid-forming potential.

AB 1427 (Wright) Landfill owners (Chapter 527, Statutes of 1989) - Extends some of the responsibility for preparing a closure plan under Chapter 1319, Statutes of 1987 to the owner of the facility. Under previous law, the operator was given sole responsibility for preparing the plan. Specifically, this bill extends the

requirement for demonstrating financial responsibility for landfill closure to include the owner. The changes made in AB 1427 do not directly impact the State or Regional Board's authority to require closure and post-closure plans under the Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

AB 1843 (W. Brown) Tire disposal facilities (Chapter 974, Statutes of 1989)

Creates a regulatory and permitting program within the Waste Management Board for waste tire facilities. This program applies to facilities that stockpile over 500 tires per year. AB 1843 also creates a statewide tire recycling program.

Vetoed

AB 1530 (Katz) Landfill regulation - Would have required the State Board to adopt regulations by July 1, 1991, requiring any new solid waste landfill, lateral expansion or reconstruction of an existing landfill to install a clay or synthetic liner, leachate collection and removal system, and a groundwater monitoring system. After July 1, 1991, the Regional Boards would have been prohibited from issuing waste discharge requirements (WDRs) to a landfill unless it is in compliance with the regulations adopted under AB 1530. Also, would have prohibited the Regional Boards from issuing WDRs to a new landfill or lateral expansion unless the applicant demonstrates, and the Regional Board determines, that the landfill poses no threat of pollution to a well used primarily for drinking water, groundwater recharge area, or reservoir used for drinking water. The requirements of AB 1530 would not have applied to landfills that only contain inert wastes, nonhazardous wood wastes, agricultural crop wastes, or wastes from mining operations.

In vetoing AB 1530, the Governor pointed out that he had recently signed a package of bills that designated the Waste Management Board (WMB) as lead agency for the collection and disposal of solid wastes. The Governor was concerned that AB 1530, by assigning the State Board as lead agency, was not compatible with his package of bills. The Governor indicated that he would "sign legislation that designates the WMB as lead agency to act in concert with the State Board".

Two-Year Bill

SB 429 (Torres) Waste Management Board - Would repeal the WMB and create a new five-person board for overseeing the disposal of solid wastes in the State.

SB 937 (Vuich) Waste management policy - Would make findings and declarations about a statewide policy for an integrated waste management system. This bill was originally intended to be the vehicle for reorganizing the WMB.

Enacted

AB 1037 (Allen) Superfund site referral (Chapter 871, Statutes of 1989) - Allows the State or Regional Boards, with jurisdiction over a hazardous waste cleanup site under the Porter-Cologne Act, to refer a site over to the DHS for inclusion on the Superfund priority ranking list. AB 1037 codifies an administrative process used by the Regional Boards for referring sites to the DHS. The DHS could expend Superfund monies on the referred site, without first issuing an enforcement order, if all of the following occur: 1) an enforcement order has been issued by the State or Regional Board; 2) a final finding has been made that the site is in noncompliance with the order and, 3) the potentially responsible party has been informed of the referral. AB 1037 also creates a process for the DHS to notify Regional Boards if they are unable to begin cleanup work at a referred Superfund site. This allows the Regional Boards to determine if any other actions can be taken against the discharger.

*** AB 1847 (Quackenbush) RCRA consistency (Chapter 1436, Statutes of 1989)** - Makes changes to the Health and Safety Code to assure consistency with the Federal Resources Conservation and Recovery Act (RCRA). The changes in AB 1847 were necessary to allow the DHS to apply for RCRA primacy from EPA. AB 1847 clarifies that the exemptions given to surface impoundment owners under the Toxic Pits Cleanup Act must be consistent with the Federal land ban provisions of RCRA. This law became effective October 2, 1989.

Vetoed

None

Two-Year Bill

*** AB 262 (Tanner) Hazardous waste loan program** - Would transfer \$5 million from the California Superfund program to fund a loan program for small businesses to pay for cleanup costs at Superfund sites. The loans would only be available to those businesses that enter into an enforceable agreement with the DHS. The loan could be used to pay for remedial action plans, site investigations, characterization reports, or actual site cleanup. The Department of Commerce would be responsible for administering the loan program.

AB 563 (Hannigan) Pesticide disposal - Would require the Department of Food and Agriculture (DFA) to establish a program for the collection and disposal of banned or unregistered agricultural hazardous wastes. The program would be funded by a fee on the disposal of such wastes and would be implemented by the counties.

AB 937 (Costa) Class I facility compliance - Would declare that the costs incurred by Fresno County (County) related to implementation of the State Board's Waste Discharge to Land regulations (Subchapter 15) are fully reimbursable by the Commission on State Mandates. The bill would also transfer \$1 million from the DHS' Hazardous Waste Control Account to the County to cover the costs of complying with Subchapter 15. This bill is attempt to obtain money for the County for the work done at Blue Hills Class I Disposal Facility to comply with State water quality laws.

AB 1728 (Katz) Hazardous waste data base - AB 1728 would implement the recommendations contained in a report to the Legislature prepared by the Environmental Affairs Agency in September 1986. Specifically, this bill would require the Agency, in cooperation with State and local agencies, to conduct the following tasks: identify all Federal, State, and local hazardous material data bases; establish systems and procedures for collecting and storing hazardous material data; explore options for consolidating and streamlining reporting requirements; maintain a data base of general information for use by the public and government agencies; develop a standard system for classifying hazardous materials; and prepare a report to the Legislature by July 1, 1991. This bill would require government agencies, including the State Board, to make hazardous waste data available to the Agency upon request.

AB 2229 (Polanco) Hazardous waste cleanup: redevelopment agencies - Would allow redevelopment agencies to take any actions necessary for redevelopment to cleanup the hazardous waste site or to prevent any discharge from affecting a project area including entering into a cooperative agreement with a Regional Board or the DHS. If a Regional Board discovers pollution on or near a redevelopment area, they would be required to notify the redevelopment agency. The redevelopment agency would then assume responsibility for enforcing any waste discharge requirements and cleanup at the site. AB 2229 would also provide immunity for redevelopment agencies conducting cleanup from third-party liability, resulting from a hazardous waste release or any actions taken to cleanup the site. This immunity would also extend to individuals who purchase the property and to persons who finance the cost of cleanup.

SB 415 (Torres) Water quality enforcement - Would make technical modifications to the criminal penalty provisions of the Porter-Cologne Act relating to felony offenses. Would revise some of the criminal penalties associated with imprisonment by specifying the length of imprisonment in a county jail versus the State prison (up to one year in county jail or three years in State prison). The monetary penalties imposed for criminal violations would not be changed by SB 415.

SB 517 (Hart) Class I disposal facilities - This bill would require the DHS to prohibit a Class I disposal facility from operating, if the Regional Board determines that hazardous wastes have migrated, or threaten to migrate, outside the facility boundaries, until the discharger conducts a cleanup operation to remove the threat. The DHS would determine, after cleanup operations are complete, if the facility would be allowed to reopen for business. If the DHS determines that the facility should not continue to operate, then all hazardous waste activity at the facility would cease and the discharger would be required to proceed with closure of the facility.

Enacted

AB 1030 (Sher) Underground tank federal compliance (Chapter 1397, Statutes of 1989) - State Board bill. AB 1030 makes numerous changes to California's underground tank law to conform to changes in Federal law and regulations relating to underground storage tanks. The issues addressed in AB 1030 include: financial responsibility; exempt local agencies; lead agency status; exempt tanks; retrofitting existing tanks; corrective action requirements; enforcement authority; operating requirements; surcharge revenues; and revising existing regulations.

* **AB 1580 (W. Brown) Appropriations (Chapter 1241, Statutes of 1989)** - Appropriate \$258,000 from the General Fund to the State Board for the San Francisco Regional Board to continue underground tank cleanup activities in Santa Clara Valley. This bill also provides for other water quality appropriations (Refer to Water Quality section for further information). This law became effective October 1, 1989.

AB 2031 (Nolan) Local agencies (Chapter 432, Statutes of 1989) - Extends the deadline from January 1, 1986 to July 1, 1990, for cities to assume responsibility for implementing the underground tank law for counties. This change allows any city to request program implementation authority from a county after January 1, 1990. Those cities planning to take part in the program would be required to notify the county of their intentions by July 1, 1990. The county has until July 1, 1991 to transfer responsibility for the enforcement program to the city.

* **SB 299 (Keene) Underground Tank Cleanup Fund (Chapter 1442, Statutes of 1989)** Establishes two separate programs to assist owners of underground storage tanks containing petroleum to pay for the costs of cleanup and equipment replacement. Specifically, SB 299 creates a cleanup fund to provide coverage to tank owners of up to \$1 million dollars for each occurrence and at least \$2 million dollars annual aggregate coverage (multiple tanks) for each facility. The owner is responsible for a \$50,000 deductible. The program is funded by a \$200 per-tank annual fee which is expected to generate up to \$20 million annually. Eligible tank owners are eligible for grants from the program for reimbursement of their cleanup costs. Only those owners who had tanks which were in compliance with State and Federal laws are eligible to receive payments from the insurance program. City and county agencies can participate in the program, but not State or Federal agencies. The cleanup fund also will fund the pilot program for the local agency oversight of tank cleanups, an abandoned tank cleanup program, and an emergency cleanup program. This law became effective October 2, 1989.

* **SB 475 (Torres) Pilot program funding (Chapter 269, Statutes of 1989)** - Appropriates \$3.9 million from the Hazardous Substance Account administered by the DHS to the State Board. This funding will be used to fund the underground tank pilot program for the local agency oversight of cleanups. Also creates a regulatory program for coastal waters (Refer to Oceans and Bays section for further information). This law became effective on August 3, 1989.

Vetoed

None

Two-Year Bills

* **AB 975 (LaFollette) Underground tank insurance program** - Would create a fund for providing insurance to owners of petroleum tanks against the expenses of cleanup and third-party liability. The State Board, along with other State agencies, would sit on the Board of Directors and be responsible for administering the insurance program. The program would be funded by a combination of fees and premiums and would be operated on an actuarially sound basis. AB 975 would also create a loan program to assist petroleum tank owners with the costs of repairing, upgrading, or replacing of tanks to meet State and Federal requirements. This program would be limited to small businesses demonstrating financial hardship and would be administered by the State Board. The State Board would be required by January 1, 1993 to prepare a long-term study for the Legislature on the insurance and loan programs.

AB 1244 (LaFollette) Financial responsibility - Would require tank owners to show evidence of financial responsibility to pay for the costs of cleanup and third-party liability costs caused by a leaking underground tank. The level of financial responsibility required under AB 1244 would be consistent with Federal regulations.

AB 2110 (Wright) Small business loan program - Would establish a small business loan program within the State Board to pay for the costs of underground tank cleanups. The program would give the highest priority for loan funds to those sites polluting drinking water supplies.

* **AB 2291 (Chandler) State mandated costs** - Would deem a local agency to have met the State Controller's audit requirements for appropriate expenditure of State funds for implementing the underground tank program, if the local agency demonstrates that it spent more money implementing the underground tank program than it received from the State or from local fees authorized by the underground tank law.

Enacted

AB 21 (Sher) Domestic water supplies (Chapter 823, Statutes of 1989) - Expands the role of the DHS in regulating domestic water supplies; requires DHS to publish a list of maximum contaminant levels; requires the DHS to inspect each public water supply system annually; continues State and Regional Boards' well investigation program.

AB 456 (Hansen) Water: waste discharge permit fees (Chapter 627, Statutes of 1989) State Board bill. Creates a new special fund for discharger permit fees; appropriates money from that Fund to the State Board; and allows the State Board to adjust discharge permit fees.

AB 1340 (Harris) Municipal utility districts: waste water control (Chapter 1179, Statutes of 1989) - Increases penalties for intentional violation of a district's wastewater control order from \$6,000 to \$25,000 per day; authorizes a penalty of up to \$10,000 per day for violations, without regard to intent; authorizes municipal utility districts to impose administrative civil liabilities.

*** AB 1580 (W. Brown) Appropriations (Chapter 1241, Statutes of 1989)** - Appropriate \$150,000 from the Environmental License Plate Fund to the State Board for funding a \$75,000 grant to the San Diego Bay Interagency Panel for water quality problems in San Diego Bay; and another \$75,000 grant to the City of San Francisco for water quality and water level problems at Lake Merced. This bill also provides an underground tank appropriation (Refer to Underground Tank section for further information.). This law became effective October 1, 1989.

AB 1624 (Harvey) Excavations and wells (Chapter 1020, Statutes of 1989) - Requires property owners to destroy permanently inactive wells, in accordance with local ordinances, and to securely cover temporarily inactive wells; does not limit the power of local governments to regulate wells.

*** AB 2218 (Ferguson) Highway projects: "fast track" (Chapter 109, Statutes of 1989)** - Authorizes Caltrans to designate certain types of highway projects as "fast track" projects; having made that designation, Caltrans must notify all relevant permitting agencies and include appropriate CEQA documentation with the notice. Agencies could object to the designation within 45 days, with objections heard by a special, ad hoc panel. Caltrans will still have to apply for all necessary permits. Agencies will have 120 days to act on the permit; failing action, the permit will be deemed approved. If the agency denies the permit, Caltrans could appeal to an ad hoc panel. Agencies are authorized to attach conditions to their permits, but only to address issues raised in their EIR comments or to the ad hoc panel. This bill will become effective if SCA 1 (Garamendi), which would modify the Gann limitation for transportation funding, is approved by the voters in June 1990. This law was enacted on July 10, 1989 and sunsets on January 1, 1997.

SB 201 (McCorquodale) Timber harvests inspections (Chapter 915, Statutes of 1989) Allows the State Board, Regional Boards, and the DFG to enter and inspect the site of a proposed or active timber harvesting operation, if accompanied by a California Department of Forestry (CDF) representative. The owner will receive 24-hour advance notification and inspections could only occur during business hours.

SB 201 limits inspections to any time before the Director of the CDF 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. The bill also allows inspection team members to utilize any necessary measurement or evaluation devices (such as photographs, water, samples, etc.) when conducting an inspection.

SB 601 (Hart) Water quality control: civil liability (Chapter 1445, Statutes of 1989) - Enacts minimum fine amounts to be imposed by the Regional Boards under their administrative civil liability authority; authorizes smaller fines only if the Regional Board explicitly states why the fine should be smaller; adds degree of toxicity to the list of factors to be considered in determining the amount of fine; requires an annual report to the Legislature on administrative civil liabilities imposed in the preceding year.

SB 1050 (Torres) Aboveground crude oil storage tanks (Chapter 1383, Statutes of 1989) - Requires the Regional Boards to inspect aboveground oil storage tanks for compliance with tank owners' spill prevention plans; requires the State Board to collect a storage report and a fee from tank owners to support the program; places regulation and inspection of oil tanks on producing oil fields with the Division of Oil and Gas.

SB 1193 (Marks) Fish & Wildlife Pollution Cleanup & Abatement Account (Chapter 1084, Statutes of 1989) - The Fish & Wildlife Pollution Cleanup & Abatement Account is authorized to receive funds from the Water Pollution Cleanup and Abatement Account. This bill expands the scope of activities which the DFG could fund from their Account and makes certain expenditures permissive rather than mandatory.

SB 1566 (Keene) Nonindustrial timber management plans (Chapter 1290, Statutes of 1989) - Allows a nonindustrial timberland owner to file a nonindustrial timber management plan (NTMP) with the CDF in lieu of a timber harvesting plan (THP). The Director of CDF has 30 days to review and approve the NTMP. The bill requires a nonindustrial tree farmer to file a notice in any year when there are plans to harvest timber covered by the NTMP. Both the DFG and the appropriate Regional Boards will receive copies of the NTMP for review. The bill requires amendments to the NTMP to be approved by the Director of CDF. SB 1566 also requires the Board of Forestry (BOF) to adopt any rules and regulations necessary to implement the new program. However, any timber operations conducted under a NTMP are exempt from any future changes to the rules and regulations.

SB 1568 (Keene) Timber harvest plan appeals (Chapter 400, Statutes of 1989) Authorizes the State Board or the Director of the DFG to file an appeal with the BOF within 10 days of approval of a timber harvesting plan (THP) by the Director of DOF. This appeal can only be filed if the agency attended the onsite THP inspection with DOF and participated in the multi-disciplinary review of the THP. Any timber harvesting authorized by the THP would be prohibited until the appeal had been settled. The BOF is required to hold a public hearing on the appeal, and either approve or deny the THP.

Vetoed

None

Two-Year Bills

AB 417 (Connelly) Pesticide regulation - Would rewrite a number of statutes concerning the regulation of pesticides. The DFA would retain authority to regulate pesticides, but that authority would be exercised in compliance with other agency regulations. The State Board would be responsible for the distribution and registration of pesticides to the extent that such pesticides would impair water quality.

AB 827 (Bader) Industrial waste: entry into sewer systems - Would increase the maximum civil penalty for violation of local agency pretreatment requirements from \$6,000 per day to \$10,000 per day; would remove the requirement that the violation be intentional or negligent.

AB 1234 (Killea) Water pollution control: penalties - Would require the State Board to spend all monetary penalties collected from public agency wastewater dischargers for violation of the Porter-Cologne Act exclusively on mitigating damage caused by the discharger and on construction of facilities.

AB 1375 (Costa) Water quality bond law - Would place a \$200 million water quality and water conservation bond law before the voters. The State Board would use \$100 million for issuing loans to local agencies for constructing groundwater treatment facilities and the DWR would use \$100 million for awarding loans to local agencies for building water conservation and groundwater recharge projects. Specifically, local agencies could obtain loans to finance feasibility studies and actual construction projects. The loan could cover up to 100 percent of the total project cost (\$10 million single project loan limit). Eligible projects could include devices or systems used to treat groundwater to provide a potable source of water, or to remedy groundwater pollution problems caused by nonpoint sources, including well head treatment.

* **AB 1598 (Peace) International border cleanup** - Would enact a \$150 million General Obligation bond law for wastewater and toxics cleanup on the international border; would appropriate \$5 million from the General Fund to the State Board for start-up costs of facilities and for emergency cleanup in Imperial County.

AB 1709 (Campbell) Cleanup and Abatement Account - Would authorize the State Board to spend money in the Cleanup and Abatement Account (Account) for rehabilitation of creeks and watersheds; would require the State Board to approve applications for money from the Account so that a significant portion of the money collected from a region would be returned to that region.

AB 2395 (Sher) Global warming - Would create an interagency task force to coordinate State planning and research on global warming; would include a representative from the State Board on the task force.

AB 2496 (Harvey) Wetlands - Would define "wetlands" for all State and local government purposes; would authorize the Wildlife Conservation Board to acquire land for wetlands mitigation banks; would declare State goals to be no overall net loss of wetlands in the State and increasing the quantity and quality of wetland through voluntary agreements between private property owners and government agencies.

SB 344 (McCorquodale) Wetlands - Would declare the State's goal to be to increase the total acreage of wetlands within the Central Valley; would authorize the Wildlife Conservation Board to purchase land to create wetlands mitigation banks; would establish procedures for creation of privately owned wetlands, which could be used as credit against wetland loss in an adjacent urban area.

SB 372 (C. Green) Municipal water quality control plans - Would require any municipal water quality control program which is included in a regional water quality control plan to contain, prior to implementation, a fiscal impact estimate, to include discussion of potential sources of funding.

* **SB 663 (Bergeson) New and Alamo Rivers: appropriation** - Would appropriate \$250,000 from the General Fund to the State Board for allocation to Colorado River Basin Regional Board for a phase II workplan for New and Alamo Rivers, with the workplan due January 1, 1991.

SB 1194 (Marks) Ports and harbors: oil tankers - Would require oil tankers entering California bays or harbors to be escorted by tugboats; would create civil monetary penalties for violations of this requirement, to be imposed judicially; and would provide that one-half of the fines be deposited in the State Water Pollution Cleanup and Abatement Account.

SB 1482 (Keene) Public resources: oil spills - Would expand the State's role in preventing and responding to spills of oil from oil tankers and other ships; would formalize the role of the DFG as lead State agency for oil spill response; would mandate reporting of spills and compliance with spill plans by the oil industry; would expand the role of the State Lands Commission (Commission) regarding oil spill prevention and response; would create the Oil Spill Prevention and Response Fund; would require oil tanker operators and marine terminal operators to obtain proof of financial responsibility; would establish the scope of the Commission authority to include all offshore oil facilities.

Enacted

AB 444 (Isenberg) Water conservation and water quality (Chapter 715, Statutes of 1989) - Directs the DWR to create a new program of grants to the City of Los Angeles for projects to preserve Mono Lake; directs the DWR to use money in the Environmental Water Fund, created by AB 1442 (Baker), to finance these grants; and makes money in the Fund available for agricultural drainage projects.

AB 886 (Cortese) Environmental quality (Chapter 907, Statutes of 1989) - Amends the California Environmental Quality Act to require lead agencies to prepare and distribute more detailed public notices regarding agency actions on development projects; would require lead agencies to consult with cities and counties which border the jurisdiction where the project is located.

AB 1200 (Sher) Wild and scenic rivers (Chapter 215, Statutes of 1989) - Adds; subject to existing water rights, portions of the West Walker and Carson Rivers to the State's Wild and Scenic Rivers system; prohibits State agencies from cooperating with efforts that would encroach on the free flow of the McCloud River.

AB 1442 (Baker) Water resources funding (Chapter 716, Statutes of 1989) - Creates the Environmental Water Fund (Fund) and declares the Legislature's intent to appropriate a total of \$65 million to the Fund from the State Water Project (Project) revenues from 1990 through 1999; cancels the General Fund obligations of about \$182 million to the Project for fish and wildlife enhancement and recreation costs and cancels similar obligations of the Project to the Fund; and makes other transfers and offsets between funds managed by the DWR.

AB 1941 (N. Waters) Groundwater management: Mono County (Chapter 844, Statutes of 1989) - Creates a groundwater management agency for specified areas of eastern Mono County; prohibits export of groundwater from the agency's jurisdiction unless the exporter receives a permit for the export from the agency; relegates exports to junior priority to water users within the agency, regardless of when the export began.

AB 2355 (Filante) Building standards: water conservation (Chapter 1029, Statutes of 1989) - Requires, after January 1, 1992, that all new buildings in the State use low flow water closets (no more than 1.6 gallons per flush) and urinals (no more than 1 gallon per flush).

SB 488 (Stirling) Freeways: reclaimed water (Chapter 763, Statutes of 1989) Requires Caltrans to require the use of reclaimed water for freeway landscape irrigation when five separate conditions are satisfied. One condition is that the appropriate Regional Board approves the use of reclaimed water. The bill also requires Caltrans to conduct a demonstration project on the use of reclaimed water for freeway irrigation.

SB 873 (Morgan) Santa Clara Valley: groundwater charges (Chapter 794, Statutes of 1989) - Authorizes Santa Clara Valley Water District to impose "sliding scale" surcharges on its groundwater extraction charges in times of drought or water shortage; exempts groundwater extraction in compliance with government-ordered hazardous waste cleanup operations from the surcharge.

SB 1721 (Doolittle) Honey Lake Valley groundwater basin (Chapter 1392, Statutes of 1989) - Creates the Honey Lake Valley Groundwater Management District (District) to encompass all lands overlying the Honey Lake Valley Groundwater Basin; authorizes the District to carry out technical studies of the groundwater basin, to register wells within its boundaries, to store water in reservoirs, to recharge the groundwater basin, to restrict export of groundwater, to impose fees to support its programs, and to take enforcement actions; also authorizes the District to enter into joint powers agreements, including agreements with the State of Nevada and the County of Washoe.

Vetoed

None

Two-Year Bills

AB 1300 (Kelley) Water meters - Would require water purveyors to require installation of water meters on all new water service, beginning January 1, 1992; would require the State Board to establish standards for water meters; would require the user of water to pay meter installation costs; would authorize the water purveyor to assess charges for those costs.

AB 1846 (Costa) Public trust jurisdiction - Would give the State Board exclusive initial jurisdiction over legal actions to modify water rights under the public trust doctrine or the State Constitution's prohibition on waste and unreasonable use of water; would limit the scope of judicial review of State Board actions.

AB 2264 (Costa) Water rights reversion - State Board bill. Would clarify that reversion period of water rights for non-use is five years.

SB 312 (Boatwright) Water service: meters - Would require all water purveyors to require installation of water meters on all new water connections made after January 1, 1991; would require the State Board to set standards for water meters and to certify meters for use in the State.

SB 835 (Rosenthal) Environmental quality - Would codify an existing regulatory requirement that lead agencies under CEQA prepare a written explanation of the overriding considerations that justify approval of a project with unmitigated environmental impacts.

SB 1520 (Presley) Buildings: water conservation - Would require, after January 1, 1992, that all new buildings used for dwelling in the State use low flow water closets (no more than 1.6 gallons per flush) and that all other new buildings use water closets using an average of 3.5 gallons per flush and urinals using an average of 1 gallon per flush; would require the Energy Commission to establish specified maximum flow rates for lavatory faucets, showerheads, and sink faucets, to apply to plumbing fixtures manufactured after January 1, 1991.

SCA 24 (Nielsen) Water resources development - Would require a two-thirds vote in each house of the Legislature for passage of measures to directly or indirectly modify area-of-origin protection statutes.

SCA 28 (Doolittle) Water resources development - Would require a two-thirds vote in each house of the Legislature for passage of measures to directly or indirectly modify area-of-origin protection statutes.