

STATE WATER RESOURCES CONTROL BOARD
OFFICE OF LEGISLATIVE AFFAIRS
2005 - 2006 LEGISLATIVE SUMMARY

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ASSEMBLY BILLS

AB 38 (Tran) State Boards and Commissions: Salaries: Suspension (Assembly Business and Professions Committee) This bill would have suspended the salaries of members of 13 specified state boards and commissions, including the State Water Board, for the 2006-07 through 2008-09 fiscal years.

AB 136 (Assembly Budget Committee) Resources (Senate Floor) Among other things, this bill, an urgency measure, would have: (1) required that \$12 million be made available from Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 for transfer or direct expenditure for acquisition, grants, or other activities that directly restore the Salton Sea and its transboundary watersheds; (2) provided that the costs incurred by a state agency to take a hazardous substance response action at the BKK Landfills Site in West Covina would be deemed to be a contribution towards any potential liability for response costs or damage imposed pursuant to state law upon a state agency that arranged for the disposal or treatment of a hazardous substance at that site, and (3) required the State Water Board, on or before January 1, 2008, to adopt principles and guidelines for maintaining instream flows in certain coastal streams and would have authorized the Board to adopt principles and guidelines for maintaining other instream flows as part of that state policy.

✓AB 140 (Nunez) Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 33, Statutes of 2006, Urgency Measure, Chaptered on May 19, 2006) This law authorizes, subject to voter approval at the November 7, 2006 statewide general election, \$4.09 billion for financing disaster preparedness and flood prevention projects.

✓AB 289 (Chan) Chemicals: Testing Methods (Chapter 699, Statutes of 2006) This law requires manufacturers of high production volume chemicals or reportable chemicals, upon a request of a state agency, to provide the analytical test methods necessary to detect those chemicals in the environment. This law defines state agency to mean the ARB, the DTSC, the IWMB, the OEHHA, the State Water Board and the Cal/EPA, excluding the DPR, and would require that Cal/EPA coordinate all requests for information from manufacturers. This bill provides a procedure to protect trade secrets when a manufacturer believes that the information provided to a state agency pursuant to this bill involves a trade secret.

AB 340 (Parra) Drinking Water: Arsenic Levels (Assembly Environmental Safety and Toxic Materials Committee) This bill, an urgency measure, would have required the DHS to study the economic impact on rural counties of meeting the new federal drinking water standards for arsenic contamination, and to report to the Legislature by December 31, 2005.

AB 342 (Baca) Perchlorate Fee (Assembly Rules Committee) This bill would have declared the intent of the Legislature to enact legislation that would authorize the DTSC to assess a fee on products that contain perchlorate and to expend those funds to treat drinking water wells contaminated with perchlorate.

AB 362 (Aghazarian) Administrative Proceedings (Senate Environmental Quality Committee) This bill would have provided that all persons, as defined, shall have equal procedural rights and be afforded equal treatment in all proceedings conducted pursuant to the Porter-Cologne Water Quality Control Act. Additionally this bill would have imposed specific requirements concerning the conduct of adjudicative proceedings by the Water Boards.

✓**AB 371 (Goldberg) Water Recycling Act of 2005 (Chapter 541, Statutes of 2006)** This law modifies provisions governing the use of recycled water and establish a mechanism for encouraging the development and use of recycled water.

✓**AB 403 (LaMalfa) Hazardous Materials: Unified Program Agency: Minor Violation: Business Plans: Propane (Chapter 388, Statutes of 2005)** This law (1) deletes the January 1, 2006 sunset date from existing provisions of law that afford CUPAs the flexibility to treat minor violations in a more streamlined, consistent, and reasonable process; and (2) exempts businesses from business plan requirements for on-premise propane tanks, not to exceed 300 gallons, used solely for heating purposes, unless the administering agency finds and provides notice to the business that the handling of such propane requires the submission of a business plan in response to public health, safety, or environmental concerns.

AB 492 (Wolk) Petroleum: Underground Storage Tanks: Claims: (Assembly Appropriations Committee) This bill would have expanded eligibility to receive reimbursement from the USTCF for persons who purchase or otherwise acquire real property on which a UST is located by (1) allowing holders of long-term ground leases to qualify as acquirers of real property in order to be eligible for reimbursement from the fund; and (2) allowing a waiver of the requirement to obtain an operating permit for the tank if (a) the property acquisition occurred before December 22, 1998, (b) the tank was not operated by the person, and (c) the person removed the tank within three years of acquisition, but no later than December 22, 1998.

✓**AB 495 (Montanez) Waste Discharge Requirements: Penalties (Chapter 145, Statutes of 2005)** This law makes a technical change to MMP provisions to ensure that general NPDES permit holders are subject to the same penalties for permit violations as individual permit holders. An inadvertent result of Chapter 609, Statutes of 2003 (AB 1541-Montanez) was that many general NPDES permit violations were exempted from MMP provisions. This law corrects that error.

AB 528 (Frommer) Civil Actions: Public Health and Environmental Enforcement Law of 2005 (Assembly Floor) Among other things, this bill would have authorized any person with a beneficial interest in the outcome to initiate a civil action against any person, except as specified, to enforce specified laws, including regulations, permits, and orders issued pursuant to those laws, that provide for the protection or enhancement of public health or the environment.

✓**AB 554 (Nava) Ventura County Watershed Protection District: Fees (Chapter 510, Statutes of 2005)** This law authorizes the Ventura County Watershed Protection District to levy property related fees within its jurisdiction, as long as those fees are imposed pursuant to Article XIII D of the California Constitution. Prior to this law, the District had statutory authorization to levy taxes and assessments upon all taxable real property within its jurisdiction, but lacked statutory authorization to levy fees.

AB 579 (Emmerson) Groundwater (Assembly Rules Committee) This bill would have made a technical, nonsubstantive change to the provisions of law that declare that groundwater is a favorable natural resource and should be managed to ensure its safe production and its quality.

AB 597 (Montanez) Response Actions: Brownfield Sites (Senate Environmental Quality Committee) This bill, an urgency measure, would have expanded the public participation process and immunity provisions of the California Land Reuse and Revitalization Act of 2004 (Chapter 705, Statutes of 2004, AB 389, Montanez).

AB 715 (Levine) Forestry: Federal Roadless Area Conservation Rule (Assembly Floor) This bill would have prohibited a state department or agency from expending any funds to assist any federal agency in the planning, adoption or implementation of any action that is inconsistent with the protections that were provided under the former 2001 federal roadless rule adopted by the U.S. Forest Service.

✓**AB 721 (Nunez) Metal Plating Facilities: Pollution Prevention Fund (Chapter 695, Statutes of 2005)** This law requires the BTHA, in collaboration with the DTSC, the ARB and the State Water Board to establish a loan guarantee program to assist chrome plating facilities in meeting environmental regulatory requirements, and appropriates any monies in the Chrome Plating Pollution Prevention Fund for that purpose. This law also requires the DTSC to establish a Model Shop Program in Northern California.

AB 766 (Coto) Hazardous Materials: Liability (Senate Judiciary Committee) This bill would have made clarifying changes to provisions of the CLRRA of 2004. This bill would have had the effect of broadening the provisions of CLRRA that grant immunity from liability to an innocent landowner, a bona fide purchaser, or a contiguous property owner who remediates a Brownfields site under CLRRA to include immunity against common law actions.

√AB 798 (Wolk) Delta Levee Maintenance (Chapter 548, Statutes of 2006)

This law makes various changes to Water Code sections relating to the DFPF. Specifically, this law extends the sunset date for the DFPF by two years to July 1, 2010, and would have extended the sunset date on the current DFPF funding formula for levee maintenance or improvement projects in the Delta from July 1, 2006 to July 1, 2010, subject to certain conditions. (This bill originally dealt with 2006 water quality bonds before it was amended to address this subject.)

AB 887 (Villines) Timber Harvesting Plan (Assembly Natural Resources Committee) This bill would extend the life of a THP, from three years to ten years.

AB 956 (Coto) Hazardous Materials: Release Site: Public Information (Assembly Inactive File) This bill would have required the DTSC, the Water Boards, and other pertinent state agencies to provide specified information regarding Brownfields sites to the Cal/EPA, and would have required Cal/EPA to make this information available to the public on the Cal/EPA Brownfields Internet website.

AB 966 (Saldana) Water Quality: California-Baja California Border Region (Vetoed) This bill would have (1) directed the Cal/EPA, the State Water Board, the Colorado River Regional Water Board and the San Diego Regional Water Board to (a) expedite development of water quality objectives and TMDLs at the International Border for surface waters flowing into California from Mexico, and (b) expanded technical assistance to the IBWC and other responsible parties working to improve water quality in the California/Mexico border region. This bill would have required Cal/EPA and the State Water Board to prepare by January 31, 2007 an estimate of this bill's implementation costs. (This bill originally dealt with dental amalgam separators before it was amended to address this subject.)

Governor's Message: I am returning Assembly Bill 966 without my signature. This bill requires the State Water Resources Control Board and the California Environmental Protection Agency (Cal EPA) to work within existing state law to coordinate with state, federal, and international partners on California-Mexican border water quality issues. This bill is unnecessary because it gives no additional authority to any agency or board. However, by mandating specific activities and timeframes it will create additional requirements and costs to the state. Mexico is an extremely important economic and cultural partner to California. Our proximity and shared history unite us. The annual Border Governors Conference provides a cooperative forum for discussing complex and important cross-border issues including water quality and the environment. Water quality continues to be an important topic in the work groups for the Border Governors. Additionally, in order to increase coordination and elevate the importance of border environmental issues, this years budget transferred the California-Mexico border program from the State Water Resources Control Board to Cal EPA. This will allow Cal EPA to take an active leadership role managing environmental programs for the border region and coordinating individual boards

and departments activities. These ongoing administration activities embody our States commitment to border environmental issues.

AB 997 (Cogdill) State Regulatory Agencies: Fee Notification (Assembly Local Government Committee) This bill would have required that whenever a state regulatory agency or department imposes a new fee or increases an existing fee charged to a county, it shall notify the affected counties by June 30 of each year, or within 30 days of the enactment of the State Budget, in which the fee is imposed or increased.

AB 1003 (Nava) Ventura County Watershed Protection District (Vetoed) This bill would have authorized the Ventura County Watershed Protection District to levy property fees, after a vote by District property owners. As such, this bill would have expanded the District's authority to add the levying of property-related fees to its current authorization for levying of taxes or assessments.

Governor's Message: I am returning Assembly Bill 1003 without my signature. With the passage of Proposition 218, voters clearly specified that fees should not be imposed without their approval. Unfortunately, some governmental agencies have used an ambiguity in the law to circumvent the will of the people by disguising new taxes as fees. I discourage this practice and encourage the Legislature to help eliminate this ambiguity. Watershed protection, including reducing pollutants in storm water and urban runoff, is essential. It is important to give the Ventura County Watershed Protection District the tools it needs to carry out its mission in this area. Unfortunately, this bill, as drafted, would not protect against the possibility of imposing a fee without voter approval. Although I believe the District would not subvert the will of the voters by imposing such a fee, this bill could be interpreted to allow it. I urge the Legislature to send me a bill that addresses these concerns, so that I can sign it before the Interim Study Recess.

✓AB 1007 (Pavley) Air Quality: Alternative Fuels (Chapter 371, Statutes of 2005) This law requires the CEC, in partnership with the ARB, and in consultation with specified state agencies, including the State Water Board, to develop and adopt a state plan by June 30, 2007 to increase the use of alternative transportation fuels. The plan would include a "full fuel-cycle" assessment of emissions of criteria air pollutants, air toxics, greenhouse gases, water pollutants, and other substances that are known to damage human health, as well as an evaluation of the impacts of alternative fuels on petroleum consumption, and other matters the ARB deems necessary.

AB 1012 (Nation) Vehicular Air Pollution Control: Clean Alternative Fuels (Vetoed) This bill would have required the ARB to adopt regulations by June 30, 2008, to ensure that, commencing January 1, 2020, one-half of new passenger vehicles and light duty trucks sold in the state are "clean alternative vehicles" as defined. In addition, this bill would have required the ARB, in partnership with the CEC, and in consultation with state agencies including the State Water Board, to submit to the Legislature by January 1, 2014 and every four years thereafter, a written assessment of the progress the state has made in (1) increasing the use of alternative fuels and reducing dependence on imported petroleum, and (2)

improving public health and the environment due to the use of clean alternative fuels. The assessment would have also take into account a specified plan to increase the use of nonpetroleum transportation fuels throughout the state. Governor's Message: Assembly Bill 1012 mandates that 50% of all cars and trucks sold in California to be powered by alternative fuels. I strongly support the goal to increase California's use of alternative transportation fuels, however this bill is counterproductive to several major initiatives already underway and will cost California more than \$1.2 billion in transportation funding. Last year I signed Assembly Bill 1007, which requires development of a comprehensive plan with specific benchmarks on how to achieve the goal of increasing the use of alternative fuels in California. This process is underway and this bill ignores this planning and prejudices the outcome. Just this week I signed into law the world's most sweeping legislation to control global greenhouse gas emissions, Assembly Bill 32. This groundbreaking legislation establishes a process for reducing greenhouse gas emissions in the most cost-effective, balanced and expeditious manner, including encouraging the use of alternative fuels. This bill, again, prejudices the outcome of this historic effort. Most importantly, Department of Finance estimates that this bill will cost the state at least \$1.2 billion per year in critical transportation funds. Gasoline taxes fund our states highways, local streets and roads and our transit system. Alternative transportation fuels are taxed at one half the rate of gasoline and diesel. As we incorporate more of these fuels into our transportation system we need to plan for and mitigate the impact on funding to support our transportation system. Finally, the bill restricts the California Air Resources Board (CARB) ability to develop and implement the most effective reduction measures. California has become a national and world leader on alternative fuels, greenhouse gas reductions and renewable energy. We must not second guess the processes, we must let them work. For these reasons I am returning this bill without my signature.

✓AB 1039 (Nunez) Government: Environment: Bonds: Transportation (Chapter 31, Statutes of 2006) This law provides for streamlining of environmental laws, including transportation project and levee repair project exemptions, from the CEQA. This bill also allows a master EIR to be prepared for Highway 99 projects and authorizes the CalTrans to participate in a self-certification process for transportation projects.

✓AB 1065 (Matthews) Kitchen Grease: Transporters (Chapter 553, Statutes of 2005) This law authorizes the DFA to establish a system for documenting and tracking the transportation of inedible kitchen grease and expands the requirements for transporters of inedible kitchen grease, including requiring that the transporters maintain certain records and demonstrate the ability to respond to damages by having insurance or bonding. Additionally, this law authorizes the DFA to refuse to issue an inedible kitchen grease transporter registration certificate, or to suspend or revoke an existing registration certificate for specified reasons.

AB 1128 (Blakeslee) California Regional Water Quality Control Board Members: Conflicts of Interest (Senate Environmental Quality Committee)

This bill would have allowed a Regional Water Board member to vote on all matters that apply on a region-wide basis and to vote on every Regional Water Board action that meets the following requirements (1) applies on a region-wide basis and the board member has no financial interest, and (2) is not related to a specific waste discharge permit issued pursuant to federal law or an enforcement action in which the board member has an interest.

✓AB 1200 (Laird) Sacramento-San Joaquin Delta (Chapter 573, Statutes of 2005)

This law requires the DWR to evaluate the potential impacts on water supplies derived from the Delta resulting from subsidence, earthquakes, floods, changes in precipitation, temperature, and ocean levels, and a combination of those impacts. Additionally this law requires the DWR to evaluate options for protecting various water quality and water supply benefits and Delta infrastructure provided by the Delta levees. Lastly, this law requires the DFG to rate each identified option for its ability to restore Delta-dependent fisheries.

Governor's Message: With this bill, the Legislature has taken an initial modest step towards recognizing the potential devastating impacts of a levee failure on the citizens of California. I appreciate the Legislature's willingness to enter this policy area and am signing Assembly Bill 1200. This bill requires the Department of Water Resources and the Department of Fish and Game to study and analyze the impacts levee failures in the Delta could have on water supply. While this bill has noble and necessary objectives, my Administration has already initiated these evaluations and will proceed accordingly. But more must be done. In my January budget, I proposed to increase levee maintenance by 70 percent and this was included in the final budget. In the beginning of this legislative session I sponsored two bills that would have created a mechanism for locals to match federal and state government funding of levee construction, maintenance, and environmental mitigation. One of the bills would have also required notification to those living in flood hazard zones and provided an offer for flood insurance. I invite the Legislature to continue to work with my Administration to further develop these proposals that will help provide the citizens of California the protection of life, property, and the environment that they expect and deserve.

AB 1244 (Wolk) California Water Commission: CALFED Bay-Delta Program (Assembly Floor)

This bill would have conformed authorizing statute for the CBDA with federal statute enacted in 2004.

AB 1269 (Pavley) Clean Air, Clean Water, Coastal Protection, and Parks Act of 2007 (Assembly Appropriations Committee)

This bill would have authorized, subject to voter approval at an unspecified future statewide election, an unspecified amount of general obligation bonds, from which bond sale proceeds would have been allocated to several resources-related projects.

AB 1271 (Blakeslee) Water: Central Coast Agricultural Best Management Practices Pilot Project (Assembly Environmental Safety and Toxic Materials)

Committee) This bill would have required the Central Coast Regional Water Board to conduct a five-year pilot project, to be known as the Agricultural BMPs Pilot Project, in order to promote clean water practices in the region within the jurisdiction of that Regional Water Board.

AB 1279 (Ruskin) Hazardous Substances: Military Base Remediation: Oversight (Senate Floor) This bill would have permanently extended provisions of current law that prohibit the Director of the DOF from eliminating positions at the DTSC which are funded with federal funds or through an agreement with private entities, and are used to oversee hazardous substance cleanup activities at closed military bases. This bill would have also eliminated obsolete provisions of law related to the DOF Director's ability to eliminate State Water Board positions.

AB 1290 (La Malfa) Water Use Fees (Assembly Water, Parks, and Wildlife Committee) This bill would have terminated annual fees assessed by the State Water Board on water rights applicants and owners.

✓**AB 1302 (Horton, Jerome) Office of Administrative Law: Regulations (Chapter 713, Statutes of 2006)** This law, among other things, amends the APA to restrict the number of regulations adopted by state agencies as emergency regulations and submitted to the OAL for approval. This law also adds a cap for the number of readoptions available for emergency regulations.

✓**AB 1317 (Ruskin) Environmental Laboratories (Chapter 406, Statutes of 2005)** This law updates and restructures the statutory framework governing the Environmental Laboratory Accreditation Program, which is the regulatory program used by the DHS to accredit state environmental laboratories.

AB 1327 (Tran) Hazardous Materials: Accidental Release Prevention Program (Senate Environmental Quality Committee) This bill would have corrected two minor technical problems in the hazardous materials business plan program and the accidental release plans program, under the jurisdiction of the CUPA program.

✓**AB 1328 (Wolk) Wild and Scenic Rivers: Cache Creek (Chapter 576, Statutes of 2005)** This law adds various remote sections of Cache Creek, located in Lake and Yolo Counties, to the California Wild and Scenic River system. This law: (1) protects existing and future water rights for various public water agencies within the Cache Creek watershed; (2) provides that the wild and scenic designation would not hinder efforts to remove invasive plant species or toxic substances from the river; and (3) prohibits the state from petitioning for a federal wild and scenic designation of the river.

✓**AB 1333 (Frommer) Grease Waste Haulers (Chapter 186, Statutes of 2006)** This law creates new requirements for the management of grease waste and establish penalties for the improper management of grease waste. Specifically,

this law makes it an offense for a grease waste hauler to (1) reinsert or otherwise improperly deposit grease materials into a grease trap, manhole, or sewer appurtenance; (2) discharge grease materials in or on any waters of the state; and/or (3) transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste.

AB 1337 (Ruskin) Hazardous Waste Facilities Permits: Financial Assurances (Vetoed, when it pertained to a different subject) As previously amended (on June 8, 2006), this bill would have made several changes to the statutes within Chapter 6.5 of the Health and Safety Code governing the operations of hazardous waste facilities including transfer operations, temporary facility modifications, financial assurances and closure requirements related to hazardous waste facilities operating under a permit issued by the DTSC. This bill was later amended to deal with a different subject matter and was vetoed by the Governor.

✓**AB 1341 (Assembly Environmental Safety and Toxic Materials Committee) Financing Authorities: Grants and Loans (Chapter 714, Statutes of 2006)** Among other things, this law, and urgency measure, extends, to January 1, 2012, provisions relating to the operation of the CPCFA grant and loan program. The grants and loans, not to exceed \$7.5 million, are for cities and counties deemed eligible by the Authority to assist in the development of various programs and policies to, among other things, reduce pollution hazards and the degradation of the environment, or promote infill development to revitalize communities.

✓**AB 1342 (Assembly Environmental Safety and Toxic Materials Committee) Hazardous Material (Chapter 577, Statutes of 2005)** This law exempts owners of one-half of a duplex from liability for hazardous substance releases on their property or for contamination of groundwater under their property, except under certain circumstances. Additionally this law makes various changes to the Health and Safety Code regarding the management, transportation, storage, and disposal of hazardous waste.

AB 1343 (Assembly Environmental Safety and Toxic Materials Committee) Irrigated Agriculture Operations Equipment (Assembly Environmental Safety and Toxic Materials Committee) This bill would have deemed water monitoring equipment used by an irrigated agriculture operation that participates in an approved watershed management program, for the purposes of that program, to be water quality control equipment for the purpose of determining eligibility for loans or grants related to the use of water quality control equipment.

AB 1344 (Assembly Environmental Safety and Toxic Materials Committee) Hazardous Substances: Multiparcel Remediation: Pilot Project (Assembly Environmental Safety and Toxic Materials Committee) This bill would have enacted the California Subregional Coordination and Cleanup Act of 2005, which would have required the Cal/EPA site designation committee, with the assistance of the DTSC and the State Water Board, to establish a pilot program to provide

grants for the aggregation of multiple real property parcels into multiparcel areas for site mitigation and planning purposes. This bill would have required the committee to develop eligibility criteria for the selection of pilot project grant recipients, and would have authorized the committee to select a multiparcel project for participation in the pilot program if the grant recipient meets specified conditions.

AB 1360 (Hancock) Public Health Priority Sites (Assembly Floor) This bill would have designated the DTSC as the lead agency for cleanup of contaminated sites where hazardous material will be left behind such that ongoing engineering or land use controls will be necessary after the cleanup is deemed complete in order to protect public health.

AB 1395 (Nunez) California-Mexico Relations (Vetoed) This bill would have required the Cal/EPA Secretary and the Secretary of the BTHA, in consultation with appropriate state entities, to: (1) develop a comprehensive, multidisciplinary strategic plan for the California-Mexico border; (2) coordinate an interagency California-Mexico Relations Ten Year Plan; and (3) make recommendations on an appropriate governance structure to ensure that the state's efforts are coordinated.

Governor's Message: I am returning Assembly Bill 1395 without my signature. Mexico is an extremely important economic and cultural partner to California. Our proximity and shared history unite us. The annual Border Governors Conference provides the ten border states in Mexico and the United States a cooperative forum for discussing complex and important cross-border issues. Since its start, the organization has enhanced joint border efforts addressing agriculture, border crossings, education, economic development, energy, environment, health, human trafficking, tourism, and border security issues. I welcome the Legislatures involvement in my Administrations activities related to the annual Border Governors Conference. Bi-national work groups have formed on topics ranging from agriculture to education to border security and almost every cabinet agency plays a role in the activities of the conference throughout the year. The conference has spurred many accomplishments, but more work is yet to be done to achieve our shared goals. Unfortunately, this bills requirement for a California-Mexico Relations Ten Year Plan will not help accomplish those goals. Many issues have arisen and continue to arise that could not be foreseen ten years ago. The Border Governors Conference provides the flexibility to address timely issues. My Administration will continue to pursue avenues of common interest and mutual assistance and will do so as they need to be addressed.

✓**AB 1415 (Pavley) Hazardous Waste: Mercury Relays and Switches (Chapter 578, Statutes of 2005)** This law bans the sale and distribution in California of all products with the mercury-containing switches, relays, measuring devices, and gastrointestinal tubes, with specified exceptions.

AB 1421 (Laird) Water: Discharge Permits (Senate Environmental Quality Committee) This bill would have authorized the State and Regional Water Boards to require the provision of replacement water where ground or surface

waters have been degraded or otherwise impacted above background water quality conditions. This bill included definitions for “affected” and “background water quality conditions.”

AB 1453 (Daucher) Superior Courts: Adjudication of Rights to Produce Groundwater (Assembly Judiciary Committee) This bill would have established nine water divisions in the superior courts of specified counties. This bill would have required the presiding judge of the superior court of each specified county to assign a water judge to the water division to preside over actions that involve the adjudication of rights to produce groundwater, as specified, and would have provided for the transfer of groundwater actions to those courts. -

AB 1464 (McCarthy) CEQA: Environmental Impact Reports: Review (Senate Environmental Quality Committee) This bill would have clarified that the period of review by state agencies and the public review period for environmental documents required by CEQA may, but are not required to, begin and end at the same time.

AB 1544 (McCarthy) Bond Measures: Audits (Assembly Desk) This bill would have declared the Legislature's intent to enact legislation that would have required that any state or local bond measure in this state that is placed on the ballot for approval by the voters contain auditing provisions with respect to the use of any bond moneys that would have been spent for the purposes of the bond measure.

AB 1546 (Hancock) Department of Environmental Management (Assembly Environmental Safety and Toxic Materials Committee) This bill would have created the Department of Environmental Management within the Cal/EPA and would have consolidated the DTSC, the environmental cleanup section of the Radiological Health Branch of the DHS, and various programs, as specified, administered by the Regional Water Boards, into the department, upon the adoption of an organization and business plan by the department, as prescribed.

AB 1561 (Umberg) State Boards and Commissions: Member Removal: Failure To Attend Meetings(Senate Rules Committee) This bill would have created a new process for determining whether a member of a Board or Commission should be removed from office and would have set forth a procedure for doing so. This bill was later amended to address a different subject matter.

✓AB 1576 (Nunez) Electrical Corporations: Rates: Repowering Projects (Chapter 374, Statutes of 2005) This law authorizes the state’s electric utilities to enter into long-term contracts for the output of replaced and repowered generation facilities that meet energy efficiency criteria. The costs of these contracts may be recovered through rates from ratepayers. The contracts will be on a cost-of-service basis. This law also requires the CEC, in consultation with the State Water Board, to report on progress made toward performance standards relating to water

quality.

AB 1612 (Pavley) Cigarettes: Litter (Assembly Appropriations Committee)

This bill would have imposed a 10-cent excise fee on every pack of cigarettes distributed for sale in California and would have allocated revenues generated by this fee to various programs and activities at the DOC and the DHS related to cigarette pollution and litter prevention and cleanup. This bill was later amended to address a different subject matter.

AB 1623 (Klehs) County Transportation Agencies: Congestion

Management and Environmental Mitigation Fee (Vetoed) This bill would have authorized county transportation agencies in Alameda, Contra Costa, Marin, Napa, and Sacramento Counties to impose an annual fee of up to \$5 on motor vehicles registered within their respective jurisdictions for a program to manage traffic congestion and mitigate the environmental impacts of motor vehicles within each county.

Governor's Message: I am returning Assembly Bill 1623 without my signature. This bill seeks to impose a new \$5 tax on all cars in the counties of Alameda, Contra Costa, Marin, Napa, and Sacramento does so without a two-thirds vote of the people. While the goal of the program to increase funds to relieve traffic congestion is a worthy proposal to consider, I do not believe these fees should continue to be added without the approval from the people upon whom the fee is imposed. In this years budget, I proposed the full funding of Proposition 42 for the first time since its passage in 2002. The additional \$1.3 billion from Proposition 42 is just a fraction of the funds needed to relieve Californias congested freeways and improve our roadways. Finding new funds for Californias fractured infrastructure is a top priority; however, this piecemeal approach that does not allow for a vote of the people is not the right way to accomplish the goal. For these reasons, I cannot support this measure.

AB 1679 (Mullin) California Regional Water Quality Control Boards: Ano Nuevo Hydrologic Unit (Senate Environmental Quality Committee)

This bill would have changed the jurisdictional boundary line that separates the Central Coast Regional Water Board from the San Francisco Bay Regional Water Board by moving the Ano Nuevo hydrologic area from the Central Coast Regional Water Board to the San Francisco Bay Regional Water Board.

AB 1693 (Matthews) California Pollution Control Financing Authority (Senate Environmental Quality Committee)

This bill would have required (1) a project financed by a loan from the CPCFA to result in a quantifiable reduction of pollution, as certified by an independent third party; (2) a party that seeks financing under the CPCFA to enter into an agreement that details the responsibility of the participating party to fully construct, operate, and maintain the project as represented in the application; (3) the CPCFA to implement financial recovery process if the project is not maintained in accordance with the agreement; and (4) the CPCFA to prepare and submit to the Legislature an annual report on the amounts and types of pollution reduced from projects

financed by the CPCFA. This bill was later amended to address a different subject matter.

AB 1705 (Keene) Forestry: Timber Harvesting Plans (Senate Natural Resources and Water Committee) This bill would have exempted from the requirement to prepare a timber harvesting plan, parcels of land that are (1) used to grow a crop of Christmas trees; (2) less than one acre; (3) less than three acres and that were created under the lead agency authority of a city or county under CEQA.

✓**AB 1721 (Pavley) Environmental Education (Chapter 581, Statutes of 2005)** This law is technical cleanup for AB 1548, Pavley (Chapter 665, Statutes of 2003) that incorporated environmental principles into approved education standards. Chapter 665 established the OEE in the Cal/EPA and required the OEE to develop environmental education principles and model curriculum. Additionally, Chapter 665 established the EEA to pay for teacher training and other implementation efforts. This account can accept funds from many different sources, including private foundations, corporations, and public judgments. This law allows storm water permittees to contribute to the EEA to satisfy permit requirements regarding public education, upon approval by the State or Regional Water Boards.

AB 1724 (Villines) Water Quality: Reclamation: Excessive Rainfall (Assembly Water, Parks and Wildlife Committee) Among other things, this bill would have prohibited a Regional Water Board from requiring a holder of a master reclamation permit or a water district to provide plans or water reclamation facilities to reclaim or recycle all water subject to a permit or passing through a water reclamation facility during a period of excessive rainfall. Additionally this bill would have authorized a Regional Water Board to require a permittee or a water district to meet reasonable water quality standards during such a period based on other factors determined by the Regional Water Board.

AB 1727 (Aghazarian) State Water Resources Control Board and California Regional Water Quality Control Boards (Assembly Environmental Safety and Toxic Materials Committee) This bill, sponsored by the State Water Board, would have changed the makeup and duties of the Water Boards by: (1) requiring the State Water Board to appoint an executive director and, for each of the Regional Water Boards, an executive officer, all of whom would be exempt from civil service. This bill would have required each executive officer to report to the executive director of the State Water Board; (2) requiring each Regional Water Board to delegate the issuance, modification, and revocation of waste discharge requirements to its executive officer and would have required appeals to these decisions made by that executive officer to be made to the State Water Board's Executive Director; (3) reducing the number of members on a Regional Water Board from nine to seven members, but would not affect the term of a member who serves on a Regional Water Board on January 1, 2006; (4) revising certain eligibility requirements for membership on a Regional Water Board; (5) requiring the Governor to designate the chairperson of each Regional Water

Board from the membership of that Regional Water Board, who would serve at the pleasure of the Governor; and (6) requiring each Regional Water Board to select one of its members to serve as vice chairperson.

√AB 1752 (Levine) Environmental Quality (Chapter 725, Statutes of 2006, Urgency Measure, Chaptered on September 29, 2006) This law makes two substantive changes to the provisions of SB 1733 (Aanestad). This law (1) delays by six months the effective date of the entire “compliance project” provision of the mandatory minimum penalty (MMP) law under SB 1733, and (2) strengthens the fiscal standard that would apply to compliance projects under SB 1733.

√AB 1801 (Laird) Budget Act of 2006 (Chapter 47, Statutes of 2006, Urgency Measure, Chaptered on June 30, 2006) This is the Budget Act of 2006-07.

√AB 1803 (Committee on Budget) Public Resources (Chapter 77, Statutes of 2006, Urgency Measure, Chaptered on July 18, 2006) This law makes various changes to implement the 2006 Budget Act. Among other things, this bill makes conforming changes reflecting the consolidation of accounts by the DTSC and authorizes the RA to administer various programs previously administered by the CBDA. This law does not have a significant direct impact on the Water Boards.

√AB 1806 (Committee on the Budget) State Government (Chapter 69, Statutes of 2006, Urgency Measure, Chaptered on July 12, 2006) This law makes various changes to implement the 2006 Budget Act. Among other things, it expands the types of plating facilities that are eligible for guaranteed loans from the Chrome Plating Pollution Prevention Fund (CPPPF) and which can participate in the Model Shop Program to include all metal plating facilities, rather than just chrome-plating facilities. This was a trailer bill for the 2006 State Budget. (Also see AB 721.)

√AB 1811 (Laird) Budget Act of 2006 (Chapter 48, Statutes of 2006, Urgency Measure, Chaptered on June 30, 2006) This law makes various changes to implement the 2006 Budget Act. Among other things, this law increases the General Fund appropriation to the State Water Board by \$6,884,000 and makes corresponding reductions to the Waste Discharge Permit Fund and Water Rights Fund, which are funded by fees.

√AB 1812 (Committee on Budget) Budget Act of 2006 (Chapter 733, Statutes of 2006, Urgency Measure, Chaptered on September 29, 2006) This law amends and supplements the Budget Act of 2006 by revising items of appropriation relating to the OES, the DGS, the DFFP, the State Water Board, and the DSS.

AB 1877 (Nakanishi) Flood Control: Natural Community Conservation Plan (Assembly Appropriations Committee) This bill would have required the DFG to enter into a planning agreement with the SRB, in consultation with appropriate

federal, state and local agencies, to prepare a natural community conservation plan that encompasses the Sacramento and San Joaquin Drainage District. The plan would have been designed to provide comprehensive management and conservation of multiple wildlife species. This bill would have exempted activities identified in plan implementation agreements from the requirements of the DFG's lake or streambed alteration agreements.

AB 1940 (Koretz) Environment: Marine Debris: Plastic Discharges (Senate Appropriations Committee) This bill would have required the SCC, to the extent feasible and within existing resources, to take actions it deemed appropriate to address the issue of marine debris, including convening a multiagency task force for the purpose of implementing a statewide marine debris reduction program, increasing public awareness of the problem and improving coordination and collaboration among public agencies to reduce marine debris. This bill also would have enacted the Plastic Debris Eradication Program and required the Water Boards to implement measures for controlling plastic pellet, powder, and fragment discharges from point and nonpoint sources, including requiring the implementation of BMPs for such discharges according to a specified time schedule ending September 1, 2008.

✓ **AB 1992 (Canciamilla) Solid Waste: Dumping (Chapter 416, Statutes of 2006)** This law clarifies and expands the determination of illegal dumping on public and private property and provides enhanced tools for local law enforcement entities that enforce littering and illegal dumping laws.

AB 2026 (Aghazarian) Flood Control (Assembly Natural Resources Committee) This bill would have (1) reduced the level of consideration given by the SRB to fish and wildlife, recreation, and environmental factors when performing flood control work along the Sacramento and San Joaquin River system; and (2) exempted routine levee maintenance done by the SRB or local agencies from the requirements of CEQA.

AB 2027 (La Malfa) Flood Control Projects (Assembly Water, Parks and Wildlife Committee) This bill would have changed DFG's regulatory standards for Delta levee maintenance and flood control projects by deleting existing prohibitions on "net long-term loss of riparian, fisheries, or wildlife habitat" caused by the state Delta Levees Program, including both Delta levee subventions and special flood control projects.

AB 2080 (Strickland) Water Quality Objectives: Arroyo Conejo (Assembly Environmental Safety and Toxic Materials Committee) This bill would have required the Los Angeles Regional Water Board to undertake, by April 1, 2007, a review of the water quality objectives that apply to the North Fork of the Arroyo Conejo in Ventura County to ensure appropriate protection of the applicable beneficial uses of the water body.

AB 2092 (Hancock) Hazardous Substance Release: Vapor Intrusion: (Vetoed) This bill would have required Cal/EPA, by January 1, 2008, to compile

a summary of sites with known or potential vapor intrusion from a hazardous substance release on the site or migrating onto the site. This bill would have required Cal/EPA to compile the summary in coordination with the DTSC, IWMB, the Water Boards, and appropriate local agencies. This bill would also have required Cal/EPA to update the summary annually, post the summary on its website, develop a strategy for identifying new sites, and submit a report to the Legislature on the potential for developing a uniform long-term strategy for dealing with vapor intrusion.

Governor's Message: I am returning Assembly Bill 2092 without my signature. Brownfield sites can pose a threat to the public health and environment. I have strongly supported prior brownfield legislation and initiated administrative efforts to expand and improve brownfield site cleanups including AB 389 in 2004. Under my Administration, the California Environmental Protection Agency, State Water Resources Control Board, Regional Water Quality Control Boards and Department of Toxic Substances Control have signed a Memorandum of Agreement to improve coordination of regulatory activities at these sites. This bill is unnecessary and may inadvertently stigmatize a site, delaying clean up and reuse. This bill assumes that vapor intrusion is a major undetected and unaddressed problem. Although vapor intrusion has been a problem at some specific sites, there are already effective measures to address this issue. The current site characterization and cleanup processes address all possible exposure pathways, including human health risk from vapor intrusion. Additionally, this bill does not provide for the removal of sites from the summary list once it has been cleaned up or determined not to pose a public health risk. As a result, this bill is likely to result in unnecessary public concern and could result in sites not being cleaned up in a timely manner.

AB 2127 (Tran) Hazardous Waste: Alkaline Batteries: (Assembly Appropriations Committee) This bill would have required the IWMB and the State Water Board, by July 1, 2007, to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility, the extent of those impacts caused by that disposal, and proposed solutions to mitigate those identified impacts.

AB 2134 (Harman) Natural Resources: Funding: Coastal Wetlands Maintenance (Assembly Natural Resources Committee) This bill would have (1) continued the current situation under which certain funds generated by the SLC are allocated to specified state environmental programs, and (2) provided that \$5 million a year of these funds would, for ten years, be allocated to a new Coastal Wetlands Account. The funds would have gone into an interest-bearing account, of which only the interest earned could be used to fund maintenance of coastal wetlands owned by the state or a conservancy of the state in or south of Santa Barbara County.

✓AB 2144 (Montanez) Hazardous Materials: Land Use (Chapter 562, Statutes of 2006) This law amends the public participation requirements for Brownfield sites that are cleaned up pursuant to the CLRRA of 2004 to make them

consistent, regardless of whether the site is overseen by the DTSC or the Water Boards, and to expand the public participation requirements for these sites. This law also amends the Water Code to require Regional Water Boards to make specified public notifications regarding cleanup sites that have been issued a CAO. This bill law also authorizes DTSC to require people who submit reports to submit them electronically, and requires DTSC to adopt a single, standard format for the electronic submission of analytical and environmental compliance data.

AB 2145 (Montanez) Hazardous Materials: Liability (Assembly Judiciary Committee) This bill would have made clarifying changes to provisions of the CLRRRA of 2004. This bill would have had the effect of broadening the provisions of CLRRRA that grant immunity from liability to an innocent landowner, a bona fide purchaser, or a contiguous property owner who remediates a Brownfields site under CLRRRA to include immunity against common law actions.

✓**AB 2155 (Wolk) Hazardous Waste: Treatment: Pharmaceutical Activities (Chapter 741, Statutes of 2006)** This law provides an exemption for pharmaceutical neutralization activities from the requirement to obtain a hazardous waste facility permit

✓**AB 2211 (Karnette) Solid Waste Disposal Site Cleanup: (Chapter 762, Statutes of 2006)** This law clarifies and expands the Solid Waste Disposal and Codisposal Cleanup Program of the CIWMB. It authorizes the CIWMB to expend funds directly for the cleanup of publicly owned or operated sites, only if the CIWMB determines that the public entity lacks resources or expertise to timely manage the cleanup itself. This law authorizes CIWMB to provide partial, rather than matching, grants to public entities to assist in site cleanup. This law authorizes a partial grant for an activity to remove or abate solid waste disposed into a municipal storm sewer, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste.

AB 2252 (Strickland) Environmental Impact Report: (Assembly Local Government Committee) This bill would have exempted a development project from preparing and completing a second or additional environmental impact report if the project complied with applicable zoning and land use requirements, including the most recently adopted general plan of a city or county.

✓**AB 2296 (Montanez) Solid Waste: Landfill: Standards: Closure And Post-Closure Maintenance (Chapter 504, Statutes of 2006)** This law requires landfills to publish estimates of costs to close, and requires the CIWMB to report on issues associated with closing landfills in the budget year.

✓**AB 2367 (La Suer) Criminal Penalties (Chapter 347, Statutes of 2006)** This law converts numerous indeterminate sentencing provisions, for terms other than life, to determinate sentencing provisions, thus providing uniformity throughout California codes. Water Code Section 13387 is the only section of this law within the jurisdiction of the State Water Board.

AB 2376 (Leslie) Tahoe Regional Planning Agency: Lake Tahoe Improvement Account (Assembly Appropriations Committee) This bill would have (1) created the Lake Tahoe Improvement Account (LTIA) to support projects related to transportation, air quality, water quality, water supply, forest resources, and fire protection; (2) eliminated the July 1, 2006 sunset on provisions that allocate tidelands oil revenue to various resources-related programs and would have added a \$10 million allocation, for 10 years, to the LTIA; and (3) repealed provisions that, starting July 1, 2006, allocate all net tidelands oil revenue to the General Fund.

AB 2394 (Aghazarian) Minor Violations: Air Pollution: Water Quality (Assembly Appropriations Committee) This bill would have required the ARB and the local air districts to establish a program for classifying minor air quality violations. This bill also would have included a cleanup provision that would have deleted Section 13399.3 of the Water Code requiring the State Water Board to issue a report relating to pollution enforcement by January 1, 2000.

AB 2406 (De La Torre) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Senate Rules Committee) This bill would have enacted the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 if approved by the voters at the November 7, 2006, statewide general election. The bill would have authorized the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program.

AB 2444 (Klehs) Congestion Management and Motor Vehicle Environmental Mitigation Fees (Vetoed) This bill would have authorized the congestion management agencies in the nine San Francisco Bay Area counties to establish a new annual fee of up to \$5 on motor vehicles within those counties to fund programs and grants for managing traffic congestion. This bill also would have authorized the Bay Area Air Quality Management District to simultaneously impose an annual fee of up to \$5 on motor vehicles registered within its jurisdiction for programs that mitigate the air and water impacts of motor vehicles on the environment. The San Francisco Bay Regional Water Board would have administered a portion of the latter fee.

Governor's Message: I am returning AB 2444 without my signature. This bill, which seeks to impose a new tax on all cars registered in specified Bay Area Counties, is nearly identical to legislation I vetoed last year. As I stated last year, as well as in other veto messages this year, I support the goal of increasing funds to mitigate traffic congestion, but cannot support the continued adding of fees such as this without the approval of the people upon whom the fees are imposed. Throughout the year, my administration worked with members of the legislature on a proposal that would have given all counties the authority to adopt, with voter approval, modest license fee add-ons to fund environmental and traffic mitigation programs. Unfortunately, those efforts were ultimately rejected. I encourage the Legislature to reconsider this decision when they return next year.

√AB 2485 (Jones) Fish and Game: Sea Otters (Chapter 296, Statutes of 2006) This law enacts a number of provisions aimed at protecting sea otters and reducing the rate of sea otter mortality. This law establishes an additional tax check-off on the state tax form to allow taxpayers to designate a specified amount in excess of their tax liability to be transferred to the California Sea Otter Fund, which is created by this law. Fifty percent of the revenue raised will be allocated to DFG for increased sea otter research and enforcement, and fifty percent will be allocated to the SCC to fund research and programs to improve the near-shore ocean ecosystem, with an emphasis on reducing sea otter mortality and addressing pathogens and water and wastewater treatment technologies. This law specifies that the Sea Otter tax check-off will only be established when an existing tax check-off is removed from the tax form. This law also requires cat litter sold in California to carry a label regarding its proper disposal.

AB 2490 (Ruskin) California Toxic Release Inventory Program (Vetoed) This bill would have established the California TRI Program, a state equivalent to the current federal TRI Program.

Governor's Message: I am returning Assembly Bill 2490 without my signature. This bill establishes a state level program mirroring the USEPA's existing Toxics Release Inventory program under specific conditions. This bill is overly broad, premature and duplicative. This bill attempts to address a preliminary draft proposal by USEPA that has not been adopted. The bill would require California to develop a new multi million dollar state level reporting system for information that would be mostly duplicative of data that would continue to be collected at the federal level even if the federal government chooses to proceed with its proposed changes.

AB 2522 (Nava) Groundwater Protection: Septic Tank Systems (Senate Appropriations Committee) This bill would have created the Groundwater Protection Fund and would have authorized the State Water Board, upon appropriation by the Legislature, to make grants from the fund to the Ventura County Service Area No. 34 in order to defray the costs of connecting low-income homeowners to the public sewer system.

AB 2580 (Walters) Orange County Sanitation District Design-Build Contracts (Assembly Floor) This bill would have authorized the Orange County Sanitation District (OCSD) to enter into design-build contracts in excess of \$10 million for buildings and public wastewater facilities, and would have required the OCSD to establish and enforce, for design-build projects, a labor compliance program containing specified requirements.

AB 2610 (Keene) Redevelopment Agencies: (Senate Judiciary Committee) This bill would have given immunity from contaminant site cleanup liability to a person who acquires the property from a redevelopment agency, if the agency undertakes and completes a remedial or removal action or causes another

person to undertake and complete that action and the agency is immune from liability as set forth in existing law.

AB 2628 (Baca) Hazardous Substances: Perchlorate Contamination (Assembly Rules Committee) This bill would have appropriated an unspecified amount from the General Fund to the County of San Bernardino to remediate the soil and groundwater contaminated by perchlorate that is located on and in the vicinity of the Rialto Ammunition Backup Storage Point property.

AB 2637 (Vargas) Water: Sewage (Assembly Desk) This bill would have made technical, nonsubstantive changes to existing water quality law.

AB 2700 (Saldana) San Diego Regional Water Quality Control Board: International Wastewater Treatment (Assembly Environmental Safety and Toxic Materials Committee) This bill would have required the San Diego Regional Water Board, to the extent permitted by law, to assist the IBWC in its efforts to oversee the design and construction of a secondary wastewater treatment project and to expedite the issuance of any necessary WDRs in accordance with the NPDES permit program. This bill would have made legislative findings and declarations regarding the need for special legislation.

✓AB 2701 (Blakeslee) San Luis Obispo County (Chapter 360, Statutes of 2006) This law authorizes San Luis Obispo County (County) to undertake all efforts necessary to design, construct, and operate a wastewater collection and treatment system to provide service to homeowners currently being served by the Los Osos Community Services District (District), and correspondingly removes the authority of the District to do so. The District retains the powers to provide all other services to that area. This law permits the County to levy benefit assessments to finance the construction and operation of the wastewater treatment plant, and impose and collect user fees to cover the costs of any wastewater collection or treatment services provided pursuant to this law. This law also exempts the County from any prior or future liabilities associated with the District or its actions.

Governor's Message: I am signing AB 2701 because this bill will resolve a long-standing conflict and controversy by providing a means to transfer responsibility for constructing a wastewater collection and treatment system from the Los Osos Community Services District to San Luis Obispo County. The current septic tank discharges from Los Osos pose serious environmental and public health concerns and the Los Osos Community Services District has failed in its responsibility to construct a wastewater collection and treatment system to protect water quality and public health. State and federal agencies have been working to address these water quality issues in Los Osos for over 30 years. The County has the resources and expertise necessary to construct the wastewater collection and treatment system and thereby address the water quality issues in Los Osos. The transfer of the responsibility for constructing the plant from the Los Osos Community Services District to the County is the only viable solution to addressing this problem. It is important that the State Revolving Fund be repaid the \$6.5 million in loan funds that the District owes the

State Revolving Fund. This is important, not only financial accountability, but because failure to repay the loan adversely affects other local agencies seeking loans from the State Revolving Fund. Therefore, I am directing the State Water Resources Control Board to withhold any subsequent State Revolving Fund loan to San Luis Obispo County for this project unless the existing \$6.5 million loan has been repaid or the payment plan incorporates its full recovery.

AB 2724 (Klehs) Hazardous Materials: Underground Storage Tank System: Civil Penalties (Assembly Rules Committee) This bill would have made technical, nonsubstantive changes to existing law that provides that penalties collected by the Water Boards be deposited into the State Water Pollution Cleanup and Abatement Account.

AB 2838 (Pavley) Coastal Environment Motor Vehicle Mitigation Program (Vetoed) This bill would have established the Coastal Environment Motor Vehicle Mitigation Account and would have authorized a new \$6 vehicle registration fee in coastal counties to fund programs and grants for preventing, reducing or mitigating the environmental impacts of motor vehicles and their associated facilities and infrastructure. The funds generated by this fee surcharge would have been distributed to the State Coastal Conservancy and the coastal counties participating in the program.

Governor's Message: I am returning AB 2838 without my signature. This bill, which seeks to impose a new tax on all cars registered in specified coastal counties, is nearly identical to legislation I vetoed last year. In that veto message, I stated that I support the goal of increasing funds to mitigate the effect of traffic congestion but that I cannot support the continued adding of new fees such as this without the approval of the people upon whom the fees are imposed. My position has not changed. Throughout the year, my administration worked with members of the legislature on a proposal that would have given all counties the authority to adopt, with voter approval, modest license fee add-ons to fund environmental and traffic mitigation programs. Unfortunately, those efforts were ultimately rejected. I encourage the Legislature to reconsider this decision when they return next year.

AB 2901 (Wolk) Mercury Monitoring and Remediation (Assembly Appropriations Committee) This bill would have (1) established a statewide fund to assist local entities and landowners with the cost of mercury monitoring and remediation activities; (2) required the State Water Board to prioritize remediation actions in TMDL implementation plans; (3) prohibited the State Water Board from implementing remediation actions unless the benefits justified the costs; (4) prohibited the State Water Board from proceeding with implementation plans prior to the completion of certain state-funded studies; and (5) prohibited the State Water Board from requiring local public entities and private landowners to pay for TMDL implementation.

AB 2927 (Leno) Public Records (Vetoed) This bill would have added new requirements to the CPRA, including (1) requiring state agencies to include specified public records information on their Internet homepage, (2) authorizing

courts to assess a penalty if an agency acts in bad faith in denying a request to inspect or copy public records, (3) authorizing a person to request the Attorney General to review a public agency denial of a public records request, and (4) establishing a task force to consider and make recommendations regarding the posting of records requests, denials and public documents.

Governor's Message: I am returning Assembly Bill 2927 without my signature. An open and accessible government is critical to instill confidence in the governed. Indeed the people recently voted overwhelmingly to amend California's Constitution to make access to public records a fundamental right. That is why I issued Executive Order S-03-06 which directs all state departments to post PRA request guidelines in a conspicuous public place at all office locations and to identify and designate staff to handle the requests and ensure appropriate training in PRA compliance for designated staff members. As a result of the order, all executive branch agencies have reviewed their public records procedures. They have been revamped to improve performance and compliance and extensive training has been provided to state agency staff. These efforts address the problem this bill is attempting to fix. In addition the provision allowing the Attorney General to review denials of public records requests is unduly burdensome. The Attorney General is the attorney for most State agencies and advises agencies on responding to such requests and thus this bill creates an inherent conflict of interest. I will continue to require the highest standards of compliance with the Public Records Act throughout the executive branch.

AB 2996 (Levine) Automobile Brake Pad Mitigation Program (Assembly Environmental Safety and Toxic Materials Committee) This bill would have established the Automobile Brake Pad Mitigation Program funded through a \$1 fee from each consumer who purchases a new automobile brake pad and would have authorized the State Water Board to expend the monies in the fund to prevent, reduce, remediate, or mitigate the adverse environmental impacts of automobile brake pads.

✓ **AB 3021 (Nunez) California-Mexico Relations (Chapter 621, Statutes of 2006)** This law establishes the California-Mexico Border Relations Council (Council), consisting of the Secretary of the Cal/EPA, the Secretary of the RA, the Secretary of the BT&HA, the Secretary of the HHSA, the Secretary of the DFA, and the Director of OES. The Council, which is chaired by the Cal/EPA Secretary, is mandated to coordinate activities of state agencies that have cross-border programs, and initiatives. This bill would require the Council to submit an annual report to the Legislature on the council activities beginning January 1, 2008.

ACA 13 (Harman) Local Government: Assessments and Fees or Charges (Assembly Local Government Committee) This bill would have exempted from various requirements in the California Constitution the assessment of fees or charges related to flood control, stormwater drainage or surface water drainage, and assessments for financing the capital costs or maintenance and operation expenses of flood control projects.

SENATE BILLS

SB 21 (Florez) San Joaquin River Restoration (Senate Natural Resources and Water Committee) This bill would have allowed the Secretary of the RA to undertake and participate in studies relating to restoration options for the San Joaquin River.

SB 31 (Florez) Water Fees (Senate Natural Resources and Wildlife Committee) This bill would have substantially revised and recasted the provisions for making water rights filings with the State Water Board. Among other things, this bill would have: (1) changed the listing of applications subject to the State Water Board's schedule of fees; (2) denominated the fees as transactional fees, to limit the fees to processing costs; and (3) required adjustment of individual transactional fees that exceed or are less than average processing cost, to required prescribed fees for parties and entities participating in an evidentiary hearing.

SB 52 (Chesbro) 2005-2006 Budget (Senate Budget and Fiscal Review Committee) This bill, an urgency measure, would have made appropriations for support of state government for the 2005-2006 fiscal year.

SB 69 (Senate Budget and Fiscal Review Committee) Environmental Quality (Assembly Rules Committee) Among other things, this bill would have appropriated on a one time basis \$4.5 million in fee revenue from the Waste Discharge Permit Fund for the purposes of funding ambient water quality monitoring by the NPDES permit program and clarify that the appropriation shall not increase fees paid by waste dischargers. This bill was later amended to address a different subject matter.

✓SB 71 (Senate Budget and Fiscal Review Committee) Resources Budget Trailer Bill (Chapter 81, Statutes of 2005, Urgency Measure, Chaptered on July 19, 2005) This law makes various resources-related statutory changes necessary to implement the Budget Act of 2005. This law also includes a provision to extend, by one year, the time the State Water Board has to adopt principles and guidelines for maintaining instream flows in specified northern coastal streams.

Governor's Message: I am signing Senate Bill No. 71 with the following line item veto in Section 1 to more closely align the bill with my expenditure plan.
SECTION 1. Section 2932.2 is added to the Fish and Game Code, to read:
2932.2. Of the funds appropriated pursuant to Section 79565 of the Water Code, not less than ~~twelve million dollars~~ eight million five hundred thousand dollars (~~\$12,000,000~~ \$8,500,000) shall be made available for transfer or direct expenditure for acquisition, grants, or other activities that directly restore the Salton Sea and its transboundary watersheds, consistent with Section 2932. I am reducing this allocation in recognition of the fact that only \$8,800,000 in funds appropriated pursuant to Section 79565 of the Water Code will be available for allocation during 2005-06. By reducing this allocation to \$8,500,000, the

available funding will not be exceeded, and a small reserve will remain for contingencies in all activities and projects funded by this section of the Water Code. With the above line item veto, I hereby approve SB 71.

✓**SB 77 (Senate Budget and Fiscal Review Committee) 2005-2006 Budget (Chapter 38, Statutes of 2005, Urgency Measure, Chaptered on July 11, 2005)** This law is the Budget Act of 2005-2006.

✓**SB 80 (Senate Budget and Fiscal Review Committee) Resources Budget Trailer Bill (Chapter 39, Statutes of 2005, Urgency Measure, Chaptered on July 11, 2005)** This law makes numerous changes to Chapter 38, Statutes of 2005 (SB 77, Senate Budget & Fiscal Review Committee) including the State Water Board's budget item 3940-001-0193, which reduced \$4.5 million from the Waste Discharge Permit Fund. This law reverts the State Water Board to levels and program activities reflected in the 2005-2006 Governor's Budget.

SB 113 (Machado) California Bay-Delta Authority Act (Assembly Water, Parks and Wildlife Committee) This bill would have defined the principle of beneficiary pays and would have required the CBDA to approve or modify program and expenditure plans based on consistency with the beneficiary pays principle, among other considerations.

SB 120 (Florez) Water Quality: Sewage Sludge (Senate Environmental Quality Committee) Among other things, this bill would have required the State Water Board, by June 1, 2007, in consultation with the IWMB, the ARB and the DFG, to conduct a study on the content of, and management options for, sewage sludge. This bill would have required the State Water Board to request the assistance of Cal/EPA in conducting the study.

SB 153 (Chesbro) California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006 (Assembly Appropriations Committee) This bill would have enacted the California Clean Water, Safe Neighborhood Parks, and Coastal Protection Act of 2006, which, if adopted, would have authorized, for the purpose of financing a program for the acquisition, development, improvement, preservation, rehabilitation, and restoration of agricultural, coastal, cultural, forest, historical, park, recreational, and water resources in the state, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$3.945 million. This bill was later amended to address a different subject matter.

✓**SB 162 (Ortiz) State Department of Public Health (Chapter 241, Statutes of 2006)** This law enacts the Public Health Act of 2006 and transfers certain programs (those known as public health programs) from the DHS to a newly created State Department of Public Health (DPH). The existing DHS will be renamed the State Department of Health Care Services and will retain programs and activities not transferred to the proposed DPH.

SB 187 (Soto) Drinking Water: Contaminants (Vetoed). This bill would have authorized the DHS, to the extent information is available, to consider the potential effects on human health that may result from the adoption of a primary drinking water standard that is less stringent than the public health goal. This bill would have also required the DHS' analysis of technological and economic feasibility to be made available to the public along with the draft regulation for review and comment, and would have required the DHS and OEHHA to make available to the public any documentation used to adopt primary drinking water standards or public health goals. This bill would have authorized the DHS or OEHHA to review and consider the primary drinking water standards and public health goals adopted by other states, provided those standards and levels are not less stringent than existing state law. This bill would have further required the DHS, if it failed to issue a primary drinking water standard by a deadline imposed by state law, to have issued quarterly reports to the Legislature that explain the reasons for the delay and a summary of work activities.

Governor's Message: I am returning Senate Bill 187 without my signature. This bill alters the existing process for the adoption of drinking water standards by the Department of Health Services (DHS). Although I support the intent of SB 187 to protect the public's drinking water supply, the bill ignores the deliberative scientific process that must be part of the development of any drinking water standard. A maximum contaminant level (MCL) is an enforceable regulatory standard under the Safe Drinking Water Act and must be complied with by public water systems. Current law requires DHS, while placing primary emphasis on the protection of public health, to establish an MCL at a level as close to the theoretical public health goal as is technically and economically feasible. This bill ignores the necessity to consider economic and technological feasibility when adopting an enforceable drinking water standard.

✓SB 201 (Simitian) Marine Finfish Aquaculture: Leases (Chapter 36, Statutes of 2006) This law specifies regulations and standards required for aquaculture facilities, with an emphasis on marine finfish aquaculture. In addition, this law specifies requirements for an EIR to be prepared by the DFG regarding the management of marine finfish aquaculture.

SB 240 (Margett) Water Rights (Senate Rules Committee) This bill would have made nonsubstantive, technical changes to provisions relating to rights and privileges related to the appropriation of water for any entity or person capable of holding an interest in real property in the state.

SB 350 (Machado) San Joaquin River Restoration and Water Management (Assembly Water, Parks, and Wildlife Committee) This bill would have established the San Joaquin River Fund in the State Treasury to make grants available for projects that would have either (1) improved the habitat and physical conditions in and along the San Joaquin River to facilitate the restoration of stream flows and anadromous fish populations; or (2) developed cost-effective replacement supplies, strategies, and practices to enable increased releases of water from the Friant Dam, while avoiding or minimizing adverse water supply impacts on Friant farmers. This bill would have also required the DWR and the

DFG to conduct, by January 1, 2008, a study to support the restoration of the San Joaquin River and regional water supply reliability in the San Joaquin Valley. This study would have been submitted to the State Water Board, but would not be construed as cooperation with federal efforts addressing San Joaquin River restoration.

✓SB 354 (Escutia) Hazardous Materials Releases: Remediation (Chapter 523, Statutes of 2006) This law expands the number of brownfield sites that local agencies can require to be cleaned up under the CLERRA.

✓SB 387 (Ducheny) New River (Chapter 112, Statutes of 2005) This law allows the City of Calexico to encase, pipe, and treat a portion of the New River in Imperial County in an effort to protect human health and the environment. Governor's Message: I am signing Senate Bill 387, a bill that allows the city of Calexico to encase the New River in an effort to protect human health and the environment. The New River is an international waterway whose headwaters are in Northern Mexico near the city of Mexicali. The river flows over the international border, into California, through the City of Calexico's urban core, draining into the Salton Sea. For decades the New River has been identified as one of the most polluted rivers in the United States. The United States and Mexican Governments have been cautiously developing a plan to address the challenges with this river. Progress has been made on studies designed to address the pollution challenges facing the river including international cooperation to improve sewage treatment facilities in Mexico. In February, the State Water Resources Control Board initiated a pilot project as part of the Cal EPA Environmental Justice Action Plan. The pilot project will have the State Water Resources Control Board work with the Calexico New River Committee and various stakeholders to review health data on the pollutants in the river, inventory precautionary approaches, and develop an environmental risk reduction plan for the Imperial Valley that could be replicated elsewhere. This bill and other actions occurring on the federal and international levels, will further the serious pollution challenges with the New River and its communities. But more needs to be accomplished. The various governments need to coordinate and develop a plan that recognizes the seriousness of the pollution challenges facing this river and addresses its human health and environmental impacts. As the Governor of a state that borders Mexico, I pledge to make this issue a priority as my fellow Governors and I develop action plans for increasing cross border relations and addressing the many opportunities facing border states.

SB 426 (Simitian) CEC: Liquefied Natural Gas Terminals (Assembly Utilities and Commerce Committee) This bill would have required the CEC to evaluate and rank every proposed LNG terminal and would have directed the Governor to disapprove an application for a license to construct and operate a LNG terminal if the project was not ranked one of the two highest ranked sites.

SB 429 (Florez) Recreational Bathing: Sanitation (Vetoed) This bill would have required the DHS, by December 31, 2008, to propose minimum standards

for the sanitation of public freshwater bathing areas and to forward those proposed standards to the Legislature. DHS also would have been required to convene a public advisory group for the development of these standards. As part of the process for developing protective minimum standards for bacteria for public bathing areas, DHS would have been required to consult with the State Water Board.

Governor's Message: I am returning Senate Bill 429 without my signature. This bill would require the Department of Health Services to convene a public advisory group to assist in the development of standards for freshwater bathing. The department would be required to report these standards directly to the Legislature. The Department of Health Services, in conjunction with their local government partners the California Conference of Directors of Environmental Health, already developed freshwater bathing standards. These standards are on the Departments website and can be used by any local jurisdiction to protect public health by regulating access to freshwater bathing areas that do not meet these standards. I encourage the Legislature to go to the website to review these guidelines.

✓SB 471 (Escutia) Hazardous materials release: remediation (Chapter 586, Statutes of 2005) This law deletes the provision of current law that excludes from the definition of property under CLERRA sites that have one or more employees on an annualized basis. In doing so, this law provides certain local agencies with the authority to require property owners with one or more full time employees on-site to investigate, and if necessary, clean up these Brownfield sites. In addition, this law has the effect of providing these property owners with limited immunities authorized under CLERRA.

SB 474 (Runner) Water Quality Control: State Policy (Senate Rules Committee) This bill would have made technical, nonsubstantive changes to Porter-Cologne Water Quality Control Act provisions relating to the adoption of state policy for water quality control.

✓SB 475 (Runner) Drinking Water: Residential Self-Regenerating Water Softeners: Santa Clara River (Chapter 393, Statutes of 2006) This law allows the Santa Clarita Valley Sanitation District within Los Angeles County to adopt an ordinance that requires the removal of residential self-regenerating water softeners that contribute chloride loadings to wastewater treatment plants which discharge wastewater to the Santa Clara River.

✓SB 497 (Simitian) Vessels: Releases (Chapter 292, Statutes of 2006) This law establishes the Coastal Ecosystems Protection Act. This law requires, among other things that (1) the SLC, on or before January 1, 2008, adopts regulations that will implement certain interim and final performance standards for the discharge of ballast water to control the release of invasive species from the discharge of ballast water, (2) the SLC ensures that the environmental impacts of ballast water treatment systems, including water quality impacts, are

studied, and (3) increases in the amount of the administrative civil penalties for noncompliance.

SB 503 (Figueroa) Public Records (Assembly Governmental Organization Committee) This bill would have required each state or local body identified in existing law that maintains an Internet Web site, to make the written guidelines accessible from the homepage of its Web site through a link titled "Guidelines for How to Obtain Public Records." Additionally this bill would have required an agency that maintains an Internet Web site and that has information that is an identifiable public record available in electronic format to make that information accessible to the public for a minimum of three years from the homepage of the agency's Web site through a link. This bill was later amended to address a different subject matter.

SB 509 (Florez) Pesticide: Notification (Senate Agriculture Committee) This bill would have required the county agriculture commissioner of a county in which aerial pesticides are being applied to provide 24-hour written notification to all individuals at-risk of contact with the pesticide within one mile of the application site. The notification would have included contact information of the applicator, emergency services contact information, and public rights regarding pesticide drift and poisoning. This bill also would have instructed the county agriculture commissioners to work with OEHHA to minimize pesticide contact by the public and avoid use of particularly harmful pesticides when possible.

SB 557 (Battin and Ducheny) Utilities Owned by Municipal Corporations: Waste Water Treatment Plants (Vetoed) This bill would have allowed the sale of a wastewater facility by the City of Palm Springs to the Desert Water Authority if the legislative body of the City (the city council) adopts a resolution by a 4/5ths vote of its members that the public interest and convenience require the sale. By authorizing such a sale, this bill would have waived the existing requirement for the sale to go before the voters for their approval. This bill would have sunseted on January 1, 2010.

Governor's Message: This bill allows the City of Palm Springs to circumvent state law that requires cities to seek the approval of their voters prior to selling a public utility. The requirement for a vote on the sale of an asset is extremely important because the local taxpayers have invested significant tax dollars in the assets of the utility. The voters of Palm Spring previously rejected the sale of their wastewater plant to a private company and deserve the chance to decide whether selling this asset to the Desert Water Agency makes sense. For this reason I am returning Senate Bill 557 without my signature.

SB 563 (Alarcon) California Certified Green Business Program (Senate Rules Committee) This bill would have declared the intent of the Legislature to enact legislation to establish a California certified green business program that would have assisted businesses that operate in California to protect the environment, conserve natural resources, and reduce pollution.

SB 623 (Aanestad) Water Quality: Civil Penalties (Senate Environmental Quality Committee) This bill would have modified the civil penalties for certain violations relating to waste discharge requirements.

SB 646 (Kuehl) Water Discharge Requirements: Waivers (Assembly Floor) Among other things, this bill would have required the State Water Board or a Regional Water Board to make an affirmative finding that a discharge permit waiver is consistent with state law and is in the public interest, prior to issue a waiver.

✓SB 648 (Margett) CEQA: Lead Agencies: Determinations (Chapter 267, Statutes of 2005) This law clarifies the type of disputes that are subject to the GOPR procedures for resolving disputes over designation of a lead agency for purposes of compliance with CEQA. Additionally, this law provides clarification regarding the timing of state agency and public review periods for environmental documents.

SB 658 (Kuehl) Coastal Environment Motor Vehicle Mitigation Program (Vetoed) This bill would have established a new vehicle registration fee in coastal counties to fund programs and grants for preventing, reducing or mitigating the environmental impacts of motor vehicles and their associated facilities and infrastructure. This bill would have specifically authorized the SCC to request the DMV to collect a fee of up to \$6 on the registration or renewal of registration of every motor vehicle in an eligible county that elected to participate in the environmental mitigation program that would have been established by this bill.

Governor's Message: I am returning Senate Bill 658 without my signature. This bill seeks to impose a new \$6 tax on all cars in the counties of Alameda, Contra Costa, Del Norte, Humboldt, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, and Ventura and does so without a two-thirds vote of the people. While the goal of the program to increase funds to mitigate the effects of traffic congestion is a worthy proposal to consider, I do not believe these fees should continue to be added without the approval from the people upon whom the fee is imposed.

✓SB 729 (Simitian) Water Quality (Chapter 293, Statutes of 2006) This law provides the State Water Board the same authority as the Regional Water Boards to conduct water quality investigations and administratively impose civil liability for violations of certain water quality requirements. This law also (1) requires that each Regional Water Board coordinate with the State Water Board and other state agencies with respect to water quality matters and report rates of compliance with water quality requirements; and (2) requires that each Regional Water Board, in consultation with the State Water Board, post enforcement actions and the dispositions of those actions on the Internet.

SB 757 (Kehoe) Oil Conservation, Efficiency, and Alternative Fuels Act (Vetoed)

This bill would have enacted the Oil Conservation, Efficiency, and Alternative Fuels Act. This bill would have required all state agencies to take every cost-effective and technologically feasible action needed to reduce the growth of petroleum consumption and increase transportation energy conservation and efficiency. This bill would have made various other requirements related to reducing the growth of petroleum consumption and increasing transportation energy efficiency and the use of alternative fuels.

Governor's Message: I am returning Senate Bill 757 without my signature. The intent of this bill is laudable, however, it is duplicative of ongoing efforts, costly, and may impede the significant progress California is making to address alternative transportation fuels. I strongly agree with this goal and have taken many actions over the past year toward achieving this end, including issuing an Executive Order promoting biofuels, S-06-06 and signing Assembly Bills 1007 and 32. AB 1007 requires the California Energy Commission and the Air Resources Board to assess the relative environmental and public health benefits of different alternative fuel types and to develop and adopt a detailed state plan to increase the use of alternative transportation fuels. That detailed report will be out early next year and will provide a roadmap for alternative fuels in California. From that roadmap an integrated and comprehensive set of actions can be taken. Any legislative actions taken by the state prior the release of the AB 1007 would be premature. Additionally, the process established in Assembly Bill 32 will guide the states implementation of alternative fuels that help reduce global greenhouse gas emissions. We must not second guess the process established in AB 32 with bills that address the same issues. Now that AB 32 is enacted, we must let it work. For these reasons, I am unable to sign this bill.

SB 760 (Lowenthal) Ports: Congestion Relief: Security Enhancement: Environmental Mitigation: Regulatory Fee (Assembly Appropriations Committee)

This bill would have imposed a \$30 fee on each shipping container processed at the Ports of Los Angeles and Long Beach and specified the allocation and expenditure of the container fee revenues for rail system improvements, port security, and environmental pollution mitigation.

SB 768 (Simitian) Marine Finfish Aquaculture (Assembly Appropriations Committee)

This bill would have specified regulations and standards that would have been required for aquaculture facilities, with an emphasis on marine finfish aquaculture. This bill was later amended to address a different subject matter.

✓**SB 771 (Simitian) Oceangoing Ships (Chapter 588, Statutes of 2005)** This law prohibits the discharge of hazardous waste, oily bilgewater, and other wastes from oceangoing ships and prohibits the discharge of sewage and sewage sludge from oceangoing ships upon approval by the appropriate federal agencies. This law also prohibits oceangoing ships from conducting on-board incineration while operating within three miles of the California coast. Ocean-going ships are defined as private, commercial, government, or military vessels of at least 300 gross registered tons. The discharge of the above-mentioned

wastes is prohibited in the marine waters of the state and marine sanctuaries depending on vessel class and the type of waste.

SB 773 (Cox) Groundwater Aquifers: Injection Wells (Senate Environmental Quality Committee) Among other things, this bill would have directed the Water Boards to encourage projects that involve the injection, percolation, or conveyance of drinking water into groundwater aquifers for use by the public as part of the general provisions relating to powers and duties of the Regional Water Boards.

SB 792 (Chesbro) North Coast Railroad Authority (Vetoed) This bill would have (1) reallocated \$5.5 million in TCRP funds to the NCRA for compliance with an Environmental Remediation Consent Decree and for administrative activities; and (2) directed that any portion of the \$5.5 million not expended by June 30, 2009, shall be transferred to the General Fund. The \$5.5 million in TCRP monies was originally allocated to the NCRA to repay a federal loan. The federal loan was forgiven in the 2006 federal transportation bill.

Governor's Message: I am returning Senate Bill 792 without my signature. This bill would redirect \$5.5 million in state transportation funds originally allocated for the repayment of a federal loan which was recently forgiven. The funds are part of the \$60 million allocation to the non-operational North Coast Railroad Authority (NCRA) from the Traffic Congestion Relief Program. The bill authorizes \$1.5 million to be used for administrative expenses and the remaining \$4 million for a portion of the environmental cleanup necessary to get the railroad operational again. Since the NCRA will not receive any less money than they originally expected, the \$5.5 million savings should revert back to the Transportation Investment Fund so that it can be allocated by the California Transportation Commission to other projects within the Transportation Congestion Relief Program.

SB 820 (Kuehl) Water (Vetoed) This bill would have amended the reporting requirements for diversion and use of water. This bill, among other things, would have (1) expanded the application of reporting requirements of the Groundwater Extraction Program from four Southern California counties (Riverside, Ventura, San Bernardino, and Los Angeles Counties) to a statewide reporting requirement; (2) replaced the presumption of nonuse by groundwater diverters who fail to report their diversions with civil penalties for failure to report; (3) eliminated exemptions from the requirement that persons who divert from surface waters file Statements of Diversion and Use; (4) established civil penalties for failure to file Statements of Diversion and Use of water; and (5) made those persons and entities that fail to report groundwater extractions or submit Statements of Diversion and Use ineligible for State water-related grants and loans.

Governor's Message: I am returning Senate Bill 820 without my signature. This bill is a very comprehensive measure that attempts to address a host of water rights issues, including surface and groundwater, in one bill. While the author should be recognized for the effort on urban water management plans, energy consumption associated with water use, and surface water diversion reports, the

bill is flawed by only reviewing half the groundwater equation. By mandating extraction reports without analysis of recharge, groundwater quality, basin composition, and other issues essential to understanding the health of the groundwater basin, this bill creates a significant burden on property owners that will not provide the information necessary to lead to sustainable decision-making. The Department of Water Resources is already mandated to develop Bulletin 118, which is the statewide update on groundwater basins. The report includes a thorough analysis of groundwater including a review of boundaries and hydrographic features, yield data, water budgets, well production characteristics, water quality, and development of a water budget for each groundwater basin. A more effective approach than this bill would be for the State to work with local districts and landowners to compile the existing data on extraction, recharge, and basin composition to get a complete analysis of what we know and do not know, then develop a plan to acquire the information necessary to fill the data gaps to enhance the existing mandate for Bulletin 118 and make that document even more useful.

✓**SB 822 (Margett) San Gabriel Basin Restoration (Chapter 271, Statutes of 2005)** This law authorizes the SGBWQA, which administers cleanup operations in the San Gabriel Basin, to receive State funds for the purpose of meeting a federal requirement for nonfederal matching funds.

SB 832 (Perata) California Environmental Quality Act: Infill Development (Vetoed, when it pertained to a different subject) As previously amended, this bill would have revised CEQA infill exemption by allowing the acreage limit to increase to 10 acres and number of residential units contained in a project to between 200 and 300 units, if the site was located in a city with a population of more than 200,000 persons and the city council adopted the allowed acreage and units by council resolution. This bill was later amended to deal with a different subject matter and was vetoed by the Governor.

SB 838 (Escutia) Environmental Cleanup and Pollution Control Technology Registry: Global Environmental Quality (Senate Appropriations Committee) This bill would have required the Cal/EPA to establish an environmental cleanup and pollution control technology registry in order to create an information database of businesses and government agencies that have expertise in environmental cleanup processes and pollution control technologies.

✓**SB 857 (Kuehl) Fish Passages (Chapter 589, Statutes of 2005)** This law requires CalTrans to prepare a report describing their efforts to assess and remediate the negative impacts of state highway or road structures that serve as barriers to migratory fish passages. Additionally, this law requires CalTrans to conduct an assessment of potential barriers to fish passages prior to design of any highway project and to submit that assessment to the DFG for inclusion on the CALFISH database. This law also requires that transportation projects be designed to remediate any barriers to fish passages, if such barriers exist, and

that any new transportation project be constructed so that they do not pose a barrier to fish passage.

SB 866 (Kehoe) Water Use Measurement Information (Assembly Natural Resources and Water Committee) This bill would have required the State Water Board to assist the DWR in the development of a centralized water use reporting database and standardized forms for the reporting of water use through the Internet by January 1, 2013. This bill would have also required certain water users and suppliers to install measuring devices capable of accurately recording their water diversions. Certain surface water and groundwater diverters would have had to begin reporting their annual diversions to the State Water Board using the developed Internet forms starting January 1, 2010.

SB 902 (Denham) Water Storage: Bonds (Senate Appropriations Committee) This bill would have, if approved by voters, authorize the issuance and sale of \$1.225 billion in bonds for various storage and restoration projects on the San Joaquin River.

SB 926 (Florez) Sewage Sludge Management (Assembly Rules Committee) This bill would have specified that provisions of the Porter-Cologne Water Quality Control Act do not prohibit the Kern County Board of Supervisors, upon a majority vote, from adopting an ordinance that would have regulated or prohibited the land application of sewage sludge in the unincorporated areas of Kern County. This bill would have required such a prohibition, if enacted, to exempt a land application permitted by a state or local entity before the effective date of the prohibition. The exemption would not have applied to any renewal of a preexisting permit that directly regulates the land application of biosolids when the renewal occurs after the effective date of the prohibition. This bill was later amended to address a different subject matter.

SB 931 (Florez) Pollution Control Authority (Assembly Floor) This bill, sponsored by the State Treasurer's Office, would have prohibited the CPCFA from financing any project related to an animal feeding operation unless certain conditions are met, including (1) the local air district had established a specified process for meeting air quality standards, (2) a Regional Water Board has established a process to comply with specified federal regulations related to the federal CWA, (3) certification of regulatory compliance, and (4) demonstration that the project would have controlled or prevented pollution at a level that meets or exceeds those required by regulations.

SB 935 (Ducheny) Topock Site Cleanup Report (Assembly Governmental Organization Committee) This bill, an urgency measure, would have required the DTSC to submit a report to the Governor and the Legislature by March 1, 2006 on the progress of the site evaluation and cleanup of the groundwater at the Topock Compressor Station in San Bernardino County. This bill was later amended to address a different subject matter.

SB 942 (Chesbro) Cigarettes: Pollution: Litter (Senate Appropriations Committee) This bill would have imposed a fee of no more than five mills (one mill is equal to 1/1000 of a \$1.00) per cigarette on cigarette manufacturers for various programs and activities related to cigarette pollution and litter prevention and cleanup.

SB 982 (Committee on Environmental Quality) Hazardous Substances and Waste: Enforcement: Underground Storage Tanks (Vetoed) This bill would have required the State Water Board to report quarterly via the Internet, beginning January 30, 2007, on the status of compliance with various UST laws. This bill also would have required the enforcement coordinator of the DTSC to establish and maintain a Web site for receiving reports concerning violations of the state's hazardous waste laws and required posting of specified enforcement actions on that Web site.

Governor's Message: I am returning Senate Bill 982 without my signature. This bill is duplicative of existing activities at the Department of Toxics and Substance Control. The department already makes its environmental enforcement and complaint information available on its website. It allows the State Water Resources Control Board to post reports already available to the public. Therefore, this bill is unnecessary and duplicative.

✓**SB 989 (Senate Environmental Quality Committee) Hazardous Material: Bona Fide Ground Tenant: Remedial Actions (Chapter 510, Statutes of 2006)** This law extends to "bona fide ground tenants" the immunity from liability enjoyed by certain property owners for purposes of brownfields redevelopment, pursuant to the CLLRA. This law requires a bona fide ground tenant, who seeks to qualify for immunity from liability to enter into an agreement with an oversight agency along with one or more specified persons or entities. The agreement must state that the bona fide ground tenant agrees to take responsibility for implementation of a site assessment and response plan.

SB 1003 (Escutia) Energy Resources: Liquefied Natural Gas Terminals (Assembly Appropriations Committee) This bill would have enacted the Liquefied Natural Gas Evaluation and Terminal Permitting Act. This bill would have established a permitting process for the construction and operation of LNGs, as defined, and would have required the CEC to implement the permitting process, as specified.

✓**SB 1070 (Kehoe) Water Quality Information (Chapter 750, Statutes of 2006)** This law requires Cal/EPA and the Resources Agency to enter into a MOU to establish the California Water Quality Monitoring Council (Council), which would be administered by the State Water Board. This law requires the Council and the State Water Board to undertake a number of new activities to improve the development, coordination and communication of water quality monitoring systems and information.

Governor's Message: Improving water quality in California has been a cornerstone of my Environmental Action Plan. Consistent with this commitment, this year's budget included an additional \$8.5 million to enhance water quality

monitoring. Senate Bill 1070 will help advance this goal by requiring the development of a comprehensive water monitoring program across state agencies. As we develop this Interagency Memorandum of Understanding and move towards implementation, we must be cognizant of developing a sound program in a cost effective and consistent manner. We should be working within the parameters of these enhanced financial resources and not increase fees on Californians.

SB 1115 (Perata) Underground Storage Tanks: Corrective Action (Senate Environmental Quality Committee) This bill would have required the State Water Board, in consultation with the DTSC, to develop a public outreach program to inform owners of property that may be eligible for funds from the UST Petroleum Contamination Orphan Site Cleanup Subaccount, of the availability of the funds to remediate the harm caused by petroleum contamination at specified sites.

SB 1242 (Lowenthal) Integrated Regional Water Management Planning Act of 2002 (Senate Appropriations Committee) This bill would have modified the IRWM Planning Act of 2002 by expanding the eligible IRWM qualified projects or programs to include storm water management, reduction of water pollution or pollution loads, and improvements in urban and agricultural water use efficiency. This bill would have reduced the minimum number of participants in the regional water management group from at least two with statutory authority over water supply to at least one that is a water supply agency or water corporation. This bill also would have specified notification requirements for the regional water management group and create a majority approval for the adoption of the regional plan. This bill would have required the DWR to modify existing grant funding criteria.

SB 1293 (Kuehl) State Library: Access to Electronic and Online Materials (Assembly Appropriations Committee) This bill would have required the State Librarian to establish the Electronic Information Access Service under the California State Library to collectively purchase access to electronic journals and other on-line resources on behalf of the RA, the Cal/EPA and the HHSA. This bill would have required the State Librarian, for the purposes of funding the services, to use any special fund moneys available to the State Librarian for these purposes prior to requesting General Fund moneys.

✓SB 1294 (Ducheny) Geothermal Wastes: Exemption (Chapter 143, Statutes of 2006, Urgency Measure, Chaptered on August 22, 2006) This law exempts certain types of geothermal wastes (e.g., sludge and scale) that are generated as a result of energy production from management as a hazardous waste by the DTSC under specified conditions.

SB 1310 (Kuehl) Forest Resources: Sustained Yield Plans and Nonindustrial Timber Management Plans (Assembly Natural Resources Committee) This bill would have made it mandatory that a timberland owner of 50,000 acres or more develop and adhere to a sustained yield plan. In all but

one region of the state, this bill also would have allowed the definition of non-industrial timberland owner to expand from 2,500 acres to 10,000 acres and established specific conditions for a non-industrial timberland management plan.

✓SB 1347 (Machado) Water: Solar Evaporators (Chapter 309, Statutes of 2006) This law makes various changes to existing law regulating the use of solar evaporators, which are the end point of an integrated on-farm drainage management system. Specifically, this law (1) allows for the development and use of regional solar evaporators, as well as the on-farm evaporators that are authorized under current law, (2) revises the application requirements and processes for permitting solar evaporators, and (3) eliminates the January 1, 2008 sunset date for the solar evaporator program.

✓SB 1425 (Kuehl) Groundwater Extraction (Chapter 347, Statutes of 2006) This law requires, rather than allows, the State Water Board to designate a local agency to receive and maintain groundwater extraction data if the local agency meets all the statutorily established requirements. This law also allows a local agency to agree to accept and maintain extraction data for groundwater users outside the agency's district boundaries.

SB 1478 (Speier) Toxic Chemicals: Release Form (Assembly Floor) This bill would have established a California Community Right To Know Act, based on the federal Emergency Planning and Community Right to Know Act.

SB 1527 (Aanestad) Flood Protection Work: Consolidated Permits or Approvals (Senate Natural Resources and Water Committee) This bill would have required the Secretary of the RA to convene those agencies with permit or approval authority over flood protection work for the purposes of coordinating and issuing unified, consolidated permits or approvals for each project for flood protection work funded by general obligation bonds or the General Fund.

✓SB 1557 (Ducheny) Coachella Valley Water District: Nonpotable Water Use (Chapter 671, Statutes of 2006) This law declares that the use of potable domestic water within the Coachella Valley Water District's (District) boundaries for nonpotable uses for cemeteries, parks, highway landscaped areas, new industrial facilities, and golf course irrigation is a waste or unreasonable use of water, under certain conditions. This law provides the District the authority to prohibit the use of any source of water that is suitable for potable domestic uses for those specified nonpotable uses if, after notice and opportunity for a hearing, it makes specified findings.

✓SB 1574 (Kuehl) Sacramento-San Joaquin Delta (Chapter 535, Statutes of 2006) This law will require the Secretary of the RA to convene a cabinet-level committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, a Strategic Vision for a Sustainable Sacramento-San Joaquin Delta. The Strategic Vision will address not only planning a sustainable ecosystem, but also sustainable land, transportation, utility, water supply and

recreational uses, as well as flood management strategies. This law allows the committee, its members, and state agencies represented on the committee to enter into contracts to help complete the work, and requires all relevant state agencies, at the request of the committee, to make staff and resources available to assist in the preparation of the Strategic Vision.

SB 1612 (Simitian) Clean Drinking Water, Water Supply Security, and Environmental Improvement Bond Act of 2006 (Senate Rules Committee)

This bill would have enacted the Clean Drinking Water, Water Supply Security, and Environmental Improvement Bond Act of 2006 which, if approved by the voters would have authorized, for purposes of financing a water conveyance and environmental improvement program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$3,000,000,000. This bill would have required the Secretary of State to submit the bond act to the voters at the November 7, 2006, statewide general election. This bill would have declared that is it to take effect immediately as an urgency statute.

SB 1640 (Kuehl) Water (Vetoed) This bill, among other things, would have (1) increased the number of people who are required to file a “Statement of Diversion and Use” with the State Water Board for a diversion of water by eliminating some exemptions in current law; (2) authorized the State Water Board to impose administrative civil liability for failure to file with the State Water Board a Statement of Diversion and Use; (3) made those persons and entities that failed to file Statements of Diversion and Use ineligible for state water-related grants and loans; and (4) established a groundwater monitoring program that would have allowed specified entities to request designation by the DWR as groundwater monitoring entities for the purposes of monitoring “depth to groundwater” in a particular basin or subbasin.

Governor's Message: I am returning Senate Bill 1640 without my signature. Water in California is a scarce and precious resource. Recognizing this fact, I made water supply improvement and water use efficiency a central platform of my Strategic Growth Plan. Any comprehensive water policy legislation must recognize the interaction between surface and groundwater and the importance of water supply and conveyance improvements. This bill attempts to address a host of water policy issues in one bill. While the author should be recognized for the effort on urban water management plans, energy consumption associated with water use, and surface water diversion reports, the bill is flawed because there is no funding to implement these programs. Requiring the Department of Water Resources to identify and oversee groundwater monitoring activities in every groundwater basin and subbasin in California is a very ambitious and expensive undertaking, yet there is no appropriation in the bill to cover these costs. The department is already mandated to produce a statewide update on groundwater basins known as Bulletin 118. The existing report includes a thorough analysis of groundwater, including a review of boundaries and hydrographic features, yield data, water budgets, well production characteristics, water quality, and development of a water budget for each groundwater basin. The State should work with local districts and landowners to develop a plan to acquire the information necessary to fill the data gaps that may be missing from

Bulletin 118. Additionally, the department should continue to work with local agencies by providing expertise and funding when available to implement the Local Groundwater Management Assistance Act. This will assist local entities and landowners to help implement these provisions at the local level. Groundwater is an overlying property right in California. Rather than imposing an unfunded mandate on State and local agencies and overlying landowners, a more effective approach would require the State to use existing information it has already compiled, cooperate with local agencies implementing groundwater management, and improve on its groundwater monitoring well program.

✓SB 1689 (Perata) Housing and Emergency Shelter Trust Fund Act of 2006 (Chapter 27, Statutes of 2006) This law enacts the Emergency Housing, Community Planning and Farmland Preservation Bond Act of 2006 and authorizes the issuance of \$2.85 billion in bonds for these programs. One provision of this law provides funding for the cleanup of brownfield sites to promote infill housing development and other related infill development consistent with local and regional plans.

✓SB 1733 (Aanestad) Water Quality (Chapter 404, Statutes of 2006) This law makes it easier for communities to participate in a program that allows them to improve their sewage treatment facilities as an alternative to paying MMPs. This law also declares that all parties to adjudicative proceedings, including public agencies, should be afforded a fair and adequate proceeding, and requires, to the extent funding is made available, the State Water Board to provide annual training to Regional Water Board members for the purpose of improving adjudication processes.

SB 1795 (Machado) Groundwater Storage: Beneficial Use (Assembly Desk) This bill would have established that recharging a groundwater basin by a local agency to repel salt intrusion and recovered basin groundwater levels is a “beneficial use” of water if the agency determined that the recharge was consistent with a local agency’s groundwater management plan.

SB 1835 (Florez) Solid Waste Facilities Permit: Local Initiative (Vetoed) This bill would have prohibited a local enforcement agency from approving, and the CIWMB from concurring in a solid waste facilities permit that is approved through a local initiative, unless the facility was consistent with existing state, local, and federal laws, and the facility has obtained all necessary regulatory permits. This bill would have required the application and the proposed solid waste facilities permit to be accompanied by certifications from the relevant permitting agencies that the necessary permits had been obtained. This bill would have declared that it is to take effect immediately as an urgency statute.

Governor’s Message: I am returning Senate Bill 1835 without my signature. This measure establishes permitting impediments for landfills approved by local initiative not required for landfills approved through other local processes. Permitting landfill facilities requires compliance with the California Environmental Quality Act, and various local, state and federal permitting agencies including

ones with jurisdiction over air and water quality. During these permitting processes, local citizens, state and federal regulators will have ample opportunity to comment on the project, impose mitigation measures, and require strict compliance with environmental protection laws. The local initiative process only addresses the local land use requirements and I am hesitant to require additional permitting burdens for a landfill that was approved by a vote of the citizens versus one approved by local officials.

✓SB 1843 (Committee on Natural Resources and Water) California Coastal Act: San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (Chapter 294, Statutes of 2006) This law deletes a provision of the California Coastal Act of 1976, that provides for the conservation and development of coastal resources through a comprehensive planning and regulatory program. The Coastal Act includes specific conditions for diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes, within the coastal zone. This law deletes a section of the Coastal Act that permits these activities in (1) wetland areas for entrance channels for boating facilities, and (2) degraded wetlands for boating facilities. This law also eliminates a number of other obsolete provisions in the Coastal Act.

✓SB 1845 (Kuehl) Natural Resources: Ocean Protection Council (Chapter 295, Statutes of 2006) This law expands the membership of the Ocean Protection Council by adding two public members appointed by the Governor and will provide for per diem and travel reimbursement for members.

ACRONYMS

ACB	Assembly Committee on the Budget
AES&TM	Assembly Environmental Safety and Toxic Materials Committee
APA	Administrative Procedure Act
ARB	Air Resources Board
BMPs	best management practices
BTHA	Business, Transportation, and Housing Agency
Cal/EPA	California Environmental Protection Agency
CalTrans	California Department of Transportation
CAO	Cleanup and Abatement Order
CBDA	California Bay-Delta Authority
CEC	State Energy Resources Conservation and Development Commission (California Energy Commission)
CEQA	California Environmental Quality Act
CLERRA	California Land Environmental Restoration and Reuse Act
CLRRA	California Land Reuse and Revitalization Act
CPCFA	California Pollution Control Financing Authority
CPRA	California Public Records Act
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
Delta	Sacramento-San Joaquin Delta
DFA	Department of Food and Agriculture
DFFP	
DFFP	Delta Flood Protection Fund
DFG	Department of Fish and Game
DGS	Department of General Services
DHS	Department of Health Services
DMV	Department of Motor Vehicles
DOC	Department of Conservation
DOF	Department of Finance
DPR	Department of Pesticide Regulations
DSS	Department of Social Services
DTSC	Department of Toxic Substance Control
DWR	Department of Water Resources
EEA	Environmental Education Account
EIR	environmental impact report
GOPR	Governor's Office of Planning and Research
HHSA	Health and Human Services Agency
IBWC	International Boundary Water Commission
IWMB	Integrated Waste Management Board
IRWM	Integrated Regional Water Management
LNG	liquefied natural gas

MMP	mandatory minimum penalty
MOU	memorandum of understanding
NCRA	North Coast Railroad Authority
NPDES	National Pollutant Discharge Elimination System
OEE	Office of Environmental Education
OES	Office of Emergency Services
OEHHA	Office of Environmental Health Hazard Assessment
RA	Resources Agency
Regional Water Board	Regional Water Quality Control Board
SB&FRC	Senate budget and Fiscal Review Committee
SCC	State Coastal Commission
SEQ	Senate Environmental Quality Committee
SNR&W	Senate Committee on Natural Resources and Water
SGBWQA	San Gabriel Basin Water Quality Authority
SRB	State Reclamation Board
State Water Board	State Water Resources Control Board
SLC	State Lands Commission
TCRP	Transportation Congestion Relief Program
THP	timber harvest plan
TMDL	total maximum daily load
TRI	Toxic Release Inventory
UST	underground storage tank
USTCF	Underground Storage Tank Cleanup Fund
Water Boards	State and Regional Water Boards
WDRs	wastewater discharge requirements