

# Memorandum

To Division Chiefs and Above

Date October 15, 1985



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Office of Legislative & Public Affairs

From : **STATE WATER RESOURCES CONTROL BOARD**

Subject: LEGISLATIVE SUMMARY FOR THE FIRST HALF OF 1985/86 SESSION

The first half of the 1985/86 legislative session has ended and the Legislature is in recess until January.

The attached summary identifies legislation enacted so far this session, bills vetoed and bills which may be considered by the Legislature in 1986. The chaptered legislation is presented under seven categories:

- o Hazardous Waste Legislation
- o Sewage Treatment Legislation
- o Surface Impoundment Legislation
- o Underground Tank Legislation
- o Water Quality Legislation
- o Water Right Legislation
- o Water Supply Legislation

Urgency statutes are effective upon signature of the Governor. These statutes have been identified on the attached summary. All other statutes take effect on January 1, 1986.

I will send each Division and Region an individual follow-up memo identifying those specific laws which contain a mandate that affects your organization.

Copies of statutes amending or adding to the Water Code or pertinent sections of the Health and Safety Code will be distributed in about two weeks, when we receive the final versions, so that the language may be incorporated into your personal copies of these codes. If you need further information concerning this legislation, or copies of any of the statutes or bills, please let me know.

Attachment

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ENACTED LEGISLATION AFFECTING WATER BOARD PROGRAMS

Hazardous Waste Legislation

AB 129(Hil ) Hazardous Substance Cleanup Bond Act. (Stats. of 1985, Chapter 1439)

Appropriates \$100 million from the sale of bonds to the Hazardous Substance Cleanup Fund to be used as follows: \$40,541,000 for cleanup costs incurred by state and local agencies; \$6,500,000 as needed for cleanup of the Stringfellow Acid Pits site; \$13,870,000 for California's matching share of cleanup on federal sites; and \$32,710,000 to be held in reserve. Creates a Joint Legislative Committee on Superfund Oversight to review and approve the transfer of funds among hazardous substance release sites. (Urgency)

AB 444(Rogers) Hazardous substances: Department of Fish and Game. (Stats. of 1985, Chapter 118)

Provides for the reimbursement of funds to the Department of Fish and Game for expenses incurred from a hazardous substance cleanup in the City of Santa Barbara. Appropriates funds from the Hazardous Substance Account (California Superfund) for the remedial action. (Urgency)

AB 685(Farr) Hazardous waste: reduction, recycling, and treatment. (Stats. of 1985, Chapter 1030)

Requires the Department of Health Services to study the establishment of a comprehensive program for achieving reductions in hazardous waste generation. Establishes a program within the Department to award grants for the research and development of hazardous waste reduction, recycling or treatment technologies. Requires DHS to consult with the State Water Board on the implementation of this program.

AB 2058(Connelly) Hazardous waste and waste discharge: injection wells. (Stats. of 1985, Chapter 1591)

Requires the Department of Health Services to conduct an extensive inventory of all wells which are being used or have been used at any time since January 1, 1960, for the discharge of hazardous wastes and transmit that information to the appropriate agencies and local governments, then report to the Legislature on contamination from injection well sites. Prohibits the discharge of hazardous wastes into new injection wells after January 1, 1986, and existing injection wells after January 1, 1988, if drinking water exists within 1/2 mile of any point along the length of the well unless DHS grants the operator an exemption from this prohibition. Provides that Regional Boards will continue to issue waste discharge requirements for injection wells. Requires DHS to inspect injection wells annually and requires the closure of all hazardous waste injection wells which have caused environmental contamination, or which pose threats of such contamination.

SB 59(Garamendi) Hazardous waste: California Pollution Control Financing Authority. (Stats. of 1985, Chapter 1435)

Creates the Hazardous Waste Reduction Incentive Account to be administered by the Pollution Control Financing Authority. The program is authorized to provide for the cost of acquiring credit to construct, install or acquire equipment to recycle or treat hazardous waste. Requires DHS, or the appropriate state agency, to inspect the project upon completion and at regular intervals to ensure that the appropriate recycling or treatment of hazardous wastes is performed. (Urgency)

SB 355(Morgan) Crimes: commencing of actions. (Stats. of 1985, Chapter 357)  
Specifies that the three-year statute of limitations for criminal offenses under the hazardous waste control laws or the Porter-Cologne Water Quality Control Act shall not begin until the time the offense is discovered or the time it could have reasonably been discovered.

SB 649(Carpenter) Hazardous substances: remedial action plan. (Stats. of 1985, Chapter 1184)

Requires the Department of Health Services or a Regional Board, to the extent possible, to select alternative remedial action measures which treat hazardous substances to significantly reduce its volume, toxicity or mobility. Allows the Regional Board to consider, to the extent possible, both the long-term and short-term costs of alternative remedial action measures and defines cost effective remedial action measures.

SB 972(Nielsen) Hazardous substances: abandoned sites. (Stats. of 1985, Chapter 1258)

Requires the Department of Health Services to establish a hazardous waste abandoned site program to survey counties where abandoned site surveys have not been completed, to develop protocols and procedures for conducting a survey, notify specified agencies of specified matters in this connection, conduct a field assessment of certain sites, rank the assessed sites and carry out specified related duties. (Urgency)

SB 976(Bergeson) Hazardous waste. shredder wastes. (Stats. of 1985, Chapter 1395)

Prohibits the Department of Health Services from classifying metal shredder waste as a hazardous waste and requires the Department to base its finding on specified criteria and procedures currently used by the Department to identify hazardous waste. Requires specified Regional Boards to prepare lists of Class III disposal facilities authorized to accept shredder waste in accordance with existing State Board policies, rules and regulations, within 90 days of the effective date of this measure. (Urgency)

SB 1063(Presley) Hazardous substance: clean water. (Stats. of 1985, Chapter 1428)

Creates the Emergency Clean Water Grant Fund to be administered by the Department of Health Services for purposes of providing financial assistance to public water systems and to fund emergency actions necessary to ensure the safety of drinking water supplies. Requires DHS to conduct specified activities and make determinations regarding the Stringfellow Quarry Class I Disposal Site. Specified appropriations to DHS and the State Board were deleted from the legislation. (Urgency)

SB 1460(Robbins) Air pollution: toxic air contaminants. (Stats. of 1985, Chapter 739)

Requires any public utility owned by a municipal corporation within the South Coast Air Quality Management District to provide specified public notice before applying for a permit for construction or operation of such a facility. Applies to aeration or "air stripping" water treatment facilities on which construction began subsequent to May 24, 1985. (Urgency)

Sewage Treatment Legislation

AB 759(Farr) Marin County Water District: wastewater treatment plants. (Stats. of 1985, Chapter 420)

Authorizes the State Board to refuse to grant, suspend or revoke the certificate of competency issued to supervisors or operators of wastewater treatment plants, or to reprimand or place on probation, the certificate holder. Requires the State Board to conduct its proceedings in accordance with rules adopted by the Board. Also includes supervisors and operators of specified private utility wastewater treatment plants within current operator certification program. Revises the Marin County Water District's governing board election date. (Urgency)

AB 1910(Stirling) Prisons. (Stats. of 1985, Chapter 930)

Allocates \$2.5 million to the Department of Corrections to pay capacity fees to the City of San Diego for sewage facilities for a prison planned to be constructed in the area. Authorizes the Department to contract for a study to determine the technical feasibility of using the subsurface percolation method of sewage treatment and water reclamation for the prison. (Urgency)

SB 17(Marks) Local agencies: joint powers: revenue bonds: local bond pooling authorities. (Stats. of 1985, Chapter 868)

Allows joint power entities to enter into bond pooling agreements in order to assist in financing capital outlay improvements or projects. Specifies the responsibilities and powers of each joint powers entity in regard to bond pooling. (Urgency)

SB 163(Marks) Pollution control: privatization projects. (Stats. of 1985, Chapter 1430)

Provides for the exemption of private treatment facilities from regulation as public utilities and specifies procedures whereby local agencies may enter into agreements with private parties for the construction and operation of sewage treatment facilities. Requires privatizers be selected on the basis of a competitive procedure which is not based solely on the price offered by the privatizer. Requires privatization agreements to contain provisions to ensure that the project is operated to meet any applicable federal or state water quality standards or laws.

Surface Impoundment Legislation

AB 2094(Areias) Toxic Pits Cleanup Act of 1984: exemptions. (Stats. of 1985, Chapter 1400)

Exempts specified in-ground sumps used by licensed pest control operators from specified requirements of the Toxic Pits Cleanup Act. Specifies the Regional Boards' authority to determine whether a sump poses a threat to the waters of the state and to regulate it accordingly.

AB 2246(Costa) Hazardous waste: surface impoundments. (Stats. of 1985, Chapter 1366)

Permits Regional Boards to grant limited exemptions from the prohibition placed on restricted wastes in the Toxic Pits Cleanup Act. Exemptions apply to surface impoundments used exclusively for the temporary storage and treatment of boiler cleaning wastes at specified public utility owned power plants. Requires exemption applications to include a hydrogeological assessment report.

SB 1347(B. Greene) Surface impoundments: restricted hazardous wastes. (Stats. of 1985, Chapter 117)

Changes from July 1, 1985 to January 1, 1986, the Toxic Pits Cleanup Act effective date for the prohibition on discharging restricted hazardous wastes or restricted hazardous wastes containing cyanide wastes or polychlorinated biphenyls (PCBs) at specified concentration levels, into a surface impoundment. Also allows the Department of Health Services to grant case-by-case discharge variances for certain categories of restricted hazardous waste under specified conditions, including compliance with Regional Board decisions on exemption requests pursuant to the provisions of the Toxic Pits Cleanup Act of 1984. (Urgency)

Underground Tank Legislation

AB 1755(Bradley) Hazardous substances: underground storage tanks. (Stats. of 1985, Chapter 1535)

Requires secondary containers for underground tanks, other than those used to store motor vehicle fuel, be capable of holding the volume of a 24-hour rainfall as determined by a 25-year storm history instead of the 100-year storm history required by current law. Authorizes local agencies implementing the underground tank law to grant a one-time, 30-month extension after the initial test, from the regular testing schedule for tank owners or operators who are subject to the annual tank test requirement and have been granted an interim permit in accordance with AB 2239 (Chapter 1228, Stats. of 1985). (Urgency)

AB 2239(Sher) Underground storage tanks: permits. (Stats. of 1985, Chapter 1228)

Authorizes a local implementing agency to issue an interim operating permit to any owner or operator of an underground storage tank if the local agency has not acted upon the owner or operator's permit application. Requires the local agency to act upon the permit application by March 1, 1986 and that the approved monitoring systems described in the permit application be installed within six months of approval. Requires all underground storage tanks be in compliance by September 1, 1986. Requires any city intending to assume implementation responsibilities of the underground tank permit program to do so by January 1, 1986. Corrects a drafting error and specifies that a local agency ordinance which is exempt from complying with the State Board's regulations remains valid as long as the ordinance meets the minimum standards of the law which were in effect as of January 1, 1984. (Urgency)

Water Quality Legislation

AB 914(N. Waters) Water quality: Lake Tahoe watershed. (Stats. of 1985, Chapter 447)

Restates the statewide interest in protecting Lake Tahoe and the need to transport treated effluent out of the Lake Tahoe watershed. Preempts Alpine County from setting waste effluent limitations for sewage exported from the Lake Tahoe Basin.

AB 1803(Connelly) Public drinking water. (Stats. of 1985, Chapter 818)

Requires the Department of Health Services to develop a program to evaluate small public water systems, having 200 connections or less, for organic chemical contamination, to be implemented by local health officers, requiring specific testing, sampling and reporting procedures. Requires Regional Boards to initiate an investigation for the potential source of contamination. Similar program is already in effect for large public water systems with over 200 connections. (Urgency)



AB 1835(Sher) Fish and Game: recovery of damages. (Stats. of 1985, Chapter 864)

Broadens the Department of Fish and Game's existing authority to clean up or abate or to order cleanup or abatement of oil spilled in the state's water to include those spills which threaten to enter the state's water. Authorizes the Department to seek civil damages from anyone discharging or depositing foreign material into the water for actual damages and the costs of cleaning up or abating the effects of the discharge. Creates a Fish and Wildlife Pollution Cleanup and Abatement Account for the deposit of reimbursements for cleanup and abatement actions and recovered civil damages from which future cleanup and abatement activities would be funded.

AB 2021(Connelly) Economic poisons: ground waters. (Stats. of 1985, Chapter 1298)

Requires pesticide registrants to submit specified information on pesticides registered with the Department of Food and Agriculture. Prohibits DFA from registering a pesticide for which a ground water protection data gap exists after December 1, 1988. Establishes procedures for cancelling registration of pesticides found in ground water or eight feet below the surface of the soil unless certain findings are made. Requires DFA to establish a program to collect well water monitoring data from all agencies that test ground water for the presence of pesticides, analyze the results of such testing and provide the monitoring results to the State Water Board.

ACR 85(Farr) Monterey Bay: pollution. (Stats. of 1985, Chapter R-130)

Establishes a comprehensive plan and surveillance program for Monterey Bay pollution research, monitoring and health risk assessment. Designates the Department of Health Services to administer this program with the assistance of specified agencies and research programs, including the State Water Board.

SB 255(Davis) Water quality: laboratory tests. (Stats. of 1985, Chapter 1520)

Requires every laboratory performing tests required pursuant to Porter-Cologne be certified by the State Water Board as being competent, properly staffed and equipped to properly conduct these specific kinds of analyses. Empowers the State Water Board to establish a fee schedule to charge laboratories for the cost of certification and requires the State Board to adopt regulations for laboratory certification and establish minimum standards for all phases of certification. Establishes a three-year renewal term and empowers the State Board to revoke, suspend or condition any certification for good cause.

SB 382(McCorquodale) Water quality enforcement. (Stats. of 1985, Chapter 148)

Corrects a technical error in existing law to clarify that the person who is issued the complaint in an administrative civil penalty enforcement proceeding has the right to waive a public hearing.

SB 686(Marks) Oil spills: cleanup. (Stats. of 1985, Chapter 1429)

Authorizes the Department of Fish and Game to order responsible parties to clean up or abate the effects of any petroleum or petroleum products deposited or discharged in any location onshore or offshore which could enter waters of the state. (Urgency)

SB 1227(Keene) Water resources: North Bay Aqueduct. (Stats. of 1985, Chapter 354)

Requires the operation of the North Bay Aqueduct, or any joint-use facilities of that unit or project, to conform to any applicable standard established by the State Water Board relating to the State Water Resources Development System. Requires the continuation of specified activities currently underway by the Department of Water Resources to maintain continuing records of salinity throughout the Sacramento/San Joaquin Delta.

SCR 38(Bergeson) Newport Bay pollution: regional board. (Stats. of 1985, Chapter R-97)

Requests the Regional Water Quality Control Board, Santa Ana Region, to vigorously and effectively implement its duties with respect to pollution concerns of Newport Bay. Requests the Regional Board to utilize a portion of its state funding to prepare a report on water quality of the bay and the bay's watershed, to be submitted to the Legislature not later than November 15, 1985.

AB 214(Connelly) State bodies: open meetings. (Stats. of 1985, Chapter 936)

Makes actions taken in violation of the open meeting statutes subject to being declared null and void except under specified circumstances and would provide that anyone may bring an action to determine if the agency action is invalid within 30 days.

Water Right Legislation

AB 404(Kelley) Water rights fees. (Stats. of 1985, Chapter 819)

Increases the minimum water right application fee from \$10 to \$100 and increases the permit charges for both direct diversion and storage of water applications. Increases the fee charged for the power generated from the direct diversion of water from \$1 per 200 horsepower to \$2 per 100 horsepower. Imposes a fee for the filing of applications for specified water transfers. Increases the fee charged for application for an extension of the time allowed by a permit to construct a project and develop full use of the water from \$5 to \$50.

AB 450(Costa) Water rights. (Stats. of 1985, Chapter 572)

Prohibits the filing of an objection to an order of determination issued by the State Water Board in a statutory adjudication over the water rights along a stream system once that order has been filed with the court unless the subject of the objection had not been brought up before the Board when the issue was being considered. Provides for exceptions if the court finds a show of good cause as to why the information was not presented at the Board hearing.

AB 723(Campbell) Streamflow requirements. (Stats. of 1985, Chapter 1259)

Requires the Director of the Department of Fish and Game to complete the preparation of proposed streamflow requirements by July 1, 1989, for identified streams and water courses throughout the state for which minimum streamflows need to be established in order to assure the continued viability of stream related fish and wildlife resources. Requires the State Water Board to consider streamflow requirements each time it acts on an application to appropriate water from a particular stream.

AB 951(Jones) Water: hydroelectric power development. (Stats. of 1985, Chapter 1272)

Requires the State Board, when considering the economic feasibility of a proposed small hydroelectric power generating facility which is a "qualified small power production facility" as defined, and which is not on an existing dam, diversion, or canal, to make specified findings in the water rights application proceeding. Expresses legislative findings and creates state policy that small hydro projects should be developed, to the extent feasible, on existing dams and diversions with a sufficient water drop so that power may be efficiently generated without significant environmental effects.

## Water Supply Legislation

### AB 955(Peace) Delta levee failure plan. (Stats. of 1985, Chapter 1271)

Requires the Department of Water Resources to prepare an emergency plan which will allow the Central Valley Project and the State Water Project to continue exporting, or quickly resume exporting, usable water from the Delta in the event of future levee failures, particularly massive failures due to a major earthquake. Explicitly states that the emergency plan is not intended to address long-term Delta water transfer issues nor to authorize any construction of facilities including a peripheral canal or through-Delta channel plan.

### AB 1029(Kelley) Water conservation and reclamation projects. (Stats. of 1985, Chapter 938)

Authorizes any water supplier or user that has an existing water right to enter into a contract to finance the conservation or reclamation of water and to sell the conserved or reclaimed water to another water supplier or user in accordance with specified provisions.

### AB 1156(Areias) Ground water recharge facilities financing. (Stats. of 1985, Chapter 1034)

Enacts the Ground Water Recharge Facilities Financing Act to authorize the Department of Water Resources, in accordance with prescribed procedures and subject to specified limitations, to make loans to specified local agencies to aid in the conduct of projects, as defined, for artificial ground water recharge.

### SB 187(Ayala) Ground water storage facilities. (Stats. of 1985, Chapter 268)

Authorizes the Department of Water Resources to construct and operate ground water storage facilities south of the San Joaquin Delta for the purpose of storing water for the State Water Project thereby easing the ground water overdraft problem for certain basins as well as improving water quality.

## VETOED LEGISLATION

### AB 16(Tanner). Hazardous waste: management plans and facility siting procedures.

Would have: (1) created a county hazardous waste management planning process; (2) established new procedures for siting new hazardous waste treatment, storage or disposal facilities; and (3) required DHS to develop guidelines that counties would use in developing their hazardous waste management plans.

### AB 889(Roos) Solid waste: resource recovery.

Would have provided that a solid waste facility for the conversion of solid waste into energy was deemed to be permitted if the facility met specified conditions concerning its location, the agencies undertaking the facility and the certification of the permit by the enforcement agency.

### AB 1428(Costa) Hazardous waste: Agricultural Hazardous Waste Facilities Loan Program.

Would have created the Agricultural Hazardous Waste Facilities Loan Account for the purposes of providing loans to licensed pest control operators and farmers or ranchers to finance the construction, purchase and installation of equipment necessary to comply with the Toxic Pits Cleanup Act of 1984.

### AB 1711(Katz) Water quality loan program.

Would have established the small businesses and small farm water quality program to provide low-interest loans to businesses and farms meeting prescribed requirements for projects certified by specified agencies as necessary to comply with the Toxic Pits Cleanup Act of 1984 or specified provisions governing the underground storage of hazardous substances.

### AB 1837(Davis) Pesticides.

Would have required the Director of Food and Agriculture to implement a residue monitoring program and evaluate tolerances or exemptions from tolerances for specified fumigants in raw agricultural products pursuant to criteria relating to protection of public health.

### AB 1838(Sher) Forest practices: environmental quality.

Would have specified the functions of an interagency review team, formed by the Director of Forestry, to evaluate the potential environmental impact of proposed timber operations within coastal zone special treatment areas.

### AB 1852(Clute) Hazardous substances: removal and remedial actions: Stringfellow site.

Would have required the Department of Health Services to conduct specified studies, issue reports, take various actions, and make certain determinations concerning the Stringfellow Quarry Class I Hazardous Waste Disposal Site.

### SB 470(Roberti) Hazardous waste.

Would have banned the disposal of liquid wastes to hazardous waste landfills or any other land disposal method after January 1, 1987 and the disposal of hazardous waste from any land disposal method, by January 1, 1990, unless the waste has been treated to minimize the toxicity and potential for migration to land, air and water resources consistent with protection of the environment and public health.

## PENDING LEGISLATION

### Agricultural Drain Legislation

#### AB 348(Frizzelle) Water contamination.

Would require the State Board to report to the Legislature by January 1, 1987, on the major sources of contamination in the San Joaquin River and for any other river that it deems to have a major contamination problem, and to coordinate with other specified departments in the development of water quality standards for the protection of various water uses from contamination.

#### AB 538(Campbell) San Joaquin Valley Agricultural Drain.

Would prohibit any discharge from a San Joaquin Valley agricultural drain to the San Joaquin-Sacramento Delta, Suisun Bay, Carquinez Straits, San Pablo Bay, San Francisco Bay, or Morro Bay, or tributaries thereof, as well as to Monterey Bay and its tributaries, until the requirements of the Porter-Cologne Water Quality Control Act and the federal Clean Water Act are satisfied.

#### ACR 26(Costa) Joint Committee on Drainage of Agricultural Lands.

Would create in the Legislature the Joint Committee on Drainage of Agricultural Lands with specified membership, powers, and duties. Would authorize the joint committee to study various issues related to drainage of agricultural lands, including the impact of irrigation return flows on the beneficial use of state water, and methods for draining salt and removing toxic substances from agricultural lands.

#### AJR 40(Costa) Kesterson Reservoir: irrigation.

This measure would memorialize the Secretary of the Interior, the President, and Congress of the United States to act to continue the delivery of water to the affected 49,000 acres of farmland which would otherwise be taken out of production upon the closure of Kesterson Reservoir. In addition, they are requested to take related actions concerning the cleanup of Kesterson and the development of irrigation practices, drainage alternatives, construction of evaporation ponds, and the treatment of agricultural drainage water.

#### SB 233(Maddy) San Luis Drain: task force.

Would create a task force to undertake a comprehensive study concerning the location of the San Luis interceptor drain of the federal Central Valley Project and determine the most advantageous place for its terminus location

#### SB 318(Marks) Water quality: waste discharges.

Would prohibit any discharge from a San Joaquin Valley agricultural drain to the Sacramento-San Joaquin Delta, Suisun Bay, Carquinez Straits, San Francisco Bay, Morro Bay or the San Pablo Bay until requirements of the Porter-Cologne Water Quality Control Act and the federal Clean Water Act are satisfied, thereby insuring that no discharge will degrade the quality of water, as defined, in those waters.

#### SB 1142(Roberti) Central Valley Agricultural Wastewater Treatment District.

Would create the Central Valley Agricultural Wastewater Treatment District, to provide for the development, construction and operation of a facility to treat agricultural wastewater drained from lands within the district.

Hazardous Waste Legislation

AB 1522(Katz) Public liability: hazardous substance emergencies.

Would require the Office of Emergency Services to establish a list of businesses which will provide assistance to local agencies responding to hazardous substance releases and would grant immunity from damages or civil penalties, under specified conditions, to employees of those businesses who provide advice and assistance to a public safety employee of the agency responsible for managing the hazardous substance release site cleanup.

AB 1811(Tanner) Hazardous Substance Cleanup Bond Act.

Would appropriate an unspecified amount from the Hazardous Substance Cleanup Fund to the Department of Health Services for the purposes of carrying out the provisions of the Hazardous Substance Cleanup Bond Act of 1984.

AB 1952(Molina) Hazardous waste: treatment technologies.

Would make legislative findings and declarations regarding the use of the best available treatment technologies in cleanup and remedial actions of environmental hazards.

AB 2041(Tanner) Hazardous waste: financing.

Would authorize the Hazardous Substance Cleanup Financing Authority to issue loans to finance projects to comply with certain requirements imposed on surface impoundments and underground storage tanks containing hazardous substances, and to conduct, or pay the liability for, a removal or remedial action to a hazardous substance release.

AB 2498(Costa) Hazardous waste: disposal.

Would state legislative intent concerning used chemical containers

SB 506(Doolittle) Hazardous waste: hazardous waste control.

Would alter the fees and scheduled fee payments for hazardous waste disposal.

SB 676(Davis) Hazardous waste: cease and desist orders.

Would authorize the Department of Health Services to order any person operating a hazardous waste facility under any registration or permit issued by the Department, including an interim permit, or any other person who is in violation of the hazardous waste control provisions, to cease and desist activities which the Department determines may present substantial endangerment to the public health and welfare or the environment. The cease and desist order would take effect immediately upon service on the person and would remain in effect unless superseded by a subsequent order issued by the department.

SB 1376(Morgan) Hazardous Substance Cleanup Act of 1986.

Would enact the Hazardous Substance Cleanup Bond Act of 1986, which would be subject to the same provisions as the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984, except that it would provide for the issuance and sale of general obligation bonds in an amount not to exceed \$200 million for remedial and removal actions at hazardous substance release sites and for site characterization.

SB 1451(Torres) Toxic Cleanup Act of 1986: Bonds.

would enact the Toxic Cleanup Act of 1986, for the issuance and sale of general obligation bonds in an amount not to exceed \$200 million, subject to the same provisions as the Johnston-Filante Hazardous Substance Cleanup Bond Act of 1984. Revises the formula used to determine the taxes imposed on the disposal of hazardous wastes, by prohibiting the maximum amount of these taxes which can be collected annually from exceeding the "revenue target" as defined.

## Reorganization Legislation

### AB 22(W. Brown) Health.

Would transfer, on July 1, 1986, specified regulatory authority regarding hazardous waste and hazardous substances from the Department of Health Services to the State and Regional Water Boards. Would create, on July 1, 1986, the Environmental Affairs Agency in state government and would place within the agency all environmental boards. Would abolish the State Department of Health Services and would transfer specified responsibilities to the Department of Public and Environmental Health and the Department of Medical Services, created by this bill.

### AB 650(Tanner) Hazardous substance and waste: solid waste.

Would create the Department of Waste Management in the state government and transfer specified responsibilities relating to hazardous wastes from the California Waste Management Board, the Department of Health Services and the State Water Resources Control Board to the new department. Would also create the California Waste Commission consisting of 13 appointed members and three regional waste commissions consisting of nine appointed members each.

### SB 1048(Torres) Environmental Affairs Agency: Department of Waste Management.

Would create the Department of Waste Management and would transfer certain responsibilities relating to hazardous waste from the California Waste Management Board, the Department of Health Services and the State and Regional Water Control Boards to the Department of Waste Management. Would abolish the California Waste Management Board. Would create the Environmental Affairs Agency in state government, and would place within the agency the State Air Resources Board, the State Water Resources Control Board and the nine Regional Boards and the Department of Waste Management.

## Sewage Treatment Legislation

### AB 902(Lancaster) Public facilities: local governments: privatization.

Would authorize any city, county, city and county, or special district to provide for the establishment of "privatization projects", as approved by ordinance, which is defined to mean the construction or operation of facilities or the provision of services for the entity of government by a private or public corporation or a natural person pursuant to a franchise license, or service agreement, as specified.

### AB 1618(Farr) San Lorenzo Valley Water District.

Would authorize the State Board to make a loan not to exceed \$1.5 million to pay the costs incurred by the San Lorenzo Valley Water District as lead agency in the formation of a joint powers agency for the purpose of constructing facilities necessary to improve water quality in the San Lorenzo Valley area in compliance with orders of the Regional Board.

### SB 126(Garamendi) Bond guarantees.

Would authorize the State Board to provide a specified guarantee for all or part of a proposed local agency bond issue for wastewater treatment or reclamation facilities. Would specify conditions and limitations applicable to any such guarantee.

SB 228(Garamendi) Infrastructure Commission.

Would establish a commission charged with preparing a plan to meet the state's infrastructure needs, and would require the commission to report annually its recommendations for expenditures from the Special Fund for Infrastructure, which the bill also would create.

Surface Impoundment Legislation

AB 2233(Rogers) Solid waste: standards.

Would require the California Waste Management Board to formulate and adopt a state policy, including minimum comprehensive standards, for solid waste facilities by January 1, 1987 in consultation with specified boards, districts and department, and provides that the Waste Management Board is the only state agency authorized to develop, adopt and maintain these standards. Repeals specified provisions of current law regarding the powers of certain state agencies with regards to solid waste matters.

AB 2249(Costa) Hazardous waste.

Would revise the specified information required of an owner of a surface impoundment that has been used to manage extremely hazardous wastes, when requesting a Regional Board exemption from the June 30, 1988 closure requirement, and from the double-lining/leachate collection system/ground water monitoring system requirements:

AB 2515(Sebastiani) Surface impoundment: restricted hazardous wastes.

Would delete the Regional Board mining wastes exemption procedure with regards to the prohibition of discharging restricted hazardous wastes into a surface impoundment after a specified date and would instead authorize the Department of Health Services to grant a variance from specified requirements for a particular combination or category of restricted hazardous wastes if the Department determines that sufficient recycling or treatment capacity for that combination or category of wastes is not available in the state.

Underground Tank Legislation

AB 853(Sher) Underground storage tanks: hazardous substances releases.

Would require the State Board or a Regional Board to perform, or cause to be performed, any cleanup or abatement action necessary to remedy the effects of a release of hazardous substances from an underground storage tank.

AB 1764(Bradley) Underground storage tanks: monitoring.

Would authorize the operator of certain hazardous storage facilities to monitor an underground storage tank installed after January 1, 1984 by using the dipstick method, as defined.

AB 2029(Bradley) Underground storage tanks: penalties.

Would delay the effective date for the imposition of civil and criminal penalties upon operators and owners of underground storage tanks containing hazardous substances who violate various provisions concerning the operation, monitoring and maintenance of these tanks until January 1, 1986 and states legislative intent to bar the imposition of these penalties before that date.

AB 2031(Bradley) Hazardous substances: underground tanks.

Would require that monitoring system alternatives specified in State Water Board regulations for tanks storing motor vehicle fuels installed on or before January 1, 1984, contain a 7-year phase-in period for compliance with secondary containment standards.



AB 2032(Bradley) Hazardous substances: underground storage tanks.

Would create the Hazardous Substance Insurance Fund and would continuously appropriate all money in the fund to the Department of Health Services for an insurance program for owners of underground storage tanks storing motor vehicle fuel.

AB 2473(Wright) Underground storage tanks: detecting unauthorized releases.

Would revise the alternative method of monitoring tanks containing motor vehicle fuels, to require daily inventory gauging, rather than daily gauging, and inventory reconciliation by the operator.

SCR 17(Montoya) Underground storage tanks: motor vehicle fuel.

Would request the State Board to repeal specified proposed regulation references concerning the repair of underground storage tanks containing motor vehicle fuel.

SR 13(Montoya) Relative to hazardous substances.

Same as SCR 17. Would request the State Board to repeal specified proposed regulation references concerning the repair of underground storage tanks containing motor vehicle fuel.

### Water Quality Legislation

AB 859(Sher) Water.

Would provide that no public water system shall purvey water which contains any contaminant in a concentration greater than that established by the Department of Health Services action levels, unless the Department has adopted a maximum contaminant level which supersedes the action level, and provides that, effective January 1, 1986, all action levels established by the Department become Interim Public Health Drinking Water Standards with applicable enforcement provisions.

AB 1012(W. Brown) Wastewater and toxics cleanup: international border.

Would enact the International Border Wastewater and Toxics Cleanup Bond Act, which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not exceeding \$150 million for purposes of wastewater and toxics treatment and disposal facilities in the international border region. Would also provide for studies of specified aspects of the international border pollution problem.

AB 1048(Costa) Regional Water Quality Control Boards: membership: vacancies.

Would provide that a member of a Regional Board who fails to attend at least one-half of all regular and special meetings and hearings of the Board in a calendar year automatically ceases to be a member of the Board on December 31 of that calendar year and the position becomes vacant.

AB 1161(Vasconcellos) Water quality: enforcement.

Would redefine "contamination" for the purposes of the Porter-Cologne Water Quality Control Act, as an impairment of the quality of the waters of the state by waste to a degree which creates a hazard or potential hazard to public health. Would direct a Regional Board, if pollution, contamination (as redefined) or nuisances affect a source of drinking water, to require the person responsible to develop a cleanup and abatement plan for the removal of the pollutants or contaminants.

AB 1170(Costa) Water quality.

Would correct obsolete references with regards to the State Water Board's authority to adopt regulations governing specified oil cleanup activities

AB 1432(Rogers) Water wells: reports.

Under existing law every person who digs, bores, or drills a water well or cathodic protection well, or abandons, destroys, or deepens any well is required to file with the Department of Water Resources a specified report of completion of the well within 30 days after its destruction or alteration has been completed. This bill would define 'person' for these purposes as the owner of a well regardless if the owner has a drilling contractor do the actual well drilling.

AB 1724(Hauser) Fish waste management.

Would appropriate \$100,000 from the General Fund to the County of Mendocino, to assist the county in alleviating a fish waste management crisis and to prepare a report, as specified, to be presented to the Legislature and the Governor by January 1, 1987.

AB 2095(Areias) Safe drinking water grants.

Would make a local agency ineligible for a grant under the California Safe Drinking Water Bond Law of 1984, unless the county or city where the agency is located has adopted a specified water well drilling and abandonment ordinance.

AB 2133(Jones) Water standards.

Would require the Department of Health Services to adopt primary drinking water standards specifying the maximum contaminant levels for all substances found in drinking water which may adversely affect human health. Would require the Department to establish a list of all contaminants found in drinking water by January 1, 1987, and to have established primary drinking water standards for the 20 highest priority contaminants on the list by January 1, 1988.

AB 2228(Sher) San Francisco Bay: protection.

Would require the State Board with the cooperation of specified agencies to undertake a comprehensive review of all existing data on water quality standards for the protection of San Francisco Bay, establish a monitoring program to evaluate the effectiveness of the standards and to report to the Legislature its findings by July 1, 1986.

AB 2267(Connelly) Tahoe Conservancy.

Would authorize the California Tahoe Conservancy to make grants and to improve and develop acquired lands for reducing or minimizing soil erosion and discharge of sediment into the water of the Lake Tahoe region, and would authorize the conservancy to improve and develop other lands in the region for these purposes.

AB 2269(Hayden) Coastal resources: Santa Monica Bay.

Would create the Santa Monica Bay Development and Conservation Commission, and include in its function the preparation of a long-range plan for the protection, enhancement, development, and use of Santa Monica Bay.

SB 186(Garamendi) Water quality: research and development.

Would direct the Department of Health Services to contract with appropriate investigators for research and development of cost-effective methods for providing safe drinking water. Would direct the State Water Board to contract for research and development of cost-effective methods to remove contaminants from ground and surface waters and for demonstration projects to test innovative techniques for providing clean water.

## Water Right Legislation

### AB 568(Peace) Water conservation: Imperial Valley.

Would express legislative intent in enacting the provision in current law which expressly provides that no forfeiture, diminution, or impairment to the right to use certain water conserved within the Imperial Irrigation District shall occur, except as specified.

### AB 846(Campbell) Water: small hydroelectric projects: wild trout water.

Would specify that it is state policy to support and encourage the development of environmentally compatible small hydroelectric projects, including those projects with a generating capacity of not greater than 80 megawatts, as a renewable energy source, provided that the projects do not result in surface disturbances within specified sensitive areas, including any area designated by the Fish and Game Commission as wild trout water.

### AB 1658(Isenberg) Agricultural water management planning.

Would require every agricultural water supplier supplying more than 50,000 acre-feet of water annually directly to customers for agricultural purposes to prepare a prescribed information report and to prepare and adopt, in accordance with specified requirements, an agricultural water management plan.

### AB 1845(Margolin) River recreational areas.

Would provide for the establishment of river recreational areas, prohibit new construction of any hydroelectric or other water development project which would inundate or otherwise change the recreational character of any such designated area and would designate a specified portion of the Mokelumne River as a river recreational area.

### AB 1982(Costa) Water conservation and ground water recharge: state bonds.

Would enact the Water Conservation and Ground Water Recharge Bond Law of 1985, which would provide, conditioned upon approval of the state electorate, for the issuance of state bonds in an amount not exceeding \$100 million for purposes of providing loans to local agencies to aid in the conduct of voluntary, cost-effective capital outlay water conservation programs and to aid in the conduct of ground water recharge facilities.

### SCA 17(Nielsen) Water resources development.

Would protect "areas of origin" provisions of the Water Code by requiring a 2/3 vote on any legislation directly or indirectly changing or deleting these provisions.

## Water Supply Legislation

### AB 15(Stirling) Water facilities.

Would direct the Department of Water Resources to proceed immediately to construct the Delta facilities of the State Water Project and would expressly authorize those facilities to include an isolated canal to transport water through or around the Delta. Would also provide for the operation of these facilities and for studies and adoption of water quality protection measures.

### AB 792(Costa) Ground water management.

Would authorize local agencies of specified ground water basins subject to critical conditions of overdraft, to establish, by ordinance, or by resolution if not authorized to act by ordinance, programs for the management of ground water resources within the area in which that agency is authorized by law to provide water services.

AB 1287(Hannigan) Conservation retrofit devices.

Would exempt a local agency responsible for wastewater treatment, conditioned upon a Regional Water Board granting an exemption after making specified determinations, from the specified requirements for the Warren-Alquist State Energy Resources Conservation and Development Act.

AB 1657(Isenberg) Water resources: state facilities.

Would include as additional facilities of the State Water Project, facilities for water conservation, water reclamation, wastewater reduction, conjunctive use of surface and ground water in specified areas, and purchase of already developed water.

AB 2010(Isenberg) Central Valley Project: task force.

Would require the Secretary of the Resources Agency to establish a task force, consisting of specified representatives, to evaluate operation by the Department of Water Resources of the federal Central Valley Project, and to submit its recommendations to the Governor and the Legislature by January 1, 1988.

AB 2500(Roos) Water: state project entitlements.

Would require the Department of Water Resources to provide its written consent if the Metropolitan Water District requests, in writing, approval to sell any part of its share of project water that the district does not need.

SB 210(Ayala) Water quality enhancement bonds.

Would enact the Water Quality Bond Act of 1986 which would authorize the issuance of bonds, pursuant to State General Obligation Bond Law provisions, in the amount of \$400,000 for purposes of purchasing rights to stored water from the federal Central Valley Project for purposes of meeting specified water quality standards.