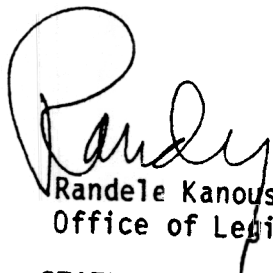


Memorandum

DIVISION CHIEFS AND ABOVE

Date : October 9, 1987



Rande Kanouse, Chief
Office of Legislative and Public Affairs

From : STATE WATER RESOURCES CONTROL BOARD

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

The first year of the 1987-88 Session of the Legislature has been completed and the Legislature will reconvene for the second year in January.

The attached summary identifies legislation introduced during the 1987 portion of the Session. The legislation is presented under the following categories:

- Administration
- Miscellaneous
- Sewage Treatment
- Solid Waste Landfills
- Surface Impoundments
- Toxic and Hazardous Waste
- Underground Tanks
- Water Quality
- Water Rights and Supply

Within each category, legislation is separated into Enacted, Vetoed, Failed Passage and Two-Year Bill sections. Bills marked with an asterisk are urgency measures which become effective immediately upon signature by the Governor. The effective date is noted in the bill summary. All other statutes take effect on January 1, 1988.

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

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

Attachment

INDEX
LEGISLATIVE SUMMARY



State Board
sponsored

Sections

Administration.....	1
Miscellaneous.....	2
Sewage Treatment.....	4
Solid Waste Landfills.....	6
Surface Impoundments.....	8
Toxic and Hazardous Waste.....	9
Underground Tanks.....	14
Water Quality.....	17
Water Rights and Supply.....	23

Legislation

*AB 55(Roos)

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)

)

AB 1414(W. Brown)
AB 1442(Wright)

Legislation

Page

AB 1453(Tanner)	Hazardous substances: loans.....	10
AB 1463(Speier)	Underground storage tanks: San Mateo County.....	14
AB 1476(Bradley)	Drainage requirements.....	20
AB 1487(Hansen)	Water rights: unauthorized diversion or use.....	23
AB 1489(Friedman)	Solid waste landfills: construction limitations.....	7
AB 1541(Peace)	Water transfers: Imperial Irrigation District.....	23
AB 1542(Bradley)	Hazardous waste disposal: shredder waste.....	9
AB 1587(Campbell)	Regional planning and environmental protection.....	20
AB 1626(Sher)	Hydroelectric power.....	25
AB 1633(Sher)	Electricity: private energy producers.....	23
AB 1641(Sher)	Water rights.....	23
AB 1682(Johnston)	Hazardous waste: loans.....	11
AB 1707(Costa)	Ground water management.....	20
AB 1710(Costa)	Water resources development: delta improvements.....	25
*AB 1715(Costa)	Water conservation bonds.....	25
*AB 1720(Costa)	Sewage treatment: clean water bond law.....	4
AB 1723(Katz)	Hazardous waste disposal: landfarming.....	9
AB 1778(Vasconcellos)	Toxic chemicals: appropriations.....	11
AB 1895(Tanner)	Hazardous waste facilities: permits.....	11
*AB 1897(Hauser)	Solid waste landfills: questionnaires.....	6
AB 1931(Bader)	Hazardous waste: Stringfellow Quarry Hazardous Waste Disposal Site.....	11
AB 1963(Farr)	Pesticide residues: laboratories.....	20
AB 1977(Bates)	San Francisco Bay: protection.....	20
AB 1989(Hayden)	Water quality: Santa Monica Bay.....	20
AB 1990(Hayden)	Water quality: ocean monitoring, discharge reporting... ..	20
AB 1991(Hayden)	Water quality research facilities.....	21
AB 1992(Hayden)	Water quality: sewer hookup fees.....	5
AB 2002(Hayden)	Hazardous waste: pretreatment.....	11
AB 2035(Bradley)	Hazardous waste: shredder waste disposal.....	11
AB 2040(Katz)	Solid waste landfills: state policy.....	11
AB 2128(Bates)	Water resources.....	25
AB 2152(Sher)	Underground storage tanks: equipment certification....	15
*AB 2167(Costa)	Regional water quality control boards: compensation....	1
AB 2208(Connelly)	Wild and scenic rivers: Yuba River.....	3
AB 2244(Bates)	Water resources development: delta plan.....	26
AB 2322(Killea)	Tributyltin compounds.....	21
*AB 2448(Eastin)	Solid waste landfills: closure reports.....	6
AB 2490(Killea)	Hazardous waste: consultation service.....	9
AB 2499(Hansen)	Civil procedures: statute of limitations.....	12
AB 2512(N. Waters)	Pest control: exclusions.....	21
AB 2518(Campbell)	Fish and wildlife protection: construction projects....	26
AB 2529(Jones)	Water: hydroelectric power.....	23
AB 2630(Connelly)	Pesticides: water pollution.....	21
AB 2652(Tanner)	Toxic chemicals: Governor's Panel.....	12
*AB 2663(Farr)	Water district elections.....	2
ACA 13(Chandler)	Water resources development.....	26
ACA 26(Costa)	Water resources development.....	26
ACA 37(Bates)	Water resources development.....	26

Legislation

Page

ACR 80(Costa)	Kern County ground water.....	24
AJR 14(Hauser)	Antifouling paints: informational and educational materials.....	17
AJR 15(Hauser)	Tributyltin-based marine bottom paints.....	17
SB 27(Ayala)	Water: national parks.....	27
SB 28(Ayala)	Water resources development.....	27
SB 32(Ayala)	Water resources development.....	27
SB 34(Ayala)	Water rights: standards.....	27
SB 35(Ayala)	Delta water resources.....	27
SB 38(Boatwright)	Hazardous waste disposal: residual repositories.....	12
*SB 65(Torres)	Hazardous wastes: criminal penalties.....	12
SB 86(Boatwright)	Geologists and geophysicists.....	3
SB 182(Boatwright)	Flood control: delta levees.....	27
SB 200(Roberti)	Public meeting.....	1
SB 269(Kopp)	Toxic chemicals: discharges.....	12
*SB 529(Dills)	Wetlands: mitigation study.....	3
SB 539(Keene)	Underground storage tanks: financial responsibility....	16
SB 594(Rosenthal)	Santa Monica Bay: sewage discharges.....	21
SB 688(Bergeson)	Hazardous waste disposal: shredder waste.....	12
SB 735(Kopp)	Water quality: tributyltin compounds.....	21
SB 827(Garamendi)	Hazardous waste disposal: surface impoundments.....	8
SB 842(Torres)	Hazardous waste: loan insurance program.....	13
SB 921(Rosenthal)	Underground storage tanks: methanol.....	15
SB 925(Rogers)	Hazardous waste: nitrate disposal study.....	13
SB 997(Mello)	Water pollution: clean water bond law.....	5
SB 1076(Rogers)	Toxic chemicals: discharges and exposures.....	13
SB 1122(Ayala)	Water quality: public drinking water systems.....	22
SB 1150(Mello)	Water quality: Monterey County ground water basins....	17
*SB 1174(Bergeson)	Water quality: New River and Alamo River.....	22
SB 1210(Keene)	Department of Water Resources: projects.....	28
SB 1246(Morgan)	Hazardous chemicals: individual sewage systems.....	18
SB 1248(Morgan)	Water quality: water wells.....	18
*SB 1284(Bergeson)	Water pollution: revolving fund loan program.....	4
*SB 1288(Rogers)	Clean Water Grant Program.....	5
SB 1335(McCorquodale)	Forest practices: timber harvesting inspections.....	22
SB 1435(Doolittle)	Water quality: water wells.....	19
SB 1455(Boatwright)	Water resources: Sacramento/San Joaquin Valley.....	28
SB 1484(Bergeson)	Water conservation: Salton Sea.....	24
SB 1485(Bergeson)	Water rights.....	24
SB 1486(Bergeson)	Water quality: enforcement.....	18
SB 1487(Bergeson)	Water pollution: clean water bond law.....	5
SB 1575(Campbell)	Hazardous waste: loan program.....	13
SB 1641(Keene)	Forest practices: harvesting.....	22
SCA 24(Nielsen)	Water resources development.....	28

ADMINISTRATION

Enacted

AB 1442 (Wright) Small businesses: state agency regulations: reports
(Statutes of 1987, Chapter 551)

Requires that, if a state agency determines that a proposed regulation may have a significant adverse economic impact on small businesses, it must make specific findings in the notice of proposed action. AB 1442 also specifies that any administrative regulation adopted on or after January 1, 1988, which requires a business to make a report would not apply to small businesses unless the agency finds that it is necessary for the health, safety or welfare of the people of the state that the regulation apply to small businesses.

*AB 2167 (Costa) Regional water quality control boards: compensation
(Statutes of 1987, Chapter 837)

Increases the amount of compensation which members of the San Francisco and Central Valley Regional Water Quality Control Boards may receive for attendance at hearings of the State Water Board concerning the San Francisco Bay and Sacramento/San Joaquin Delta Estuary. This law became effective September 19, 1987.

SB 200 (Roberti) Public meetings (Statutes of 1987, Chapter 1320)

Revises the Bagley-Keene Open Meetings Act to narrow the circumstances under which a state body may hold a closed session to discuss litigation. SB 200 also requires the legal counsel of the state body to prepare a memorandum stating specific reasons and legal authority for the closed session.

*AB 55 (Roos) Pooled Money Investment Account: loans to special funds
(Statutes of 1987, Chapter 6)

Authorizes loans to be made from the Pooled Money Investment Account to state agencies under certain circumstances. Due to provisions contained in the 1986 Federal Tax Law, the State Treasurer has been unable to sell the State Board's and other state agencies' general obligation bonds. This law allows the State Board to receive a loan directly from the account as a temporary solution to California's inability to sell bonds consistent with federal law. This law became effective March 23, 1987.

Vetoed

None

Failed Passage

None

Two-Year Bills

None

MISCELLANEOUS

Enacted

*AB 844 (Costa) Water quality: agricultural drainage loans (Statutes of 1987, Chapter 1288)

Authorizes the State Board to make a loan of \$2.67 million to the Lost Hills Water District for the construction of evaporation ponds. Issuance of this loan was approved by the State Board on June 18, 1987. Also, authorizes the Department of Water Resources (DWR) to provide 19 loans of unspecified amounts to water agencies. These loans will be used for water conservation and ground water recharge projects, and for preparing feasibility studies for potentially eligible projects. Beginning on July 1, 1987, any loans made from the 1986 Bond Law require specific approval of each loan by the Legislature. This law became effective September 28, 1987.

*AB 2663 (Farr) Water district elections (Statutes of 1987, Chapter 59)

Permits the San Lorenzo Valley Water District to conduct an election by mail for the purposes of qualifying for a loan from the State Board. Under existing law, the State Board can loan the district up to \$1.5 million to provide assistance for the cash-flow problems associated with the construction of a waste water treatment facility. This law became effective June 23, 1987.

Vetoed

None

Failed Passage

None

Two-Year Bills

*AB 1166 (Bradley) Salton Sea

Would require the Office of Planning and Research to study the feasibility of acquiring farm land bordering the Salton Sea. The land could then be flooded to stabilize the salt content of the sea. The office would be required to hold public hearings on the matter and coordinate its work with any studies being performed by the Department of Fish and Game (DFG) and the Resources Agency. The bill would specify that a report be submitted by November 30, 1987. AB 1166 is an urgency measure.

AB 2208 (Connelly) Wild and scenic rivers: Yuba River

Would, until January 1, 1996, prohibit the construction of hydroelectric facilities of 80 megawatts or less on a specified portion of the South Fork of the Yuba River. In addition, the bill would delete existing law which restricts development on rivers under consideration for addition to the wild and scenic rivers system until January 1, 1990. Instead, AB 2208 would restrict development for at least three years following designation as a candidate for inclusion in the system.

SB 86 (Boatwright) Geologists and geophysicists

Would abolish the Board of Registration for Geologists and Geophysicists and consequently annul all registered geologists, geophysicists, and engineering geologist licenses.

*SB 529 (Dills) Wetlands: mitigation study

Would establish a 28-member, multi-agency California Wetlands Mitigation Task Force, including representation by the State Water Board. The task force would be 1) charged with responsibility for studying a wide range of issues related to mitigation of the effects of port expansion into bays and wetlands; and 2) required to submit a preliminary report by March 31, 1988 and a final report by July 1, 1988. SB 529 is an urgency measure.

SEWAGE TREATMENT

Enacted

*SB 1284 (Bergeson) Water pollution: revolving fund loan program (Statutes of 1987, Chapter 1313)

Transforms California's Clean Water Grant Program into a revolving fund loan program consistent with the federal Clean Water Act. Specifically provides California with the appropriate authorization necessary to receive federal capitalization grants. The State Board is vested with the following powers: 1) enter into agreements with the federal government to receive federal contributions to the fund; 2) accept federal contributions; 3) use monies in the fund for purposes permitted by the Clean Water Act; 4) provide for the deposit of a state matching share into the fund; 5) determine appropriate maintenance of progress towards compliance with the deadlines, goals and requirements of the Clean Water Act; 6) provide appropriate fiscal management, accounting, plans or reports relative to the fund and, 7) take such additional actions necessary to administer and operate the fund. This law became effective September 28, 1987.

Vetoed

None

Failed Passage

AB 739 (Ferguson) Residential development: water and sewer capacity

Would have prohibited any city or county from denying a residential development permit solely on the basis of insufficient water or sewerage capacity, except that the locality could deny the permit if it found that the facilities are insufficient to serve the housing needs identified in the general plan and identified mitigation measures to remedy the lack of capacity. AB 739 would have provided that it would not limit the authority of any state agency, board or department from prohibiting or restricting additional sewer connections.

Two-Year Bills

*AB 1720 (Costa) Sewage treatment: clean water bond law

Would place the Water Quality Bond Law on the June 1988 ballot asking for voter approval of \$600 million in general obligation bonds. Of these monies, \$350 million would be committed to establishing a revolving fund loan program; \$100 million for water reclamation loans; \$50 million for wastewater treatment construction grants to small communities; and \$100 million for water conservation and ground water recharge construction loans. AB 1720 is an urgency measure.

AB 1992 (Hayden) Water quality: sewer hookup fees

Would require the State Water Board to establish a proposed statewide standardized sewer hookup fee schedule for submission to the Legislature by January 1, 1989. The primary goal of the hookup fee would be the generation of sufficient revenues to provide for the necessary additional sewer plant capacity required to meet the federal Clean Water Act and the state's nondegradation policy. The bill would appropriate \$350,000 from the General Fund to establish the fee schedule.

SB 997 (Mello) Water pollution: clean water bond law

Would place the Clean Water Bond Law of 1988 on the ballot asking for voter approval of \$480 million in general obligation bonds. Of these bond monies, \$330 million would be committed to provide construction loans to local agencies; \$40 million for construction grants to small communities; \$80 million for water reclamation loans; \$20 million to guarantee local agency bond issues; and \$10 million for water conservation loans.

*SB 1288 (Rogers) Clean Water Grant Program

Would restrict the ability of the State Water Board to annul a state grant contract under the Clean Water Grant Program. The bill would require the Board to make state grants to cover lost federal funds for an eligible project as a result of federal annulment. SB 1288 would make any municipal project eligible for state funding in an amount equal to the lost federal financing. SB 1288 is an urgency measure.

SB 1487 (Bergeson) Water pollution: clean water bond law

Would place the Clean Water and Water Reclamation Bond Law of 1988 on the ballot for voter approval of \$400 million in general obligation bonds. Of the bond monies, \$200 million would be committed to providing construction loans to local agencies; \$150 million for water reclamation loans; and \$50 million for construction grants to small communities. This measure is sponsored by the State Board.

SOLID WASTE LANDFILLS

Enacted

*AB 1897 (Hauser) Solid waste landfills: questionnaires (Statutes of 1987, Chapter 932)

Creates an exemption process allowing those operators of solid waste landfills smaller than 50,000 cubic feet (approximately one city block by thirty feet deep) and which contain no hazardous wastes, other than household wastes, to prepare a screening questionnaire in lieu of a solid waste assessment test (SWAT). This questionnaire will be submitted to the Regional Boards 24 months prior to the landfill's existing SWAT due date. The Regional Boards are required to evaluate these questionnaires, within six months, to determine if hazardous substances have leached from the site and in levels which would impact the beneficial uses of water. If the site has leaked, then the operator is required to prepare all, or a portion of, a SWAT by their original SWAT due date. In addition, this law creates a definition of "operator" to be applicable to both the SWAT or questionnaire processes. This law became effective September 22, 1987.

*AB 2448 (Eastin) Solid waste landfills: closure reports (Statutes of 1987, Chapter 1319)

Imposes a fee on the disposal of wastes to create a program for the cleanup and regulation of solid waste disposal facilities. The Waste Management Board (WMB) would administer this fund which is expected to generate from \$20 to \$100 million annually. Specifically, this fund will finance loans and grants to landfill operators for various waste control programs and would fund specified Regional Board and WMB permit inspection and enforcement programs. Also, creates a duplicative closure and post-closure maintenance plan program within WMB. Finally, this law gives new regulatory powers to WMB and local enforcement agencies to require corrective actions. This law became effective September 28, 1987.

Vetoed

None

Failed Passage

None

Two-Year Bills

AB 682 (Kelley) Solid waste landfills: Class III

Would require the State and Regional Boards to consider variation in the annual precipitation when requiring construction and prescriptive standards for Class III landfills under the State Board's Waste Discharge to Land Regulations.

AB 1489 (Friedman) Solid waste landfills: construction limitations

Would prohibit the construction of any solid waste landfills, after January 1, 1988, within the Santa Monica Mountain National Recreation Area or the River of the Valley Trail Corridor.

SURFACE IMPOUNDMENTS

Enacted

AB 1046 (Katz) Hazardous waste disposal: surface impoundments (Statutes of 1987, Chapter 748)

Allows the Regional Boards to exempt individuals from the hydrogeological assessment report (HAR) requirements of the Toxic Pits Cleanup Act if the surface impoundment no longer accepts wastes and was closed by December 1, 1985 with the approval of both the Regional Board and the Department of Health Services (DHS). In addition, this exemption could only be granted if the State Board finds that an HAR is not necessary to determine if migration has occurred and no hazardous wastes are currently present in either the vadose zone or waters of the state. Also, modifies the water sampling and soil moisture reading requirements contained in both the HAR and hydrogeological site assessment report (HSAR).

SB 827 (Garamendi) Hazardous waste disposal: surface impoundments (Statutes of 1987, Chapter 661)

Allows the Regional Boards to exempt mining waste ponds from the Toxic Pits Cleanup Act if they determine that the ponds do not pollute or threaten to pollute water resources when discharged into a surface impoundment that meets the requirements of the State Board's Discharges of Waste to Land regulations.

Vetoed

None

Failed Passage

None

Two-Year Bills

None

TOXIC AND HAZARDOUS WASTE S

Enacted

AB 1542 (Bradley) Hazardous waste disposal: shredder waste (Statutes of 1987, Chapter 1483)

Allows for the disposal of shredder waste in Class III landfills designated by the Regional Boards, if the following conditions are met: the DHS determines that the shredder waste meets the allowable levels for specified chemicals, as verified from the results of an ongoing monitoring program; the producer maintains records documenting the transport and disposal of shredder waste; and the waste is disposed of, in accordance with the State Board's Resolution 87-22. It also requires each of the five specified Regional Boards to designate at least one landfill which could accept shredder waste, in accordance with State Board's Resolution 87-22.

AB 1723 (Katz) Hazardous waste disposal: landfarming (Statutes of 1987, Chapter 1375)

Imposes specified construction and discharge prohibition requirements upon land treatment units accepting hazardous wastes, unless a variance is granted by the DHS. Absent this variance, AB 1723 specifically prohibits the discharge of hazardous wastes, after January 1, 1988, into any of the following categories of land treatment units: a new land treatment facility; replacements of existing land treatment units; or any lateral expansions of an existing unit. After January 1, 1990, the discharge prohibition and construction requirements of this law will extend to all land treatment units.

AB 2490 (Killea) Hazardous waste: consultation service (Statutes of 1987, Chapter 1432)

Allows counties to establish a hazardous materials information and consultation service for the purposes of informing the business community and general public about hazardous waste laws. Specifically, this program would supply general information regarding the Toxic Pits Cleanup Act, underground storage tank law, and the hazardous materials business plan law.

Vetoed

None

Failed Passage

None

Two-Year Bills

AB 65 (Connelly) Hazardous substances: civil and criminal penalties

Would require that government employees with actual knowledge of a discharge or threatened discharge which is likely to cause injury to disclose this information within 72 hours. This bill would also revise the civil and criminal penalty collection provisions of Proposition 65.

AB 260 (Jones) Toxic chemicals: discharges and exposure

Would exempt those dischargers in compliance with drinking water standards, occupational safety and health standards, airborne toxic control measures and regulations or tolerances adopted by the Department of Food and Agriculture (DFA) from the discharge prohibition and exposure warning requirements of Proposition 65. Those dischargers in noncompliance with these requirements or those individuals regulated under other restrictions, such as waste discharge requirements, would not be eligible for an exemption.

AB 511 (Bradley) Hazardous substances

Would allow the local health officer, in conjunction with the Board of Supervisors, to jointly designate a local agency for enforcing Proposition 65.

AB 517 (Bradley) Hazardous substances: discharge and exposure

Would require publication of the chemical list required by Proposition 65 to be considered as adopting or amending a regulation for purposes of the Administrative Procedure Act.

AB 1028 (Katz) Hazardous substances: discharges

Would place cities, counties, districts and state and federal agencies under the discharge prohibition requirements of Proposition 65.

AB 1061 (La Follette) Hazardous substances: residual repositories

Would enact the Residual Repository, Reclamation, and Liability Act of 1987 to establish a new category of hazardous waste facilities designed specifically for the disposal of treated hazardous waste or waste generated from hazardous waste cleanup operations. These facilities would be referred to as residual repositories. DHS would be directed to develop the treatment criteria for residual repositories, as well as create a new certification process for treatment facilities. DHS would have the primary authority for these facilities, however, the State and Regional Boards would also be responsible for permitting and regulating these facilities.

AB 1453 (Tanner) Hazardous substances: loans

Would establish a program to provide low-interest loans to small businesses, non-profit corporations, local agencies and districts to finance projects necessary to comply with the Toxic Pits Cleanup Act, underground storage tank law, and under certain circumstances, to pay for cleanup.

AB 1682 (Johnston) Hazardous waste: loans

Would create a low-interest loan program to finance the clean-up of underground storage tank leaks. Small businesses would be eligible for receiving loans under this program.

AB 1778 (Vasconcellos) Toxic chemicals: appropriations

Would appropriate \$11.7 million to the Health and Welfare Agency for implementing the requirements of Proposition 65.

AB 1895 (Tanner) Hazardous waste facilities: permits

Would allow for the disposal of extremely hazardous waste without an extremely hazardous waste permit if the discharger notifies DHS at least 15 days prior to disposal. Also, would require the State Board to complete a report, by February 1, 1988, assessing the amounts and types of hazardous substances currently being discharged into sewer systems.

AB 1931 (Bader) Hazardous wastes: Stringfellow Quarry Hazardous Waste Disposal Site

Would direct DHS to construct a hydraulic barrier south of Highway 60, in an effort to reverse the downgradient plume movement of hazardous substances leaching from the Stringfellow Quarry Hazardous Waste Disposal Site. The measure would also make an appropriation of \$2.5 million for this purpose.

AB 2002 (Hayden) Hazardous waste: pretreatment

Would prohibit the State and Regional Boards from issuing waste discharge requirements to individuals discharging over 100 kilograms annually of pollutants to navigable water or to a publicly owned treatment works, unless a specified chemical audit and hazardous waste reduction plan is prepared by a qualified state, federal or local agency. The State or Regional Boards could refuse to issue a waste discharge requirement to any person who does not include an implementation schedule in the hazardous waste reduction plan.

AB 2035 (Bradley) Hazardous waste: shredder waste disposal

Would allow for the disposal of shredder waste to Class III landfills designated by the Regional Boards, if the following conditions are met: DHS determines that the wastes are within allowable limits, as verified by a prescribed monitoring program; the producer maintains records documenting the transport and disposal of the waste to a Class III landfill; and the waste is disposed of, in accordance with State Board's Policy No. 87-22.

AB 2040 (Katz) Solid waste landfills: state policy

Would delete an obsolete section of the Government Code relating to limitations placed on individuals who must receive solid waste landfill permits from the WMB. Specifically, this measure would remove an existing provision of law which guarantees the rights of individuals to dispose of organic and toxic waste materials on their own property in evaporation ponds.

AB 2499 (Hansen) Civil procedures: statute of limitations

Would extend the current statute of limitations for actions brought under underground tank law and the California Superfund program from one year to three years.

AB 2652 (Tanner) Toxic chemicals: Governor's Panel

Would require the chemical list prepared under Proposition 65 to include those chemicals annually identified by the Secretary of Health and Human Services as carcinogens and suspected carcinogens. Also, would require the Governor to establish a 12-member Scientific Panel on Carcinogens and Reproductive Toxins to serve as the state's qualified experts for the purposes of Proposition 65.

SB 38 (Boatwright) Hazardous waste disposal: residual repositories

SB 38 would establish a new category of hazardous waste facilities designed specifically for the disposal of treated hazardous waste or waste generated from hazardous waste cleanup operations. These facilities would be referred to as residual repositories. SB 38 is similar to AB 1061, except that it would also establish a \$40 million fund to be used for cleaning up any potential leaks from residual repositories. Revenue for this fund would be generated by a tax on wastes disposed of into residual repositories. The State and Regional Boards would also be responsible for permitting and regulating these facilities.

*SB 65 (Torres) Hazardous wastes: criminal penalties

Would exempt designated government employees from the 72-hour disclosure requirement, if the employee had previously disclosed the information in question to the local district attorney or the Attorney General and the receipt of this knowledge is confirmed in writing. Also, would revise the provisions of Proposition 65 relating to the collection and disbursement of civil and criminal penalties. SB 65 is an urgency measure.

SB 269 (Kopp) Toxic chemicals: discharges

Would expand the discharge prohibition requirements of Proposition 65 to include cities, counties, districts and state and federal agencies. Except that this bill would specifically exempt the following: chemicals intentionally placed into public water systems for public health protection; discharges of surface runoff where the substance is present in natural geologic formations; storm water runoff; discharges in which federal law preempts state law; publicly owned treatment works; or discharges resulting from emergency or fire fighting actions.

SB 688 (Bergeson) Hazardous waste disposal: shredder waste

Existing law declares that shredder waste will not be considered a hazardous waste for disposal purposes if the producer demonstrates, and DHS determines, that the waste will not pose a threat to human health or water quality if disposed in a Class III landfill. SB 688 would extend the sunset date of this provision from January 1, 1988 to May 1, 1990.

SB 842 (Torres) Hazardous waste: loan insurance program

Would establish a loan insurance program to assist qualified applicants in obtaining credit necessary to cleanup hazardous substance releases, including underground tank leaks. The Hazardous Substance Cleanup Financing Authority would be responsible for administering this program and would enter into contracts with financial institutions to pay the premiums on loan insurance. A total of one million dollars would be transferred from the California Superfund program to finance this program. Specifically, eligible small businesses, non-profit entities and local governments could qualify for loan insurance under this bill.

SB 925 (Rogers) Hazardous waste: nitrate disposal study

Would authorize the State Board to carry out a research program within the McFarland Mutual Water Company service area to determine the most environmentally sound and economically feasible methods of treating waste brines from nitrate removal plants.

SB 1076 (Rogers) Toxic chemicals: discharges and exposures

Would specifically exempt crude oil from the Proposition 65 list of chemicals known to the state to cause cancer or reproductive toxicity.

SB 1575 (Campbell) Hazardous waste: loan program

Would create a low-interest loan program for small businesses needing to purchase or repair equipment certified as necessary to comply with the Toxic Pits Cleanup Act or the underground storage tank law.

UNDERGROUND TANKS

Enacted

*AB 853 (Sher) Underground storage tanks: local agency cleanup (Statutes of 1987, Chapter 1317)

Creates a pilot program for the local agency oversight of leaking underground storage tank cleanups and will remain in effect until July 1, 1988. This pilot program is funded by a \$7.5 million appropriation from the 1987 Budget Act. Cities and counties will apply to the State Board for participation in this program and will be selected based on the following criteria: prior experience with the cleanup and oversight of leaking tanks; collection and remittance of the state surcharge; and successful implementation of the underground tank program. The State Board will adopt administrative and technical procedures to implement the pilot cleanup program. This law became effective September 28, 1987.

AB 1413 (Cortese) Underground storage tanks: tank tester licensing program (Statutes of 1987, Chapter 1372)

Creates a licensing program, administered by the State Board, for individuals who perform tank integrity tests on underground tanks containing hazardous substances. After January 1, 1989, tank integrity tests could only be conducted by, or under the direct and personal supervision of, a licensed tank tester. The State Board could extend this deadline for a period not to exceed one year, to afford tank testers a reasonable opportunity to qualify for the licensing program. Each applicant for licensure must demonstrate a minimum of one-year qualifying experience in tank testing or have successfully completed a course of study acceptable to the State Board as a qualification for taking the examination. Upon passing the examination, the tank tester will receive a license valid for three years. This program is entirely fee supported. In addition, this law repeals the underground container inventory program.

Vetoed

AB 1463 (Speier) Underground storage tanks: San Mateo County

Would have required any person who delivers hazardous substances to an underground storage tank located in the San Mateo County to transmit to the county by April 1, 1988, a complete list of deliveries made between April 1, 1987 and, March 1, 1988. The list would have included information on the owner or operator, location of the tanks and the type and quantity of the hazardous substances delivered. Anyone failing to submit this delivery information could have been subject to civil penalties. This bill would have sunset on January 1, 1989.

SB 921 (Rosenthal) Underground storage tanks: methanol

Would have required specified service stations with motor vehicle fuel tanks having a capacity of over 5,000 gallons installed after January 1, 1989, to be methanol compatible. Specifically, this methanol compatibility would have been required if the motor vehicle tank is the sole tank at a facility. In the case of a multiple tank service station, the bill would have required all tanks to be available for methanol compatibility, but only required one tank to be actually compatible. Also placed similar methanol compatibility requirements on single and multiple tank facilities owned by corporations or public entities. After January 1, 1989, would have prohibited a local agency from issuing a permit for the operation of an underground storage tank, unless the tank owner certified that the tank is designed to safely contain the methanol fuel.

Failed Passage

None

Two-Year Bills

AB 190 (Bradley) Underground storage tanks

Would exempt those tanks located in an underground area from the requirements of the underground tank law, if the tank is situated upon or above the surface of the floor.

AB 1194 (Wright) Underground storage tanks: permits

Under existing law, local agencies that passed an ordinance prior to 1984 to implement the underground tank program need only meet the requirements of the underground tank law as originally passed in 1983. This bill would require all local agencies to comply with the most recent amendments to the underground tank law regarding standards for new and existing tanks.

AB 1414 (W. Brown) Underground storage tanks: implementation

Would allow the governing body of a city or county which owns and operates property located in another county to assume the responsibility of implementing the requirements of the underground tank law over that particular property. This measure was introduced to allow the San Francisco Airport Commission to regulate the underground tanks located at the San Francisco International Airport within San Mateo County's jurisdiction.

AB 2152 (Sher) Underground storage tanks: equipment certification

Would require the State Board to certify all underground tank equipment and tank testing methods that are needed to meet the performance standards of the underground tank law. Specifically, no equipment or device could be installed after June 1, 1989, unless certification has been granted under the provisions of this bill. Owners would be allowed to replace damaged equipment installed prior to June 1, 1988, if the owner demonstrates to the local implementing agency that the equipment complies with the intent of AB 2152.

SB 539 (Keene) Underground storage tanks: financial responsibility

Would do the following: (1) require owners of underground storage tanks containing petroleum to maintain evidence of financial responsibility of \$100,000 per facility for the cleanup of leaking tanks; (2) establish a fund, administered by the State Board, to reimburse underground tank owners for those cleanup costs from \$100,000 to \$1 million per occurrence; (3) create a state operated insurance fund to assist tank owners in securing liability insurance; (4) establish a small business loan program to assist owners in the repair and replacement of underground tanks; and, (5) require the State Board to prepare a long-term study evaluating the programs created by this bill. SB 539 is an urgency measure.

WATER QUALITY

Enacted

AB 158 (Killea) San Diego Bay Water Quality (Statutes of 1987, Chapter 820)

Establishes the multi-agency San Diego Interagency Water Quality Panel which would function as an advisory resource to the San Diego Regional Water Quality Control Board in its ongoing study of pollution problems in San Diego Bay. The panel will publish annually a report on the status of bay water quality for submittal to the State Water Board. The panel will sunset on January 1, 1993.

AB 637 (Hayden) Tributyltin-based paints (Statutes of 1987, Chapter 539)

Permits the use of TBT-based paints of slow-leaching formulas only on aluminum hull vessels and commercial and recreational vessels 25 meters or more in length. Defines slow-leaching paint by adopting the standard of five micrograms per square centimeter, per day as outlined by the Environmental Protection Agency. DFA, upon a finding by the State Water Board, may reduce the maximum release rate below the five microgram standard. AB 637 becomes inoperative on the effective date of regulations adopted by DFA controlling the use of TBT-based paints.

AJR 14 (Hauser) Antifouling paints: informational and educational materials (Statutes of 1987, Resolution Chapter 99)

Requests the Environmental Protection Agency to devote all necessary staff and effort to prepare and distribute appropriate informational and educational materials on antifouling paints at the earliest possible date.

AJR 15 (Hauser) Tributyltin-based marine bottom paints (Statutes of 1987, Resolution Chapter 92)

Memorializes the President and the Congress to enact an immediate ban on the use of tributyltin-based bottom paints until methods or use of such paints or derivatives of organotin paints are developed that pose no threat to the marine environment.

SB 1150 (Mello) Water quality: Monterey County ground water basins (Statutes of 1987, Chapter 119)

Extends the Monterey County Flood Control's and Water Conservation District's current authority to include ground water management. Specifically, the district can ban all ground water extractions within a specified area under this law. Such bans can only be imposed after a public hearing and if the district determines that seawater intrusion would be aggravated by continued pumping.

SB 1246 (Morgan) Hazardous chemicals: individual sewage systems (Statutes of 1987, Chapter 874)

Prohibits the use of halocarbon chemicals or aromatic hydrocarbon chemicals to clean or unclog septic tanks and other types of individual sewage disposal systems. The bill authorizes DHS to adopt regulations concerning sale of these products.

SB 1486 (Bergeson) Water quality: enforcement (Statutes of 1987, Chapter 1189)

The Porter-Cologne Water Quality Act is amended to continue to authorize the State and Regional Water Boards to administer federal water quality laws. Federal water quality permits may be issued by the State and Regional Boards, instead of the federal Environmental Protection Agency, only if state laws provide adequate authority to implement the requirements of the Clean Water Act (CWA). This measure updates state law to conform to the 1987 amendments to the CWA and continues the State and Regional Boards administration of the federal permit program for point source discharges to surface waters (NPDES permit program). Also, gives the state authority to administer a sludge disposal program, but would not necessitate that the State Board create such a program.

Vetoed

*AB 262 (Peace) International Border Pollution Control Authority

Would have created the 17-member International Border Pollution Control Authority to inventory all significant pollution originating in Mexico and crossing over into California. Following such identification and development of plans, the authority would have been required to construct and operate, either independently or in cooperation with Mexico or other public and private entities, pollution control facilities. AB 262 was an urgency measure.

AB 859 (Sher) Water quality: drinking water standards

AB 859 would have created a process, administered by DHS, for establishing two levels of drinking water standards. The first, called a public health drinking water standard, would have been set at a level intended to adequately protect the public health. A second standard, termed a primary drinking water standard, would be based upon considerations of public health, available technology and economic factors. The bill would also have established twelve interim drinking water standards for chemicals which DHS has already established informal "action" levels.

SB 1248 (Morgan) Water quality: water wells

Would have allowed those persons, ordered by the Regional Board or DHS access to well reports in response to a hazardous waste cleanup action. Specifically would have prohibited reproduction of these reports for monetary gain and would have made it a misdemeanor to release these reports to the public. Also would have made minor changes to well log reporting requirements.

SB 1435 (Doolittle) Water quality: water wells

Would have extended the date for filing a well report with DWR from 30 to 90 days. Also, a well owner or authorized representative, in addition to a well driller or geologist, would have been required to sign a well report. Prior law required only the well driller to sign a well report. Finally, would have required the well report to include a discussion of the methods for preventing contaminated waters from one aquifer to mix with another aquifer.

Failed Passage

None

Two-Year Bills

AB 76 (Jones) Domestic drinking water supplies: state standards

Would make numerous changes to state laws which now govern the delivery of domestic drinking water supplies by public water agencies. Changes would be made to facilitate conformance with the federal Safe Drinking Water Act of 1974, as amended in 1986. In addition, the bill would also create a new exemption, variance and permitting process to be administered by DHS.

AB 248 (Stirling) San Diego Bay Water Quality

Would enact the San Diego Harbor Water Quality Improvement Act of 1987 to authorize the San Diego Port District to monitor water quality in San Diego Bay. Any construction or occupancy permits proposed to be granted by a local agency within the district would be reviewed by the district board. If the board determined that a discharge of water into the bay is taking place, or threatening to take place, the district would be authorized to petition the superior court to enjoin the discharge. The district would be authorized to enter into a joint powers agreement with the San Diego Regional Water Board to jointly exercise powers created by AB 248.

AB 313 (Hayden) Tributyltin use: antifouling paint: pesticides: studies

Would prohibit the use of antifouling paints and pesticides containing tributyltin (TBT) within navigable waters of California or on land where the chemical could migrate to water. It would also require the State Water Board to conduct a study on the use of TBT and other organotins. DFA would be required to reevaluate the registration of pesticides containing TBT and other organotins.

AB 930 (W. Brown) Wastewater and toxics cleanup: international border

Would enact the International Border Wastewater and Toxics Cleanup Bond Act which, if adopted by the voters, would authorize the sale of \$150 million in general obligation bonds to finance actions to correct pollution resulting from wastewater and toxic flows across the international border from Mexico into California. AB 930 would place the Executive Director of the State Water Board on the International Border Wastewater and Toxics Cleanup Finance Committee charged with overseeing the bond sale.

AB 1476 (Bradley) Drainage requirements

Would exempt dairies and animal feed lots from drainage requirements adopted by the State Water Board to regulate the handling and discharge of manure and wastewater.

AB 1587 (Campbell) Regional planning and environmental protection

Would establish a program, administered by the Office of Planning and Research, under which a joint powers agency would be designated a council of governments eligible to receive state funding for the development and maintenance of a comprehensive regional environmental protection program, including protecting water quality and assuring the availability of wastewater treatment facilities.

AB 1707 (Costa) Ground water management

Would authorize local agencies providing water service from 12 critically overdrafted ground water basins to establish ground water management districts

AB 1963 (Farr) Pesticide residues: laboratories

Would prohibit any person from engaging in the business of testing materials for pesticide residue unless the laboratory is accredited with DFA.

AB 1977 (Bates) San Francisco Bay: protection

Would make legislative findings regarding the critical importance of San Francisco Bay and direct the State Water Board to undertake a comprehensive review of all existing data on the bay. The Board would be required to identify any missing gaps in data and report to the Legislature by July 1, 1988. By December 1, 1991, the Board would be required to adopt water quality standards for the bay and directed to establish a monitoring program to evaluate the effectiveness of the standards.

AB 1989 (Hayden) Water quality: Santa Monica Bay

Would establish as legislative findings that the preservation and enhancement of water quality of Santa Monica Bay is in the public interest and that creation of a multi-agency authority would benefit the people of the state. AB 1989 would permit local agencies adjacent to the bay to form the Santa Monica Bay Authority to act as an advocate of the bay, construct demonstration projects and contract for research on water quality and marine life.

AB 1990 (Hayden) Water quality: ocean monitoring, discharge reporting

Would require the State Water Board to develop a standardized ocean monitoring and discharge computer system for National Pollutant Discharge Elimination System (NPDES) permit holders that discharge to coastal waters or estuaries.

AB 1991 (Hayden) Water quality research facilities

Would require the State Water Board to establish two ocean water quality research facilities. One facility would be located in Southern California and specialize in ocean water quality monitoring and analysis. The other facility would be located in Northern California and specialize in bay and estuary water quality analysis with particular attention to the San Francisco Bay and the Sacramento/San Joaquin Delta. AB 1991 would appropriate \$5 million from an unspecified bond fund to finance the facilities.

AB 2322 (Killea) Tributyltin compounds

Would establish legislative findings regarding the potential hazard of TBT use in marine paints. The bill would also require DFA to adopt regulations to restrict the use of TBT as an additive to marine paint, except for use in paints which are Environmental Protection Agency approved copolymer formulations and meet the release rate set by the American Society for Testing Materials standard test method.

AB 2512 (N. Waters) Pest control: exclusions

Would exclude from the definition of "agricultural use" any wood preservatives and uses associated with biocides.

AB 2630 (Connelly) Pesticides: water pollution

Would require DFA to prepare a list of pesticide active ingredients and degradation products of pesticide active ingredients which have been identified as persistent water contaminants. Would also require the Director of DFA to cancel the registration of any pesticide containing an active ingredient for which there is a data gap, or a degradation product of an active ingredient for which there is a data gap, if that active ingredient or degradation product has been identified as a persistent water contaminant.

SB 594 (Rosenthal) Santa Monica Bay: sewage discharges

Would state legislative findings regarding the water quality of Santa Monica Bay and would require the State Water Board to prepare reports concerning compliance with the Consent Decree of the U.S. Circuit Court of Appeals on the Hyperion Wastewater Treatment Plant. SB 594 would also require the Board to prepare an evaluation and review of the sewage discharge data collected by the Southern California Coastal Water Research Project.

SB 735 (Kopp) Water quality: tributyltin compounds

Would restrict the sale and use of tributyltin compounds on all vessels less than 25 meters in length and on aluminum hull vessels, regardless of length. SB 735 would allow persons to petition the State Water Board for review of the necessity of continuing the ban.

SB 1122 (Ayala) Water quality: public drinking water systems

Would require DHS to adopt primary drinking water standards specifying maximum contaminant levels for all substances found in drinking water which may adversely affect human health, except if DHS finds that it is economically or technologically unfeasible to measure the level of contaminant. If such a finding has been made, DHS may require the use of a specified treatment technique in lieu of a maximum contaminant level.

*SB 1174 (Bergeson) Water quality: New River and Alamo River

Would appropriate \$250,000 from the General Fund to the State Water Board for allocation to the Colorado River Basin Water Quality Control Board (Region 7). This appropriation would fund Phase II of a workplan concerning pollution in the New and Alamo Rivers. The Regional Board would be required to complete the work by January 1, 1989. SB 1174 is an urgency statute.

SB 1335 (McCorquodale) Forest practices: timber harvesting inspections

Would revise the authority of the Department of Forestry to inspect an area in which timber operations are being conducted. It would also allow the State Board and the DFG to enter and inspect land engaged in timber harvesting plan activities.

SB 1641 (Keene) Forest practices: harvesting

Would prohibit the Director of the Department of Forestry from approving any timber harvesting plan which increases, by more than 20 percent over the 5-year average, the average acreage harvested within a single river watershed. The bill would also include specified exemptions from this prohibition.

WATER RIGHTS AND SUPPLY

Enacted

AB 1135 (Campbell) Water rights: bypass flow requirements (Statutes of 1987, Chapter 527)

Requires the State Water Board to submit a report to the Governor and Legislature evaluating our ability to monitor and enforce bypass flow requirements placed as conditions on water right permits and licenses. The report is due by July 1, 1988 and must include recommendations for establishment of program to systematically enforce compliance with minimum flow and act as a deterrent to violation. The report must also discuss the cost of, and potential funding sources for, implementing the Board's recommendations.

AB 1487 (Hansen) Water rights: unauthorized diversion or use (Statutes of 1987, Chapter 756)

Allows a superior court to levy a fine of up to \$500 per day on the threatened or actual illegal diversion and use of water. It also authorizes the State Water Board to administratively impose civil penalties upon anyone who takes water illegally in years which are declared critically dry by DWR. AB 1487 is sponsored by the State Water Board.

AB 1541 (Peace) Water transfers: Imperial Irrigation District (Statutes of 1987, Chapter 913)

Requires DWR to conduct a reconnaissance-level investigation of the transfer of water from Imperial Irrigation District to the San Diego County Water Authority. DWR must report its findings to the Legislature by January 1, 1990.

AB 1633 (Sher) Electricity: private energy producers (Statutes of 1987, Chapter 759)

Establishes a certification process within the State Water Board to ensure that private hydroelectric producers comply with exiting state water rights law. The bill specifies that every contract between a private hydroelectric producer and a utility shall be void and unenforceable if proof of compliance with water rights law through the Board certification process is not provided. The bill applies only to projects which commence commercial operation on or after May 18, 1987.

AB 1641 (Sher) Water rights (Statutes of 1987, Chapter 760)

Increases to \$1,000 per day the fine which may be levied by the superior court for violation of a Cease and Desist Order issued by the State Water Board against the holder of a water right.

AB 2529 (Jones) Water: hydroelectric power (Statutes of 1987, Chapter 817)

Repeals Water Code Section 110 to remove an outdated statement of legislative policy which encourages the development of unnecessary small hydroelectric projects. AB 2529 is sponsored by the State Water Board.

ACR 80 (Costa) Kern County ground water (Statutes of 1987, Resolution Chapter 131)

Requests DWR to proceed with implementation of a ground water recharge program of State Water Project water in the Kern River alluvial fan area.

SB 1484 (Bergeson) Water conservation: Salton Sea (Statutes of 1987, Chapter 629)

States that the Imperial Irrigation District shall not be held liable for any effects resulting from reductions in flows to the Salton Sea which occur as a result of conservation measures required by law, or by order of the Secretary of the Interior, a court or the State Water Board.

SB 1485 (Bergeson) Water rights (Statutes of 1987, Chapter 788)

Authorizes the State Water Board, following notice and public hearing, to declare that a stream system is fully appropriated. Once such a declaration is made, the Board would be prevented from accepting applications to divert water from the named system, except under specified circumstances. SB 1485 is sponsored by the State Water Board.

Vetoed

None

Failed Passage

None

Two-Year Bills

AB 525 (Stirling) Water reclamation: feasibility study

Would require DWR, in consultation with DHS, to study the feasibility of mandating the future construction of water reclamation facilities in San Diego County, rather than sewage treatment plants, to provide necessary wastewater treatment. DWR would be required to report to the Governor and Legislature by January 1, 1990.

AB 734 (Johnston) Water: long-term transfers

Would specify that the State Water Board may approve long-term transfers of water only after a notice and opportunity for public hearing. The Board would be required to make findings regarding the potential impact of the transfer on fish, wildlife and other instream beneficial uses and on other legal users of water. AB 734 would require the Board to retain jurisdiction over the transfer permit and authorize the Board to periodically review the permit.

AB 1626 (Sher) Hydroelectric power

Would specify that, until January 1, 1996, the State Water Board may not issue a water right permit for a hydroelectric project which results in significant reduction in anadromous salmon and steelhead resources or significant loss in their natural habitat. AB 1626 would establish strict standards in determining when habitat mitigation would constitute an alternative to project denial. The bill would also specifying that, within one year of receiving a request for a water quality certificate, the Board must approve or deny the certification based on findings that the project is consistent with water quality standards, state policy regarding placement of small hydroelectric facilities and standards relating to protection of fish and wildlife.

AB 1710 (Costa) Water resources development: delta improvements

Would direct DWR to begin construction of specified facilities as part of the State Water Project and would require DWR and DFG to enter into an agreement to offset the adverse impacts of the state project on fisheries in the Sacramento/San Joaquin Delta and upper Suisun Bay. The bill would prohibit DWR from increasing diversion from the delta beyond specified limits until the State Water Board adopts a water quality plan and water right decision regarding the bay and delta. AB 1710 would also create the Delta Flood Protection Fund and declare the intent of the Legislature to appropriate \$10 million per year through fiscal year 1997-98 for levee maintenance and improvement.

*AB 1715 (Costa) Water conservation bonds

Would enact the Water Conservation Bond Law of 1988, which upon approval by the voters, would authorize the issuance of up to \$750 million in general obligation bonds for loans to construct and improve local water supply projects such as dams, distribution networks and wells. The bill would also authorize loans and grants for feasibility studies. DWR would be responsible for program oversight. Any loans or grants would be subject to approval by the Legislature and California Water Commission. AB 1715 is an urgency measure.

AB 2128 (Bates) Water resources

Would attempt to protect the San Francisco Bay and Sacramento/San Joaquin Delta and several northern California rivers from adverse effects caused by extensive water exports from the area by requiring the State Water Board to reject any water right application to export water to other hydrogeological basins. It would also require the Board to impose specific conditions when considering applications to appropriate delta water and, by June 30, 1989, to initiate a process to review all water right permits which could impact the delta. Any application to appropriate more than 3,000 acre feet of water would be required to include an economic and environmental analysis of water conservation, reclamation and transfer alternatives.

AB 2244 (Bates) Water resources development: delta plan

Would attempt to protect the San Francisco Bay and Sacramento/San Joaquin Delta and several northern California rivers from adverse effects caused by extensive water exports from the area. The bill would require the State Water Board to reject any water right application to export water from specified northern California rivers to other hydrogeological basins. It would also require the Board to impose specific conditions when considering applications to appropriate delta water and, by June 30, 1989, to initiate a process to review all water right permits which could impact the delta. Any application to appropriate more than 3,000 acre feet of water would be required to include an economic and environmental analysis of water conservation, reclamation and transfer alternatives. AB 2244 would establish a nine-member Delta Advisory Commission to prepare a plan of action to develop solutions to water quality and environmental problems in the delta. These provisions would become effective only if an unspecified constitutional amendment is approved by the voters.

AB 2518 (Campbell) Fish and wildlife protection: construction projects

Would authorize DFG to require compliance with mitigation agreements on prior construction projects by the same project proponent before DFG enters into agreement negotiations on the new project. The bill would also allow DFG to demand mitigation of any conditions resulting from the lack of compliance.

ACA 13 (Chandler) Water resources development

Would place before the voters the Chandler Water Rights Protection Amendment which would state that no statute amending or repealing the county of origin statute, the areas of origin statute, the watershed protection statute and the Delta Protection Act, unless passed by a two-thirds vote of the Legislature.

ACA 26 (Costa) Water resources development

Would place before the voters a constitutional amendment which would state that no statute amending or repealing the county of origin statute, the watershed protection statute and the Delta Protection Act, unless passed by a two-thirds vote of the Legislature. ACA 26 would also prohibit any public agency from using eminent domain proceedings to acquire water rights, which are held for uses within the Sacramento/San Joaquin Delta, or any contract rights for water or water quality maintenance in the delta, for export to other areas.

ACA 37 (Bates) Water resources development

Would place before the voters a constitutional amendment which would state that no statute amending or repealing the county of origin statute, the watershed protection statute and the Delta Protection Act unless passed by a two-thirds vote of the Legislature. The bill would also place before the voters the Water Quality Protection Act as specified in an unnamed Assembly Bill.

SB 27 (Ayala) Water: national parks

Would prohibit construction after January 1, 1988, of any dam, reservoir or other water impoundment facility by a public entity within the boundaries of any national park. SB 27 would also prohibit any enlargement of existing facilities within park boundaries. SB 27 would sunset on January 1, 2003.

SB 28 (Ayala) Water resources development

Would limit the responsibility of the State Water Project and the federal Central Valley Project to mitigate or prevent only damage caused by the operation of the projects. SB 28 would also require the Director of DWR to seek the removal of the operational limits presently imposed on the State Water Project aqueduct system by the U.S. Army Corps of Engineers. The director would be required to file for any additional permits with the U.S. Army Corps of Engineers by July 1, 1988.

SB 32 (Ayala) Water resources development

Would require the Director of DWR to select and designate by January 1, 1989, facilities necessary to transfer water across the Sacramento/San Joaquin Delta and to submit the designation to the Legislature for review. The director would be required to begin design and construction by July 1, 1990. SB 32 would also direct DWR and DFG to enter into agreements to prevent or offset adverse impacts of the project on fisheries in the delta and upper Suisun Bay. The bill would also create the Delta Flood Protection Fund to finance levee maintenance and improvement.

SB 34 (Ayala) Water rights: standards

Would prohibit the State Water Board from imposing reservations for storage on units of the State Water Project and federal Central Valley Project, as a term or condition, over and above what is actually required to operationally meet the standards set by the Board.

SB 35 (Ayala) Delta water resources

Would specify that the decision of the court in United States v. State Water Resources Control Board is approved by the Legislature. SB 35 would direct the State Water Board to fully comply with the decision.

SB 182 (Boatwright) Flood control: delta levees

Would enact the Delta Flood Protection Act of 1987 to authorize up to 75 percent specified costs for levee repair and maintenance and would declare legislative intent to fund \$10 million annually through fiscal year 1997-98 in levee repair and maintenance appropriations. Would require \$5 million of the tidelands oil and gas revenues deposited in the California Water Fund to be placed in a special account for expenditure by DWR for mitigation of adverse effects in the delta, Suisun Marsh and San Francisco Bay and the Salton Sea and its tributaries.

SB 1210 (Keene) Department of Water Resources: projects

Would require the State Water Board to determine that no adverse impacts on beneficial uses of water would result from plans or proposals for water project construction prior to submittal of the plans by DWR to the Legislature.

SB 1455 (Boatwright) Water resources: Sacramento/San Joaquin Valley

Would require the State Water Board to inventory the water diversions within the Sacramento/San Joaquin Valley Watershed which affect the outflow of water through the Sacramento/San Joaquin Delta and San Francisco Bay estuary. SB 1455 would also require the Board to include a study of the effects of upstream polluters on the waters of the bay and delta and report its findings to the Legislature and Governor by January 1, 1990. Following completion of the inventory, the Board would be required to adopt a water quality base for protection the area. SB 1455 would prohibit the construction of any additional water diversion facilities which permit export of water from the delta unless specified findings are made.

SCA 24 (Nielsen) Water resources development

Would place before the voters a constitutional amendment which would state that no statute amending or repealing the county of origin statute, the area of origin statute, the watershed protection statute and the Delta Protection Act unless passed by a two-thirds vote of the Legislature.