

Summary of California Legislation



*The Bear Flag first raised on June 14, 1846, at Sonoma.
Original flag painted by William Todd.*



*The current California State Flag, adopted by the state
legislature in 1911.*

2002

**STATE WATER RESOURCES CONTROL BOARD
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

Note:

Chaptered bills are bills that have been enacted by the Legislature and signed by the Governor. Each chapter number is listed in chronological order, reflecting the order in which each bill is signed.

Except for “urgency” bills, all bills chaptered in 2002 became effective on January 1, 2003, and all bills chaptered in 2001 became effective on January 1, 2002. Urgency bills become effective when signed by the Governor.



STATE OF CALIFORNIA

Gray Davis, Governor

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**STATE WATER RESOURCES CONTROL BOARD
OFFICE OF LEGISLATIVE AFFAIRS**

2002 CALIFORNIA LEGISLATION

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Control Board's website:

<http://www.swrcb.ca.gov/general/publications/index.html>

Publication title: Legislative Summary 2002

BILLS BY SUBJECT

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AB 1708	Assembly Transportation Committee	Disabled Vehicle Waste: Tow Trucks
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AB 2214	Keeley	Low-Level Radioactive Waste Disposal Facility
AB 2436	Frommer	Land Use Restrictions: Cleanup and Abatement
AB 2474	Simitian	Automotive Products
AB 2485	Bill Campbell	Hazardous Substances: Brownfields
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SB 1623	Romero	Radiation Act of 2002
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SB 1970	Romero	Radiation Act of 2002
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AB 2606	Harman	Recycled Water
SB 1518	Torlakson	Recycled Water

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AB 776	Thomson	Fairfield-Suisun Sewer District
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AB 997	Dickerson	Streambed Alteration Agreements
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AB 1800	Kehoe	Exemptions from Parking Restrictions for Disabled Persons
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AB 1892	Harman	Orange County Sanitation District
AB 1969	Bill Campbell	Orange County Sanitation District
AB 1972	Frommer	Drinking Water: Reports Regarding Contaminants

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AB 2290	Kehoe	Wetlands
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AB 2806	Wayne	Watershed Management
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SB 483	Sher	Abandoned Mine Cleanup and Reclamation
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SB 1372	Machado	Solar Evaporators
SB 1381	Kuehl	Santa Monica Bay Restoration Commission
SB 1444	Kuehl	Radiation: Contamination
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AB 2267	Kelley	Water Rights
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AB 2717	Hertzberg	Water Desalination Report
AB 2734	Pavley	Water Supply Conservation
AB 2840	Wright	Water Replenishment Districts: Groundwater
SB 1348	Brulte	Water Conservation
SB 1368	Kuehl	Water Submetering Devices
SB 1672	Costa	Integrated Regional Water Management Planning Act of 2002
SB 1938	Machado	Groundwater Management

ABBREVIATIONS

AB	Assembly Bill
AG	Attorney General
ARB	Air Resources Board
CAA	Cleanup and Abatement Account
Cal/EPA	California Environmental Protection Agency
CCC	California Coastal Commission
CEC	California Energy Resources Conservation and Development Commission
CEQA	California Environmental Quality Act
CHP	California Highway Patrol
CIWMB	California Integrated Waste Management Board
COPP	California Office of Privacy Protection
CSU	California State Universities and Colleges
CUPA	Certified Unified Program Agency
DFG	Department of Fish and Game
DGS	Department of General Services
DHS	Department of Health Services
DOC	Department of Conservation
DPA	Department of Personnel Administration
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
ECPP	Environmental Circuit Prosecutor Project
EIR	Environmental Impact Report
LCP	Local Coastal Program
LLRW	Low-Level Radioactive Waste
LTMS	Long-Term Management Strategy
MMP	Mandatory Minimum Penalty
MOU	Memorandum of Understanding
MTBE	Methyl Tertiary Butyl Ether
MS4s	Municipal Separate Storm Sewer Systems
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source
OCSDD	Orange County Sanitation District
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Governor's Office of Planning and Research
QSA	Quantification Settlement Agreement
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SEP	Supplemental Environmental Project
SLC	State Lands Commission
SMBRP	Santa Monica Bay Restoration Project
SPII	State Personal Information Inventory
SRF	State Revolving Fund
SWRCB	State Water Resources Control Board
TMDL	Total Maximum Daily Load
UC	University of California
UST	Underground Storage Tanks
WDR	Waste Discharge Requirements
WQA	San Gabriel Water Quality Authority

ASSEMBLY BILLS

AB 52 (Wiggins) Agricultural Land Preservation (Chapter 983, Statutes of 2002) This new law establishes the California Environmental Quality Improvement Revolving Loan Program within the DOC. This program will provide loans to farmers for practices approved under the federal Environmental Quality Incentive Program, and would be repealed January 1, 2008. In signing the law, Governor Gray Davis vetoed \$4.8 million of the \$9.6 million appropriation contained in the bill.

AB 498 (Chan) Environmentally Preferable Purchasing (Chapter 575, Statutes of 2002) This new law requires the DGS, in consultation with Cal/EPA, to provide state agencies with information and assistance to promote the procurement of environmentally preferable products and services. Previous versions of the bill dealt with persistent bioaccumulative toxins and would have, among other things, required the Cal/EPA Secretary to submit to the Legislature a statewide strategy to eliminate all releases of persistent, bioaccumulative toxins into the state's environment.

AB 640 (Jackson) Local Coastal Programs (Died on the Assembly Floor) This bill would have required the CCC, by January 1, 2004, to adopt guidelines for the implementation of local coastal programs and to periodically update those guidelines as the CCC deems necessary. Elements of the guidelines would have included NPS pollution control to protect the quality of coastal waters and beaches, and more thorough detection of groundwater pollution in supplies serving as storage areas for agricultural and drinking water supplies. (See SB 1916 for similar subject.)

AB 709 (Wayne) Codisposal Sites: Cleanup (Chapter 589, Statutes of 2002) This new law establishes a new category of solid waste site — the “burn dump site” — in the CIWMB's solid waste cleanup program. The law prescribes a method for determining if the CIWMB, the DTSC or a RWQCB would have oversight responsibility for cleanup of a burn dump site.

AB 712 (Migden) Fluorescent Lamps: Recycling (Died in the Senate Floor Inactive File) This bill would have authorized the DTSC to prohibit the sale or disposal of high-mercury fluorescent lamps, provided certain determinations were made after review and public hearing.

AB 713 (Thomson) Sacramento Valley Agriculture and Open Space Conservation Authority (Died in the Senate Natural Resources and Wildlife Committee) This bill would have established the Sacramento Valley Agriculture and Open Space Conservation Authority as an entity of regional government in the Sacramento metropolitan region. The Authority would

have been required to review and assess the needs for acquisition, preservation, or maintenance of open-space and agricultural lands and prepare a plan for the expenditure of revenues for these purposes.

AB 776 (Thomson) Fairfield-Suisun Sewer District (Chapter 426, Statutes of 2002) This new law allows the Fairfield-Suisun Sewer District to contract for the disposal of sewage from buildings outside its boundaries if those buildings were connected to the District's sewage treatment system on or before March 1, 2002.

AB 787 (Hertzberg) State Government: State Departments (Vetoed) This bill would have required the OPR to evaluate the various functions of each state department and make recommendations to the Legislature by January 1, 2004 based on those evaluations.

AB 857 (Wiggins) Infrastructure Planning: Priorities and Funding (Chapter 1016, Statutes of 2002) This new law revises the contents of the State Environmental Goals and Policy Report and the Governor's Five-Year Infrastructure Plan, requires the Governor to develop conflict resolution processes, and extends the sunset for the land use dispute mediation process.

AB 858 (Wiggins) Steelhead and Trout: Effects of Reduced Waterflow (Chapter 985, Statutes of 2002) This new law requires the DFG to contract with the UC to conduct a study to examine effects upon salmon and steelhead from potential reduced water flows in Northern California rivers. The SWRCB will use the results of this study as a factor in deciding whether to approve any water rights applications on the North Coast.

AB 954 (Kelley) California Water Supply Reliability and Protection Bond Act of 2002 (Died in the Senate Agriculture and Water Resources Committee) This bill would have enacted the California Water Supply Reliability and Protection Bond Act of 2002. The bonds would have been used for financing groundwater supply and reliability measures, and water supply security measures, including funding RWQCB studies of potential groundwater projects.

AB 997 (Dickerson) Streambed Alteration Agreements (Died in the Senate Appropriations Committee) This bill would have exempted routine or minor maintenance of existing previously permitted diversions and crossings from the prohibition to notify the DFG about streambed alterations and enter into a Streambed Alteration Agreement.

AB 1086 (Calderon) Environmental Quality: Residential Infill Development Project (Died in the Senate Environmental Quality Committee) This bill would have required the lead agency, as defined in CEQA, to adopt a

negative declaration or a mitigated negative declaration if the agency determined that a residential infill development project, which was not exempt from CEQA, satisfied specific criteria.

AB 1108 (Pavley) Environmental Quality: Scoping Meetings: Military Areas (Chapter 638, Statutes of 2002). This new law requires that any scoping meeting, held pursuant to the National Environmental Policy Act, satisfy the state scoping meeting for projects of statewide, regional, or area wide significance under CEQA. The law also imposes additional requirements on a lead agency, if the U.S. Department of Defense or a military service informs that agency of the contact person and address for the military service, and the specific boundaries of a low-level flight path, military impact zone, or special use airspace.

AB 1172 (Keeley) Forest Practices Act: Fees (Died in the Senate Natural Resources and Wildlife Committee) This bill would have imposed a fee on timber harvested under the Z'Berg-Nejedly Forest Practice Act of 1973. The fee would be paid by any entity that harvests timber or causes it to be harvested, every owner of felled or downed timber that acquires title to that timber from an exempt person or agency, or any entity that, without authorization, harvests timber owned by another.

AB 1327 (Leslie) Water Rights: Truckee River (Chapter 7, Statutes of 2002) This new law applies the state's reciprocity clause to a water right application or change petition made under the Truckee River Operating Agreement, and streamlines existing water right administrative procedures to better implement the Agreement and protect the seniority of vested water rights.

AB 1393 (Thomson) Regional Water Quality Control Boards: Hearings and Conferences (Chapter 420, Statutes of 2002) This new law, sponsored by the SWRCB, expands the role of hearing panels by increasing the scope of permissible subjects and authorizes pre-hearing conferences by RWQCBs. Previously, three-member hearing panels could only address matters involving administrative civil liabilities and cease and desist orders. This new law permits the panels to hear issues involving cleanup or abatement of waste, basin plan amendments, and investigation of the quality of waters of the state. Final decisions on matters would be made by the full RWQCB. Prehearing conferences could include exploration of settlement possibilities, preparation of stipulations, clarification of issues, order of presentation of evidence and cross-examination, rulings regarding issuance of subpoenas and protective orders, and exchange of witness lists, exhibits or documents. The prehearing conference would be conducted under the Administrative Procedure Act and an administrative law judge may preside.

AB 1414 (Dickerson) Public Lands (Chapter 8, Statutes of 2002) This new law requires the DFG to prepare draft management plans for parcels within its jurisdiction acquired on or after January 1, 2002, and make those plans available for public review within 18 months of the recordation date. The law also requires the department to annually report on the plans to legislative fiscal subcommittees. When funding is available, this law requires the Resources Agency to develop and maintain a database of lands and easements that have been acquired by its departments and boards.

AB 1438 (Florez) Recreational Use of Public Freshwater Bathing Areas (Died in the Senate Appropriations Committee) This bill would have required the DHS to establish minimum bacterial standards for public freshwater bathing areas by December 31, 2003. Local public health officers would have been required to conduct weekly monitoring of freshwater bathing areas from April 1 to October 31 for total fecal coliform and enterococci bacteria and to establish protocols for beach postings, closures, and reopenings.

AB 1559 (Diaz) State Data Centers (Chapter 45, Statutes of 2002) This new law repealed the sunset dates and extended, indefinitely, the provisions governing the Department of Justice Hawkins Data Center, the Health and Human Services Agency Data Center, and the Stephen P. Teale Data Center.

AB 1561 (Kelley) Energy Efficiency Standards: Clothes Washers (Chapter 421, Statutes of 2002) This new law requires the CEC, by January 1, 2004, to amend existing regulations regarding energy efficiency standards for residential clothes washers, requiring clothes washers manufactured on or after January 1, 2007 to be as efficient as commercial washers.

AB 1708 (Assembly Transportation Committee) Disabled Vehicle Waste: Tow Trucks (Died in the Senate Transportation Committee) This bill would have authorized a tow truck driver, who was engaged to remove a disabled vehicle from a roadway and to clean up a release of vehicular waste, to transport that waste from the scene without the completion of a hazardous waste manifest and without being a registered hazardous waste transporter, if specified conditions were satisfied.

AB 1760 (John Campbell) Orange County Water District (Chapter 41, Statutes of 2002) This new law extends by one month the deadline to file a basin equity assessment report required under the Orange County Water District Act. The change allows those operators to include necessary data that is unavailable in time to meet the previous deadline.

AB 1791 (Runner) Conflicts of Interest: Disclosure (Died in the Senate Appropriations Committee) This bill would have required appointed or nominated designated employees and officeholders to file statement of eco-

conomic interests by their 20th day of employment, instead of 30 days after being hired. The bill would have required the hiring authority to notify each employee or consultant of his or her obligation to file statements of economic interest.

AB 1797 (Harman) Conflicts of Interest: Disqualification (Chapter 233, Statutes of 2002) This new law requires state or local public officials, except for members of the Legislature, who have a financial interest in a pending decision, to publicly identify the financial interest giving rise to a conflict of interest and to recuse themselves and leave the room until the matter is concluded.

AB 1800 (Kehoe) Exemptions from Parking Restrictions for Disabled Persons (Died in the Senate Transportation Committee) This bill would have allowed disabled persons and disabled veterans, who display disabled placards or license plates, to park in zones where parking is otherwise prohibited for street sweeping. The local jurisdiction would have been authorized, by ordinance or resolution, to restrict parking in an area if it determined that this restriction was necessary to comply with a municipal storm water NPDES permit. The bill would have expired on January 1, 2006.

AB 1813 (Assembly Jobs, Economic Development, and the Economy Committee) Public Contracts: State Government: Information Technology Contracts (Died in the Senate) This bill would have required state agencies to notify the Legislature at least 30 days prior to signing sole-source contracts for information technology goods and services in excess of \$500,000.

AB 1825 (Nakano) Leaves of Absences: Organ Donors (Chapter 869, Statutes of 2002) This new law requires that leaves of absence with pay be granted to state employees and employees of the CSU who are organ or bone marrow donors and allows the UC Regents to adopt the same leave of absence provisions.

AB 1857 (Wayne) Administrative Procedures (Chapter 389, Statutes of 2002) This new law clarifies and refines the administrative rulemaking procedures by requiring state agencies to: (1) publish information concerning emergency regulations on agency websites; and (2) explain their reasons for rejecting reasonable alternatives to proposed regulations that would lessen any adverse impact on small business. Additionally the new law requires state agency representatives to refer questions to another person in the agency if they cannot answer a question with respect to a proposed agency regulatory action.

AB 1864 (Salinas) Pajaro Valley Water Management Agency (Chapter 50, Statutes of 2002) This new law expands the definition of supplemental water in the Pajaro Valley Water Management Agency Act to include recycled water.

AB 1882 (Canciamilla) In-Fill Development: County of Contra Costa (Died in the Senate Environmental Quality Committee) This bill would have exempted from CEQA four specified types of in-fill development projects of no more than five acres and substantially surrounded by urban uses in Contra Costa County if the developments met other specified criteria.

AB 1892 (Harman) Orange County Sanitation District (Chapter 79, Statutes of 2002) This new law allows the OCSD to acquire, construct, operate, furnish and maintain facilities for the collection and treatment of urban runoff within the OCSD boundaries. This law allows the OCSD to join the Irvine Ranch Water District in taking the lead for addressing serious water quality problems.

AB 1925 (Nakano) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002: Coastal Water Quality Monitoring System (Died in Assembly Appropriations Committee) The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 would have made available \$300,000,000 for grants to public agencies and nonprofit organizations for the purposes of clean beaches, watershed protection, and water quality projects. These grants were to protect beaches, coastal waters, rivers, lakes, and streams from contaminants, pollution, and other environmental threats. This bill would have appropriated an unspecified amount of those funds to the California Ocean Trust for the establishment of a state-of-the-art coastal water quality monitoring system for use by local public entities.

AB 1962 (Hollingsworth) Electronic Communication (Chapter 945, Statutes of 2002) This new law includes transmitting by electronic mail and facsimile in the definition of “writing” for purposes of the Evidence Code and records under the Public Records Act; therefore, electronic mail and facsimiles are now subject to the rules of evidence and disclosure under the Public Records Act when gathered, stored and maintained by a state or local agency.

AB 1969 (Bill Campbell) Orange County Sanitation District (Chapter 1019, Statutes of 2002) This new law requires all wastewater discharged into the Pacific Ocean by the OCSD, after a date determined by the Santa Ana RWQCB, or January 1, 2013, whichever is earlier, to be subject to at least secondary treatment requirements of the federal Clean Water Act, or more stringent standards determined by the RWQCB or the SWRCB. The law exempts the OCSD from mandatory minimum penalties during the period of transition to the secondary treatment process.

AB 1972 (Frommer) Drinking Water: Reports Regarding Contaminants (Vetoed) This bill would have required a public water system to annually provide its customers with information about health effects of contaminants found in their water supply during the previous year.

AB 2058 (Papan) Bay Area Water Supply and Conservation Agency (Chapter 844, Statutes of 2002) This new law enacts the Bay Area Water Supply and Conservation Agency Act, which will provide for the formation of the Bay Area Water Supply and Conservation Agency by 26 public entities that purchase water from the Hetch Hetchy water system operated by the City and County of San Francisco. The law will give these entities more input into the operation and refurbishment of the Hetch Hetchy system.

AB 2071 (Jackson) Public Water Systems: Contaminants and Damages Recoverable (Died in the Assembly) This bill would have allowed public water systems, if they prevail in a civil action, to recover costs for remediation of ground or surface water contamination provided the supply is used for public drinking water. Costs include funds for investigation, remediation, filtration, water treatment, or for interest and attorney fees, in addition to any other available relief. This bill also would have extended the statute of limitations to three years for any cause of action for which relief may be awarded while the system investigates the contamination.

AB 2072 (Mountjoy) Open Meetings: Closed Sessions: Security (Chapter 1113, Statutes of 2002) This new law preserves the confidentiality of a state body's security infrastructure by enabling a state body to hold discussions of security issues in closed session under the Bagley-Keene Open Meeting Act. The provisions of this law will sunset on January 1, 2006.

AB 2083 (Jackson) Oil Spill Prevention and Response (Chapter 512, Statutes of 2002) This new law requires the SLC to develop a form to be completed by oil refinery operators and oil transporters who transport between San Francisco and Los Angeles. The form will contain information on the terminals involved, types of vessels used for transport, estimated air emissions, dates of travel, and other pertinent information. The law requires the SLC to report annually to the Legislature, and any state or local agencies that request the information, on the trends of the oil transport business in the state.

AB 2141 (Firebaugh) Hazardous Materials: Hazardous Waste Enforcement Actions (Died in the Assembly Floor Inactive File) This bill would have extended the public participation process followed under the Superfund program to other cleanup actions by the DTSC. Additionally the bill would have required the SWRCB to submit to the Legislature a list of Porter-Cologne Water Quality Control Act enforcement sites that contain hazardous substances and were closed by the SWRCB and the RWQCBs.

AB 2156 (Kehoe) San Diego River Conservancy (Chapter 574, Statutes of 2002) This new law establishes, until January 1, 2010, the San Diego River Conservancy, in the Resources Agency, to acquire and manage specific public lands in the San Diego River area. A representative of the San Diego RWQCB will be one of the two non-voting members of the 11-member Conservancy. The Conservancy becomes operative only when the Legislature appropriates funds or a bond act allocates funding for this purpose.

AB 2186 (Chavez) Los Angeles Regional Water Quality Control Board (Died in the Assembly Appropriations Committee) This bill would have altered the appointment process for and composition of the Los Angeles RWQCB by transferring appointment power for three of the Los Angeles RWQCB board member positions from the Governor to specified local entities. This bill would have further required the existing Los Angeles RWQCB to be dissolved and replaced with a new board constituted in conformance with the bill.

AB 2214 (Keeley) Low-Level Radioactive Waste Disposal Facility (Chapter 513, Statutes of 2002) This new law prohibits the DHS from issuing or renewing a license for the disposal of LLRW unless: (1) the DHS determines that the siting design and operation of the facility complies with specified federal regulations; and (2) the design and construction of the facility meets specified requirements. The law requires the DHS to establish a fee for the issuance or renewal of a license to dispose of LLRW. The law also prohibits a facility from disposing of LLRW using shallow land burial and prohibits the proposed Ward Valley radioactive waste disposal site from serving as the state's facility for purposes of the Southwestern LLRW Disposal Compact. Finally, the law repeals the DHS' current authority to lease specified property to construct, operate, and close a LLRW disposal facility.

AB 2267 (Kelley) Water Rights (Chapter 652, Statutes of 2002) This new law, sponsored by the SWRCB strengthens its water right cease and desist order authority and improves the SWRCB's water right administration authority by giving it the ability to issue enforceable orders requiring violators to cease their violations or adhere to a compliance schedule.

AB 2283 (La Suer) Written Reports: Cost (Chapter 370, Statutes of 2002) This new law requires state agencies to consider cost reduction options in the process of preparing written reports, including but not limited to, eliminating unnecessary and expensive color graphics, photographs, bindings and paper. Additionally, the law requires that when multiple documents or written reports are the product of a state agency's contract with nonemployees of the agency, a disclosure statement must include the total contract amount representing compensation for those multiple documents or reports.

AB 2290 (Kehoe) Wetlands (Died in the Assembly) This bill would have provided that, for purposes of CEQA, any project that may cause an adverse change in a wetland or special aquatic site is a project that may have a significant effect on the environment and would require preparation of an environmental impact report.

AB 2312 (Chu) Environmental Justice: Grant Program (Chapter 994, Statutes of 2002) This new law establishes the Environmental Justice Small Grant Program under the jurisdiction of Cal/EPA. Cal/EPA is required to: (1) award grants on a competitive basis; (2) adopt regulations; and (3) limit the amount of a grant to \$20,000.

AB 2322 (Hertzberg) CALFED Bay-Delta Program (Died in the Senate) This bill would have required the Director of the CALFED Bay-Delta Program, on or before May 1, 2003, to prepare and submit to the Legislature a report describing progress made in implementing the actions in the CALFED Bay-Delta Programmatic Record of Decision. These provisions would have been repealed on January 1, 2004.

AB 2351 (Canciamilla) Mandatory Minimum Penalties (MMP) (Chapter 995, Statutes of 2002) This new law allows RWQCBs, with the concurrence of the discharger, to direct a portion of an MMP to be expended on a SEP and eliminates the preparation of a pollution prevention plan as an alternative to an MMP. Violations of more than one pollutant parameter from a “single operational upset” of a biological treatment process will be treated as a single violation, even if the violation lasts for more than a day and up to 30 days. The law revises the MMP formula so that the first \$15,000 of a penalty can be used for a SEP or can go to the CAA, at the discretion of the RWQCB and the discharger. After that \$15,000 threshold is reached, 50 percent of the money over the threshold must go to the CAA. The balance can go to a SEP, the CAA, or can be divided between both. This will assure that money continues to flow into the CAA for necessary statewide cleanup projects.

AB 2365 (Goldberg) Water Recycling and Dual Plumbing Bond Act of 2002 (Died in Assembly Appropriations Committee) This bill would have enacted the Water Recycling and Dual Plumbing Bond Act of 2002 that would have authorized the issuance of \$575,900,000 in State General Obligation Bonds. These funds would have been used for financing a water recycling and dual plumbing infrastructure program, including dual plumbing of indoor plumbing fixtures that would have provided an “endless loop” of clean and safe water for use in flushing facilities instead of wasting higher quality drinking water for the same purposes.

AB 2376 (Cogdill) Water Sustainability and Reliability Bond Act of 2002 (Died in the Assembly Water, Parks and Wildlife Committee) This bill would have enacted the Water Sustainability and Reliability Bond Act of 2002, that would have authorized financing of a water storage program through the issuance of an undetermined amount of State General Obligation Bonds. Eligible programs would have included the Surface Storage Construction Program and the Local Agency Storage Program.

AB 2436 (Frommer) Land Use Restrictions: Cleanup and Abatement (Chapter 592, Statutes of 2002) This new law prohibits the SWRCB or a RWQCB from declaring a site cleanup complete (and issuing a closure letter or determining that a site requires no further cleanup action) without requiring that land use restrictions be recorded if: (1) the SWRCB makes a finding that the site is not suitable for unrestricted use, and that a land use restriction is necessary for the protection of public health, safety, or the environment; (2) the site is subject to a cleanup and abatement order; and (3) the cleanup is of pollution or contamination from a source other than an UST. Additionally, the SWRCB, a RWQCB, the CIWMB, and the DTSC are required to post either the use restriction documents for each environmentally restricted property or specified information about the property on their website where the documents or information will be readily accessible. Cal/EPA is required to oversee the implementation of these requirements, including maintaining hyperlinks on its website.

AB 2469 (Dickerson) Regional Water Management Groups (Chapter 949, Statutes of 2002) This new law authorizes a regional water management group to prepare and adopt a regional plan to address programs, projects, reports, or studies relating to water supply, water quality, flood protection, or related matters over which a local public agency that is a participant in that group has authority to undertake.

AB 2474 (Simitian) Automotive Products (Chapter 998, Statutes of 2002) This new law requires engine coolant or antifreeze being sold in this state, containing more than 10 percent ethylene glycol, to have denatonium benzoate, or another equivalent bittering agent, added to the mixture to render the coolant unpalatable for humans or animals.

AB 2481 (Frommer) Underground Storage Tanks: Unified Program Agencies: Porter-Cologne Water Quality Control Act: Administrative Civil Penalties: Drinking Water: Enforcement (Chapter 999, Statutes of 2002) This new law strengthens and reorganizes the law related to USTs in order to protect the environment against unauthorized releases of petroleum, including MTBE by: (1) prohibiting fuel delivery to USTs that have significant violations; (2) requiring new USTs installed after July 1, 2003 to be liquid and vapor tight; (3) increasing the number of UST cleanup sites by providing funding,

under certain conditions, to previously ineligible parties; (4) requiring licensed tank testers to prepare a report on each tank or piping integrity test they perform and sign the report under penalty of perjury; (5) modifying the Enhanced Leak Detection testing requirements to include a one-time testing requirement for double-walled USTs within 1,000 feet of a public drinking water well; (6) authorizing the use of the UST Cleanup Fund for investigations of suspected violations of leak prevention requirements; (7) for emergency generator tank systems, exempting aboveground piping and tanks located in a vault from secondary containment testing, and (8) streamlining the Health and Safety Code to make it more user friendly to public and private parties. Additionally, this new law: (1) creates a single, consistent, administrative enforcement authority (i.e., orders and/or penalties) for CUPAs' use in enforcing UST requirements and other CUPA requirements; (2) extends the waiver renewal deadline for septic systems from January 1, 2003 to June 30, 2004 to allow new statewide septic system standards to be developed; (3) provides sufficient indemnification for the State of California in developing the brownfield insurance program (Financial Assurance and Insurance for Redevelopment Program); (4) continues a drinking water grant program at the DHS that assists public agencies to purchase alternate drinking water supplies if their water is contaminated or threatened by MTBE; (5) requires a public water system that receives cleanup funds from DHS to aggressively pursue the recovery of cleanup costs from liable parties, and to reimburse DHS for any cleanup funds received from the DHS within five years of receiving those funds, unless the public water system can demonstrate that cost recovery from liable parties is not possible (i.e., does not apply in cost recovery cases where cleanup funds received from DHS are less than \$1 million); and (6) expands the RWQCBs' use of hearing panels to matters in addition to administrative civil liabilities and cease and desist orders.

AB 2485 (Bill Campbell) Hazardous Substances: Brownfields (Died in the Assembly Appropriations Committee) This bill would have established the Brownfields Best Practices Awards Program at the California Policy Research Center at UC Berkeley. The purpose of the program was to award funds to innovative and effective local brownfields recycling programs that could have been replicated for use in other communities.

AB 2486 (Keeley) Environmental Circuit Prosecutor Project (ECPP) (Chapter 1000, Statutes of 2002) This new law establishes and codifies financial support for the ECPP, as a cooperative effort between Cal/EPA and the California District Attorneys Association. The ECPP, originally established as a three-year pilot program in 1998, discourages environmental law violations through training, enforcement, and prosecution programs, especially in rural counties. The law also requires a report to the Legislature on its accomplishments three years after the law's implementation. The SWRCB recently allocated \$1 million for the ECPP from a \$20 million settlement from ARCO for non-compliance with UST requirements.

AB 2534 (Pavley) Watershed, Clean Beaches and Water Quality Act (Chapter 727, Statutes of 2002) This new law establishes a framework for expenditure of a portion of the California Clean Water, Clean Air, and Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) for water quality, clean beaches, and watershed protection projects. Seven programs will be funded through this law: Agricultural Water Quality Grant Program, Small Community Groundwater Grant Program, Clean Beaches Program, Urban Storm Water Grant Program, Nonpoint Source Pollution Control Program, Integrated Watershed Management Program, and Small Community Wastewater Grant Program.

AB 2606 (Harman) Recycled Water (Chapter 317, Statutes of 2002) This new law changes the standard and process that DHS uses in approving or denying proposed projects to inject recycled water into an aquifer used for domestic purposes. This new law changes the standard from no “impairment” to no “degradation” to make administrative decisions on water quality more consistent between DHS and the SWRCB.

AB 2631 (Matthews) Resources (Chapter 953, Statutes of 2002) This new law revises the Public Contract and Resources Codes by deleting moot, obsolete and archaic requirements and references. The SWRCB is affected by only one provision of this new law that requires each state agency to submit the State Consulting Services Contracts Annual Report regarding consulting service contracts that it has entered into during the previous fiscal year within 60 working days after the end of that fiscal year. Previous law required state agencies to submit this report within 30 working days.

AB 2682 (Chu) California Clean Communities and Petroleum Pollution Clean-up Act of 2002 (Died in the Assembly Appropriations Committee) This bill would have imposed a \$0.30 assessment on each barrel of crude oil received at a refinery in California and would have allocated the revenue to support the following programs: (1) a Cal/EPA-administered program for funding projects addressing petroleum-related contamination of groundwater, marine and terrestrial surface waters, soil, and drinking water supplies; and (2) diesel emissions exposure reduction incentive projects and programs administered by local air districts, and the Lower-Emission School Bus Program administered by the ARB.

AB 2683 (Canciamilla) California Bay-Delta Authority Act (Chapter 955, Statutes of 2002) This new law revises provisions of SB 1653 (Costa, Chapter 812, Statutes of 2002) that established the California Bay-Delta Authority. This law clarifies provisions that relate to the proposed budgets of the implementing agencies and the powers and duties of the Authority, and the staff of the Authority.

AB 2687 (Maldonado) Transportation of Hazardous Materials: Restrictions: Drinking Water Reservoirs (Chapter 104, Statutes of 2002) This new law gives water districts the same authority that municipal utility districts have regarding the closure of highways to vehicles transporting hazardous material or hazardous waste if the highways are located in a watershed of a drinking water reservoir. The law allows water districts to formally request that the CHP close a portion of a state highway in order to better protect their water supplies in reservoirs from accidental spills or deliberate tampering, and provides criminal sanctions for violations.

AB 2717 (Hertzberg) Water Desalination Report (Chapter 957, Statutes of 2002) This law authorizes the DWR, in cooperation with other entities, to investigate and evaluate potential opportunities for seawater desalination in California. This law also requires the formation of the Water Desalination Task Force, which would include the SWRCB. The Task Force would work with DWR in preparing a report for the Legislature.

AB 2734 (Pavley) Water Supply Conservation (Died in Assembly Appropriations Committee) This bill would have required several independent activities related to urban water conservation, and would have required the SWRCB to withhold approval of loans and grants if local agencies do not comply with water conservation requirements.

AB 2806 (Wayne) Watershed Management (Died in the Assembly Appropriations Committee) This bill would have directed the Resources Agency and Cal/EPA to develop a strategic plan for watershed management by January 1, 2004, to reflect recommendations provided in the report jointly prepared by the SWRCB and Resources Agency pursuant to AB 2117 (Chapter 735, Statutes of 2000) to identify actions that state agencies can take to support local watershed partnerships in California.

AB 2829 (Aanestad) Wildlife and Water Rights (Died in the Assembly Appropriations Committee) This bill would have required the SWRCB, before authorizing the acquisition of water or water rights, to require that any local jurisdiction in which the property is located be notified of the proposed acquisition. Additionally, the entity acquiring the rights would have been required to demonstrate it has the ability to maintain the property to maximize any wildlife benefits and maintain the property to limit impacts on adjoining landowners.

AB 2840 (Wright) Water Replenishment Districts: Groundwater (Died in Assembly Rules Committee) This bill would have made technical, nonsubstantive changes to existing law that authorizes a water replenishment district to perform actions for the purpose of replenishing the groundwater supplies within the district.

AB 2853 (Diaz) State Employees: Engineers: Salary Parity (Vetoed) This bill would have required that state-employed engineers and related professionals receive salaries that are no less than those received by their counterparts in larger local agencies and the UC, based on an annual survey conducted by the DPA.

AB 2877 (Wayne) State Water Resources Control Board: Groundwater Report (Died in the Assembly Water Parks and Wildlife Committee) This bill would have required the SWRCB and the DWR to jointly prepare a report making recommendations regarding groundwater management issues and proposed legislation regulating groundwater.

AB 2922 (Simitian) Personal Information: State Agency Records (Vetoed) This bill would have required each state agency to provide to the COPP, in the Department of Consumer Services, a description of its system of records to create a SPII containing a description of its system of records using specified categories by January 1, 2004. Additionally, the bill would have required the SPII to be available to the public by March 1, 2004.

AB 2924 (Wiggins) Water Appropriations: Protected Areas (Died in the Assembly Water Parks and Wildlife Committee) This bill would have prevented the SWRCB from approving any water rights applications from two North Coast counties if the county boards of supervisors did not first approve the transfer.

AB 2938 (Simitian) Waste Discharge Requirements: Fees (Died in the Senate) This bill would have authorized the SWRCB to raise the cap for waste discharge fees from the current \$10,000 to \$35,000. Additionally, the SWRCB would have been required to develop a schedule establishing annual waste discharge fees for dairies.

AB 2971 (Strom-Martin) Wastewater Treatment Plants: Operator Certification (Chapter 422, Statutes of 2002) This new law, sponsored by the SWRCB, requires all privately-owned wastewater treatment plants, for which the RWQCBs have issued permits, to employ certified operators. The SWRCB is authorized to exempt, for four years, from the certificate requirements any Class I facility that could not, due to operator error, violate water quality objectives. The SWRCB may impose certain conditions for the exemption. This law closes a gap in enforcement for operator misconduct at approximately 300 private facilities and its resulting harm to water quality.

AB 3000 (Assembly Budget Committee) State and Local Government (Chapter 1124, Statutes of 2002) This law enacted the state Budget Act. Section 57 of this law authorizes the SWRCB to raise the cap on waste discharge requirement fees from the previous \$10,000 to \$20,000, and includes

an annual cost of living adjustment. This law allows a General Fund reduction to the SWRCB's core regulatory programs that will be offset through an increase in fees charged to waste dischargers.

AB 3022 (Special Assembly Legislative Ethics Committee) State Agencies: Ethics Orientation (Chapter 663, Statutes of 2002) This new law requires all employees of a state agency who are required to file statements of economic interest to attend an orientation course every two years on the relevant ethics statutes and regulations that govern the official conduct of state officials.

AB 3035 (Assembly Judiciary Committee) Access to Government Programs (Chapter 300, Statutes of 2002) This new law amends the Ralph M. Brown Act and the Bagley-Keene Open Meetings Act to cross-reference a requirement under the federal Americans with Disabilities Act that notices of agendas and public records distributed at these open meetings are available to persons with a disability. The law also requires published agendas to include information on the availability of disability-related aids or services.

AB 3041 (Assembly Natural Resources Committee) California Environmental Quality Act (Chapter 1052, Statutes of 2002) This new law codifies the requirement that lead agencies submit draft environmental impact reports and negative declarations, pursuant to CEQA Guidelines, to the State Clearinghouse for circulation to the appropriate state agencies. The Governor's OPR operates the State Clearinghouse. As lead agencies, the SWRCB and RWQCBs already circulate environmental documents for comments by other state agencies and receive documentation for comment from the State Clearinghouse.

AB 3053 (Assembly Environmental Safety and Toxic Materials Committee) Multiparcel Remediation: Pilot Project (Died in the Senate Appropriations Committee) This bill would have enacted the California Subregional Coordination and Cleanup Act of 2002. The bill would have established four pilot projects in redevelopment zones to determine the types of potential efficiencies if the investigation and cleanup of properties contaminated or suspected of being so were done on a multi-parcel basis.

SENATE BILLS

SB 199 (Torlakson) Pollution Control: Grants and Loans (Chapter 1034, Statutes of 2002) This new law increases the grant and loan amount, from \$2.5 million to \$5 million, that the California Pollution Control Financing Authority may award to any city or county to: (1) assist neighborhoods suffering from high poverty or unemployment levels; (2) develop and implement growth policies and programs that reduce pollution hazards and the degradation of the environment; or (3) promote infill development to revitalize communities.

SB 469 (Alpert) Total Maximum Daily Loads (Chapter 20, Statutes of 2002) This new law requires the SWRCB, in consultation with the AB 982 TMDL Public Advisory Group, to prepare, by July 1, 2003 and finalize by January 1, 2004, guidelines for listing and delisting of impaired waters of the state and for developing and implementing the TMDL program. In addition, the law requires the SWRCB, when taking action on a basin plan amendment that is submitted by a RWQCB solely for TMDLs, to comply with deadlines in existing law, unless the proposed amendment is for an exceedingly complex TMDL.

SB 482 (Kuehl) Salton Sea/Quantification Settlement Agreement (QSA) (Chapter 617, Statutes of 2002) This new law revises the Fish and Game Code pertaining to endangered species and fully protected species and makes findings regarding endangered species, the Salton Sea, and the use of Colorado River water. The law also authorizes the DFG to issue an incidental take permit in connection with various actions related to the allocation and transfer of Colorado River water, pursuant to implementation of the QSA.

SB 483 (Sher) Abandoned Mine Cleanup and Reclamation (Chapter 1154, Statutes of 2002) This new law extends by four years, until January 1, 2007, the time allocated to the DOC to remediate and/or complete reclamation of specified abandoned mine lands. The law also requires the DOC to submit an annual report to the Legislature on the scope of work and funding sources for abandoned mine projects proposed for the following year.

SB 526 (Sher) Underground Storage Tanks: Discharges: Closure: Data Storage: Brownfield Sites Insurance (Chapter 37, Statutes of 2002) This new law clarifies closure certification requirements for USTs that may have contained MTBE. Additionally, the law permits the Cal/EPA Secretary to solicit bids for state subsidized brownfields environmental insurance without specifying in advance whether one or multiple providers will be selected.

SB 621 (Costa) Water Bonds (Chapter 1103, Statutes of 2002) This new law appropriates \$3.1 million from the Costa-Machado Water Act of 2000 for infrastructure rehabilitation projects in the Tulare County Water Works District No. 1, the Alpaugh Irrigation District and the Oakhurst area of Madera County.

SB 648 (Senate Environmental Quality Committee) Public Contracts: Preferences: Recycled Products (Chapter 408, Statutes of 2002) This new law makes clarifying and technical changes to the existing reporting requirements of the DGS with regard to procurement and recycled materials. Additionally, this law requires state agencies to continuously review their procedures and specifications for the purchase of lubricating and industrial oils to eliminate any exclusion of recycled oils.

SB 783 (Escutia) Whistleblowers (Vetoed) This bill would have expanded the protections given to employees under the state's whistleblower statute, as well as create a Whistleblower Hotline in the State Attorney General's Office.

SB 987 (Escutia) The Dymally-Alatorre Bilingual Services Act (Vetoed) This bill would have amended the Dymally-Alatorre Bilingual Services Act to revise the definition for determining a "substantial number" of non-English-speaking persons to be based on a percentage of actual customers served or the size of the population in the county. Additionally, the bill would have required that state agencies provide assistance in completing forms available in English, translate materials, or provide interpretation services.

SB 1045 (Polanco) Public Employment and Contracting (Chapter 1165, Statutes of 2002) This new law declares the intent of the Legislature to reaffirm diversity as a public policy goal in public employment and public contracting. The law authorizes governmental agencies to engage in various general recruitment and outreach programs and focused outreach activities to increase diversity in public employment and public contracting. Beginning January 1, 2003, the law requires each state department or agency awarding a contract or procuring goods or services, and authorizes each local agency receiving state funds, to collect information and report annually to the Governor and the Legislature on the participation level of minority, women, and disabled veteran-owned business enterprises in these contract and procurement activities.

SB 1342 (Morrow) Municipal Separate Storm Sewer Systems (MS4s) (Died in the Senate Environmental Quality Committee) This bill would have added a section to the Water Code stating that notwithstanding any other provision of law, waste discharge requirements for MS4s shall conform to the "maximum extent practicable" standard required by the federal Clean Water Act.

SB 1348 (Brulte) Water Conservation (Chapter 321, Statutes of 2002) This new law requires the DWR to take into consideration the degree to which a water agency is implementing or is scheduled to implement the water conservation measures identified in its urban water management plan when evaluating applications for grants and loans made by that agency.

SB 1368 (Kuehl) Water Submetering Devices (Died in the Assembly Business and Professions Committee) This bill would have established standards for water submetering devices in multi-unit buildings, and required the California Department of Food and Agriculture to approve the use of a water submetering device that meets certain standards.

SB 1372 (Machado) Solar Evaporators (Chapter 597, Statutes of 2002) This new law requires the SWRCB, through the adoption of emergency regulations, to establish minimum requirements for the design, construction, operation and closure of solar evaporators and establish a fee schedule for assessing fees on persons operating solar evaporators. The law also establishes procedures to be followed by the RWQCBs to regulate solar evaporators and exempts solar evaporators from the requirements of the Toxic Pits Cleanup Act. The SWRCB will expend fees in its existing Surface Impoundment Assessment Account to implement this law.

SB 1381 (Kuehl) Santa Monica Bay Restoration Commission (Chapter 598, Statutes of 2002) This new law formalizes the structure of and expands the role of the SMBRP, renames it the Santa Monica Bay Restoration Commission, and requires that an MOU be developed to ensure the coordination of state, federal and local programs affecting Santa Monica Bay. The MOU, jointly adopted by the Secretaries of Cal/EPA, the Resources Agency, and the Chair of the Commission's Watershed Council, would delineate authority of the commission, its governance structure, and its membership to include federal, state, and local public agency officials and employees and representatives of other stakeholder interests. The law also creates the Santa Monica Bay Restoration Account in the State Treasury and transfers the balance of General Funds or bond funds currently appropriated to the SMBRP to the new special account. The SWRCB will continue to provide administrative support to the Commission.

SB 1386 (Peace) Personal Information: Privacy (Chapter 915, Statutes of 2002) Commencing July 7, 2003, this new law requires a state agency, a person or business that conducts business in California that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the data, as defined, to any resident of California whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

SB 1444 (Kuehl) Radiation: Contamination (Died in the Assembly) This bill would have set restrictions on the transfer of land for the site of a partial or full reactor meltdown.

SB 1473 (Machado) Water, Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Chapter 618, Statutes of 2002) Proposition 50, which was approved by California voters in November 2002, provides \$500 million for regional water management plans. This new law ameliorates the bond's effect by allowing balancing of positive and negative environmental impacts in determining whether impacts have been fully mitigated. The law also assists the effort to reduce the state's reliance on Colorado River water.

SB 1518 (Torlakson) Recycled Water (Chapter 261, Statutes of 2002) This new law allows sanitation districts to provide recycled water within the boundaries of a city, water district, or other local agency that also provides similar water service. This law also requires urban water management plans submitted by the DWR to include data on the actual amount of recycled water used in the district.

SB 1573 (Karnette) Interagency Aquatic Invasive Species Council (Chapter 599, Statutes of 2002) This new law establishes the Interagency Aquatic Invasive Species Council consisting of representatives of specified state agencies, including the SWRCB, DFG, DWR, DPR, CCC and others. The law requires the DFG, in cooperation with the Council, using existing funds and personnel, to coordinate the development of a comprehensive plan for dealing with aquatic invasive species in California, including monitoring, detection, inspection, enforcement, control, and eradication elements.

SB 1584 (Perata) Environmental Protection (Died in the Senate Rules Committee) This bill would have made technical, nonsubstantive changes in definitions and terms in the law governing brownfields.

SB 1599 (Poochigian) Requests for Stays of Waste Discharge Requirements (Chapter 324, Statutes of 2002) This new law authorizes the SWRCB, in ruling on a petition for review of a RWQCB action on WDRs, to grant a stay to be in effect from the effective date of the WDRs. The SWRCB is required to act on a request for a stay of WDRs within 60 days of accepting the petition. The law also authorizes the Superior Court, in granting a stay pursuant to a petition for review of a SWRCB decision denying a request for a stay of WDRs, to make the stay effective as of the effective date of the WDRs.

SB 1620 (Knight) Conflict of Interest (Chapter 264, Statutes of 2002) This new law requires members of a board or commission of a newly created agency to file statements of economic interest according to the Political Reform Act requirements until the agency adopts an approved conflict of interest code.

SB 1623 (Romero) Radiation Act of 2002 (Died in the Senate Appropriations Committee) This bill would have enacted the Radiation Safety Act of 2002. The bill would have established specified prohibitions against the disposal and transfer of LLPM including materials with residual radiation that had been released for unconditional use following decontamination and de-commissioning.

SB 1628 (Sher) Representation of State Agencies by the Attorney General (Chapter 396, Statutes of 2002) This urgency law, effective as of September 6, 2002, authorizes the SWRCB and CIWMB to request the AG to represent them in actions where another state agency is a party, contract for the services of private counsel, or authorize their own legal counsel when the AG is representing another state agency in litigation involving the SWRCB or the CIWMB.

SB 1647 (Perata) California Economic Stimulus and Public Infrastructure Security and Investment Bond Act (Died on the Senate floor on concurrence) This bill would have created the California Economic Stimulus and Public Infrastructure Security and Investment Bond Fund and authorized the sale of approximately \$1 billion in bonds to finance specified infrastructure improvement projects.

SB 1653 (Costa) California Bay-Delta Act (Chapter 812, Statutes of 2002) This new law establishes a new state agency, the California Bay-Delta Authority, which is responsible for implementing or coordinating implementation of the CALFED Bay-Delta Program Record of Decision. This law will coordinate programs that the Authority and other agencies are carrying out to resolve conflicts over the use of water flowing to the San Francisco Bay/Sacramento-San Joaquin Delta for environmental resources, and water supply. The Authority takes the place of the existing CALFED coalition of state and federal agencies, which are operating under the Implementation Memorandum of Understanding. NOTE: AB 2683 (Chapter 955, Statutes of 2002) was chaptered after SB 1653 and clarifies several provisions relating to the proposed budgets of the implementing agencies, the powers, duties and staff of the Authority.

SB 1672 (Costa) Integrated Regional Water Management Planning Act of 2002 (Chapter 767, Statutes of 2002) This new law creates a method for regional agencies to join forces to adopt regional water management plans.

The law promotes regional water planning among local agencies by giving them a process to develop integrated water management plans, and by giving those agencies that have developed plans preference in state funding for certain water improvement projects.

SB 1684 (Polanco) Redevelopment: Hazardous Substance Releases (Chapter 1004, Statutes of 2002) This new law deletes the January 1, 2004 sunset on the Polanco Redevelopment Act, enacted in 1990, to establish a process to encourage the cleanup and development of properties. By deletion of the sunset date, this new law extends immunity from liability for cleanup actions commencing after January 1, 2004.

SB 1710 (Costa) Safe, Clean and Reliable Water Supply Bond Act of 2002 (Died in the Senate Agriculture and Water Resources Committee) This bill would have enacted the Safe, Clean, and Reliable Water Supply Bond Act of 2002 that would have authorized the sale of approximately \$3 billion in State General Obligation Bonds. The proceeds from these bonds would have been used to finance a water quality and water supply infrastructure improvement program.

SB 1728 (Costa) Ethanol: Biomass Resources (Died in the Senate Transportation Committee) This bill would have required the CEC to adopt guidelines to establish a program to foster the development of new in-state production facilities to produce ethanol for use as an additive in California transportation fuel. The bill would have created the continuously appropriated Ethanol Production Incentive Account in the General Fund and appropriated 25 million dollars from the General Fund to this account for the purpose of funding grants by the CEC. The bill would have required the CEC to provide producers of ethanol and other liquid fuels a market-based production incentive, including a greater production incentive for the production of ethanol from cellulose biomass.

SB 1797 (Brulte) California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002: Administrative Costs (Died in the Senate Natural Resources and Wildlife Committee) This bill would have prohibited any funds appropriated from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (Proposition 40), spent at a certain city park in northern California of historical and cultural significance, or for the El Pueblo Cultural and Performing Arts Center in the County of Los Angeles, from being expended for administrative costs.

SB 1808 (McPherson) State Environmental Goals and Policy Report (Chapter 424, Statutes of 2002) Existing law requires the Governor to prepare, maintain, review and revise a comprehensive State Environmental Goals

and Policy Report and to send the report to the Legislature every four years. This new law requires the OPR to report to the Governor and the Legislature annually on or before January 1 regarding the implementation of that report.

SB 1822 (Sher) Public Water Systems: Public Health Goals: Perchlorate (Chapter 425, Statutes of 2002) This new law defines “public health goal” in accordance with the goals established by OEHHA in developing primary drinking water standards for contaminants in drinking water. The law requires OEHHA to adopt a public health goal for perchlorate by January 1, 2003 and requires the DHS to complete a risk assessment and to adopt a primary drinking water standard for perchlorate by July 1, 2003.

SB 1828 (Burton) Native American Sacred Sites (Vetoed) This bill would have amended CEQA to allow a Native American tribe to veto a permit for a project approved by a public agency that would have a significant adverse effect on a sacred site. The tribe would have had to make their declaration during the public review process for the draft EIR. If the project would have had a significant adverse effect on the sacred site, a public agency could have approved the project if it found there was an overriding environmental, public health or safety reason for the approval and if mitigation measures were incorporated into the final EIR or negative declaration. The bill would also have prohibited a lead agency from approving a reclamation plan for a surface mining operation for gold or other metallic minerals if it was located within one mile of a sacred site or area of special concern.

SB 1854 (Machado) Sacramento-San Joaquin Delta Conservancy Program (Died in the Assembly Appropriations Committee) This bill would have established the Sacramento-San Joaquin Delta Conservancy Program, administered by the State Coastal Conservancy, for the purpose of restoring, enhancing, and protecting agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta.

SB 1870 (Speier) San Francisco Bay Area Regional Water System Financing Authority (Chapter 849, Statutes of 2002) This new law enacts the San Francisco Bay Area Regional Water System Financing Authority Act, creating an entity that is authorized to issue revenue bonds to generate funds for projects that improve the reliability of the Hetch Hetchy regional water system.

SB 1916 (Figueroa) Local Coastal Programs (Died on the Assembly floor on concurrence) This bill would have required local coastal governments, when preparing and adopting a new LCP or proposing major amendments for an existing LCP for certification by the CCC, to incorporate a NPS pollution

prevention element. Local governments, subject to a storm water NPDES permit, approved or amended after March 1, 2000, by a RWQCB, could have incorporated these provisions into the LCP.

SB 1938 (Machado) Groundwater Management (Chapter 603, Statutes of 2002) This new law requires a local agency that develops a groundwater management plan to inform the public how interested parties will be allowed to participate in the plan's development. This law also requires that a plan contain certain components to qualify as a groundwater management plan under state law. The law further requires a local agency to prepare and implement a groundwater management plan before the agency may receive state funds for certain groundwater construction projects.

SB 1949 (Soto) Public Participation (Chapter 604, Statutes of 2002) This new law requires the SWRCB to review the public participation procedures of the nine RWQCBs. After the review, the SWRCB is required to prepare a report for the Legislature, and include recommendations on ways to improve RWQCBs' public participation processes. The law also requires the SWRCB to provide training to RWQCB members and staff to improve public participation procedures, if funding is provided for that purpose.

SB 1963 (Polanco) Hazardous Materials: Brownfields: Liability (Died in the Senate Environmental Quality Committee) This bill would have granted the owner or tenant of a brownfield, as that term is defined, immunity from liability for third-party property damage caused by a hazardous materials release on or from the brownfield, if the owner or tenant could demonstrate that he or she was a prospective purchaser of the brownfield. This immunity would have been in addition to any immunity the prospective purchaser may enjoy under the existing federal Superfund law and the state Superfund law against lawsuits for any contribution brought by persons who have incurred property damage as a result of the release.

SB 1970 (Romero) Radiation Act of 2002 (Vetoed) This bill would have enacted the Radiation Safety Act of 2002. The bill would have established specified prohibitions against the disposal and transfer of low-level radioactive materials including materials with residual radiation that have been released for unconditional use following decontamination and decommissioning.

SB 1993 (Machado) Public Works Projects: Water, Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Died in the Assembly Water Parks and Wildlife Committee) This bill would have required that any contract awarded for a public works project financed with funds from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, be required to pay prevailing wages for project labor.

SB 2050 (Sher) Water Quality: Waivers and Mandatory Minimum Penalties (Died in the Assembly Appropriations Committee) This bill would have authorized the RWQCBs to issue waivers to WDRs if they determine that a waiver and any conditions placed on the waiver are consistent with the basin plan and would not cause a violation of applicable water quality objectives. The bill would also have authorized up to 50 percent of a MMP to be used for a SEP. (NOTE: See AB 2351 for similar subject.)

SB 2065 (Kuehl) Radioactive Waste (Chapter 891, Statutes of 2002) This new law imposes certain informational duties on DHS and on generators of LLRW by requiring: (1) DHS to establish reporting procedures through a public hearing process for LLRW; (2) the generators of LLRW to report specified information to DHS; and (3) DHS to maintain specified files and prepare annual summaries.

SB 2068 (Johannessen) CALFED Bay-Delta Program (Died in the Senate) This bill would have required the Secretary of the Resources Agency to submit to the Legislature an annual report describing the status of the implementation of all elements of the CALFED Bay-Delta Program.

SB 2070 (Johannessen) Water Supply Security and Water Supply Reliability Act of 2002 (Died in the Senate) This bill would have enacted the Water Supply Security and Water Supply Reliability Act of 2002 that would have authorized the sale of State General Obligation Bonds, in the amount of \$2,925,000,000, to finance a water supply security, safe drinking water, water quality, and water supply reliability program.

SB 2088 (Senate Natural Resources and Wildlife Committee) Contaminated Sediments Task Force (Chapter 291, Statutes of 2002) This new law extends by two years, to January 1, 2005, the deadline for the CCC to develop a LTMS for the dredging and disposal of contaminated sediments in the coastal waters of Los Angeles County, based on recommendations of the multi-agency Los Angeles Basin Contaminated Sediments Task Force, which is also extended until January 1, 2005. The Los Angeles RWQCB is represented on the Task Force. The new law also extends by five months, to January 31, 2003, the deadline by which the SLC must submit a report to the Legislature on matters related to ballast water discharges.

SCA 7 (Burton) Access to Government Information (Died in the Assembly) This bill would have proposed that the State Constitution be amended to make access to public records and official meetings of government bodies a fundamental constitutional right of each citizen.

SJR 22 (Torlakson) Gasoline: MTBE (Resolution Chapter 7, Statutes of 2002) This resolution memorializes the United States Environmental Protection Agency to reconsider granting an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement for California, to the extent permitted by the federal Clean Air Act. The resolution additionally memorializes the United States Congress, if an administrative waiver is not granted, to enact legislation that would permit California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements of the federal Clean Air Act for reformulated gasoline, and memorializes the President of the United States to sign that legislation, if enacted.

SJR 25 (Scott) Oxygenate Requirements in Gasoline: Waiver of Federal Requirement (Resolution Chapter 98, Statutes of 2002) This resolution requests the United States Congress to review California's request to be exempted from the gasoline oxygenate additive requirement imposed by the federal Clean Air Act.

