

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

1999 CALIFORNIA LEGISLATION

Table of Contents

Bills by Subject2
Abbreviations5
Assembly Bills6
Senate Bills13

You may also view this publication at the State Water Resources Control Board’s website:
<http://www.swrcb.ca.gov/html/publictns.html>

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 1998 became effective on January 1, 1999, and all bills chaptered in 1999 become effective on January 1, 2000. Urgency bills become effective at the time they are chaptered.

Because this document covers the 1999-2000 legislative session, unchaptered bills appearing in this summary may be acted upon by the Legislature in 2000.

BILLS BY SUBJECT

ABOVEGROUND AND UNDERGROUND TANKS

AB 129	Oller	MTBE and Gasoline
SB 192	Perata	Gasoline
SB 201	Mountjoy	Gasoline and MTBE
SB 272	Leslie	MTBE
SB 482	Baca	TCA Petroleum UST loans
SB 665	Sher	USTs
SB 989	Sher	Groundwater pollution, USTs and MTBE

ADMINISTRATION/BUDGET/REORGANIZATION

AB 18	Villaraigosa	Park Bond
AB 187	Hertzberg	Grant Information Act of 1999
AB 486	Wayne	Administrative Law, Advisory Interpretations
AB 564	Machado	Water Bond
AB 833	Battin	California Environmental Protection Agency
AB 1102	Jackson	Environmental Protection
AB 1103	Lempert	Harbors and Watercraft Revolving Fund
AB 1234	Shelley	Internet Notice of Open Meetings
AB 1239	Leonard	Water Bond
AB 1584	Machado/Costa	Water Bond
AB 1638	Assembly Cmte on Revenue & Tax	Technical amendments to the Board of Equalization's Collection of the UST fee
SB 48	Sher	Public Records, Disclosure
SB 428	Perata	San Francisco Bay Area Water Transit Authority
SB 530	Costa	Water Bond
SB 598	Costa	Water Bond
SB 632	Perata	San Francisco Bay Area Water Transit Authority
SB 1065	Bowen	Public Records, Electronic Format

HAZARDOUS AND SOLID WASTE/SURFACE IMPOUNDMENTS/TOXICS

AB 219	Gallegos	Surface Mining and Reclamation
AB 297	Thomson	Surface Mining
AB 1280	Jackson	Oil and Gas Development
AB 1332	Lowenthal	Non-Hazardous Waste Determination
SB 46	Sher	Solid Waste Management
SB 47	Sher	Superfund Reauthorization
SB 244	Solis	Surface Mining and Reclamation
SB 324	Escutia	Contaminated Property
SB 407	Alpert	Medical Waste Disposal
SB 529	Bowen	Motor Vehicle Fuel
SB 636	Sher	Hazardous Waste Incineration
SB 667	Sher	Hazardous Substances, Response Actions

SB 1253 Sher Climate Change

RECYCLED WATER

AB 237 Machado Recycled Water Studies
AB 446 Oller Recycled Water, Lake Tahoe Basin
SB 855 Haynes Recycled Water

WATER QUALITY/CEQA

AB 50 Migden Health Care
AB 64 Ducheny Public Beach Restoration
AB 511 Wayne Nonpoint Source Pollution
AB 538 Wayne Public Beaches, Bacteriological Standards
AB 604 Jackson Nonpoint Source Pollution
AB 641 Lempert Bay Protection and Toxic Cleanup Program
AB 647 Aroner San Francisco Bay Conservation and Dev. Commission
AB 680 Lempert Oil Spill Prevention: Nonmarine Waters
AB 703 Lempert Ballast Water
AB 717 Keeley Timber Harvest Plans, Watershed Areas
AB 730 Dickerson Watershed Protection
AB 748 Keeley Timber Harvesting Plans, Fees
AB 885 Jackson Coastal On-site Sewage Treatment System
AB 982 Ducheny Water Quality, Total Maximum Daily Loads
AB 1104 Migden Pollution Prevention Plans and Penalties
AB 1189 Oller Regional Water Quality Control Boards
AB 1278 Knox Total Maximum Daily Loads
AB 1293 Mazzoni Nonpoint Source Public Education Programs
HR 27 Bock Dioxin
SB 89 Escutia Environmental Justice
SB 115 Solis Environmental Justice
SB 227 Alpert Nonpoint Source Pollution
SB 390 Alpert Water Quality, Permit Waivers
SB 709 Senate Budget
Committee Clean Water Enforcement and Pollution Prevention
SB 753 Hayden Commercial Fish, Study and Risk Assessment
SB 754 Hayden Los Angeles River Commission
SB 755 Hayden California Environmental Quality Act
SB 807 Senate Committee on
Agriculture & Water Water Projects
SB 1006 Costa Water Softeners
SB 1008 Leslie Water Quality
SB 1088 Poochigian Watershed Management
SB 1157 Sher Water Quality
SB 1294 Polanco Water Quality, Enclosed Bays and Estuaries
SB 1304 Senate Committee
on Env. Quality Environmental Laboratories

WATER RIGHTS

AB 732	Machado	Water Transfer Clearinghouse
AB 786	Machado	San Joaquin River Agreement
SB 136	Knight	Owens Lake Dust Mitigation
SB 153	Haynes	Private Property Rights, Takings Impact Analysis
SB 300	Poochigian	Governmental Liability for Temporary Takings
SB 680	O'Connell	Land and Water Conservation
SB 970	Costa	Water Transfers

WATER SUPPLY/GROUNDWATER

AB 303	Thomson	Groundwater
AB 1219	Kuehl	Land Use, Water Supplies
AB 1420	Margett	Main San Gabriel Groundwater Basin
AJR 5	Margett	Main San Gabriel Groundwater Basin
SB 960	Costa	Groundwater
SJR 8	Solis	Main San Gabriel Groundwater Basin

WETLANDS/FISH & WILDLIFE

AB 524	Machado	Endangered Species and Threatened Species
AB 642	Lempert	Coastal Resources, Wetlands Mitigation and Restoration
AB 993	Shelley	Marine Resources: Marine Life Protection Act
SB 394	McPherson	Aquatic Nuisance Species

ABBREVIATIONS

AB	Assembly Bill
ARB	Air Resources Board
BAR	Bureau of Automotive Repair
Cal/EPA	California Environmental Protection Agency
CDF	California Department of Forestry
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CSU	California State University
CUPA	Certified Unified Program Agency
DBW	Department of Boating and Waterways
DCA	Department of Consumer Affairs
DFA	Department of Food and Agriculture
DFG	Department of Fish and Game
DHS	Department of Health Services
DGS	Department of General Services
DOIT	Department of Information Technology
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
GIS	Geographic Information System
MTBE	Methyl Tertiary Butyl Ether
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OPA	Office of Permit Assistance
OPR	Governor's Office of Planning and Research
PUC	Public Utilities Commission
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SFM	State Fire Marshal
SRF	State Revolving Fund
SWRCB	State Water Resources Control Board
TCA	Trade and Commerce Agency
UC	University of California
USEPA	United State Environmental Protection Agency
UST	Underground Storage Tanks
WDR	Waste Discharge Requirement

ASSEMBLY BILLS

AB 18 (Villaraigosa) – Park Bond (Chapter 461, Statutes of 1999) - This bill would authorize, upon passage by the voters in the 3/00 election, the sale of \$2.1 billion in general obligation bonds to finance a program for acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, and coastal resources. It includes \$25 million for Santa Monica Bay Restoration.

AB 50 (Migden) Health Care (originally was Clean Water Enforcement and Pollution Prevention Act of 1999) (Senate Committee on Governmental Organization) - This bill originally would have required the SWRCB and RWQCBs to require a detailed pollution prevention plan as a condition of issuing waste discharge requirements. The bill also would have added extensive, mandatory enforcement requirements to be implemented by the SWRCB and RWQCBs and would have required publicly owned treatment works to require discharge monitoring reports from their significant industrial users. AB 50 was amended to become a health care bill. [Note: see SB 709 and AB 1104].

AB 64 (Ducheny) Public Beach Restoration (Chapter 798, Statutes of 1999) – This new law establishes the California Public Beach Restoration Program, administered by the DBW and creates the Public Beach Restoration Fund in the State Treasury to provide funding to the extent money is provided in the annual Budget Act for this purpose. The Program requires DBW to develop criteria for the evaluation of projects consistent with the Resources Agency’s policies for shoreline erosion protection, restricts beaches eligible for 100% funding to those in public ownership and with public access, and requires the restoration, enhancement, and nourishment of public beaches through the cost-effective engineered placement of sand on the beach or in the nearshore environment. The new law requires the DBW and the State Coastal Conservancy to submit a joint report to the Legislature, by 1/1/02, detailing the activities and evaluating the effectiveness of the program.

AB 129 (Oller) – MTBE and Gasoline (Assembly Transportation Committee) - This bill would make adding MTBE to gasoline during the manufacturing or refining process or selling or offering gasoline with MTBE a misdemeanor.

AB 187 (Hertzberg) – Grant Information Act of 1999 (Chapter 405, Statutes of 1999) - This new law allows all state agencies to make available on their Internet websites a listing of all the grants they administer along with instructions on how to complete the grant application, to the best of their ability. All state agencies making grant application forms available on the Internet must advise anyone calling them that the information is available on the Internet and that many public libraries provide Internet access, to the extent feasible. This measure would not take effect until 7/1/01, unless otherwise authorized by the DOIT, pursuant to Executive Order D-3-99. This new law is permissive.

AB 219 (Gallegos) Surface Mining and Reclamation (Assembly Natural Resources Committee) - This bill would make changes to the membership of the State Mining and Geology Board. The bill would also, among other things, revise procedures for the submission and review of reclamation plans by a lead agency, and would additionally require the lead agency to notify and provide copies of an application to conduct surface mining operations or an application for the approval of a reclamation plan to the SWRCB, and the appropriate RWQCB of surface mining operations that may impact groundwater quality, as prescribed. The bill would require a lead agency to review a reclamation plan every 5 years. [Note: see SB 244].

AB 237 (Machado) – Recycled Water Studies (Assembly Appropriations Committee) – This bill would require the SWRCB to award grants and enter into contracts to conduct or help finance water recycling studies, investigations, and research related to various categories of use, and would require the SWRCB to study the impacts of discharges from salinity. It would appropriate \$7.5 million to carry out its provisions.

AB 297 (Thomson) Surface Mining (Chapter 869, Statutes of 1999) - This new law allows the Cache Creek Resource Management Plan to serve as a functional equivalent of a reclamation plan required by the Surface Mining and Reclamation Act (SMARA). The State Department of Conservation has to convene a multi-agency task force (the SWRCB is a member) to review the requirements of SMARA and recommend any revisions necessary to incorporate resource management plans in the state's regulation of instream mine reclamation.

AB 303 (Thomson) Groundwater (Senate Appropriations Committee) – This bill would create the Local Groundwater Assistance Fund to be administered by the DWR, to be used for grants to assist local public agencies to carry out groundwater monitoring and management activities.

AB 446 (Oller) Recycled Water, Lake Tahoe Basin (Assembly Water, Parks and Wildlife Committee) – This bill would allow recycled water to be used for fire suppression in the Lake Tahoe basin if it is determined that severe harm to life, property or the environment may occur if the recycled water were not used.

AB 486 (Wayne) Administrative Law – Advisory Interpretations (Vetoed) – This bill would have provided an optional process for administrative agencies to adopt advisory interpretations of statutes, regulations, agency orders, court decisions, or other provision of law the agency enforces or administers, or that governs the agency. It also would have provided a consent regulation procedure an agency may use when taking a noncontroversial regulatory action.

AB 511 (Wayne) Nonpoint Source Pollution (Senate Inactive File) – This bill would define certain terms, for purposes of the California Coastal Act of 1976, and would require that new development in the Coastal Zone comply with a specified NPS management plan pursuant to federal law. The bill would require the California Coastal Commission to prepare, implement and amend the Commission's "Polluted Runoff Plan of the California Coastal Commission" pursuant to federal law and the state's NPS program and to include NPS pollution control as a component of its land-use permitting process.

AB 524 (Machado) Endangered Species and Threatened Species (Senate Natural Resources and Wildlife Committee) - This bill would reenact some of the provisions that were repealed on 1/1/99, regarding state agency consultation on the continued existence of endangered or threatened species.

AB 538 (Wayne) Public Beaches, Bacteriological Standards (Chapter 488, Statutes of 1999) – This new law requires the SWRCB, in consultation with DHS and an advisory panel, to develop, by 9/30/00, protocols for use in conducting source investigations of storm drains that produce discharges that exceed existing bacteriological standards established by DHS pursuant to AB 411 of 1997. The SWRCB is required to report to the Legislature, by 3/31/01, on the methods by which source investigations of storm drain discharges would be conducted.

AB 564 (Machado) Water Bond (Senate Committee on Agriculture and Water Resources) - This bill would enact a framework for the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act which, if adopted pursuant to the State General Obligation Bond Law, would authorize issuance of \$1.89 billion in bonds for purposes of financing a safe drinking water, water quality, flood protection, and water reliability program. [Note: The Water Bond that will appear on the 3/00 ballot is AB 1584 (Machado, Costa) (Chapter 725, Statutes of 1999)]

AB 604 (Jackson) Nonpoint Source Pollution (Vetoed) – This bill would have required the SWRCB, in consultation with the California Coastal Commission, the DHS and other appropriate state agencies, to establish a program strategy and implementation plan and performance goals for the state’s NPS pollution program, pursuant to federal law. If the SWRCB were unable to complete the tasks by specified deadlines, the bill would have allowed the SWRCB to notify the appropriate legislative policy and fiscal committees that these deadlines could not be met. In addition, AB 604 would have required the SWRCB to report to the Legislature on the progress of the program and the resources dedicated to that effort.

AB 641 (Lempert) Bay Protection And Toxic Cleanup Program (Assembly Inactive File) – This bill would require the Bay Protection and Toxic Cleanup Program to perform significant new work related to monitoring bays and estuaries, further characterization of toxic hot spots, and modification of the Regional and Consolidated Toxic Hot Spots Cleanup Plans. The new activities would be funded by a new fee system and the SWRCB’s Cleanup and Abatement Account.

AB 642 (Lempert) Coastal Resources, Wetlands Mitigation and Restoration (Senate Appropriations Committee) – This bill would enact the California Coastal Wetlands Mitigation Banking and Restoration Act of 2000 to require the DFG, in cooperation with other federal, state and local agencies, to adopt regulations that establish standards and criteria for mitigation bank sites in the Coastal Zone. In addition, the State Coastal Conservancy would be required, by 1/1/01, to complete a study to determine the amount of wetlands restoration potential within the Coastal Zone.

AB 647 (Aroner) San Francisco Bay Conservation And Development Commission (BCDC) (Senate Appropriations Committee) – This bill would authorize the BCDC to deny a permit for a proposed project if the project would cause significant, unmitigated impacts to wildlife or wildlife habitat within the shoreline band (i.e., an approximately 100 foot buffer strip around the shore of the bay).

AB 680 (Lempert) Oil Spill Prevention: Nonmarine Waters (Senate Inactive File) – This bill would extend to the nonmarine waters of the state the criminal, civil, and administrative penalties of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act which are currently imposed for persons knowingly causing the discharge or spill of oil or negligently discharging or spilling oil into the marine waters. An oil spill or discharge to nonmarine “waters of the state” means at least one barrel (42 gallons), would not include groundwater, and would be applicable only to a “person” who is the owner or operator of an oil pipeline, oil field production facility, railroad, refinery, or commercial oil transport vessel.

AB 703 (Lempert) Ballast Water (Chapter 849, Statutes of 1999) - This new law makes the currently voluntary United States Coast Guard ballast water exchange program mandatory in California, and requires research and a program evaluation, imposes sampling and monitoring requirements, temporarily limits state agency actions, imposes penalties and fees, and sunsets the law on 1/1/04. The State Lands Commission will implement the program and the SWRCB will prepare an evaluation of

alternatives for treating and managing ballast water to eliminate the discharge of nonindigenous species into the waters of the state.

AB 717 (Keeley) Timber Harvest Plans, Watershed Areas (Assembly Inactive File) - This bill would require the Board of Forestry to adopt regulations requiring timber harvest plans (THPs) to be a public record and contain specified information, and would change the CDF's procedures during the THP public comment period, and would require the CDF to ensure that THPs conform to other applicable law (in addition to its own rules and regulations). The bill would also create penalty enhancements and civil penalties for violating provisions of Chapter 8 (the Z'berg-Nejedly Forest Practice Act) or related rules, and would prescribe that collected penalties be used to support CDF and other responsible agencies for enforcing the chapter and its rules.

AB 730 (Dickerson) Watershed Protection (Assembly Natural Resources Committee) - This bill would require the Secretary of the Resources Agency to carry out a watershed management and rehabilitation program to provide for the restoration of watersheds in the state

AB 732 (Machado) Water Transfer Clearinghouse (Assembly Water, Parks and Wildlife Committee) – This bill would require the California Water Commission to appoint a task force, with specified membership, to investigate and report on third-party impacts of water transfers and a water-transfer clearinghouse.

AB 748 (Keeley) Timber Harvesting Plans, Fees (Assembly Inactive File) - This bill would require the State Board of Forestry and Fire Protection (BOF) to adopt regulations regarding a reasonable timber harvesting plan (THP) fee. It would also create the THP Review Fund to be appropriated to the CDF and the responsible agencies participating in THP review.

AB 786 (Machado) San Joaquin River Agreement (Senate Rules Committee) – This bill makes findings and declarations, including that the Legislature reserves the right to scrutinize the outcome of any adjudicatory proceeding of the SWRCB that may affect the San Joaquin River Agreement. This bill also states the intent of the Legislature to implement the Vernalis Adaptive Management Plan simultaneously with a comprehensive program to improve water quality and water supply in the south Sacramento-San Joaquin Delta, and to increase dissolved oxygen concentration in the San Joaquin River.

AB 833 (Battin) California Environmental Protection Agency (Assembly Natural Resources) - This bill would enact the California Environmental Protection Agency Sunset Review and Regulatory Accountability Act of 1999, to repeal provisions establishing the agency and the Office of the Secretary for Environmental Protection effective 6/30/01.

AB 885 (Jackson) Coastal On-site Sewage Treatment System (Senate Environmental Quality Committee) - This bill would require the DHS to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems (OSTS) within the defined coastal zone by 1/1/01. DHS would be required to consult with the SWRCB, the California Coastal Commission and the California Conference of Directors of Environmental Health. All OSTSs subject to the performance standards would be required to comply with the adopted regulations by either 1/1/03 or three years from the adoption of the standards, whichever is earlier.

AB 982 (Ducheny) Water Quality: Total Maximum Daily Loads (TMDLs) (Chapter 495, Statutes of 1999) – This new law requires the SWRCB to convene an advisory group or groups, consisting of concerned parties including stakeholders and the public, to assist the SWRCB in the review and evaluation of a program to establish TMDLs pursuant to federal Clean Water Act Section 303(d). The law also requires the SWRCB to report to the Legislature annually on the effectiveness of the TMDL program, beginning 11/20/00, and to report to the Legislature on the SWRCB's and RWQCBs' current water quality monitoring programs for the purpose of designing a proposal for a comprehensive statewide monitoring program.

AB 993 (Shelley) Marine Resources: Marine Life Protection Act (Chapter 1015, Statutes of 1999) – This new law establishes the Marine Life Protection Act to evaluate and modify the state's marine protected areas (MPAs). The law requires the DFG to convene a scientific study team to prepare a scientific study that identifies alternatives for MPAs and to provide advice on preferred siting alternatives. By 1/1/02, the DFG is required to submit a draft master plan to the Fish and Game Commission and submit a proposed final plan by 4/1/02.

AB 1102 (Jackson) Environmental Protection (Chapter 65, Statutes of 1999) – This new law contains provisions regarding Cal/EPA management structure, and requires the secretary to establish permit assistance centers throughout the state to provide business and other entities with assistance in complying with laws and regulations implemented by Cal/EPA boards, departments and offices, including an on-line permit assistance center, known as "California Government-On Line to Desktops" (CALGOLD). The law requires the Secretary to establish no more than eight pilot projects for the purpose of evaluating whether and how the use of an environmental management system increases public health and environmental protection. The law defines an environmental management system as a system of standards or guidelines for the management of the activities or processes of a regulated entity that meets specified criteria. Reporting provisions for the pilot projects are included in the law.

AB 1103 (Lempert) Harbors and Watercraft Revolving Fund (Chapter 66, Statutes of 1999) - This new law, among other things unrelated to the SWRCB, allows money in the Harbors and Watercraft Revolving Fund, administered by the DBW to be available to the SWRCB for boating and related water quality regulatory activities.

AB 1104 (Migden) Pollution Prevention Plans and Penalties (Chapter 92, Statutes of 1999) – This new law allows the SWRCB, RWQCBs, or publicly-owned treatment works (POTWs) to require a discharger to complete a pollution prevention plan (PPP), allows a RWQCB to require a POTW to complete a PPP with specified components, and imposes a mandatory minimum penalty for serious or multiple violations of permits within a specified time period. In addition, this law requires a POTW to require a PPP as part of the pretreatment requirement for dischargers to the POTW and codifies the intent of the Legislature that the SWRCB and RWQCBs address permitting, enforcement, and monitoring issues pursuant to applicable federal and state law. Certain provisions of AB 1104 are superseded by SB 709. [Note: see AB 50 and SB 709].

AB 1189 (Oller) Regional Water Quality Control Boards (Assembly Water, Parks and Wildlife Committee) - This bill would allow the Governor to remove any member of a RWQCB for good cause, as defined. It would require RWQCBs to conduct annual evaluations of their executive officer and assistant executive officer in a public hearing. It would further require each RWQCB to prepare an annual report regarding water quality in its region, with specified contents, and to consider, at a public

hearing, the recommendations of concerned federal, state, and local agencies relating to water quality problems in its region. Finally, the bill would require upon the completion of the hearing, for the RWQCB, by resolution, to make findings with regard to a specified set of concerns.

AB 1219 (Kuehl) Land Use, Water Supplies (Assembly Local Government Committee) – This bill would establish requirements on land use decisions relative to assuring that there is an adequate water supply.

AB 1234 (Shelley) Internet Notice of Open Meetings (Chapter 393, Statutes of 1999) – This new law amends the Bagley-Keene Act to require state agencies to post notice of regular, special and emergency meetings on the Internet, and requires that written notice of such meetings include the Internet address where the notice may be found. The new law specifies that the provisions shall not be implemented until 7/1/01, unless otherwise authorized by the DOIT pursuant to an executive order. In addition, it authorizes the Attorney General, the district attorney or another interested party to commence an action by mandamus, injunction, or declaratory relief for violation of this bill, including past actions or threatened future actions by members of a state body. Finally, this law extends the time for commencing an action for judicial determination of violation of the Bagley-Keene Act from 30 days to 90 days.

AB 1239 (Leonard) Water Bond (Assembly Environmental Safety and Toxic Materials Committee) – This bill, the Safe Drinking Water, Clean Water, Flood Prevention, and Water Supply Act, would propose a general obligation bond for the 3/00 ballot. It would authorize \$2.05 billion to fund various flood protection, drinking water, and water quality programs. [Note: The Water Bond that will appear on the 3/00 ballot is AB 1584 (Machado, Costa) – (Chapter 725, Statutes of 1999)]

AB 1278 (Knox) Total Maximum Daily Loads (TMDLs) (Assembly Inactive File) – This bill would require the SWRCB and the RWQCBs to develop and implement TMDLs for impaired waterbodies that meet or exceed all applicable federal requirements. The bill states legislative intent that TMDLs include the intent to prohibit the exchange of water quality improvements in one waterbody for a discharge or degradation of water in another waterbody, and the intent to have TMDLs developed consistent with schedules contained in court orders pertaining to TMDL lawsuits, to which the state is not a party.

AB 1280 (Jackson) Oil and Gas Development (Assembly Unfinished Business) - This bill would require that all oil extracted under the sea be transported by pipeline to onshore processing and refining facilities. It would require the best achievable technology be used to seal all closed or abandoned offshore wells.

AB 1293 (Mazzoni) Nonpoint Source Public Education Programs (Vetoed) – This bill would have authorized the DBW to establish a program to provide environmental education to the boating public, with the objective of preventing and reducing boating-related water pollution. The bill would have required DBW, if it established the program, to consult with specified state and local governmental agencies, including the SWRCB, as appropriate and necessary to implement the program. In addition, the bill would have (1) extended the California Coastal Commission's public education and outreach programs beyond the Coastal Zone to include populations throughout a coastal watershed, (2) required that information relating to NPS pollution prevention and reduction be included, and (3) required that these programs be coordinated with the SWRCB and appropriate RWQCB.

AB 1332 (Lowenthal) Non-Hazardous Waste Determination (Chapter 629, Statutes of 1999) -

This new law requires the DTSC to develop and implement a comprehensive training, education, and enforcement program to increase awareness of the requirements governing the determination on whether a waste is hazardous and to enforce those requirements

AB 1420 (Margett) Main San Gabriel Water Basin (Assembly Appropriations Committee)–

This bill would appropriate \$10 million from the General Fund to the SWRCB to allocate to the San Gabriel Basin Water Quality Authority for grants and loans to implement groundwater remediation demonstration projects in the Main San Gabriel Groundwater Basin.

AB 1584 (Machado/Costa) Water Bond (Chapter 725, Statutes of 1999) –

This bill, the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Prevention Act, is a general obligation bond proposal for the 3/00 ballot. It authorizes \$1.97 billion to fund various flood protection, drinking water, water quality and water reliability programs. Of this amount, \$695 million is for programs administered by the SWRCB.

AB 1638 (Committee on Revenue and Tax) Technical Amendments to the Board of Equalization's (BOE) collection of the UST fee (Chapter 929, Statutes of 1999) -

This new law conforms the special taxes and fees administered by the BOE to the federal taxpayer Bill of Rights and partially conforms the sales and use tax to the Internal Revenue Service Restructuring and Reform Act of 1998. BOE collects the mil fee from UST owners and operators, which is used to fund the UST Cleanup Fund. These changes should not impact the amount or timing of the funds to the UST Cleanup Fund and would not have any impact on the SWRCB.

AJR 5 (Margett) Main San Gabriel Groundwater Basin (Assembly Environmental Safety and Toxic Materials Committee) –

This resolution would memorialize the President and Congress to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin. [Note: originally this resolution was identical to SJR 8 (Solis) (Res. Chapter 66, Statutes of 1999)].

HR 27 (Bock) Dioxin (Adopted) –

This resolution declares the urgent need to scientifically determine the extent to which dioxins are a genuine threat to public health and the environment, and to discover the various paths by which dioxins are introduced into the environment, to determine the proportional sources of dioxin pollution, and to develop an integrated, comprehensive, and science-based regional strategy for the reduction of further dioxin pollution in the San Francisco Bay area.

SENATE BILLS

SB 46 (Sher) Solid Waste Management (Vetoed) - This bill would have, among other things, required the CIWMB to avoid duplicate reporting and information gathering by coordinating used oil recycling activities with other state agencies, including the SWRCB. The bill would have required one of the gubernatorial CIWMB appointees to serve as an elected mayor or member of a city council or a board of supervisors. Lastly, this bill would have made numerous technical and clarifying changes to the integrated waste management law.

SB 47 (Sher) Superfund Reauthorization (Chapter 23, Statutes of 1999) - This new law extends the recently sunsetted California Superfund law indefinitely, and provides that any action taken pursuant to the former law by the DTSC, SWRCB and RWQCBs or any other state or local agency would remain in effect after January 1, 1999 and would be subject to this new law. Anyone may now enter into an enforceable agreement with DTSC for cleanup actions at sites with petroleum releases from other than an underground storage tank, under certain conditions. DTSC or the RWQCBs must require any responsible party who is required to comply with operation and maintenance requirements as part of a response action, to demonstrate and to maintain financial assurance, including requirements found in hazardous waste site regulations. Any response action taken or approved must be based on, and be no less stringent than specified requirements.

SB 48 (Sher) Public Records, Disclosure (Vetoed) – This bill would have required that written requests for inspection or copies of public records be addressed to the head of each public agency, or designated agency official. It also would have provided for Attorney General (AG) review of a denial of a request to inspect or receive a copy of a public record, under specified procedures. The bill also would have outlined penalties for agencies that failed to comply with the AG’s review opinion, and would have provided criteria to determine the penalty amount. Finally, it stated legislative intent that the AG’s opinion be accorded due deference by the courts as an administrative interpretation of the California Public Records Act.

SB 89 (Escutia) Environmental Justice (Senate Appropriations Committee) – This bill would require OPR, on or before 1/15/00, to convene a Working Group on Environmental Justice, with specified membership. The Working Group would be required to perform specified tasks before 6/1/00. The substantive provisions of this bill were only to become law if SB 115 (Solis) was enacted.

SB 115 (Solis) Environmental Justice (Chapter 690, Statutes of 1999) – This new law defines environmental justice, and states that OPR is the coordinating agency for environmental justice programs. The law requires OPR and Cal/EPA to take specified actions regarding the implementation of environmental justice.

SB 136 (Knight) Owens Lake Dust Mitigation (Assembly Appropriations Committee) – This bill would delete the current Health and Safety Code provision that Los Angeles’ mitigation efforts for air quality in the Owens Valley not affect Los Angeles’ water rights. The bill would make Los Angeles fully responsible for costs associated with air quality mitigation measures, including any necessary reimbursement costs to the state.

SB 153 (Haynes) Private Property Rights, Takings Impact Analysis (Senate Judiciary Committee) – This bill would require public agencies to minimize the number of agency actions that may

significantly impair the use of private property, and would require, with some exceptions, the agencies to conduct a takings impact analysis prior to a taking that may significantly impair the use of private property. The bill specifies the contents of the takings impact analysis, and requires that it be available to the public. Finally, this bill specifies requirements for public agency mitigation obligations and exactions.

SB 192 (Perata) Gasoline (Assembly Unfinished Business) - This bill would prohibit the sale of gasoline containing MTBE after 1/1/03 and requires the California Energy Commission to submit quarterly reports on how much MTBE is used by every refinery in California.

SB 201 (Mountjoy) Gasoline and MTBE (Senate Environmental Quality Committee) - This bill would require the DHS to provide public service announcements where MTBE-free gasoline is available before 10/31/00.

SB 227 (Alpert) Nonpoint Source Pollution (Chapter 560, Statutes of 1999) – This new law requires the SWRCB and RWQCBs, in consultation with the California Coastal Commission and other appropriate state agencies and advisory groups, to prepare a detailed NPS pollution control program, pursuant to the federal Clean Water Act and the federal Coastal Zone Act Reauthorization Amendments of 1990 by 2/1/01. In addition, SB 227 requires the SWRCB, in consultation with the Commission and other appropriate agencies, to make available to the Legislature and public annually all NPS reports required by federal law to be prepared in the previous fiscal year, and a summary of those reports.

SB 244 (Solis) Surface Mining and Reclamation (Senate Natural Resources And Wildlife Committee) - This bill would make changes to the membership of the State Mining and Geology Board. The bill would also, among other things, revise procedures for the submission and review of reclamation plans by a lead agency, and would additionally require the lead agency to notify and provide copies of an application to conduct surface mining operations or an application for the approval of a reclamation plan to the SWRCB, and the appropriate RWQCB of surface mining operations that may impact groundwater quality, as prescribed. The bill would require a lead agency to review a reclamation plan every 5 years. [Note: see AB 219].

SB 272 (Leslie) MTBE (Senate Environmental Quality Committee) - This bill would make selling gasoline containing MTBE a misdemeanor.

SB 300 (Poochigian) Governmental Liability for Temporary Takings (Senate Judiciary Committee) – This bill would make a state agency liable to a private property owner for a temporary taking of the owner's real property under specified conditions. This bill is intended to supersede the decision of the California Supreme Court in *Landgate, Inc. v. California Coastal Commission*, 17 Cal. 4th 1006.

SB 324 (Escutia) Contaminated Property (Assembly Environmental Safety and Toxic Materials Committee) - This bill would require the DTSC to prepare a study that evaluates the incentives that may encourage the cleanup and reuse of contaminated land, excluding state and federal Superfund sites.

SB 390 (Alpert) Water Quality, Permit Waivers (Chapter 686, Statutes of 1999) – This new law authorizes the RWQCBs, on and after 1/1/00, to waive specified requirements as to a specific discharge or type of discharge if the waiver is not against the public interest. In addition, this law authorizes enforcement actions for violations of waiver conditions and certifications and requires the RWQCBs to

review their waiver policies at a public hearing prior to renewing any waivers, which can be renewed for no longer than five years. Waivers in effect on 1/1/00 would be valid for three years, unless terminated prior to expiration, and then can be renewed for five years. This law codifies directives in the 1999 Budget Act that require the SWRCB to report to the Legislature on the funding needs for its core regulatory programs, including a review of the current fees collected by the SWRCB.

SB 394 (McPherson) Aquatic Nuisance Species (Chapter 185, Statutes of 1999) – This new law extends to 1/1/04 the sunset on the DFG's Aquatic Nuisance Species Prevention and Control program that is intended to monitor and prevent the introduction of these species via vessel ballast water exchanges.

SB 407 (Alpert) Medical Waste Disposal (Chapter 139, Statutes of 1999) - This new law allows chemically disinfected liquid and semi-liquid medical waste generated by laboratories to be discharged to a public sewage treatment system if it does not violate the sewage system's RWQCB-approved waste discharge requirements. The chemical disinfection method would have to be published by the National Research Council, the National Institutes of Health, or the Centers for Disease Control and Prevention, or American Biological Safety Association or chemical disinfection would have to be identified in the site's medical waste management plan approved by the DHS.

SB 428 (Perata) San Francisco Bay Area Water Transit Authority (Chapter 1011, Statutes of 1999) - This new law would create a comprehensive high-speed water transit agency to promote and operate various ferry services and complementary transportation services in the San Francisco Bay Area.

SB 482 (Baca) TCA Petroleum UST Loans (Chapter 516, Statutes of 1999) - This new law extends TCA's Repair and Replace Underground Storage Tank program to 1/1/02.

SB 529 (Bowen) Motor Vehicle Fuel (Chapter 813, Statutes of 1999) - This new law would require the California Environmental Policy Council to identify and evaluate all significant beneficial and adverse impacts on the environment that may result from any fuel specific action proposed or established by the ARB on or after 1/1/00, and to prepare related written findings and recommendations.

SB 530 (Costa) Water Bond (Assembly Water, Parks And Wildlife Committee) – This bill, similar to AB 564 (Machado), would enact the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$1.89 billion for purposes of financing a safe drinking water, water quality, flood protection, and water reliability program. [Note: The Water Bond that will appear on the 3/00 ballot is AB 1584 (Machado, Costa) (Chapter 725, Statutes of 1999)].

SB 598 (Costa) Water Bond (Assembly Inactive File) - This bill would enact the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$1.765 billion for purposes of financing a safe drinking water, water quality, flood protection, and water reliability program. [Note: The Water Bond that will appear on the 3/00 ballot is AB 1584 (Machado, Costa) (Chapter 725, Statutes of 1999). Originally, this bill would have allowed UST owners to pay a single deductible if their USTs were located in a county that did not have a UST permit program prior to 1/1/90].

SB 632 (Perata) San Francisco Bay Area Water Transit Authority (Assembly Second Reading File) - The bill would require the authority to prepare and adopt a San Francisco Bay Area water transit

implementation and operations plan, and to operate a comprehensive bay area regional public water transit system, as specified. [Note: Earlier versions of this bill were identical to AB 237 (Machado) – Recycled Water. See also SB 428 (Perata)].

SB 636 (Sher) Hazardous Waste Incineration (Chapter 420, Statutes of 1999) - This new law requires the DTSC to notify the public and SWRCB and RWQCBs, among others, when they reclassify a hazardous waste and shift the regulation of the waste to the solid waste and water quality regulatory systems. This new law also repeals an obsolete code section allowing the state to operate a hazardous waste incinerator.

SB 665 (Sher) USTs (Chapter 328, Statutes of 1999) - This new law would 1) clarify that the Fund is a state entity, 2) define “regulatory technical assistance” and limit reimbursement to \$3,000 per occurrence, 3) not allow the SWRCB to reimburse a claimant for eligible costs if the claimant will be compensated by someone else for the same costs, 4) revise the SWRCB’s closure and petition requirements and the uniform closure letter, 5) specify procedures for review of a workplan for corrective action and for preapproval of corrective action costs, 6) revise the limitations on the SWRCB’s authority to suspend corrective action or investigation work at a site, 7) specify required information for the UST data storage system, and 8) make several technical amendments.

SB 667 (Sher) Hazardous Substances, Response Actions (Assembly Environmental Safety and Toxic Materials Committee) – This bill would amend the recently reenacted State Superfund law (see SB 47) to exclude governmental responsible parties from the financial assurance requirements and require the RWQCBs to develop public participation plans.

SB 680 (O’Connell) Land and Water Conservation (Assembly Appropriations Committee) – This bill, the California Land and Water Conservation Act of 1999, would establish a tax credit for taxpayers who donate real property as defined to the state, local governments, or specified nonprofit organizations. The Secretary of the Resources Agency would administer the program, which would provide a tax credit to equal 55 percent of the fair market value of the qualified donation.

SB 709 (Senate Budget Committee) Clean Water Enforcement And Pollution Prevention (Chapter 93, Statutes of 1999) – This new law (reflecting the original AB 50) allows the SWRCB, a RWQCB, or a publicly-owned treatment works (POTW) to require a discharger to complete a pollution prevention plan (PPP); allows a RWQCB to require a POTW to complete a PPP with specified components; and, imposes a mandatory minimum penalty for serious or multiple violations of a permit within a specified time period. The POTWs are required to require a PPP as part of the pretreatment requirements for dischargers to the POTW. This law states legislative intent that the SWRCB and RWQCBs address permitting, enforcement, and monitoring issues pursuant to applicable federal and state laws. In addition, the SWRCB is required to submit an annual report, beginning 3/1/01, to the Legislature regarding its enforcement activities, including a record of the formal and informal compliance and enforcement actions taken for each violation, the effectiveness of current enforcement policies, and recommendations for improvement to the enforcement program. Certain provisions of SB 709 prevail over AB 1104. [Note: see AB 50 and AB 1104].

SB 753 (Hayden) Commercial Fish, Study and Risk Assessment (Assembly Appropriations Committee) - This bill would establish the Comprehensive Safe Sport and Commercial Fish Study and Risk Assessment Program, which would require OEHHA to conduct a comprehensive survey of three

species each of sport and commercial fish in California and to prepare a health risk assessment based on that survey. The bill would require the office to conduct a survey and prepare a health risk assessment every five years, and to notify, and to the extent feasible, share specific information with other state agencies, including the SWRCB, regarding the findings of surveys and health risk assessments. This bill would require the Director of DFG to order the closure of any waters or otherwise to restrict the taking under a commercial fishing license in state waters of any species if the Director of OEHHA determines that the species of fish is likely to pose a human health risk from high levels of toxic substances. This bill would require the Director of OEHHA to notify, and to the extent feasible, share specific information with other state agencies, including the SWRCB, regarding any closure or restrictions.

SB 754 (Hayden) Los Angeles River Commission (Vetoed) - This bill would have created a 13-member Los Angeles River Conservation and Restoration Commission chaired by the Secretary of the Resources Agency. By 1/1/01, the Commission would have been required to submit to the Legislature a scope of work for the development of a plan for the conservation and restoration of the Los Angeles River watershed. Members of the Commission would have included, but not be limited to, representatives of the State Coastal Conservancy, Santa Monica Mountains Conservancy, Director of Water Resources, Los Angeles County Department of Public Works, U. S. Army Corps of Engineers, Los Angeles San Gabriel Watershed Council, as well as the Executive Officer of the Los Angeles RWQCB.

SB 755 (Hayden) California Environmental Quality Act (Senate Appropriations Committee) – This bill would amend CEQA to either codify current practice or increase the level of environmental protection provided in the areas of mitigation measures and findings, use of prior documents, and project disapproval.

SB 807 (Senate Committee on Agriculture) Water Projects (Chapter 779, Statutes of 1999) - This new law would, among various technical cleanup provisions that do not impact the SWRCB, correct a reference in the law that describes the SWRCB's review of orders and decisions.

SB 855 (Haynes) Recycled Water (Chapter 173, Statutes of 1999) – This new law allows a customer to request a public agency retail water supplier to enter into an agreement or adopt recycled water rates in order to provide recycled water service to the customer. The bill requires the supplier to submit a written offer to the customer not later than 120 days from the date on which the retail water supplier receives the written request from the customer. If rates are not in effect for recycled water service, the law requires the public agency retail supplier to establish rates and conditions for the recycled water within 120 days from the date on which the customer requests a contract; or, not later than 120 days from which the retail water supplier receives the customer's written request for an ordinance or resolution.

SB 960 (Costa) Groundwater (Senate Unfinished Business File) - This bill would revise the definition of groundwater basin to exclude a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute. The bill would also revise the definition of recharge area to include in-lieu recharge areas.

SB 970 (Costa) Water Transfers (Chapter 938, Statutes of 1999) – This new law makes several changes and additions to the Water Code related to the approval and processing of water transfers. This measure also provides that only temporary fallowing, not permanent fallowing, constitutes water

conservation, and defines land fallowing and crop rotation as land practices, involving nonuse of water, used in the course of agricultural production to maintain or promote the productivity of agricultural land.

SB 989 (Sher) Groundwater pollution, USTs and MTBE (Chapter 812, Statutes of 1999) - This new law requires the removal of MTBE from California's gasoline at the earliest possible date and addresses the prevention and cleanup of groundwater contamination caused by leaking USTs in several ways and enacts and expands on some of the mandates in the Governor's Executive Order (D-5-99) and some of the recommendations in the "*Report of the State Water Resources Control Board's Advisory Panel on the Leak History of New and Upgraded UST Systems.*"

SB 1006 (Costa) Water Softeners (Chapter 969, Statutes of 1999) – This new law allows local agencies to adopt ordinances to limit or prohibit residential water softening or conditioning appliances that discharge into the community sewer system if specified conditions are met.

SB 1008 (Leslie) Water Quality (Senate Environmental Quality Committee) - This bill would require the SWRCB, in consultation with the Lahontan RWQCB to either rescind certain water quality standards and control measures set forth in the Lahontan Regional Water Quality Control Plan for the Lake Tahoe Basin, or modify those standards and measures for the purpose of making them identical to the requirements set forth in the area waste treatment management plan that is implemented by the Tahoe Regional Planning Agency pursuant to specified provisions of the Clean Water Act. The bill would prohibit the Lahontan RWQCB from prescribing waste discharge requirements for discharges associated with construction activities that are subject to regulation by the Tahoe Regional Planning Agency.

SB 1088 (Poochigian) Watershed Management (Senate Environmental Quality Committee) - This bill would enact the California Watershed Planning Act to authorize a local agency, and a state agency if certain requirements are met, to undertake a watershed management program pursuant to the act.

SB 1065 (Bowen) Public Records, Electronic Format (Vetoed) – This bill would have amended the Public Records Act to require an agency to provide electronic format data in an electronic format upon request. The agency would have been required to make the information available in any electronic format in which it holds the information, and to provide a copy of an electronic record in the format requested if that format has been used by the agency to create copies for its own use or for other agencies.

SB 1157 (Sher) Water Quality (Senate Rules Committee) - This bill would make legislative declarations and declare legislative intent concerning water quality protection and pollution prevention programs.

SB 1253 (Sher) Climate Change (Vetoed) - This bill would have required, among other things, the California Energy Commission to consult the SWRCB and other state agencies when the Commission updates its greenhouse gas emissions inventory and gathers information.

SB 1294 (Polanco) Water Quality, Enclosed Bays and Estuaries (Senate Rules Committee) – This bill, regarding the advisory committee that assists in the implementation of specified provisions relating to enclosed bays, estuaries, and adjacent waters in the contiguous zone or ocean, would require the committee to meet every three months.

SB 1304 (Senate Environmental Quality Committee) Environmental Laboratories (Chapter 372, Statutes of 1999) – This new law enables DHS to become the National Environmental Laboratory Accreditation Program's (NELAP) recognized authority for accreditation of environmental laboratories in California, and directs DHS to develop certification standards and procedures that are consistent with national laboratory certification standards. In addition, this law requires annual NELAP certification renewal and prescribes the conditions under which NELAP accreditation or annual renewal will be denied.

SJR 8 (Solis) Main San Gabriel Groundwater Basin (Res. Chapter 66, Statutes of 1999) – This resolution memorializes the President and Congress to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin [Note: originally this resolution was identical to AJR 5 (Margett)].