

To Division Chiefs and Above

Date: October 25, 1982

Memorandum

From STATE WATER RESOURCES CONTROL BOARD

Subject: LEGISLATIVE SUMMARY FOR THE SECOND HALF OF THE 1981-82 SESSION

During the 81-82 legislative session, a number of bills that have both direct and indirect bearing on the actions of the State and Regional Boards have been enacted. This summary discusses new laws relevant to us, as well as significant bills which did not pass.

The legislation is listed under four categories: (1) enacted legislation affecting the Water Code; (2) enacted legislation affecting related codes; (3) other enacted legislation of interest; and (4) legislation which did not become law. Copies of statutes amending or adding to the Water Code are included as an attachment so that language may be incorporated into your personal copies of the Water Code.

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

ENACTED LEGISLATION AFFECTING THE WATER CODE

AB 2281(Lehman). Oil and Hazardous Substance Reporting. (Stats. of 1982, Chapter 1480).

This statute adds Section 13272 to the Water Code relating to pollution. It requires any person who spills one or more barrels of oil to state waters to notify the Office of Emergency Services, the appropriate federal agency, or the appropriate Regional Water Board as soon as possible. Violation of this reporting requirement is a misdemeanor punishable by a fine from \$500 to \$5,000 for each day of failure to notify, or imprisonment of not more than one year, or both. However, no penalty may be imposed upon a person who has been fined by the federal government for the same offense.

AB 2440(N. Waters). Small Hydroelectric Facilities. (Stats. of 1982, Chapter 1482).

This statute adds Sections 110, 1250.5, and 1525.5 to the Water Code. It makes several changes in handling water right applications for small hydroelectric facilities. The statute requires the Board to act upon all applications for retrofit hydro facilities no greater than 30 megawatts, or new facilities no greater than 5 megawatts, within one year. The Board could extend this time period by an additional one year under certain conditions. The time limit would not begin until the application is deemed complete and an instream beneficial use assessment has been filed with the Board. This assessment is intended to allow the Department of Fish and Game and other parties interested in instream uses to develop the information necessary for CEQA review and balancing of the public interest on each application prior to beginning the

of reclamation or conservation efforts may be transferred. Petitioners must pay the Board a fee covering the reasonable costs for processing the petition. The statute also authorizes the Water Board to approve temporary, urgency changes in an appropriator's place of use, purpose of use, or point of diversion in response to emergency conditions.

AB 2733(Lewis). County Water District Bonds. (Stats. of 1982, Chapter 693).

This statute adds Section 31393 to the Water Code, relating to Yorba Linda County Water District bonds.

SB 1561(Maddy). Irrigation District Indebtedness. (Stats. of 1982, Chapter 1641).

This statute amends Sections 24253 and 24628.5 of, and adds Sections 20560.1, 20560.2, and 24675 to the Water Code relating to irrigation district indebtedness. The statute exempts any irrigation district that owns or operates electric power facilities from all provisions of the Districts Securities Law and any other provisions requiring State Treasurer approvals of district financing for power generation, transmission, distribution or sale of electricity. Additionally, it authorizes districts to borrow money for financing these works by the issuance of notes according to prescribed procedures.

SB 1616(Johnson). Channel Clearing and Desnagging. (Stats. of 1982, Chapter 795).

This statute adds Section 8539 to the Water Code. The statute appropriates money to the State Reclamation Board for channel clearing and desnagging work within the Sacramento and San Joaquin Rivers and their tributaries. This statute was an urgency measure and became effective July 1, 1982.

SB 2052(Marks). Onsite Wastewater Disposal. (Stats. of 1982, Chapter 1257).

This statute amends Sections 31143.3 and 31148 of the Water Code, so that the governing boards of the San Lorenzo Valley District and the Stinson Beach County Water District are authorized, with the consent of the owner or lienholder of the wastewater disposal system, to issue improvement bonds pursuant to the Improvement Act of 1911, and to represent and be secured by the lien.

ENACTED LEGISLATION AFFECTING RELATED CODES

Public Resources Code

AB 1349(Bosco). Wild and Scenic Rivers. (Stats. of 1982, Chapter 1481).

This statute makes numerous changes in the California Wild and Scenic Rivers Act, adding or changing several definitions, and as a result, restricting the scope of the state system. It deletes designated Smith River tributaries from the system, but prohibits the construction of dams, diversions or impoundments on certain of these tributaries. Under existing law, state agencies, including the Water Board, are prohibited from assisting or cooperating in planning projects which adversely effect the free-flowing, natural conditions of rivers in the system. This law limits that prohibition only to dams, diversions or other water impoundments. AB 1349 also codifies the classification for the various rivers within the system, currently a responsibility of the Resources Secretary. It requires studies by the Resources Agency and the Department of Fish and Game on the condition of the state system, salmon and steelhead

one-year time frame. The statute also requires that the fee for these water right applications cover the reasonable costs of the Water Board and the Department of Fish and Game in evaluating and processing applications. This bill was an urgency statute and went into effect August 27, 1982.

AB 2887(N. Waters). Water: Instream Beneficial Uses. (Stats. of 1982, Chapter 1472).

This statute adds Part 2.5 (commencing with Section 10600) to Division 6 of the Water Code. This statute attempts to reduce the local demands to develop additional water supplies from the South Fork of the American River between Chili Bar Reservoir and the Salmon Fall Bridge in order to preserve the significant instream uses of this stretch of the river. It requires the Department of Water Resources identify alternative water sources which would meet local water needs and preserve most or all of the instream beneficial uses on that portion of the American. DWR can recommend the Legislature provide state financial assistance for implementation of the alternative solution. The bill requires the Water Board, if the Legislature provides such financial assistance, to give great weight to the preservation of the instream beneficial uses saved as a result of this financial assistance in considering any subsequent permit or license to be issued for a project on that stretch of the river.

AB 2868(N. Waters). Clean Water Program. (Stats. of 1982, Chapter 1360).

This statute amends Section 35580 of the Water Code, relating to water agencies. Although this bill initially dealt with the Clean Water Grant Program, as enacted it broadens the authority of the Sacramento County Water Agency and has no impact on the Water Board.

AB 3132(Lehman). Water Rights: Hydroelectric Power. (Stats. of 1982, Chapter 1484).

This statute adds Section 106.7, and Article 7 (commencing with Section 1490) to Chapter 7, Part 2, Division 2 of the Water Code. The statute codifies portions of a policy of the Governor's Small Hydro Task Force which provides that the state shall encourage development of environmentally compatible small hydroelectric projects provided that such projects are not located within environmentally sensitive areas. These areas include: components of the National or California Wild and Scenic River System; any state or federally designated wilderness area; and any areas designated as a critical Condor habitat by the U.S. Fish and Wildlife Service. Additionally, this statute codifies Water Board policy to expedite applications for development of small hydroelectric facilities where there will be no significant adverse environmental impacts.

AB 3491(Katz). Water Rights. (Stats. of 1982, Chapter 867).

This statute amends Sections 109, 1010, 1011, and 1427 of, and adds Chapter 3.1 (commencing with Section 380) to Division 1, and Chapter 6.6 (commencing with Section 1435) to Part 2, Division 2 of the Water Code. It directs all state agencies, particularly the Department of Water Resources and the Water Board, to encourage and provide technical assistance concerning voluntary transfers of water. It authorizes local water agencies to sell, under specified circumstances, water outside agency boundaries for a period of up to seven years. The Water Board could approve such a transfer if it finds that the transfer may be made without injuring any existing water right, without unreasonably affecting fish, wildlife or other instream beneficial uses, and without unreasonably affecting the overall economy of the area from which the water is being transferred. It makes clear that water made available because

habitat, and protection of fishery and wildlife values. As a whole, the changes made by this bill have resulted in a more restrictive program of protection than that offered by existing law, although it eliminates some of the uncertainty and inefficiency associated with current law.

AB 2737(Lehman). Energy Resources. (Stats. of 1982, Chapter 524).

This was merely a technical bill which revises the definition of "alternative sources" of energy as defined in the California Alternative Energy Source Financing Authority Act to include, among others, the use of hydroelectricity under 30 megawatts, instead of the previously used 25 megawatt standard.

AB 2770(Sher). Forest Practices. (Stats. of 1982, Chapter 1489).

This statute, the California Timberland Productivity Act of 1982, makes three significant changes in law governing timberlands: (1) strengthens state policies to maintain timberland in production, discouraging encroachment by incompatible uses; (2) prohibits nuisance declarations for timber operations conducted pursuant to the Forest Practices Act unless the operations endanger public health or safety or prohibit free passage or use of a body of water; and (3) establishes procedures for issuing a stop-order by a forester, based on reasonable cause, to prevent the continuation of timber operations which would result in imminent and substantial harm to natural resources.

AB 3493(Bosco). Hydroelectric Projects. (Stats. of 1982, Chapter 1478).

This statute requires the Department of Fish and Game to identify and list by January 1, 1984, streams within the state for which minimum flow levels need to be established in order to assure continued viability of stream-related fish and wildlife resources. The Department is then required, in consultation with interested agencies and parties, to develop by January 1, 1986, proposed minimum flow standards for those streams and transmit the standards to the Water Board. The law is silent on what the Water Board must do with these proposed standards. The Department, at its own motion or at the request of the Water Board, may review any streamflow standard and propose a revision or modification.

SB 856(Keene). Forest Practices: Timber Operations Inspection. (Stats. of 1982, Chapter 1561).

Under existing law, the Z'berg-Nejedly Forest Practice Act of 1973, Cal TRPA and counties may adopt stricter timber harvesting controls than those set by the Board of Forestry. This statute removes the counties' authority to regulate timber operations, and on or after July 1, 1983 any county rules or regulations will have no force or effect. Instead, counties will be able to recommend that the Board of Forestry adopt rules to account for local conditions. It also allows TRPA to adopt stricter harvest controls for the Tahoe Basin whenever Cal TRPA is deactivated.

SB 2011(Greene). Land Use Zoning: Densities: Environmental Quality: Fees and Exactions. (Stats. of 1982, Chapter 1438).

Two of the three provisions of this statute deal with local governments' authority concerning housing policies and approval of housing development projects. The third provision amends CEQA and adds uncodified legislative intent language concerning state agency authority. Under CEQA, a public agency is required to disapprove a project as proposed if an EIR identifies one or more significant adverse effects for which there is feasible mitigation which has not been incorporated into the project. This statute declares that CEQA does not provide independent authority for mitigating or avoiding significant adverse effects. It further declares that the provisions of CEQA

are intended to be used in conjunction with discretionary powers granted to a public agency by other law in order to achieve the objective of mitigation or avoiding significant environmental effects. The uncodified language in the statute attempts to explain and limit the codified language.

AB 952(Deddeh). Environmental Quality: Guidelines: Archaeology and Paleontology. (Stats. of 1982, Chapter 1623).

This statute amends CEQA by expressly requiring a lead agency to determine whether a proposed project will have a significant effect upon archaeological resources in deciding whether an EIR must be prepared. If the agency finds the archaeological resources to be unique, the EIR must address them. If they are not unique, an EIR is not required unless otherwise necessary.

Government Code

AB 2794(Hannigan). California Tahoe Regional Planning Agency. (Stats. of 1982, Chapter 1612).

This statute designates the Resources Secretary the successor agency to the California Tahoe Regional Planning Agency. It requires the Secretary of the Resources Agency to designate an agent to serve as his or her representative within the region to deal with matters which may be pending and unresolved when Cal TRPA is deactivated. Additionally, it allows the Attorney General to defend former Cal TRPA board members in litigation brought against them as a result of their actions as board members. This statute allows conditions of Cal TRPA permits to be enforced after the agency is deactivated.

SB 12(Garanendi). Tahoe Regional Planning. (Stats. of 1982, Chapter 305).

This statute enacts the Lake Tahoe Acquisitions Bond Act, which authorizes an \$85,000,000 bond measure in the 1982 General Election to provide for the acquisition of lands in the Lake Tahoe region (Proposition 4). The bond act becomes operative January 1, 1983, if enacted.

SB 307(Dills). Public Retirement Systems: Additional Service Credit. (Stats. of 1982, Chapter 680).

This statute is a "golden handshake" bill, enacted to encourage the early retirement of state employees by crediting state employees an additional two years of service. To qualify, an employee must have five or more years of service and retire during a specified 60-day period following issuance of a Governor's Executive Order authorizing early retirements.

SB 1839(Roberti). Governor's Appointments. (Stats. of 1982, Chapter 801).

Under existing law, when an office, the appointment to which is vested in the Governor and Senate, either becomes vacant or the term of the incumbent expires, the Governor may appoint a person to the office. This statute specifies that if the Governor does not reappoint the incumbent within 60 days after the expiration date of his term, the position is deemed vacant.

Under existing law, if the Senate fails to confirm within 365 days after the day the person began performing the duties of the office, the person may not continue to serve in that office and the office is deemed vacant. However, if the Senate refuses confirmation, the person may continue to serve for 60 days from the refusal date or until 365 days since the first day he began performing the duties of the office. This statute makes the above provisions applicable to an incumbent who is reappointed to the same office after the expiration date of the term.

SB 1941(Ayala). Planning: Community Facilities Element. (Stats. of 1982, Chapter 1506).

This statute permits local agencies to adopt community facilities elements in their general plans, specifying the financing and construction schedule for new public facilities. It also prohibits state agencies from altering, deferring, or denying priority or allocation of state funds for construction once a local agency adopts its plan. The bill specifically exempts the Clean Water Grants Program.

AB 2305(Katz). Administrative Regulations: Small Business Impact Statements. (Stats. of 1982, Chapter 1083).

This statute requires all state agencies to prepare a small business economic impact statement for any proposed regulations that would have an economic impact on small businesses. Additionally, a state agency must include in its final statement of reasons for adopting the new regulations, an explanation of why it rejected alternatives that would lessen the economic impact on small businesses.

AB2552(N. Waters). Timberland Preserves. (Stats. of 1982, Chapter 1418).

Existing law requires that on parcels zoned as timberland preserve, the land be used for growing and harvesting timber, as well as compatible uses. This statute provides that the zoning of land as timberland preserves shall give rise to a presumption that timber operations may reasonably be expected to occur on that parcel of land. However, the statute further states that this section shall not alter the statutory requirements to provide notice to the public of proposed timber harvesting operations.

AB 2820(McCarthy). Office of Administrative Law. (Stats. of 1982, Chapter 1573).

This statute makes substantial changes in the procedures governing agency rulemaking. It changes the procedures for promulgating emergency regulations and the kind of information an agency must submit in its initial statement of reasons for proposing regulations. It revises the definitions of two standards used by OAL in reviewing the regulations. It changes other agency rulemaking procedures, including adding a requirement that OAL adopt regulations to carry out its own duties.

AB 3322(Berman). Review of Administrative Regulations. (Stats. of 1982, Chapter 1544).

This statute adds to the standards of necessity, authority, clarity, consistency and reference, the standard of nonduplication for use by OAL in reviewing proposed regulations. Additionally, it provides that any interested person may obtain declaratory relief concerning the validity of a regulation which OAL has disapproved or ordered repealed.

Like AB 2820, this statute requires that OAL adopt regulations governing its review of regulations submitted to it.

AB 3337(McCarthy). Rulemaking Calendar. (Stats. of 1982, Chapter 1211).

This statute requires state agencies to annually publish two calendars of planned rulemaking activities for the coming year: one dealing with legislation passed in the most recent legislative year; and the other concerning legislation enacted during previous years. Preparation of such calendars does not preclude adoption of a regulation not on the calendar which is required by circumstances not reasonably anticipated at the time the calendar was prepared. Agencies subject to this provision must also send the

calendars to the author of each statute enacted during the previous year for which the agency has responsibility, together with an explanation of the priority the agency has given the statute in the rulemaking calendar.

SB 1780(Rains). Administrative Regulations. (Stats. of 1982, Chapter 1236).
This statute requires OAL and the Governor to publish in the California Administrative Notice Register various actions approving or disapproving state agency regulations and the reasons in support of the action. If OAL challenges a proposed regulation, current law allows the sponsoring state agency to submit a written response to OAL's comments. In rendering a final decision, OAL is required to review all available information including the information submitted by the state agency concerning the challenge. This statute specifically requires that OAL review and consider any information submitted to it by the public concerning challenged regulations. Additionally, OAL must notify the adopting agency within two working days of the receipt of information submitted by the public regarding a regulation and must make that information available for public review.

Health and Welfare Code

AB 3141(Wright). Hazardous Materials: Waste Reduction Disposal Taxes. (Stats. of 1982, Chapter 1121).

This statute prohibits any hazardous waste storage facility from storing for more than 90 days at an onsite facility, or 96 hours at an offsite facility, or disposing of hazardous waste, unless the operator holds a DOHS permit for such. Additionally, DOHS is required to submit to the Legislature, on or before April 1, 1983, a report on the effects of hazardous waste regulations on small quantity producers with recommendations for a means of reducing any unnecessary regulatory burdens imposed by these requirements.

AB 69(Young). California Hazardous Substance Safety Account. (Stats. of 1982, Chapter 1244).

This statute is a clean-up measure to SB 618, enacted in 1981. It changes the time frame of the state's Hazardous Waste Management Plan, pushing the deadline for the draft from January 1, 1983 to July 1, 1983 and extending the submission date of the final plan to the Legislature from April 1, 1983 to October 1, 1983. This statute also makes changes in the method of determining the Superfund tax assessment; creates a process for refunding excess hazardous waste fees collected; adjusts for one year the tax on disposal into injection wells; and specifies a procedure for determining that a waste is non-hazardous.

AB 1356(Lancaster). Transportation of Hazardous Waste. (Stats. of 1982, Chapter 294).

This statute requires DOHS to test (or have tested) waste prior to transport from an abandoned site to another disposal site to determine its chemical and mineral composition. Hazardous waste haulers are also required to prepare a transportation and safety plan specifying safety procedures to protect the public during transportation which must be certified by DOHS. This statute also restores the authority of the CHP to issue licenses for transportation of hazardous materials.

AB 3197(Tanner). Toxic Waste Materials: Incineration. (Stats. of 1982, Chapter 1474).

This statute requires the Air Resources Board, in consultation with affected

air pollution control or air quality districts and DOHS, to undertake a feasibility study on the incineration of toxic waste materials and establish guidelines for the issuance of permits for such. The report is due to the Legislature by January 1, 1984.

AB 3257(Konnyu). Hazardous Wastes: Disposal. (Stats. of 1982, Chapter 1357).

This statute prohibits any city or county which has issued a conditional use permit for a hazardous waste facility from adopting thereafter any ordinance, rule or regulation which would impose additional restrictions on the types of hazardous waste which had previously been authorized for that facility. The statute does not apply to a modification or revocation which is necessary to enforce the terms of the use permit, or to abate a nuisance, or prevent an immediate threat to public health or safety.

AB 3449(Tanner). Health Fees and Hazardous Waste: Testing: Lab Certification. (Stats. of 1982, Chapter 1209).

Under existing law, a laboratory which tests for hazardous materials is not required to be certified. This statute requires that any analysis of hazardous waste required by existing law be performed by certified laboratories. DOHS will determine the criteria for certification, the certification process, and the procedures to be used by hazardous waste laboratories.

OTHER ENACTED LEGISLATION OF INTEREST

Ecology and the Environment

SB 1344(Garamendi). Water Hyacinth Control. (Stats. of 1982, Chapter 263).

This statute designates the Department of Boating and Waterways as the lead agency of the state for the water hyacinth control effort in the Delta and authorizes other state and local agencies to cooperate in the effort. It appropriates \$125,000 for the Department to use during the 1982 calendar year to develop a long-term and implement a short-term control program.

AJR 64(Johnston). Controlling Water Hyacinth in the Sacramento-San Joaquin and Suisun Marsh. (Stats. of 1982, Resolution Chapter 56).

This resolution makes certain findings regarding the rapid growth and deleterious effects of the water hyacinth in the Delta. It requests the U.S. Corps of Engineers to cooperate with state and local agencies in undertaking an aggressive program for the effective control of the water hyacinth in the Delta

ACR 108(N. Waters). New Melones Reservoir: Filling. (Stats. of 1982, Resolution Chapter 161).

This measure declares that the current policy of the Water Board relative to the filling of New Melones is not acceptable. It requests the Board review its policy in light of the public need for affordable power. The Water Board requested that this resolution be amended to request the United States participate in state proceedings concerning current storage limitations on the operation of New Melones, but the amendments were not accepted.

SJR 41(Vuich). New Melones Dam. (Stats. of 1982, Resolution Chapter 151).

This resolution makes a series of findings concerning the benefits of filling New Melones and supports the Secretary of Interior's efforts to fill the reservoir to its maximum capacity. The author rejected the Water Board's proposed amendments similar to those suggested for ACR 108.

AJR 88(N. Waters). EPA: National Pollutant Discharge Elimination System. (Stats. of 1982, Resolution Chapter 75).

This measure asks Congress to amend the Clean Water Act to eliminate the application of National Pollutant Discharge Elimination System permits to reservoirs. By doing so, Congress would invalidate a recent federal district court decision which held that the Clean Water Act requires NPDES permits be issued for reservoirs. In California, the Regional Boards have not issued any NPDES permits for reservoirs because water quality concerns can be adequately addressed in the water rights process. Additionally, state law provides ample authority to regulate, if it should be necessary, harmful discharges from reservoirs.

AJR 120(Bosco). Water Quality Standards. (Stats. of 1982, Resolution Chapter 144).

This measure requests EPA reopen waste discharge proceedings concerning two ocean-discharging North Coast pulp mills to approve variances from two federal effluent limitations, BOD and pH. Alternatively, the resolution memorializes Congress to amend the Clean Water Act to allow all ocean discharging industrial firms to qualify for variances from the same two effluent limitations under certain very limited conditions. The resolution's recommendations for amending the Clean Water Act would ensure that applicable state water quality standards would not be violated, and that such variances would not be granted solely in order to give ocean dischargers an undue competitive advantage over other firms

SB 1477(Marks). Fiscal Affairs. (Stats. of 1982, Chapter 1638).

This bill contained a number of provisions relating to local government, only one of which was of interest to the Water Board. It would have mandated that at least 50 percent of California's water quality planning funds appropriated under Section 205(j) of the federal Clean Water Act be passed through to regional government. The Water Board opposed this provision because it was inconsistent with provisions of federal law, would have prevented the Water Board awarding grants based on the merits of the projects, and would have discriminated against cities, counties, and rural communities. This provision amended out before enactment of the bill.

Miscellaneous

AB 2995(Imbrecht) Ventura County Groundwater Management (Stats. of 1982, Chapter 1023).

This statute creates the Fox Canyon Ground Water Management Agency to regulate extractions from the Oxnard Plain ground water basin. The aquifer has been experiencing seawater intrusion as a result of overdraft over the last 30 years. If unchecked, the seawater intrusion would eventually contaminate the entire Oxnard aquifer. As a result of a 1978 investigation of the ground water quality, the Board determined that an adjudication of the water rights in the basin would be necessary if the seawater intrusion were not otherwise controlled. Additionally, the Water Board, has granted \$8 million under the state assistance program to Ventura County and United Water Conservation District to provide an expanded water distribution system which will allow conjunctive use of surface and ground water. A condition of this grant, and of the Board's decision not to proceed with an immediate adjudication, was the development of a local ground water management agency.

LEGISLATION WHICH DID NOT BECOME LAW

Board Opposed

AB 2759(Thurman). California Water Plan.

Under existing law, state water quality policies and regional water quality control plans may become part of the California Water Plan effective when reported to the Legislature. This bill would have required the Legislature to approve changes or amendments submitted by DWR or State and Regional Water Boards before they become part of the plan.

SCR 79(Nielsen). California Water Plan.

This measure would have excluded Bulletin 4 from becoming part of the California Water Plan. Bulletin 4 is a joint report of the Water Board and the Department of Water Resources compiling a series of policies which promote conservation and reclamation as feasible alternatives to development of new water projects. The author agreed not to seek enactment of this measure based on a written commitment from the Director of Water Resources and the Chairwoman of the State Water Board not to submit Bulletin 4 to the Legislature, thereby not making it part of the California Water Plan.

SCR 88(Maddy) Carcinogen Identification Policy

This measure would have requested that no regulations be proposed as a result of completion of the state's three phase carcinogen identification program by any department prior to January 1, 1983 unless the Legislature is in session. It also requested any state agency involved in the program to file a report with the Legislature 30 days prior to pursuing any regulatory action based on the program.

SB 2085(Nielsen). Clean Water Grants.

This bill would have required local voter approval prior to construction or expansion of a treatment facility if the local financial contribution would be greater than 12-1/2 percent of the project cost. Because most projects contain ineligible costs, almost every project requires a local contribution of greater than 12-1/2 percent. In response to considerable opposition to the bill, the author agreed not to seek its enactment.

AB 3535(Rogers). Stream Underflow.

This bill would have created a presumption that water moving in the ground is percolating ground water and not surface water, stream underflow, or water in a subterranean stream flowing through a known and definite channel. The Water Board opposed this bill because it would have created an unfair advantage for persons taking well water when disputes arise between them and nearby surface water right holders or instream uses. The legislation died on the Assembly Floor.

AB 3744(Herger). Water Supply: Community of Stonyford.

This bill was opposed by the Water Board and died in the Assembly Water Committee. The bill would have required the Board to pay the \$27,000 costs of a court referred water rights adjudication case in Colusa County. Under existing law, the Board is entitled to reimbursement for these services, which it performs routinely.

AJR 98(Kapiloff). Hydroelectric Energy. (Stats. of 1982, Resolution Chapter 1047).

This measure requests the U.S. Department of Energy investigate the possibility of securing hydroelectric energy from proposed hydroelectric projects, particularly for areas of California heavily dependent on petroleum resources for electric energy. It also memorializes the federal government to enact appropriate legislation to ensure full federal support of all potential hydroelectric energy sources.

AB 1040(Levine). Campaign Contributions. (Stats. of 1982, Chapter 1049).

This statute prohibits an elected or appointed official who serves on a quasi-judicial board, such as the Water Board, from soliciting or accepting a contribution of \$250 or more from any person who has submitted an application or has a financial interest in the approval or disapproval of an application for some entitlement before the board on which the official sits. This prohibition applies whether the official solicits or accepts a contribution on his own behalf or on behalf of anyone who will use it in a federal, state, or local election. This prohibition applies for a period of 12 months prior to, and up to three months following, a decision by the board on the application. Please see my September 22, memo to State and Regional Board members for more detail.

Hazardous Waste

SJR 27(Keene). Radioactive Waste. (Stats. of 1982, Resolution Chapter 179).

This measure memorializes the President and Congress to ban the scuttling of nuclear submarines off the coast of California until future valid and reliable scientific studies prove it is safe. The measure also asks for an amendment to the Ocean Dumping Act requiring that any federal agency proposing to dump radioactive wastes in the ocean provide Congress and the public information concerning the proposed dumping, and to permit either house of Congress to veto any EPA permit authorizing ocean dumping.

AR 26(Johnson/Young). McColl, Stringfellow Hazardous Waste Disposal Sites. (Stats. of 1982, Chapter 1302).

This statute appropriates \$1.5 million to the Department of Health Services for the cleanup of the McColl hazardous waste disposal site in Orange County near Fullerton. It also transfers responsibility for closure and maintenance of the Stringfellow Quarry Class I Hazardous Waste Disposal Site from the State Water Board to the Department of Health Services. The transfer is appropriate since the new state Superfund law gives the funds and administrative responsibility for all hazardous waste clean-up to Health. The Stringfellow transfer becomes effective January 1, 1983.

AB 70(Young). Hazardous Waste. (Stats. of 1982, Chapter 496).

This statute makes various changes in the Hazardous Waste Control Law. Two changes interest the Water Board: first, the statute allows the Legislature to budget funds to the Water Board for its site closure and maintenance activities, instead of requiring the Water Board to seek reimbursement for its expenditures from the Department of Health Services; and second, it exempts state and local agencies from having to pay the Superfund tax when they dispose of hazardous wastes as part of a cleanup action. This section is retroactive to September 25, 1981, the date the Superfund law went into effect.

AB 907(Young). Sewer-solids size reduction devices.

This measure would have required sewer-solids size reduction devices on all sewer lines of privately owned buildings, structures, and facilities, constructed after January 1, 1983, or having 12 or more toilets. The Solid Waste Management Board would have administered the program. This bill died in Committee.

SB 525(Campbell). Water Conditioning.

This bill would have allowed the water softener industry to install systems in homes which would discharge unreasonably high amounts of sodium to sewage systems. The Water Board opposed this bill because the current law governing water softener installation keeps unnecessary sodium out of the sewers and ultimately the rivers, as well as saving the home owner considerable money over the life of the softener.

AB 2968(Wright). Hazardous Waste Siting.

This bill would have prohibited the Hazardous Waste Management Council from recommending, and would have prohibited any other state agency from requiring, that a hazardous waste disposal site be located at a place where a city or county has previously denied or recommended denial for a disposal site permit because of danger to public health, safety and welfare. The Water Board opposed this bill as it would have prematurely cut off the efforts of the Hazardous Waste Management Council to propose an intergovernmental process for selecting such sites.

SB 1777(Carpenter). Hazardous Materials.

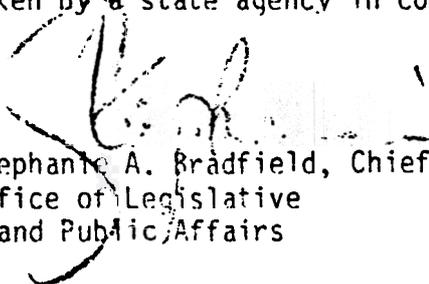
This bill would have revised various laws and regulations concerning the Department of Health Services classification and control of hazardous wastes. Among the changes, the bill would have exempted a number of wastes from being determined hazardous under any circumstances, thus affecting the Water Board's regulation of land fill disposal sites. The author did not seek enactment of the bill after receiving a letter of commitment from the Governor's office to seek administrative resolution of several issues addressed in the bill.

ACR 151(Thurman). Carcinogens.

This measure would have requested that no regulatory action be taken concerning the Department of Health Services' three-phase carcinogen identification program. The first phase, a report spelling out how to determine what is a carcinogen is the only phase which has been completed. The bill died in the Assembly.

SB 1738(Nielsen). Administrative Regulations.

This bill would have required a state agency, prior to adopting regulations requiring the use of a specified technology or equipment, to make written findings that the technology or equipment is technologically feasible and available. Further, an agency adopting a regulation requiring use of a specific technology or equipment, could not have required the use of newer or other technologies or equipment for the same purpose for five years after issuance of an operating permit. Exempted from these requirements were actions taken by a state agency in compliance with a federal statute or regulation.



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