

# 2003-04 Legislative Summary



CALIFORNIA

# Water Boards

STATE WATER RESOURCES CONTROL BOARD  
REGIONAL WATER QUALITY CONTROL BOARDS  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

*Note:*

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

*Except for “emergency” bills, all bills chaptered in 2003 became effective on January 1, 2004, and all bills chaptered in 2004 became effective on January 1, 2005. Urgency bills become effective when signed by the Governor.*



**STATE OF CALIFORNIA**

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STATE WATER RESOURCES CONTROL BOARD  
OFFICE OF LEGISLATIVE AFFAIRS  
2003-2004 CALIFORNIA LEGISLATIVE SESSION

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Publication title: Legislative Summary 2003-04

## **BILLS BY SUBJECT**

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AB 2918	Laird	Desalination Facilities
SB 318	Alpert	Urban Water Suppliers: Desalinated Water
SB 833	Machado	Eastern Water Alliance Joint Powers Agency

\*Assembly Environmental Safety and Toxic Materials Committee

\*\*Senate Revenue and Taxation Committee

\*\*\*Senate Committee on Budget and Fiscal Review

## ASSEMBLY BILLS

**AB 47 (Simitian) Timber Harvesting Plans: Regulations: Information (Chapter 816, Statutes of 2003).** This law amends the Z'berg-Nejedly Forest Practice Act of 1973 to require the BOF to adopt regulations, on or before January 1, 2005, to require that a timber harvesting plan include a map or maps depicting the location and boundaries of past, present, and reasonably foreseeable probable future projects on land owned or controlled by the application in the planning watershed. Governor Davis' signing letter directed the BOF to implement the provisions of this law within existing resources.

**AB 58 (Bates) State Water Pollution Cleanup and Abatement Account (Died in the Assembly).** This bill would have required 75% of the civil penalties collected by a RWQCB to be continuously appropriated to that RWQCB and 25% of those funds to be deposited into the SWRCB's Cleanup and Abatement Account for water quality cleanup projects.

**AB 79 (Dutra) Written Reports: Preparation (Chapter 409, Statutes of 2004, Urgency Measure, Chaptered on September 9, 2004).** This law provides that no state or local agency will be required to prepare or submit any written report to the Legislature or the Governor until January 1, 2008, unless it is among a list of specified reports, or certain mandated reports exempted from the moratorium. Specifies that all reports statutorily required to be prepared by Cal/EPA or its BDOs are among the list of specified reports that are exempted from the moratorium.

**AB 105 (Wiggins) Agriculture and Water Omnibus Act of 2003 (Chapter 497, Statutes of 2004, Urgency Measure, Chaptered on September 14, 2004).** This new law repeals the Coastal Farmland Preservation Program and the California Environmental Quality Improvement Revolving Loan Program and authorizes the DWR to make grants from the California Safe Drinking Water Bond Law of 1998 to specified entities for the purpose of financing domestic water system projects to meet state and federal drinking water standards.

**AB 120 (Wyland) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Caulerpa Taxifolia Eradication (Died in the Assembly).** This bill would have appropriated \$1.1 million from funds made available by Proposition 50 to the SWRCB for the purposes of making a grant to the Southern California Caulerpa Action Team to eradicate *Caulerpa Taxifolia*, or its clones or derivatives, in the Agua Hedionda Lagoon.

**AB 121 (Simitian) Large Passenger Vessels: Water Quality (Chapter 488, Statutes of 2003).** This law, among other things: (1) requires the SWRCB, if it determines necessary, to apply to the appropriate federal agencies to authorize the state to prohibit the release of sewage sludge from large passenger vessels, as defined, into the marine waters of the state and marine sanctuaries; (2) prohibits the discharge of any sewage sludge from a vessel into the marine waters of the state or into a marine sanctuary, if authorization is granted; (3) prohibits the discharge of oily bilge water from a vessel into the marine waters of the state or a marine sanctuary; (4) requires the owner or operator of a vessel that releases sewage sludge or oily bilge water into the marine waters of the state or a marine sanctuary to notify the SWRCB within 24 hours of that release; (5) specifies that each violation is subject to a civil penalty of not more than \$25,000; and (6) authorizes SWRCB to develop regulations for the purposes of carrying out this division.

**AB 126 (Campbell) Publicly Funded Advertisements (Died in the Assembly).** This bill would have required every advertisement paid for with at least \$250 of public funds by a state agency, bureau, department, or office to include a statement that indicates the source of the public funds used to pay for the advertisement.

**AB 204 (Nation) Motor Vehicles: Environmental Impacts: Mitigation (Died in the Senate).** This bill would have authorized the SCC to request that the DMV collect a fee of up to \$6 on the registration or renewal of registration of every motor vehicle in the eligible counties within the San Francisco Bay area if a majority of the county board of supervisors in any of the nine area counties elect to participate in the environmental mitigation program established by this bill. This fee would have sunsetted on January 1,

2015. The funds in the new Motor Vehicle Mitigation Sub account, established by this bill, would have been continuously appropriated to the SCC (90%) and the SWRCB (10%) to fund mitigation projects addressing the environmental impact of vehicles.

**AB 260 (Jackson) State Highways: Litter Control (Chapter 489, Statutes of 2003).** This law requires the CalTrans to assign a high priority within its maintenance programs relating to litter cleanup and abatement along state highway segments adjoining storm drains, waterways, and other environmentally sensitive areas.

**AB 306 (Kehoe) Water Meters (Died in the Assembly).** This bill would have required water purveyors to install, on or before January 1, 2008, water meters on all service connections constructed prior to January 1, 1992, and to charge customers, on and after January 1, 2009, for water based on the actual volume of water delivered. This bill would have further required that, on and after January 1, 2009, a water purveyor that applies for financial assistance from the state for a wastewater treatment project or a water rights permit demonstrate that the application is in compliance with the volume-based pricing requirement.

**AB 389 (Montanez) Hazardous Materials: Brownfields (Chapter 705, Statutes of 2004).** This law enacts the California Land Reuse and Revitalization Act of 2004. This law provides that an innocent landowner, a bona fide purchaser, or a contiguous property owner could qualify for immunity from liability for response cost or damage claims under state statutory and common laws that impose liability upon an owner or occupant of property, for pollution conditions caused by a release or threatened release of a hazardous material, on, under, or adjacent to that property, if the innocent purchaser, bona fide purchaser, or contiguous property owner meets specified conditions. Additionally, this law requires the Cal/EPA, the SWRCB, the RWQCBs, and the DTSC to expand their respective Web sites to allow access to information about brownfield sites and other response action sites through a single Web site portal.

**AB 314 (Kehoe) Desalination (Chapter 206, Statutes 2003).** This law declares that it is the policy of the state that desalination projects developed by or for public water entities be given the same opportunities for state financial assistance as other water supply and reliability projects. This law also declares that desalination is consistent with both state water supply and efficiency policy goals, and joint state-federal environmental and water policy and principles promoted by the Cal-Fed Bay Delta Program.

**AB 334 (Goldberg) Water Softening and Conditioning Appliances (Chapter 172, Statutes of 2003).** This law allows a local agency to more easily adopt ordinances banning or limiting the availability of residential water softeners.

**AB 400 (Harman) Sewage Spills: Beaches (Died in the Assembly).** This bill would have declared the intent of the Legislature to require the DHS convene an advisory panel to review current water quality monitoring standards with respect to sewage spills and their impact on beach safety, and determine if these standards should be modified to reflect scientific advancement as long as any revised standards do not result in less protection to public health.

**AB 406 (Jackson) Environmental Quality (Died in the Senate).** This bill would have prohibited a project applicant or its consultant, from submitting, in whole or in part, a draft EIR report, negative declaration, or mitigated negative declaration to the public agency responsible for reviewing the project. This bill would have clarified that a public agency may prepare any of those CEQA documents for another public agency pursuant to contract or for a project that the public agency intends to carry out itself. This bill would have specifically overruled a judicial decision that interpreted CEQA to allow project applicants to submit their own CEQA documents.

**AB 407 (Harman) Watershed Management (Died in the Assembly).** This bill would have declared legislative intent regarding watershed protection programs and partnerships.

**AB 430 (Dutra) Santa Clara Valley Water District: USTs (Chapter 89, Statutes of 2004, Urgency Measure, Chaptered on July 1, 2004).** This law extends existing authority granted to the SCVWD to

implement the local oversight program for the abatement of unauthorized releases of hazardous substances from USTs in Santa Clara County through June 30, 2005.

**AB 433 (Nation) Vessels: Release of Nonindigenous Species (Chapter 491, Statutes of 2003).**

This law reauthorizes the California Ballast Water Management for Control of Nonindigenous Species Act as the Marine Invasive Species Act and extends the Act's sunset date to January 1, 2010. This law also renames the Exotic Species Control Fund to the Marine Invasive Species Control Fund. Among other things, the SWRCB is required to work with the SLC on a pilot program to evaluate treatment and management strategies for ballast water; and prepare a report to the Legislature and the public describing specific performance standards based on the best available technologies for ballast water discharge and the feasibility of prohibiting discharge of invasive species in state waters.

**AB 502 (Canciamilla) Permit Streamlining Act: Natural Gas Projects (Chapter 439, Statutes of 2004).**

Under this law, a public agency may enter into an agreement with natural gas development project permit applicants in order to expedite a permit review and approval process. A public agency may contract for temporary workers and charge the permit applicant a fee to cover the cost of providing the expedited permitting services.

**AB 556 (Strickland) State Boards and Commissions: Salaries: Suspension (Died in the Assembly).**

This bill would have specified that members appointed to certain state boards and commissions shall receive no salary for the 2003/04, 2004/05, and 2005/06 fiscal years, except that they may receive a per diem payment set pursuant to these provisions during that time.

**AB 562 (Spitzer) 2002 Recycled Water Task Force (Died in the Assembly).** This bill would have declared that it is the intent of the Legislature in subsequent amendments to implement the recommendations of the 2002 Recycled Water Task Force.

**AB 611 (McLeod) Water Discharges: Dental Amalgam (Died in the Assembly).** This bill would have established a process to encourage and require effective diversion of dental amalgam waste containing mercury generated by dentist offices from the public sewer system, POTWs and the state's surface waters.

**AB 623 (Lieber) Hazardous Chemicals: Discharge: Warnings (Died in the Assembly).** This bill would have prohibited a person from discharging or releasing, in the course of doing business, a chemical known to the state to cause cancer or reproductive toxicity into water or onto land where the chemical passes or is likely to pass into any source of drinking water. Additionally this bill would have prohibited a person from exposing any individual, in the course of doing business, to a chemical known to the state to cause cancer or reproductive toxicity without first providing clear and reasonable warning to the individual, except as specified.

**AB 635 (Wiggins) Salmon and Steelhead Salmon: Effect Of Reduced Waterflow (Chapter 681, Statutes 2003).** This law amends Fish and Game Code section 6930, which places a moratorium on approval of certain water right applications for a limited class of export projects on selected north coast rivers. The moratorium applies after the DFG selects the rivers for study of the effect of reduced outflows on salmon and steelhead and the moratorium continues until the studies are completed. This law limits the class of the rivers that may be studied to only those rivers for projects that would export water by non-conventional means.

**AB 659 (Jackson) Radioactive Waste: High-Level Radioactive Materials and Spent Nuclear Fuel: Transportation (Died in the Assembly).** This bill would have established a process for regulating the transportation of HLRW and SNF and for insuring more effective and safe response to fires and other emergencies involving these wastes.

**AB 698 (Lieber) PCE: Claims: Liability (Died in the Assembly).** This bill would have established a funding and financial assistance structure at the SWRCB for the cleanup of PCE contamination generated from drycleaners.

**AB 706 (Maldonado) Community Services Districts (Chapter 111, Statutes 2003).** This law authorizes the Los Osos Community Services District to borrow money from a public or private lender for the purpose of making loans to property owners within its district to pay for the costs of decommissioning septic systems and constructing house lateral connections to facilitate the connection of those properties to the district's wastewater treatment system. The interest rate on the loan to the property owners could not exceed the cost of borrowing and the district's cost of making the loan.

**AB 740 (Pavley) Clean Air, Clean Water, and Coastal Protection Act of 2004 (Died in the Assembly).** This bill would have authorized, subject to voter approval at an unspecified future statewide election, the issuance of \$2.9 billion worth of general obligation bonds to fund a variety of projects related to clean air, clean water, and coastal protection. The SWRCB would have received approximately \$1.4 billion for a variety of clean water projects.

**AB 760 (Maldonado) Water Quality: Civil Liability (Died in the Assembly).** This bill would have allowed the SWRCB or a RWQCB to require a POTW that serves a relatively small population to apply the amount it is assessed, starting January 1, 2003, for a violation of state water quality laws or federal Clean Water Act provisions, toward funding a project to correct the violation instead of as a mandatory penalty payment to the SWRCB or a RWQCB.

**AB 826 (Jackson) The Perchlorate Contamination Prevention Act: Perchlorate Materials: Statewide Database (Chapter 608, Statutes of 2003).** This law establishes the Perchlorate Contamination Prevention Act, which requires the DTSC to develop regulations specifying the best management practices for managing perchlorate materials by December 31, 2005. Additionally, once funding becomes available, this law requires the Cal/EPA to establish a statewide database of business plans and inventories submitted by facilities handling perchlorate materials to the CUPAs. In his signing letter, Governor Davis directed the DTSC to take measures that protect the confidentiality of perchlorate storage facility locations to ensure protection of homeland security.

**AB 847 (Pavley) Natural Resources: State Coastal Conservancy (Chapter 492, Statutes 2003).** This law authorizes the State Coastal Conservancy to fund projects to improve and protect marine water quality and habitat in addition to coastal water quality and habitat. This law clarifies that permit coordination projects for watershed restoration, and expansion of nature centers and research facilities may also be funded.

**AB 859 (Nakano) Ocean Observing System Plan Development (Chapter 761, Statutes of 2003)** This law requires the SCC to develop an implementation plan that guides the development, funding, and operation of a network of regional, science-based ocean observing systems for use along the coast. The SCC will be required to report to the Governor, the Legislature and the SWRCB on the implementation plan by December 31, 2004.

**AB 866 (Pavley) Water Quality (Chapter 493, Statutes of 2003).** This law adds to the list of allowable projects funded by the SWRCB through Proposition 40's Integrated Watershed Management Program. Additionally, this law amends Proposition 50 by specifying that the Santa Monica Bay Restoration Commission shall recommend which projects will receive Santa Monica Bay restoration funding. Further this law requires the SWRCB to partially fund, under Proposition 50, one or more integrated coastal watershed management plans. Finally, this law replaces the specific requirement that projects funded by Proposition 40 be "capital" with a more general requirement to comply with California's General Obligation Bond Law.

**AB 873 (Richman) Regulations: Impact On Business (Died in the Assembly).** This bill would have required state agencies to solicit comments from individuals and organizations with expertise in economics to consider potential economic impacts on the state businesses when proposing to adopt, amend, or repeal existing administrative regulations.

**AB 877 (Maddox) Urban Runoff (Died in the Assembly).** This bill would have declared that urban runoff that has been discharged from a municipal storm sewer system into a natural coastal creek, if not otherwise diverted for beneficial use in accordance with existing law, is unappropriated water that is subject to appropriation.

**AB 897 (Jackson) Water Quality (Chapter 683, Statutes of 2003).** This law enhances the enforcement capabilities of the SWRCB and the RWQCBs against regulated dischargers. Among other things, this law: (1) prohibits unevaluated discharge applications from proceeding if the discharge would cause pollution, (2) strengthens enforcement of California's non-point source programs and its water quality certification program, (3) enables the SWRCB to stay RWQCB actions without holding an evidentiary hearing, and (4) establishes misdemeanor penalties for falsifying or withholding information requested by a RWQCB.

**AB 906 (Nakano) Large Passenger Vessels: Water Quality (Chapter 494, Statutes of 2003).** This law prohibits cruise ships from discharging hazardous waste or other waste into the marine waters of the state or into a marine sanctuary. This law requires the owner or operator of a large passenger vessel to immediately, but no later than 24 hours, to notify the SWRCB of a release of hazardous waste or other waste into the marine waters of the state or into a marine sanctuary. Additionally, this law requires the SWRCB to request appropriate federal agencies to prohibit the release of hazardous and other waste by large passenger vessels in marine sanctuaries and to request, if necessary, approval of the state's prohibition of the release of waste in these areas.

**AB 907 (Pavley) Environmental Education: Content Standards (Died in the Assembly).** This bill would have required the SBE and the Superintendent of Public Instruction to revise academic content standards for history/social science and science to incorporate environmental education content.

**AB 926 (Richman) Low-Level Radioactive Waste Disposal Facility (Died in the Assembly).** This bill would have authorized the Director of DHS, with the approval of the Director of DGS, to lease specified property to construct, operate, and close a low-level radioactive waste disposal facility, consistent with the compact, in a specified location in San Bernardino County (Ward Valley).

**AB 951 (Bates) Municipal Storm Water (Died in the Assembly).** This bill would have stated the intent of the Legislature to require the SWRCB to convene an advisory panel focused on improving the municipal storm water permit system and recommending provisions to ensure fair treatment of municipalities statewide.

**AB 1015 (Laird) Land Use: Water Supply (Died in the Assembly).** This bill would have required that the land use element of a general plan include a statement of existing and planned sources of water supply incorporating specified relevant information.

**AB 1054 (Spitzer) Water Quality: Bond Appropriation (Died in the Assembly).** This bill would have appropriated \$20 million from Proposition 50 bond funds to Orange County for qualified beach and watershed projects, including storm drain-to-sewer diversions, storm drain filters or screens, and regional education programs.

**AB 1068 (Liu) Petroleum USTs: Loans and Grants (Chapter 624, Statutes of 2004, Urgency Measure, Chaptered on September 21, 2004).** This law reestablishes the RUST loan and grant program formerly operated by the TTCA and establishes a new sunset date of January 1, 2011. Additionally, this law transfers \$8 million from the USTCF to the PUSTFA and appropriates that amount to the SWRCB for loans and grants under the program. Additionally, the SWRCB is required to report to the Legislature by January 1 of each year on the status of the RUST loan and grant program.

**AB 1104 (Laird) Highways (Chapter 182, Statutes of 2003).** This law increases the amount of penalty Caltrans and a county can collect each day from a person for encroachment, obstruction, or injuring a highway by draining or diverting water onto a highway, or permitting water to overflow or saturate the highway.

**AB 1107 (Liu) Groundwater: Uniform Data Standards (Died in the Assembly).** This bill would have required the SWRCB, through an interagency task force established pursuant to current law, to develop uniform groundwater data standards, including, but not limited to, uniform data collection, data management, and data transfer standards. Further, this bill would have required the SWRCB, the DWR, the DHS, the DPR, the DTSC, and the CDFA to adopt any uniform groundwater data standards developed by the task force.

**AB 1110 (Harman) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Water Security Funds (Died in the Assembly).** This bill would have appropriated \$10 million of the proceeds of bonds issued under Proposition 50 to the DHS to fund public drinking water system security projects.

**AB 1159 (Liu) Groundwater Data (Died in the Assembly).** This bill would have enacted the Groundwater Data Standards Act of 2003, which would have required the SWRCB to do the following: (1) determine what constitutes "core groundwater data"; (2) define structures and standards for core groundwater data; (3) identify groundwater data collection standards; (4) evaluate existing structures and standards for groundwater data, including various federal standards; and, (5) propose standards for the storage and transfer of core groundwater data for comment by the public and the scientific community. This bill would have further required the SWRCB to prepare a report and submit it to the Governor and the Legislature by May 1, 2004, that would include recommendations for groundwater database standards and for the collection and transfer of groundwater data.

**AB 1209 (Nakano) Public Agency Security: Confidential Information (Chapter 8, Statutes of 2004, Urgency Measure, Chaptered on January 21, 2004).** This law modifies document exemptions from the CPRA on matters pertaining to terrorist or other criminal acts. Additionally, this law adds customer lists provided by an alarm or security company to a state or local police agency at the request of the agency to those law enforcement records that are exempt from the CPRA.

**AB 1218 (Dutra) Underground Storage Tanks: Claims: Performance-Based Contracts: Fire Safety Agency Claims (Chapter 689, Statutes of 2003).** This law establishes procedures the SWRCB must follow when paying claims for work performed pursuant to an SWRCB-approved performance-based contract. The claims are limited to requests for reimbursement of corrective action costs incurred in response to an unauthorized release of petroleum from a UST. This law requires the SWRCB to advertise the bidding for performance-based contracts. Additionally this law extends the authority to encumber funds in the Fire Safety Subaccount until June 30, 2004 and requires those encumbered funds to be liquidated no later than December 31, 2005.

**AB 1248 (Aghazarian) Waste Discharge Requirements (Chapter 690, Statutes of 2003).** This law requires the SWRCB and the RWQCBs to provide notice and a period of at least 30 days for public comment prior to adopting waste discharge requirements, water reclamation requirements, time schedule orders, and SWRCB water quality orders.

**AB 1255 (Levine) Mercury: Report (Died in the Senate).** This bill would have required the DTSC to include additional information in a report on mercury-containing vehicle light switches, which is due, under current law, to the appropriate policy and fiscal committees of the Legislature by January 1, 2004.

**AB 1300 (Laird) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Expenditures: Annual Report. (Died in the Senate).** This bill would have required the RA Secretary to prepare an annual report that summarizes the expenditures made pursuant to Proposition 50. Additionally, this bill would have required that the information in the report be made available to the public through the Internet.

**AB 1312 (Bermudez) Sewers (Died in the Assembly).** This bill would have stated the intent of the Legislature to enact legislation that would provide funding for the replacement, modernization, and retrofitting of existing municipal sewer lines.



**AB 1353 (Matthews) Treated Wood Waste: Disposal (Chapter 597, Statutes of 2004).** This law requires TWW to be disposed of in a Class I hazardous waste landfill or a composite-lined portion of a solid waste landfill unit (Class II or Class III), and specifies requirements for the generation and management of TWW.

**AB 1360 (Steinberg) Environmental Quality: Environmental Indicators (Chapter 664, Statutes of 2003).** This law requires the OEHHA to develop and maintain a system of environmental indicators that meet specified objectives, commencing July 1, 2004, to the extent that funds are appropriated by the Legislature for that purpose. Additionally, this law requires any BDO within the Cal/EPA to explain how their bond programs relate to or affect environmental indicators.

**AB 1368 (Kehoe) Bonds (Chapter 770, Statutes of 2003).** This law requires, on or after January 1, 2004, agencies that administer any future general obligation bond measures to submit annual reports to the Legislature and the DOF. The reports are to list the description of each project, its geographic location, the amount of funds allocated to the project, and project status.

**AB 1369 (Pavley) Mercury-Added Thermostats (Chapter 626, Statutes of 2004).** This new law prohibits the sale, offering for sale, or distribution for commercial purposes a mercury-added thermostat used to sense and control temperatures unless the mercury-added thermostat will be used for manufacturing or industrial purposes or the thermostat will be used by a blind or visually impaired person.

**AB 1375 (Daucher) Waste Discharge Requirements: Municipal Separate Storm Sewer Systems (Died in the Assembly).** This bill would have required the SWRCB and the RWQCBs to prescribe and enforce waste discharge requirements for municipal separate storm sewer systems in conformance with the maximum extent practicable standard set forth in the federal Clean Water Act. This bill would have defined the term "maximum extent practicable" standard for purposes of those provisions. This bill would have required that permits for discharges from a municipal separate storm sewer system conform to the maximum extent practicable standard.

**AB 1405 (Wolk) California Watershed Protection and Restoration Act (Chapter 693, Statutes 2003).** This law enacts the California Watershed Protection and Restoration Act and encourages Cal/EPA and the RA to provide assistance and grants to those who choose to: (1) participate in watershed restoration and enhancement; (2) endorse voluntary local, collaborative watershed partnerships in order to achieve effectiveness, citizen involvement, and community responsibility; (3) encourage participation of local governments and special districts in local watershed partnerships in developing more efficient and long-lasting watershed restoration and management programs; and (4) to the extent that funds are available, technical assistance is encouraged from the state to watershed management partnerships through technical training, advice and manuals describing acceptable assessments, plans, and monitoring practices.

**AB 1408 (Wolk) Oil Discharges: Hazardous Liquid Pipelines: Conditions (Chapter 563, Statutes of 2004).** This law requires a party responsible for the discharge or threatened discharge of oil in the state's marine waters to immediately report the discharge to the OES. Additionally, this law requires the SFM's report on intrastate hazardous liquid pipelines to include an assessment of the condition of each pipeline in the state.

**AB 1427 (Maddox) Biosolids: Study (Died in the Senate).** This bill would have required the Cal/EPA, and its BDOs, in consultation with the CDFA, the regulated industry, local jurisdictions, and other stakeholders to conduct a feasibility study on establishing a statewide policy on biosolids treatment, disposal, and recycling. The Cal/EPA was directed to submit the study to the Legislature on or before December 31, 2005. The Orange County Sanitation District would have had to fund the study.

**AB 1466 (Koretz) Litter: Receptacles (Vetoed).** This bill would have authorized state agencies to adopt "Don't Trash California" and the equivalent Spanish phrase "California es tu casa. No hagas de ella un basurero." as their state unified litter prevention and recycling message. Additionally, this bill

would have relocated code sections, relating to litter receptacles, from the Government Code to the Public Resources Code.

**AB 1484 (Pavley) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2000: Quantification Settlement (Died in the Assembly).** This bill would have appropriated an unspecified amount from the Proposition 50 bond funds to the RA to finance: (1) projects that facilitate water transfers pursuant to the Quantification Settlement Agreement and that contribute to achieving benchmarks of the Interim Surplus Guidelines; and (2) restoration activities at the Salton Sea, or the lower Colorado River, or to assist in the development of a natural community conservation plan.

**AB 1500 (Diaz) Petroleum Pollution Cleanup and Prevention Act of 2003 (Died in the Assembly).** This bill would have enacted the Petroleum Pollution Cleanup and Prevention Act of 2003. This bill would have imposed a \$1 fee for each barrel of crude oil received at a refinery in California. These fees would have been deposited into the Petroleum Pollution Cleanup and Prevention Fund, which would have been established by this bill, for the purpose of remediation and monitoring of air and water pollution from refinery operations, petroleum-related brownfields cleanup and water pollution prevention strategies. The CEC, the CalTrans and the Cal/EPA would have administered this program.

**AB 1517 (Plescia) Stormwater (Died in the Assembly).** This bill would have stated the intent of the Legislature to enact legislation that would foster science-based, environmentally beneficial, results-oriented, and cost-effective water quality programs that draw on the strengths of municipalities that administer stormwater permits and the SWRCB and the RWQCBs. This bill would have specified the issues to be addressed to achieve those objectives.

**AB 1522 (Parra) Water Rights: Permits (Died in the Senate).** This bill would have made various technical corrections to and deleted obsolete provisions of the Water Code, authorized the RWQCBs' executive officers to issue NPDES permits, and amended conditions for the revocation of water right permits and licenses.

**AB 1541 (Montanez) Waste Discharge Requirements: Penalties (Chapter 609, Statutes of 2003).** This law classifies a failure to file required discharge monitoring reports as a "serious violation" of waste discharge requirements. This violation is subject to a mandatory minimum penalty of \$3,000 for each complete 30-day period that a report is not submitted. This law requires that funds collected for this purpose be deposited in the Waste Discharge Permit Fund for expenditure by the SWRCB, upon appropriation by the Legislature, to assist the RWQCBs and other public agencies in responding to significant water pollution problems. This law's provisions would apply only to violations that occur on or after January 1, 2004.

**AB 1545 (Simitian) Environmental Quality: Public Comments (Chapter 695, Statutes of 2003).** This law requires the lead agencies under the CEQA, with respect to the consideration of comments received on a draft EIR, proposed negative declaration, proposed mitigated negative declaration, or notice that an EIR is required for a project, to accept comments via e-mail and treat e-mail comments as equivalent to written comments.

**AB 1546 (Simitian) Local Governments: Vehicle Fee for Congestion and Stormwater Management Programs (Chapter 931, Statutes of 2004).** This law, under specified conditions, authorizes the City/County Association of Governments of San Mateo County to assess an annual fee of up to \$4 on vehicles registered within San Mateo County for programs to manage traffic congestion and storm water pollution. This law prohibits a fee from becoming operative prior to July 1, 2005.

**AB 1548 (Pavley) Office of Education on the Environment (Chapter 665, Statutes 2003).** This law renames the Office of Integrated Environmental Education at the Integrated Waste Management Board to the OEE, and requires that the OEE report to the Cal/EPA, as well as the IWMB. This law requires the OEE to work with other state agencies and the SDE to develop a model environmental education curriculum that would be considered as part of the SBE's approved model curriculum.

**AB 1640 (Laird) Hazardous Materials: Enforcement (Chapter 696, Statutes of 2003).** This law gives CUPAs the authority to suspend or revoke unified program facility permits due to serious and/or repeat violations of the permit's requirements.

**AB 1691 (Montanez) Asbestos Waste (Died in the Assembly).** This bill would have specified that the prohibitions on the disposal of hazardous waste do not apply to the authorization to dispose of waste containing asbestos.

**AB 1696 (Pavley) Office of Education on the Environment (Vetoed).** This bill would have provided cleanup language for AB 1548 (Chapter 665, Statutes of 2003), which incorporated environmental principles into approved education standards. This bill would have added Section 13383.6 to the Water Code, which would have specified that stormwater dischargers may contribute funds to the Environmental Education Account, established under AB 2548, upon approval of the appropriate RWQCB to satisfy the education component of their permit. These funds would have been used by the IWMB's OEE to develop curriculum-based material that would provide a consistent message statewide on storm water issues.

**AB 1699 (Laird) Mercury: Fluorescent Lamps (Died in the Senate).** Beginning January 1, 2005, this bill would have prohibited a person from disposing of a fluorescent lamp, with specified exceptions. Additionally This bill would have required the DTSC to: (1) establish a fluorescent lamp recycling fee (via regulation) sufficient to ensure that the purposes of this bill are fully funded; (2) require every retail purchaser of a fluorescent lamp, beginning July 1, 2005, to pay the fee to the retail seller for each fluorescent lamp purchased in the state; and (3) enter into an agreement with the CIWMB to determine appropriate responsibilities of each agency and the expenditure of funds.

**AB 1700 (Laird) Military Base Remediation: Funding: Federal Grants. (Chapter 869, Statutes of 2003)** This law prohibits the State Controller and the DOF from eliminating positions or expenditure authority, or imposing a hiring freeze, or other personal services limitations, as specified, upon any non-General Fund program that provides oversight and related support of remediation and hazardous substance management at a military base. Most of this law's provisions apply exclusively to the SWRCB and the DTSC.

**AB 1702 (Assembly Environmental Safety and Toxic Materials Committee) Hazardous Substances: Underground Storage Tanks: Redevelopment (Chapter 42, Statutes of 2003, Urgency Measure, Chaptered on July 8, 2003).** This law, sponsored by the SWRCB, amends California's UST program statutes to strengthen sections identified by the USEPA that are less stringent than the federal UST program. Making these amendments, along with adopting regulations to address the USEPA's remaining concerns, will better enable California's UST program to obtain state program approval, and, at the same time, will remove potential obstacles to enforcement of California's UST requirements. Additionally this law extends the deadline for compliance with UST requirements to meet new technology requirements for liquid and vapor containment and enhanced leak detection from July 1, 2003 to July 1, 2004. Finally, under the Polanco Redevelopment Act, this law deletes the requirement that a person be subject to a cleanup or abatement order. Chapter 999, Statutes of 2002 (AB 2481, Frommer) inadvertently added this requirement.

**AB 1747 (Committee on Budget) (Chapter 240, Statutes of 2003, Urgency Measure, Chaptered on August 13, 2003).** This law is the omnibus natural resources bill that makes various changes to natural resource departments and programs deemed necessary to implement the 2003-04 Budget Act. Among other things, this law affects the implementation Proposition 50 by requiring implementing agencies to develop project solicitation and evaluation guidelines, provide technical assistance to economically disadvantaged communities, and to submit annual reports to the Legislature.

**AB 1757 (Committee on Budget) State Agencies (Chapter 229, Statutes of 2003).** This law abolishes the State Office of Criminal Justice Planning and the TTCA and transfers specified duties to other agencies effective on January 1, 2004. The TTCA responsibilities' for the RUST program were transferred to the SWRCB.

**AB 1765 (Committee on Budget) 2003-04 Budget Act (Chapter 157, Statutes 2003).** This law enacts the 2003-04 State Budget, which contains \$70.825 billion in General Fund monies.

**AB 1802 (Bogh) Illegal Dumping: Penalties (Chapter 137, Statutes of 2004).** This law raises the mandatory fine for dumping commercial quantities of waste matter, rocks, or dirt in certain locations without consent. Additionally this law adds asphalt and concrete to the list of materials that may not be dumped in certain locations without consent.

**AB 1876 (Chan) Public Beach Sanitation (Chapter 709, Statutes of 2004).** This law defines a “public bay beach” as a public beach used for recreational purposes that is located within the coastal zone or within the jurisdiction of the SFBCDC. Additionally, this law requires microbiological contamination monitoring at heavily used public beaches and recreational shore areas within the SFBCDC.

**AB 1906 (Lowenthal) Hazardous Materials: USTs: Cleanup: Fees (Chapter 774, Statutes of 2004).** This law increases the petroleum storage fee from \$0.012 per gallon to \$0.013 per gallon beginning January 1, 2005, and to \$0.014 per gallon beginning January 1, 2006. Additionally, this law establishes the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Subaccount and requires \$10 million to be transferred from the USTCF into the Subaccount for calendar years 2005-2007 for costs to remediate petroleum contamination at specified sites.

**AB 1934 (Leslie) Bear Lake Reservoir: Recreational Use (Chapter 374, Statutes of 2004).** This law allows, until January 1, 2007, recreational activity that involves bodily contact with water to take place in Bear Lake Reservoir if certain conditions are met. The conditions include water treatment and an ongoing monitoring program. This law also makes findings and declarations regarding the necessity of a special statute. Lake Alpine Water Company is required to report to the Legislature and the Department of Health Services (DHS) on or before January 1, 2006, on the recreational uses at the Reservoir and the water treatment program.

**AB 1982 (Wolk) Wildlife Management Areas: Mosquito Abatement (Chapter 553, Statutes of 2004).** This law, which sunsets on January 1, 2010, requires local mosquito abatement districts and DFG to undertake various actions in order to control mosquito populations in managed wetland habitats in wildlife management areas. A related measure, Chapter 564, Statutes of 2004 (SB 1545, Karnette), appropriates \$750,000 General Fund to DFG to carry out the provisions of this bill.

**AB 1983 (Wolk) Reclamation Board (Died in the Senate).** This bill would have granted the SRB the authority to collaborate with state and federal agencies on multiobjective flood management that includes the following benefits associated with flood management studies and projects: agricultural conservation, ecosystem protection and restoration, and recreational opportunities.

**AB 2072 (Wyland) Vessels: Prohibited Activities (Chapter 510, Statutes of 2004).** Under this law, the Director of the DFG must inform the DB&W regarding the date on which *Caulerpa taxifolia* has been eradicated from Agua Hedionda Lagoon. The Director also will have to calculate the repeal date of the provision in existing law allowing the DFG to prohibit or restrict recreational vessel activity by adding one year to the date provided to the DB&W.

**AB 2093 (Nakano) Large Passenger Vessels: Graywater (Chapter 710, Statutes of 2004).** This law prohibits the discharge of graywater from a large passenger vessel (cruise ship) into the marine waters of the state. Any person who violates the prohibition will be subject to a civil penalty not to exceed \$25,000. Also requires that a person who discharges graywater into the state's marine waters immediately notify the SWRCB of the discharge.

**AB 2121 (Committee on Budget) Water Resources (Chapter 943, Statutes of 2004).** This law requires the SWRCB to annually prepare a summary of pending water right applications for specified areas of the state and requires the SWRCB, by January 1, 2007, to adopt its own water quality control policy containing principles and guidelines for maintaining instream flows in specified coastal streams. This policy would be in addition to the existing “draft guidelines” issued by the National Marine Fisheries

Service and the DFG, specifying the instream flow measures needed to protect fish in mid-California coastal streams. Governor Schwarzenegger's signing message for this bill includes the following statement: "I ask that the Legislature follow up next session with a bill to extend the deadline and provide additional funding as necessary."

**AB 2298 (Plescia) Public Water Systems (Died in the Senate).** This bill would have authorized the Department of Water Resources to require a public water system with over 3,000 connections to meter irrigated uses, and to charge based on metered use. The requirement would have applied first to new and rehabilitated irrigated uses in excess of 10,000 square feet, and later to all irrigated uses in excess of one acre.

**AB 2251 (Lowenthal) Hazardous Waste Facilities Permits: Financial Assurances (Chapter 779, Statutes of 2004).** This law changes the permit process and operational requirements for facilities that handle hazardous waste.

**AB 2277 (Dymally) Hazardous Waste (Chapter 880, Statutes of 2004).** Among other things, on and after January 1, 2006, this law prohibits a person other than a certified appliance recycler from either: (1) removing materials that require special handling from major appliances; or (2) transporting, delivering, or selling discarded major appliances to a scrap recycling facility, except as specified.

**AB 2304 (Richman) Energy Resources (Chapter 781, Statutes of 2004, Urgency Measure, Chaptered on September 25, 2004).** This law: (1) deletes the requirement that the CEC submit quarterly reports to the Legislature on the use of MTBE in gasoline; (2) deletes the requirement to establish a program to promote the use of methanol fuel; and (3) consolidates reporting requirements on the status of its existing renewable energy program into a single annual report.

**AB 2342 (Jackson) Drinking Water: Public Health Goals (Chapter 678, Statutes of 2004).** This law authorizes the OEHHA, when periodically reviewing the public health goals for drinking water contaminants, to give special consideration to contaminants that may cause adverse health risks in members of subgroups that constitute a meaningful portion of the population.

**AB 2388 (Lowenthal) Harbors: Harbor Safety Committees: Membership (Vetoed).** This bill would have increased the membership of the Los Angeles/Long Beach Harbor Safety Committee by requiring that the state oil response administrator appoint an additional committee member who is a designee of the recognized employee organization representing the nonmanagement pilots in the Port of Los Angeles.

**AB 2396 (Wiggins) Waste tire program (Died in Assembly).** This bill would have allowed the IWMB's Tire Recycling Management Fund to be used for preparation of a report, in consultation with the SWRCB and the California Geological Survey, that assesses: (1) how federal and state agencies promoted the use of waste tires to control erosion; (2) how landowners were authorized and permitted to construct erosion controls with waste tires; (3) the extent that erosion controls on California farmland included waste tires; and (4) the appropriateness of modifying erosion controls made with waste tires as a remediation strategy. The report also would have cited how the federal or state agency that authorized this practice may have been held liable for remediation costs. The due date for the report would have been December 21, 2005.

**AB 2439 (Haynes) Canyon Lake Reservoir: Recreational Use (Chapter 519, Statutes of 2004).** This law allows, until January 1, 2008, recreational activity that involves bodily contact with water to take place in the Canyon Lake Reservoir within the Elsinore Valley Municipal Water District if certain conditions are met. The conditions include water treatment, including coagulation, flocculation, sedimentation, filtration, and disinfection. By January 1, 2006, the disinfection must also include ozonation or ultraviolet disinfection in compliance with federal regulations. The District will be required to file a report by January 1, 2007 with the Legislature on the recreational uses at the reservoir and the water treatment program.

**AB 2465 (Assembly Environmental Safety and Toxic Materials Committee) Hazardous Materials: Release of Hazardous Materials: Transportation: Hazardous Waste (Died on the Assembly).** This bill would have updated various statutory provisions relating to CUPAs and CESQGs to reflect current practices and to remove obsolete dates.

**AB 2514 (Committee on Natural Resources) Natural Resources: California Environmental License Plate Fund: California Environmental Protection Program (Chapter 540, Statutes of 2004).** This law increases the annual renewal fees for environmental license plates from \$25 to \$30 and the transfer fee from \$20 to \$30. It also allows environmental license plate fees to be used for the purposes specified in the California Ocean Protection Act established by Chapter 720, Statutes of 2004 (SB 1319, Burton and Alpert). It also authorizes the DMV to post links on its Web site to other Web sites that have information regarding the protection and management of ocean and coastal resources programs supported by the Environmental License Plate Fund.

**AB 2528 (Lowenthal) Public Water Systems (Chapter 679, Statutes of 2004).** This law requires the operators of wholesale or retail public water systems to provide notice relating to contamination of any drinking water that exceeds the maximum containment level, a response level, or a notification level, including, but not limited to, notification to the PUC if the public water system is a regulated public utility.

**AB 2529 (Kehoe) Water Quality: Marine Managed Areas (Chapter 714, Statutes of 2004).** This law creates a new Marine Managed Areas Grant Program. The grants would be for projects that restore and protect the water quality and environment of marine managed areas. This law does not identify a funding source for the program, but the SWRCB expects that in the future, Proposition 50 funds might be considered to fund the program.

**AB 2572 (Kehoe) Water Meters (Chapter 884, Statutes of 2004).** This law requires urban water suppliers to install, on or before January 1, 2025, water meters on all municipal and industrial service connections, and to charge customers for water based on the actual volume of water delivered. Requires an urban water supplier that applies for financial assistance from the state for a wastewater treatment project, a drinking water treatment project or a water right permit to demonstrate that it is in compliance with the volume-based pricing requirement.

**AB 2631 (Wolk) Natural Resources: Invasive Species (Vetoed).** This bill would have established the Invasive Species Council for the purpose of developing a statewide invasive species plan and making recommendations to the Governor for the prevention, early detection and rapid response, and control and management of invasive species. This bill did not mention the SWRCB, but there could have been an expectation that the SWRCB provide technical assistance when invasive species and water quality issues overlap. This bill would not have impacted the authority granted to the SWRCB or the RWQCBs under the Porter-Cologne Water Quality Control Act.

**AB 2633 (Frommer) Grease: Solid Waste (Vetoed).** This bill would have: (1) created the Interceptor Grease Transportation, Recycling and Disposal Act of 2004 within the Food and Agriculture Code; (2) established a new registration process to transport or manage interceptor grease, including the authority to deny, suspend, or revoke a registration based on specified conditions; (3) created a new crime to transport or manage interceptor grease unless by a registrant; (4) required specified manifest procedures and reporting requirements; (5) designated who may receive interceptor grease and its use; and (6) established penalties.

**AB 2657 (Nunez) Metal Plating Facilities (Vetoed).** Among other things, this bill would have required the Cal/EPA to establish and coordinate an Interagency Metal Plating Task Force to conduct activities related to the regulation of the metal plating industry. This bill would have required the Cal/EPA to establish a loan program and a loan guarantee program, or both programs, for chrome plating facilities for the purchase of high performance environmental control technologies. This bill would have created the Chromium Pollution Prevention Fund in the State Treasury and would have required the Cal/EPA to expend the money in the fund, upon appropriation by the Legislature, to support the Task Force's activities and to make specified loans and/or loan guarantees.

**AB 2672 (Simitian) Large Passenger Vessels: Sewage (Chapter 764, Statutes of 2004).** This law requires the SWRCB to determine whether federal approval is necessary for the state to prohibit discharge of sewage from cruise ships. If the SWRCB determines that it is necessary, this law requires the board to make that application. Upon federal approval of the SWRCB's application, or if the SWRCB determines that federal approval is not required, cruise ships will be prohibited, until January 1, 2010, from discharging sewage into the marine waters of the state.

**AB 2690 (Hancock) Public Works: Funds (Chapter 330, Statutes of 2004).** This law exempts volunteer work from prevailing wage requirements that would otherwise apply to public works projects and eliminates the requirement for payment of prevailing wages for work performed by members of the California Conservation Corps. This law will sunset on January 1, 2009.

**AB 2701 (Runner) Environmental Protection: Reports (Chapter 644, Statutes of 2004).** This law will: (1) require the IWMB to establish a process for converting reports and other documents state agencies are required to develop and disseminate from paper to electronic means and compact discs; (2) repeal unnecessary or obsolete reports; (3) change the reporting frequency of select reports from annual to biennial; and (4) allow data rich or statistical reports to be posted directly on the Web. Does not include reports that make budget or policy recommendations.

**AB 2713 (Pavley) Representation of Government Organizations (Vetoed).** This bill would have established a limited exception to the Rules of Professional Responsibility so that attorneys representing public agencies are not restricted by those Rules if the attorney learns of improper governmental activity. The attorney would have been permitted, but not required, to refer the matter to the law enforcement agency or official charged with oversight of the public agency.

**AB 2717 (Laird) California Urban Water Conservation Council: Stakeholders (Chapter 682, Statutes of 2004).** This law declares the Legislature's intent that the California Urban Water Conservation Council convene a stakeholders workgroup composed of public agencies, including the SWRCB, private organizations, and other stakeholders to evaluate proposals for improving the water use efficiency in new and existing urban irrigated landscaping. Also declares the Legislature's intent that the stakeholder workgroup report its recommendations to the Governor and the Legislature by December 31, 2005.

**AB 2733 (Strickland) Water Resources: Groundwater Extraction Notices (Chapter 538, Statutes of 2004).** This law requires each person who extracts groundwater in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura, to file the required "Notice of Extraction of and Diversion of Water" with a local agency or court appointed watermaster, designated by the SWRCB, provided that the local agency has volunteered to be designated and meets other specified requirements. The SWRCB would retain the notification program in those local areas not prepared or unwilling to collect the notifications. The local agencies will be authorized to impose a filing fee to cover costs.

**AB 2814 (Simitian) Natural Resources: California Environmental Quality Act (Chapter 522, Statutes of 2004).** This law provides that failure to name potential parties, other than those real parties in interest, by a petitioner or plaintiff who brings specified actions or proceedings under CEQA, is not grounds for dismissal of the action or proceeding, as specified.

**AB 2834 (Canciamilla) Santa Margarita Water District and Irvine Ranch Water District: Water Treatment, Reuse, and Conveyance. (Chapter 585, Statutes of 2004).** This law allows the SMWD and IRWD to convey water in a drainage course within the boundaries of each respective district for the purposes of treating and reusing that water, if provisions of California and federal law are met.

**AB 2883 (Diaz) Santa Clara Valley Water District: New Authority (Vetoed).** This bill would have authorized the SCVWD to conduct investigations and cleanup activities related to contamination of surface water or groundwater within the SCVWD.

**AB 2884 (Calderon) California Regional Water Quality Control Boards: Pollution or Nuisance: Abatement (Vetoed).** This bill would have limited the scope of responsibility of a RWQCB when cleaning up pollution at properties with non-operating businesses. Additionally, this bill would have authorized the collection of abatement costs from the property owner by a civil suit.

**AB 2902 (Hancock) CEQA: Project Approvals (Died in Senate).** This bill would have amended the CEQA to prohibit a lead agency from approving or carrying out a project based on the finding that the changes required to mitigate the significant environmental impacts identified in the EIR are within the responsibility and jurisdiction of another public agency, unless certain conditions are met. The conditions would have included that the lead agency must hold a hearing in the impacted jurisdiction and find that required changes are not within the lead agency's responsibility, and must conduct good faith negotiations with the responsible agency prior to making the finding. This bill would have only applied to the environmental impacts on several specified utility services and would exempt K-12 public schools from its requirements.

**AB 2918 (Laird) Desalination Facilities (Chapter 648, Statutes of 2004).** This law requires the PUC to evaluate the interrelationship between its electricity policy and water policy as they relate to saline water conversion through ocean water desalination and to report to the Governor and the Legislature, on or before January 1, 2006, on the balance between electricity ratepayers and water ratepayers. Requires the PUC to invite the DWR, the SWRCB, the DFG, the Energy Commission, and the CCC to participate in the evaluation.

**AB 2955 (McCarthy) Underground Storage Tanks: Leakage Detection: Grants (Chapter 649, Statutes of 2004, Urgency Measure, Chaptered on September 21, 2004).** This law requires the SWRCB and the ARB to jointly certify that enhanced vapor recovery systems that meet the ARB's requirements also meet the SWRCB's UST program requirements. Further, this law creates a new grant program to provide funding to certain small businesses that install USTs on or after July 1, 2004 and prior to June 30, 2009. The grants are to be used to test the UST during and after installation and to purchase equipment needed for long-term leak detection monitoring.

**AB 3039 (Committee on Environmental Safety and Toxic Materials) Ocean use planning: California Coastal Act (Died in the Senate).** This bill would have required the Secretaries for Cal/EPA and the RA to review regulatory programs under their jurisdictions while taking into consideration recommendations contained in the Pew Oceans Commission report titled *American's Living Oceans: Charting a Course for Sea Change*. This bill also would have required that the Agencies, by April 1, 2005, submit a report to the Legislature that included an assessment of structural or budgetary changes needed to ensure a coordinated coastal and marine program.

**AB 3040 (Assembly Environmental Safety and Toxic Materials Committee) Hazardous Substances: Oversight (Vetoed).** This bill would have extended indefinitely the provisions of current law that exempt certain positions within the DTSC and the SWRCB from any hiring freeze and staff reductions if those positions have federal funding and do not require any matching state General Funds. Additionally, this bill would have prohibited the DOF and the SCO from imposing hiring freeze and position reductions upon any position that provides oversight and related support of remediation or corrective action at a hazardous substance release site that is funded with an agreement with a responsible party and that does not require any General Fund money.

**AB 3041 (Assembly Environmental Safety and Toxic Materials Committee) Hazardous Substances: Oversight (Chapter 686, Statutes of 2004, Urgency Measure, Chaptered on September 22, 2004).** This law does the following: (1) alters the conditions that a conditionally exempt CESQG must meet, including the amount of hazardous waste that can be transported by a CESQG; (2) requires certain fines or penalties assessed for violation of UST requirements to be paid to a CUPA, or the participating agency, instead of being paid to the treasury of a local agency; (3) requires that any penalties or fines paid to a CUPA or participating agency be deposited into a special account and used only for CUPA or participating agency activities related to USTs, consistent with those agencies' jurisdictions; and (4) makes technical changes and repeals outdated references in code.



**ABX1 10 (Oropeza) Resources (Chapter 1, First Extraordinary Session 2003).** This law removes the current \$20,000 cap on the amount of annual fees that can be assessed to waste dischargers and instead allows the SWRCB to set fees at whatever level it deems necessary (within the annual budget appropriation) to support the oversight and administration of waste discharge requirements. This law also removes an annual fee exemption for confined animal feeding operations, including dairies.

**AJR 72 (Frommer) Federal Clean Air Act: Gasoline Oxygenate Additives (Resolution Chapter 131, Statutes of 2004).** This resolution memorializes the USEPA to take immediate action to review and reconsider California's request for an administrative waiver from the gasoline oxygenate additive requirements of the federal Clean Air Act in order to relieve gasoline consumers in California from record-breaking gasoline prices.

## SENATE BILLS

**SB 13 (Romero) Radiation Safety Act of 2003 (Died in the Senate).** This bill would have prohibited the disposal of radioactive waste in the state except at those facilities that are permitted or licensed for that particular type and amount of radioactive waste under the Radiation Control Law or by the Nuclear Regulatory Commission. Additionally, this bill would have exempted specified radioactive materials from the disposal limitations, including radioactive materials that are commonly used in medicine, biotechnology, and academia that met specified criteria.

**SB 18 (Burton) Traditional Tribal Cultural Sites (Chapter 905, Statutes of 2004).** This law creates a procedure in the CEQA for the NAHC, in consultation with Native American tribes and other interested parties, to determine whether a proposed project may adversely change a traditional tribal cultural site and to recommend project changes and mitigation measures to avoid or reduce those changes. This law revises the duties and composition of NAHC, creates procedures for NAHC and Native American tribes to participate in local land use planning, and allows Native American tribes to take title to conservation easements.

**SB 21 (Machado) Water: Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Died in the Senate).** This bill would have clarified the administration of various chapters of Proposition 50, including guidelines for administering grants and loans and keeping the Legislature informed about expenditures and guidelines.

**SB 34 (Soto) Inland Empire Water Quality Authority (Died in the Senate).** This bill would have stated the intent of the Legislature to establish the Inland Empire Water Quality Authority and would make a related statement of legislative findings and declarations.

**SB 68 (Alpert) Water Quality: San Diego Bay (Chapter 497, Statutes of 2003).** This law creates the San Diego Bay Advisory Committee for Ecological Assessment for the purpose of preparing a report that would: (1) evaluate the existing and historic data and trends related to the health of San Diego Bay; (2) identify necessary habitat enhancement projects to increase population and diversity for species within San Diego Bay; and (3) assess and recommend the best stormwater pollution control technology. This law's provisions sunset on January 1, 2006.

**SB 86 (Machado) Sacramento-San Joaquin Delta Conservancy Program (Vetoed).** This bill would have established the Sacramento-San Joaquin Delta Conservancy Program, to be administered by the SCC. The purpose of the program would have been to restore, enhance, and protect the unique agricultural, economic, natural, cultural, recreational, public access, and urban waterfront resources and opportunities of the Sacramento-San Joaquin Delta in a coordinated, comprehensive, and effective manner.

**SB 111 (Knight) State Reporting Requirements (Chapter 193, Statutes of 2004).** This law repeals various reporting requirements under specified code sections. This law does not affect any SWRCB reporting requirements.

**SB 117 (Machado) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002(Chapter 716, Statutes of 2004).** This law removes language from Proposition 50 with regards to developing guidelines, providing technical assistance, and conducting public outreach "within the budgetary and personnel constraints imposed by the state budget" by requiring each implementing state agency to (1) provide technical assistance to disadvantaged communities in all cases, and (2) provide outreach to disadvantaged communities to the "maximum extent feasible".

**SB 189 (Escutia) Environmental Health Tracking System: Chronic Disease (Chapter 407, Statutes of 2003).** This law enacts the California Health Tracking Act of 2003, which directs the DHS, the Cal/EPA and the UC to assess the feasibility of integrating existing environmental health data.

**SB 196 (Kuehl) California Regional Water Quality Control Boards (Chapter 272, Statutes of 2003).** This law requires RWQCB members appointed to fill the “associated with municipal government” position to be city council members or mayors and the persons appointed to fill the “associated with county government” positions to be county supervisors. This requirement is effective on or after January 1, 2004 when the next specified vacancy occurs on the RWQCBs.

**SB 201 (Romero) Radioactive Materials: Transfer of Authority (Died in the Senate).** This bill would have transferred all of the DHS' ionizing radiation functions to the DTSC and would have required that future cleanups of sites contaminated by radioactivity in California meet USEPA standards.

**SB 202 (Romero) Wood Waste: Preservatives (Died in the Senate).** This bill would have repealed the existing exemption from the hazardous waste control laws for wood waste previously treated with CCA or penta. This bill would have prohibited the use of CCA or penta to treat wood products or to manufacture a wood product treated with these substances in California after January 1, 2005. This bill would have required disposal of wood waste containing CCA or penta to be disposed pursuant to California's hazardous waste control laws. This bill would have allowed the disposal of wood wastes containing CCA or penta in accordance with regulations adopted by the DTSC. This bill would have required the DTSC, in consultation with the CIWMB and the SWRCB, to adopt regulations that require the wood waste to be disposed of in a manner fully protective of human health and the environment. This bill would have authorized a local or state agency to petition the Cal/EPA for a waiver from the requirements of this bill, which would have been valid for five years from the date that the waiver is issued, if the Cal/EPA made a specified finding.

**SB 203 (Romero) Personal Income Taxes and Bank and Corporation Taxes: Brownfield Cleanup Credit (Died in the Senate).** This bill would have authorized a credit against personal income taxes and bank and corporation taxes for a qualified brownfield property owner for each taxable year beginning on or after January 1, 2003, and before January 1, 2013, in an amount equal to an unknown percentage of the costs paid or incurred to clean up a polluted "brownfield" property to a satisfactory level, as evidenced by a "written certification of completion."

**SB 208 (Kuehl) Radiation: Contamination (Died in the Senate).** This bill would have required the DHS to direct the owner of any parcel of land at the Santa Susana Field Laboratory in Ventura County to do the following if it determined that a partial or full reactor meltdown had occurred on the site: (1) establish and use thorough and rigorous monitoring of the site, as specified, to provide assurance that all residual radioactive contamination is identified; (2) ensure that monitoring is consistent with measures provided by the USEPA; and (3) ensure that the monitoring measures at the site consist of at least 80% of the surface and subsurface soil samples identified by the USEPA in a specified document. Additionally this bill would have prohibited the sale, transfer, or lease of the site for any subsequent land use unless the DHS certified that the radioactive contamination had been remediated.

**SB 217 (Sher) Forest Resources (Died in the Assembly).** This bill would have prohibited certain harvest methods, including clearcutting, from being used in any stand of ancient forest. It would have defined “ancient forest” and would require harvesting activities in ancient forests to comply with specified requirements. Lastly, this bill would have exempted certain activities from its provisions, including: (1) authorized removal of infested trees; (2) authorized removal of trees damaged by fire, wind, insects, disease, or flood; authorized conversion of the ancient forest to a non-timber use; and (3) construction of fuel breaks or rights-of-way. This bill would not have affected the responsibilities of the SWRCB and RWQCBs under the Z'berg-Nejedly Forest Practice Act.

**SB 318 (Alpert) Urban Water Suppliers: Desalinated Water (Chapter 688, Statutes of 2004).** This law requires urban water suppliers to include in their urban water management plans the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

**SB 331 (Romero) Toxic Injuries: Limitation of Actions (Chapter 873, Statutes of 2003).** This law codifies the doctrine of delayed discovery as it would apply to the statute of limitations for filing a civil

action lawsuit for injury, illness, or death caused by exposure to a hazardous material or toxic substance other than asbestos.

**SB 334 (Romero) San Gabriel Basin Water Quality Authority (Chapter 192, Statutes of 2003).** This law amends the San Gabriel Basin Water Quality Authority Act to: (1) delete the requirement that the SWRCB consult with the Los Angeles RWQCB in preparing the report to the Legislature required by the Act; (2) reduce the annual pumping right assessment cap from \$13 to \$10 per acre-foot; and (3) extend the sunset date of the Act to July 1, 2010.

**SB 403 (Florez) California Clean Air Bond Act (Died in Assembly).** This bill would have enacted, upon the approval of state voters, the California Clean Air Bond Act, which would have provided \$5.15 billion in general obligation bond funds to address and mitigate various air pollution problems. The Act would have provided funding for the California Dairy Quality Assurance Program and other programs that would have had water quality components.

**SB 415 (Kuehl) Real Property: Radioactive Contamination: Disclosure (Died in the Senate).** This bill would have required a person or entity that rents, leases, subleases, sells, or otherwise transfers radioactive contaminated property to provide the transferee prior to the transfer with a written disclosure of the specific increased risk of cancer to which residents of the contaminated property would be exposed. The determination of the level of radioactive contamination to be disclosed would have been provided through use of certain documents available from the USEPA's Office of Solid Waste and Emergency Response.

**SB 418 (Sher) Fish and Wildlife: Streambed Alteration Agreements (Chapter 736, Statutes of 2003).** This law recasts the provisions governing the process by which public agencies, public utilities, and other entities seek permission from the DFG for a project that results in the alteration of any streambed.

**SB 429 (Torlakson) Energy Resources: Petroleum Infrastructure Projects: Permits: Process (Died in the Assembly).** This bill would have required an examination of government agencies' requirements associated with the development of petroleum infrastructure projects.

**SB 475 (Florez) Public Freshwater Bathing Areas: Recreational Use: Sanitation (Died in the Senate).** This bill would have required the DHS, by no later than March 1, 2004, to convene a public advisory group, with specified membership, to advise the DHS on the development of minimum standards for sanitation of public freshwater bathing areas for protection of public health and safety. This bill would have required the DHS, on or before December 31, 2006, to establish bacterial standards for these bathing areas. At a minimum, these standards would have required weekly testing of all high-use and priority public freshwater bathing areas for microbiological contaminants from April 1 to October 31 of each year.

**SB 479 (Machado) Water Transfers (Died in the Senate)** This bill would have required the SWRCB to approve a petition for a long-term water transfer, if, among other considerations, the change would not cause substantial negative third-party impacts.

**SB 493 (Cedillo) Hazardous Substances: Cleanup Loans (Died in the Senate).** This bill would have transferred \$25 million from the Toxic Substances Control Account to the Cleanup Loans and Environmental Assistance to Neighborhoods Account to fund loans provided by the DTSC for assessment and cleanup related activities at brownfields and other underutilized urban properties. The June 16, 2004 version of this bill, which would have enacted the California Land Reuse and Revitalization Act of 2004, was partially amended into AB 389 (Montanez).

**SB 511 (Figueroa) Mercury Lamp Recycling (Died in the Senate).** This bill would have enacted the California Mercury Lamp Recycling Act of 2004. This bill would have required every manufacturer of a mercury-containing fluorescent lamp sold in the state to submit a plan, by June 30 2004, that would have ensured that all such mercury-containing fluorescent lamps sold by that manufacturer would have been

collected, transported, and recycled by January 1, 2006. Additionally, this bill would have required the manufacturer of mercury-containing fluorescent lamps to label each lamp as specified. Finally, this bill would have prohibited any person from transporting mercury-containing fluorescent lamp waste out of state, unless the waste was transported to a mercury recycling facility.

**SB 512 (Figueroa) Marine Resources: Pacific Fishery Management Council: Marine Managed Areas: State Water Quality Protection Areas (Chapter 854, Statutes of 2004).** This law requires that waste discharges in a SWQPA be prohibited or limited by the imposition of special conditions in accordance with the Porter-Cologne Water Quality Control Act and implementing regulations, including the SWRCB's California Ocean Plan and the California Thermal Plan. Additionally, this law specifies that areas of special biological significance are a subset of SWQPAs and require additional protection. Lastly, this law alters the appointment requirements of the Pacific Fishery Management Council.

**SB 518 (Escutia) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Died in the Senate).** This bill would have required agencies required to carry out certain provisions of Proposition 50 to consider adopting criteria that would have included a preference for projects that would benefit those areas with the highest population density and that face water supply shortages because their domestic water wells are located within 500 feet of groundwater recharge areas, projects that benefit severely economically disadvantaged areas, or economically disadvantaged areas that will enhance environmental justice.

**SB 543 (Machado) Water Rights: Groundwater Cleanup Operation (Died in the Assembly).** This bill would have permitted the water produced from a groundwater cleanup operation to be used, transferred, assigned, or conveyed for beneficial use by the operator of that operation only if a written agreement for the allocation of treated water had been entered into between the operator and every injured public water system that had given notice to the operator of its claim that it is an injured public water system, as defined, or other requirements are met. This bill would have provided that no right shall vest in the operator solely by virtue of its extraction, treatment, and discharge of water from that operation. These provisions would not have applied to certain discharges from a groundwater cleanup operation, if those projects were otherwise eligible for assistance in accordance with the applicable requirements of Proposition 50.

**SB 553 (Florez) Water Transfer (Died in the Senate).** This bill would have stated the intent of the Legislature to develop polices that would have required the examination of the impact of water transfers on the agricultural economy and social fabric of rural areas and that would have provided a manner of mitigating the impact of water transfers on the local economy, particularly on agricultural workers.

**SB 557 (Kuehl) Forest Practices: Timber Products Excise Tax (Died in the Assembly).** This bill would have imposed a new excise tax on specified timber products in order to fund various state agency THP review processes.

**SB 559 (Ortiz) Hazardous Substances: Brownfield Cleanup and Redevelopment Act (Vetoed).** This bill would have created a pilot project for streamlining the interactions between local public agencies and the DTSC or the SWRCB and the RWQCBs on brownfield cleanup and redevelopment.

**SB 563 (Ackerman) Water Quality Information Clearinghouse (Died in the Senate).** This bill would have appropriated \$15 million from the Proposition 50 funds to the SWRCB for allocation to the UC, to finance the establishment of a Water Quality Information Clearinghouse.

**SB 568 (Sher) Environmental Protection: External Scientific Peer Reviewers (Vetoed).** This bill would have prohibited a person from serving as a peer reviewer for the Cal/EPA and its BDOs if the person has a financial interest that is related to the subject matter of the review. This bill would have provided that this provision would apply only to a peer review initiated on or after January 1, 2004.

**SB 700 (Florez) Air Quality: Emissions: Stationary Sources: Agricultural Operations (Chapter 479, Statutes of 2003).** This law requires, by July 1, 2006, each Air Quality Management District or Air

Pollution Control District, which is designated as a "serious" federal nonattainment area for various types of particulate matter, to adopt and implement best available control measures for agricultural stationary sources of air pollution. This law requires the California Pollution Control Financing Authority to expand the Capital Access Loan Program for Small Businesses to include outreach to financial institutions that service agricultural interests in the state for the purposes of funding air pollution control measures.

**SB 747 (Romero) Underground Storage Tanks (Died in the Senate).** This bill would have repealed provisions relating to various monitoring, replacement, and upgrading requirements with regard to a UST installed on or before January 1, 1984, and used for the storage of hazardous substances.

**SB 776 (Johnson) State Boards and Commissions: Pay Rates (Died in the Senate).** This bill would have declared the intent of the Legislature to address the issue of pay rates for individuals appointed to state boards and commissions.

**SB 783 (Margett) Water Rights: Permits (Died in the Senate).** This bill would have made a technical, nonsubstantive change to the water rights permits provision.

**SB 794 (Battin) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002: Saltceder Eradication (Died in the Senate).** This bill would have appropriated \$1.5 million to the SWRCB from Proposition 50 funds for: (1) removal of invasive non-native plants; (2) the creation and enhancement of wetlands; and (3) the acquisition, protection, and restoration of open space and watershed lands. The funds specifically would have been used for exotic Saltcedar eradication programs in Riverside, Imperial, and San Diego Counties

**SB 803 (Soto) Storm Water Management (Died in the Senate).** This bill would have declared the intent of the Legislature to establish a uniform means of effective compliance with stormwater runoff requirements on a regional basis.

**SB 805 (Escutia) Hazardous Substances: Brownfields (Chapter 717, Statutes of 2004).** This law includes infill sites that are larger than five acres of contiguous property, under the same ownership, within the universe of urban brownfield (underutilized and contaminated) properties that are eligible to be cleaned up or otherwise addressed under the streamlined California Land Environmental Restoration and Reuse Act process.

**SB 810 (Burton) Natural Resources: Timber Harvesting (Chapter 900, Statutes of 2003).** This law prohibits a timber harvesting plan from being approved if the appropriate RWQCB finds that the proposed timber operation will result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to federal law, that causes or contributes to a violation of the applicable water quality control plan. This law authorizes a RWQCB to delegate this authority to its executive officer, as long as the executive officer's decision is subject to review by the RWQCB. In his signing message, Governor Davis directed that further legislation be introduced to provide that the RWQCBs' determinations under this law are subject to appeal and review by the SWRCB. Governor Davis further stated his intent that the authority given to the RWQCBs by this law be used only in rare instances when the review team and conflict resolution process with the DFFP is unable to come to agreement.

**SB 833 (Machado) Eastern Water Alliance Joint Powers Agency (Chapter 740, Statutes of 2003).** This law authorizes the Eastern Water Alliance Joint Powers Agency to grant funds to a member public agency for purposes of assisting that member public agency in acquiring water if the board of directors determines that water supply will benefit the groundwater basin as a whole and that member public agency would otherwise be unable to acquire that water. This law also authorizes the joint powers agency to impose an annual plan implementation charge on landowners with its boundaries.

**SB 922 (Soto) Perchlorate: Information (Chapter 508, Statutes of 2004).** This law corrects a reference in the Water Code regarding the United States Department of Defense Explosive Safety Board requirements for a military munitions storage facility. Additionally, this law clarifies a definition in the Water Code relating to perchlorate located in unused military munitions, as defined in the Code of Federal

Regulations, that were stored on or after January 1, 2004. Note: The language in a previous version of this bill was amended into SB 1004 (Soto).

**SB 923 (Sher) Water Quality: Waivers (Chapter 801, Statutes of 2003).** This law amends the Porter-Cologne Water Quality Control Act to establish new requirements for the issuance of waivers of waste discharge requirements and authorizes the SWRCB to issue such waivers. This law requires that waivers include monitoring requirements, except for discharges that do not pose a significant threat to water quality. This law also authorizes an annual fee for waivers, to be established by the SWRCB and paid by dischargers covered by the waivers. The collected fees are to be deposited in the Waste Discharge Permit Fund for expenditure, upon appropriation by the Legislature, by the SWRCB and RWQCBs for the purpose of implementing the waiver program.

**SB 925 (McPherson) Invasive Species (Died in the Senate).** This bill would have extended the submission deadline for submitting the first working version of a comprehensive plan for dealing with aquatic invasive species in California from January 1, 2004 to March 1, 2004.

**SB 981 (Soto) Children's Health and Petroleum Pollution Remediation Act of 2003 (Died in the Senate).** This bill would have established the Children's Health Petroleum Pollution Remediation Fund. This bill would have required every operator of a refinery to pay a 30-cent fee for each barrel of crude oil received at a refinery within the state. The BOE would have administered the fee, collecting it monthly and paying it into the Fund. Monies in the Fund would have been used to fund various programs including petroleum pollution source reduction programs and public health remediation programs.

**SB 990 (McPherson) Waste Discharge Requirements (Died in the Senate).** This bill would have made technical, nonsubstantive changes to the provisions under the Porter-Cologne Water Quality Control Act that require the appropriate RWQCB to prescribe requirements as to the nature of a proposed discharge, an existing discharge, or a material change in an existing discharge.

**SB 1000 (Aanestad) Beneficial Use: Extension of Time (Died in the Senate).** This bill would have declared that nonuse of water as a result of conservation efforts constitutes good cause to extend the period specified in a permit for application of appropriated water to beneficial use. This bill would have required the SWRCB to extend the time for application of the water to beneficial use for a period of time sufficient to enable the permittee to perfect its appropriation if the petition to extend the time to apply water to beneficial use includes a description of future increased water requirements that are anticipated to be satisfied with water diverted under the permit, and other requirements are met.

**SB 1002 (Sher) Santa Clara Valley Water District (Chapter 341, Statutes of 2003, Urgency Measure, Chaptered on September 8, 2003).** This law authorizes the SWRCB to enter into an agreement with a local agency and the SCVWD to implement the local oversight program for cleanup of UST releases in Santa Clara County until June 30, 2004. Additionally, this law ratifies certain SCVWD actions relating to the cleanup of releases from USTs on and after January 1, 1988 until January 1, 2004, or until the effective date of an agreement between the SWRCB, a local agency, and the SCVWD, as specified.

**SB 1004 (Soto) Resources (Chapter 614, Statutes of 2003).** This law provides that a cleanup and abatement order issued by the SWRCB or a RWQCB may require each discharger to provide or pay for uninterrupted replacement water service to each affected public water supplier or private well owner. Additionally, this law establishes a database collection system under the auspices of SWRCB for reporting on the storage of perchlorate. (Note: The language in SB 922 (Soto) was amended into SB 1004.)

**SB 1020 (Soto) Perchlorate Contamination (Died in the Senate)** This bill would have stated the intent of the Legislature to enact legislation that would have required a health facility to provide notification to county health departments and appropriate state regulatory agencies if the health facility is using well water that is contaminated with perchlorate and would required that health facility to develop a remediation plan to help remove perchlorate from the well water.

**SB 1049 (Senate Budget and Fiscal Committee) Resources (Chapter 741, Statutes of 2003).** This law is an omnibus budget trailer law that, among other things, authorizes fee-supported funding sources for the SWRCB's Division of Water Rights. This law authorizes the collection of water right fees and water quality certification fees in an amount that will replace the general funds that have historically supported the administration of the water rights program. Additionally, this law gives the SWRCB additional flexibility to implement recent mandates regarding the implementation of Proposition 50.

**SB 1074 (Senate Environmental Quality Committee) Environmental Quality (Chapter 742, Statutes of 2003).** This is an omnibus law that addresses issues that did not warrant separate bills. Issues that relate to the SWRCB and the RWQCBs include the recreational use of the Modesto Reservoir and the correction of a code citation. This law deletes the sunset date on the recreational use of the Modesto Reservoir and allows the DHS to require the Modesto Irrigation District to demonstrate to the DHS that water quality will not be affected if there is a change in operation of the District's treatment facility or a change in the quantity of water treated at the facility. Additionally, this law includes a revision of Public Resources Code section 72410 relating to the definition of "sewage sludge" as amended in Chapter 488, Statutes of 2003 (AB 121, Simitian).

**SB 1089 (Johnson) State Water Pollution Control Revolving Fund (Chapter 559, Statutes of 2004).** This law requires the SWRCB to give favorable consideration to the following types of projects when administering the State Revolving Fund loan program: (1) projects that address public health problems or the pollution of impaired water bodies; (2) projects necessary to comply with regulatory requirements; (3) water recycling projects; (4) projects undertaken to prevent or minimize water quality degradation; and (5) projects undertaken in response to an administrative enforcement order. The SWRCB already grants consideration to administrative order compliance requirements when developing its priority list for SRF loans. This law is consistent with the existing process.

**SB 1097 (Committee on Budget and Fiscal Review) General Government (Chapter 225, Statutes of 2004).** Among other things, this law will transfer funds remaining in the Petroleum Underground Storage Financing Account on January 1, 2004, and subsequent loan repayments issued under the Replacement of Underground Storage Tank program, to the General Fund. The Governor's signing message for this measure stated that he supports efforts to reestablish grant and loan programs for the replacement and repair of underground storage tanks and that signature of this bill should not be interpreted in any other way.

**SB 1107 (Committee on Budget and Fiscal Review) Resources (Chapter 230, Statutes of 2004).** This omnibus budget trailer bill makes various changes to RA and Cal/EPA programs in order to implement the 2004 Budget Act. Among the various provisions, the following changes will affect the SWRCB: (1) the requirement that the SWRCB adopt guidelines for a dairy water quality improvement grant program, (2) the consolidation, under Cal/EPA, of various functions currently performed at the department level, and (3) the requirement that, under certain circumstances, the BDA review regulations, guidelines, or criteria that are proposed by a CALFED implementing agency to carry out grant programs.

**SB 1136 (Chesbro) Lake County Flood Control and Water Conservation District (Chapter 108, Statutes of 2004).** This law changes the name of the Lake County Flood Control and Water Conservation District to the Lake County Watershed Protection District. This law also provides specific authorization to the District to participate in National Pollution Discharge Elimination System permit program.

**SB 1155 (Machado) Water Quality Standards: Sacramento-San Joaquin Delta (Chapter 612, Statutes of 2004).** This law requires the DWR to prepare a plan to meet the existing permit and license conditions for which the department has an obligation, as described in the SWRCB's Decision No. 1641. This law also requires DWR to submit its plan to the SWRCB and the BDA prior to increasing its diversion rate at the State Water Project's Harvey O. Banks pumping plant.



**SB 1180 (Figueroa) Mercury Lamp Recycling (Died in the Assembly).** This bill would have imposed, until January 1, 2010, fees on manufacturers and distributors of fluorescent lamps and other lamps containing mercury to fund programs administered by the DTSC and the CIWMB intended to reduce the volume of mercury released into the environment.

**SB 1214 (Kuehl) Salton Sea Restoration: Restoration Study (Chapter 614, Statutes of 2004).** This law, among other things, requires the Secretary of the RA to extend an invitation to the U.S. Geological Survey Salton Sea Science Office to participate in the ongoing restoration study of the Salton Sea. This law requires that the study establish an evaluation of alternatives for the restoration of the Salton Sea to include consideration of strategies for salinity control, habitation creation and restoration, and different shoreline evaluation and surface area configurations. This law requires the evaluation to include suggested criteria for selecting and evaluating alternatives consistent with the Salton Sea Restoration Act and requires the evaluation to include, but not be limited to, at least one most cost-effective, technically feasible, alternative.

**SB 1215 (Morrow) Department of Fish and Game and Department of Parks and Recreation: Public Resources Account and Environmental License Plate Fund Appropriations (Chapter 917, Statutes of 2004).** This law requires, beginning July 1, 2005, that all funds appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs that protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat be transferred to DFG. Additionally, beginning July 1, 2005, moneys appropriated to the DFG from the Environmental License Plate Fund would be transferred to the Department of Parks and Recreation—in an amount not to exceed the funds transferred to DFG pursuant to the provision noted above. Governor Schwarzenegger's signing message for this bill says the following: "While I am supportive of the objectives of this measure, I am concerned that this bill has the potential to create unintended consequences that could affect the California Conservation Corps, the California Department of Forestry and the Water Resources Control Board. Therefore, I propose this measure be implemented consistent with the 2005-06 budget act. In that context, unintended impacts to departments can be identified and addressed."

**SB 1318 (Burton and Alpert) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Died in the Assembly).** This bill would have required the Secretary of State to submit to the voters for approval two revisions to the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50). The provisions would have affected the SWRCB, the SCC, and the WCB.

**SB 1319 (Burton and Alpert) Natural resources: ocean protection (Chapter 719, Statutes of 2004).** This law creates the California Ocean Protection Act and establishes the OPC. The Secretary of the RA, the Secretary for the Cal/EPA, and the Chair of the SLC will sit on the council, along with one member of the Senate and one member of the Assembly, who will serve as nonvoting, exofficio members. The OPC will coordinate the activities of all state agencies responsible for protecting ocean waters and ocean ecosystems, establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between state agencies, and identify and recommend statutory changes (both at the state and federal level) that would achieve those protections.

**SB 1374 (Machado) Water Transfers: Economic or Environmental Impacts (Died in the Assembly).** This bill would have (1) authorized the SWRCB to approve a petition for a long-term transfer of water only if it finds that the transfer would not cause unreasonable economic or environmental impacts; (2) required additional specific findings regardless of whether they are responsive to a concern of a party and establish extensive new criteria for approval of a long-term transfer; (3) required evidentiary proceedings for transfers that otherwise would not require a hearing; and (4) authorized the SWRCB to adopt an abbreviated process to approve long-term transfers that it determines are least likely to cause unreasonable economic or environmental impacts.

**SB 1477 (Sher) Water Quality (Died in Assembly).** : This bill would have required the SWRCB to formulate and adopt a program to regulate the discharge of dredged or fill material to state waters not protected by the federal government under the federal Clean Water Act. This bill also would have

specified exemptions to the proposed program. In August, the Secretary of the Cal/EPA requested that the SWRCB adopt waste discharge requirements for the protection of waters of the state no longer protected under federal Clean Water Act Sections 401 and 404.

**SB 1479 (Sher) California Regional Water Quality Control Boards: Membership (Died in the Senate).** This bill would have reduced RWQCB membership from nine members to seven members and altered the membership qualifications.

**SB 1480 (Sher) Harbors and Navigation: Tugboat Escorts (Vetoed).** This bill would have authorized the Oil Spill Prevention and Response administrator to adopt regulations governing tugboat escorts for vessels operating in the harbors of the state that are carrying specified amounts of hazardous materials. A portion of Governor Schwarzenegger's veto message states: "While I appreciate the author's efforts to ensure the safety of California's ports by requiring tug boat escorts for vessels carrying specified hazardous materials, I am concerned that this bill would duplicate existing authorities and is inconsistent with advice from the experts on the state's harbor safety committees."

**SB 1648 (Chesbro) Forest Resources (Vetoed).** This bill would have made certain declarations regarding state owned and managed forests and altered the state policy pertaining to DSFs, with a particular focus on the Jackson DSF. Additionally, this bill would have required CDF to convene both a citizens' advisory committee for purposes of facilitating communication regarding management issues, as well as an interagency technical advisory committee that would include a representative from the North Coast RWQCB. A portion of Governor Schwarzenegger's veto message states: "While I am generally very supportive of increasing citizens participation in government, this bill has created an advisory council with many concerns including the composition, appointment authority, and lack of professional expertise essential for proper function of a committee with the extensive authority created in this measure. Additionally, this bill would redefine terms that are supported by years of professional practice and legal rancor."

**SB 1703 (Alarcon) California Certified Green Business Program (Vetoed).** This bill would have created the California certified green business program based on the Bay Area Green Business Program, which assists businesses in reducing negative impacts to the environment and public health. Governor Schwarzenegger's veto message includes the following: "This bill creates one-size-fits all approach to green business programs and does not give local governments the flexibility to respond to the needs of businesses in their community. This bill impedes the ability of existing local green business programs that operate independently to acquire grant funding."

**SB 1776 (Bowen) Electrical Energy: Thermal Powerplants (Chapter 245, Statutes of 2004).** This law requires the CEC to reinstate an expedited review process, until January 1, 2007, for certain types of applications to construct and operate thermal powerplants and applications for powerplant repowering projects.

**SB 1873 (Burton) Treasure Island Public Trust Exchange Act (Chapter 543, Statutes of 2004).** This law enacts the Treasure Island Public Trust Exchange Act for the purpose of authorizing an exchange of public trust lands no longer useful for trust purposes at Treasure Island for other lands of greater value at Yerba Buena Island.

**SB 1882 (Senate Revenue and Taxation Committee) Collection of Taxes and Fees (Died in the Assembly).** This bill would have made technical corrections to statutes regarding a number of fees and taxes collected by BOE. One of the fees included was the UST Fee, which supports the SWRCB's UST Cleanup program. This bill would have amended Revenue and Tax Code section 50120.1 by deleting the reference to Revenue and Tax Code section 50112.1, which no longer exists.

**SB 1887 (Sher) Hazardous Substances: Removal or Remedial Actions: Site Assessment Grant Program (Died in the Assembly).** This bill would have authorized the DTSC, to the extent that funding was provided by the Legislature, federal grant funds, or other sources, to establish and implement a site assessment grant program for the purposes of funding response action plans.

**SCA 1 (Burton) Access to Government Information (Resolution Chapter 1, Statutes of 2004).** This law proposes to the people of the State of California that Article 1, Section 3 of the Constitution be amended to make access to public records and official meetings of government bodies a fundamental constitutional right of each citizen.

**SJR 28 (Torlakson) Gasoline: MTBE (Resolution Chapter 95, Statutes of 2004).** This resolution requests the federal government to reconsider granting California an administrative waiver of the federal Clean Air Act's oxygenated gasoline requirement.

**SJR 30 (Torlakson) Federal Environmental Review and Permitting Process Streamlining (Chapter 169, Statutes of 2004).** Urges the President, Congress, the federal Secretary of Transportation and the federal Department of Transportation to streamline the federal environmental review and permitting process by (1) ensuring adequate funding for the State Office of Historic Preservation in California; and (2) accelerating project delivery by developing a multiagency infrastructure team to be involved in the development of transportation projects from the early planning phase and continuing through the environmental permitting and construction phases.

## ACRONYMS

ARB	Air Resources Board
BDA	Bay Delta Authority
BDOs	boards, departments or office
BOE	Board of Equalization
BOF	Board of Forestry and Fire Protection
Cal/EPA	California Environmental Protection Agency
CalTrans	California Department of Transportation
CCA	chromated copper arsenate
CDF	Department of Forestry and Fire Protection
CDFA	California Department of Food and Agriculture
CEC	California State Energy Resources Conservation and Development Commission
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CPRA	California Public Records Act
CESQGs	conditionally exempt small quantity generators
CUPAs	certified unified program agencies
CWA	Clean Water Act
DSF	demonstration state forests
DB&W	Department of Boating and Waterways
DFFP	Department of Forestry and Fire Protection
DFG	Department of Fish and Game
DGS	Department of General Services
DHS	Department of Health Services
DMV	Department of Motor Vehicles
DPR	Department of Pesticide Regulation
DOF	Department of Finance
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EBMUD	East Bay Municipal Utility District
EIR	environmental impact report
HLRW	high-level radioactive waste
IRWD	Irvine Ranch Water District
IWMB	Integrated Waste Management Board
MTBE	methyl tertiary butyl ether
NAHC	Native American Heritage Commission
NPDES	National Pollutant Discharge Elimination System
Proposition 50	Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002
OEE	Office of Education on the Environment
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services

OPC	Ocean Protection Council
PCE	perchloroethylene
PUC	Public Utilities Commission
PUSTFA	Petroleum Underground Storage Tank Financing Account
penta	pentachlorophenol
POTW	publicly owned treatment works
RA	Resources Agency
RTC	Revenue and Taxation Code
RUST	Repair and Replacement of Underground Storage Tanks
RWQCB	Regional Water Quality Control Board
SBE	State Board of Education
SCC	State Coastal Conservancy
SCO	State Controller's Office
SCVWD	Santa Clara Valley Water District
SDE	State Department of Education
SFBCDC	San Francisco Bay Conservation and Development Commission
SFM	State Fire Marshal
SLC	State Lands Commission
SMWD	Santa Margarita Water District
SNF	spent nuclear fuel
SRB	State Reclamation Board
SWQPA	state water quality protection area
SWRCB	State Water Resources Control Board
THP	timber harvesting plan
TTCA	Technology, Trade and Commerce Agency
TWW	treated wood waste
USEPA	United States Environmental Protection Agency
UC	University of California
UST	underground storage tank
USTCF	Underground Storage Tank Cleanup Fund
WCB	Wildlife Conservation Board