

CALIFORNIA ENVIRONMENTAL PROGRAMS

This section highlights the extensive and complex system of environmental controls imposed by the state of California. Each major California state environmental program is summarized with particular emphasis on the ways in which each varies significantly from the federal programs. County and municipal ordinances may impose additional controls. This year's features include an article on *RECENT CALIFORNIA LEGISLATIVE DEVELOPMENTS*.

RECENT CALIFORNIA LEGISLATIVE DEVELOPMENTS

INTRODUCTION

A recent poll completed by the Public Policy Institute of California (PPIC) found that only 18% of Californians believe there has been a “great deal of progress” in dealing with environmental problems in California over the last 20 years, while 58% believe there has been “only some” progress. While that finding contradicts monitoring data released by California’s environmental agencies showing that the state’s air and water is much cleaner, and that much more solid and hazardous waste is being either recycled or reduced at the source, a similar response resulted when those questioned were asked whether they were optimistic that California will have its environmental problems under control 20 years from now. Indeed, despite documented gains in the environment throughout California over the past decade, only 35% of respondents approve of Governor Gray Davis’ handling of environmental issues. (The survey can be found on the Internet at: www.ppic.org.)

Against this backdrop, or because of it, Governor Davis signed into law a vast majority of the major environmental bills presented during the 2001-2002 legislative session, which officially ended on September 30, 2002. Indeed, Davis signed into law the most controversial of the environmental bills, A.B. 1493 (**Motor Vehicle Emissions**), making California the first state in the nation to regulate tailpipe emissions of greenhouse gases.

Other major environmental bills signed into law by Governor Davis, included AB 947 (**Pesticide Applications**), which increases fines for violations of rules related to pesticide application; AB 2214 (**Disposal of Low-Level Radioactive Waste**), ending the controversy over the proposed Ward Valley low-level radioactive waste disposal site by designating the site as unsuitable; AB 2637 (**Motor Vehicle Inspections in Bay Area**), which imposes stricter vehicle emissions inspection programs in the San

Francisco Bay Area; AB 2650 (**Air Pollution From Marine Terminals**), which curbs diesel emissions at the state’s marine terminals or ports; SB 1038 and 1078 (**Energy**), which require electricity retailers to double their procurement of power generated from renewable sources; and SB 1822 (**Safe Drinking Standards For Perchlorate**), which requires the state to establish a safe drinking water standard for perchlorate by January 1, 2004.

On the other hand, Governor Davis vetoed several environmental bills considered as priorities by environmental groups and strongly opposed by industry groups, including: (1) AB 1619, which established a state program to fund local electronic waste recycling; (2) AB 1972, which would have required public water systems to provide annual reports to customers on the health effects of any contaminants found in their water supply during the prior year; (3) SB 1523, which would have imposed a fee on the disposal of computer monitors and televisions; and (4) SB 1970, which would have prohibited any low-level radioactive waste from being deposited at landfills or sent to metal recyclers.

The following is a brief description of the remaining major environmental bills passed by Governor Davis during the 2001-2002 legislative session. For ease of use, the bills are broken down into the broad categories of Air, Energy, Hazardous Waste, Land Use, Solid Waste, Threatened and Endangered Species, and Water. The full text of each bill may be viewed at www.leginfo.ca.gov.

AIR

AB 1173 (Indoor Air Pollution). Requires the California Air Resources Board to study the potential health impacts of indoor air pollution and provide, by January 2004, a report to the Legislature on the

potential health impacts of a wide range of pollutants including carbon monoxide, mold, bacteria, and chemicals. CARB must consider emissions from several sources, like building materials, furnishings, appliances, paints, consumer products, household and office equipment, wood stoves, and fireplaces.

AB 1314 (Zero-Emission Vehicles). Allows local authorities or parking lot owners to designate spaces for the exclusive use of zero-emission vehicles.

AB 1867 (Smoking Regulations). Increases the fine from smoking a cigarette, cigar, or other tobacco-related product, or from disposing of cigarette butts, cigar butts, or any other tobacco-related waste, within a playground or a tot lot sandbox area from \$100 to \$250. It also expands the prohibited smoking and disposal area to within 25 feet of playground or a tot lot sandbox area.

AB 2303 (Motor Vehicle Registration). Changes the time period to take advantage of an exception for motor vehicle registrations relating to smog certificates.

SB 433 (Motor Vehicle Fuel). Repeals existing law that makes a person who transports fuel for a motor vehicle fuel distributor who is not in compliance with specified laws, liable for a civil penalty.

SB 812 (Greenhouse Emissions). Requires the California Climate Action Registry to adopt procedures and protocols for the reporting and certification of greenhouse gas emission reductions resulting relating to native forest reservoirs in California.

SB 1420 (Motor Vehicle Emissions Relating to Smog Checks). Requires licensed smog check stations to provide for the testing of vehicular exhaust systems only for those vehicles that have been issued a citation for the violation of specified exhaust system requirements. It requires these stations to issue certificates of compliance for vehicles when tests of their exhaust systems demonstrate that the systems

emit no more than 95 dbA and to charge a fee to be deposited in the Vehicle Inspection and Repair Fund for issuing a certificate of compliance.

SB 1578 (Specially Constructed Vehicles). Expands and clarifies emission control requirements for kit cars built by hobbyist.

SB 1920 (Air Pollution Control District Hearings). Requires Air Pollution Control District public hearings for reviewing and commenting to be separated, by a period of not less than two weeks, from the hearing at which the budget is adopted. It excludes districts with a population of 1,000,000 persons or less from the requirement that the public hearing for reviewing and commenting on the budget be held exclusively for those purposes.

SB 2053 (Toxic Air Contaminants). Corrects outdated and erroneous statutory references in state air toxic programs and clarifies that the state programs address the same air pollutants as federal programs.

ENERGY

AB 1881 (Solar Water Heaters). Expands the definition of solar equipment to include solar water heaters where solar energy equipment is required to be installed on all state buildings and parking facilities.

AB 2461 (Vehicle License Fees for Low-Emission Vehicles). Extends until January 1, 2009 the provisions of The Vehicle License Fee Law, which provides certain tax benefits relating to annual license fees for new light-duty motor vehicle propelled by an alternative fuel that is certified by the State Air Resources Board as producing emissions that meet, or are lower than, emission standards and other specifications for ultra-low-emission vehicles.

SB 284 (School Facilities). Requires the Energy Resources Conservation and Development Commission to recommend best design practices that include energy efficiency measures for all new public schools, and to report the recommendations to the Governor and the Legislature by October 1, 2003.

SB 1534 (Solar Energy Systems). Requires that a solar energy system meet all applicable safety and performance standards established by the National Electrical Code and the Institute of Electrical and Electronics Engineers, among others, and applicable rules of the Public Utilities Commission.

SB 1755 (Electric Power for County Water Districts and Municipal Water Districts). Authorizes county water districts and municipal water districts to provide, generate, and deliver electricity, and to construct, operate, and maintain works, facilities, improvements, and property for that generation and delivery. The act prohibits those districts from acquiring property employed in the generation or delivery of electricity, except by mutual agreement between the district and the property owner.

HAZARDOUS SUBSTANCES

AB 2112 (Licensing for the Transportation of Hazardous Materials). Requires that a nonresident transporting hazardous materials in a commercial vehicle must have a valid license that complies with all federal laws and regulations with respect to hazardous materials.

AB 2166 (Transportation of Used Oil). Requires hazardous waste transporters that haul used oil to provide generators a written notice indicating their used oil may be transported to facility that does not meet state environmental standards. It also clarifies the existing state superfund liability exemption for household hazardous waste collection programs and used oil collection programs.

AB 2356 (Pesticides). Requires the Department of Pesticide Regulation to cancel any lawn and turf use for any herbicides found to result in residues in compost that could injure or be toxic to plants.

AB 2472 (Pesticides). Requires state agencies to explore and use alternatives to chemicals to prevent and suppress pests.

AB 2474 (Antifreeze Manufacturers). Requires antifreeze manufacturers and packagers to add a bittering agent to deter children and pets from drinking the dangerous liquid.

AB 2687 (Highway Control for the Transportation of Hazardous Materials). Expands provisions allowing the Department of California Highway Patrol to close a highway to vehicles transporting hazardous materials within a watershed to apply also to public water systems and municipal water districts.

SB 460 (Lead Poisoning). Increases the ability of the Department of Health Services and local health agencies to gather data on blood levels that will help identify groups of children that face the greatest risk of lead-poisoning. The bill also prohibits activities that create lead hazards and makes it a crime for lead-removal professionals to violate regulations for training, certification, and work practice standards.

SB 489 (Requirements for Persons Transporting Hazardous Materials). Requires the Department of Toxic Substances Control, by July 1, 2003, to adopt a list of hazardous wastes of concern, based on its potential to harm the public in a terrorist or other criminal act. It requires any person handling any hazardous waste of concern on and after July 1, 2003, to comply with various requirements, including reporting. This act also requires any person applying for a hazardous waste facilities permit, on and after January 1, 2004, to submit a disclosure statement to the department for purposes of a background check and fingerprint images and related identification information.

SB 1011 (Curbside Household Hazardous Waste Collection). Allows curbside collection of household hazardous wastes such as latex paint, antifreeze, used oil, and used oil filters. Also transfers responsibility of the Registered Environmental Assessor (REA) program from the Office of Environmental Health Hazard Assessment to the Department of Toxic Substances Control. REAs conduct audits of commercial and industrial firms

AB 1257 (Vehicles Used in Transportation of Hazardous Substances). Requires an authorized representative of a generator or facility responsible for loading hazardous waste into a transport to ensure that the driver of the transport vehicle is in possession of the appropriate class of driver's license and any endorsement required to lawfully operate the transport vehicle with its intended load. Also requires a vehicle or combination of vehicles transporting specified dangerous substances that has an enclosed cargo body, as defined, to be locked and remain locked during transit of the hazardous materials so as to prevent any unauthorized entry.

SB 1572 (Settlement Reporting Form for Proposition 65). Requires any private person settling any violation of Proposition 65 to submit to the Attorney General the reporting form that includes the results of that settlement and the final disposition of the case. This act, in conformance with the requirements of Proposition 65, would make a legislative finding and declaration that these changes would further the purposes of the Proposition 65.

SB 1684 (Polanco Redevelopment Act Extension Relating to Remediation of Hazardous Wastes by Redevelopment Agencies). Deletes the January 1, 2004, repeal date for the Polanco Redevelopment Act, authorizing a redevelopment agency to take any action that the agency determines is necessary, consistent with other state and federal laws, to remedy or remove a release of hazardous substances on, under, or from a project area.

SB 1922 (Transportation of Mineral Oil By Utilities). Exempts a public utility, local publicly owned utility, or municipal utility that transports a single shipment of up to 5,000 gallons of mineral oil from manifest and registration requirements, if the oil does not meet a toxicity test under specified regulations.

SB 2065 (Reporting for Low-Level Radioactive Waste). Requires the Department of Health Services to establish reporting procedures through a public hearing process for low-level radioactive waste (LLRW). It requires generators of LLRW to annually report specified information to the department. The department is required to (1) maintain a file of all LLRW transferred for disposal and stored, and (2) to prepare a report, including an annual set of tables summarizing data collected from the generators of LLRW. The department is prohibited from making the report available to the public and the report is excluded from the operation of the California Public Records Act.

LAND USE

AB 137 (Annexations in Agricultural Preserves). Requires the Department of Conservation to advise the local agency formation commission of its concerns, whether it has been requested to do so, and would require the commission to address those concerns. The act requires the commission to base its determination on substantial evidence in the record. The act prescribes criteria for the exercise by the city of its option not to succeed to a contract.

AB 1108 (Environmental Review Scoping Meetings). Provides that any scoping meeting that is conducted in the city or county in which a project is located pursuant to NEPA is deemed to satisfy the state scoping meeting requirement with regard to projects of statewide, regional, or area-wide significance, if the lead agency provided notice to interested parties in conformance with the existing

state requirements. Also imposes additional requirements on a lead agency if the United States Department of Defense or a military service notifies that lead agency of the contact person and address for the military service and the specific boundaries of a low-level flight path, military impact zone, or special use airspace. The act specifies that a project's effect or potential effect on military activities would not itself constitute an adverse effect for the purposes of CEQA.

AB 1997 (Land Conservation). Expands the provisions of the Subdivision Map Act to land that is subject to an open-space easement, agricultural conservation easement, or conservation easement, but makes these provisions inapplicable during the 3-year period preceding the termination of contracts entered into pursuant to the California Land Conservation Act of 1965. The act also provides that where an easement contains language addressing allowable land divisions, the terms of the easement shall prevail, and specifies that its provisions would apply only to contracts or easements entered into on or after January 1, 2003.

AB 2158 (Affordable Housing Requirements in Coastal Development Permits). Requires the Commission to take appropriate steps to ensure that all coastal development permit conditions existing on January 1, 2002, relating to affordable housing, are enforced and exist for the term of the permit. The act additionally provides that the above provision is not intended to retroactively authorize the release of any housing unit from coastal development permit requirements relating to affordable housing.

AB 2436 (Land Use Restrictions Re: Cleanup and Abatement). Creates a centralized online list at the Cal-EPA of land-use restrictions environmental agencies impose on contaminated properties. Also authorizes county records to place on the site, deed restrictions for contaminated properties, and allows counties to assess a fee to cover their costs.

AB 2704 (Flood Damage Reduction and Urban Creek Restoration). Broadens the scope of the Urban Streams Restoration Program to include adaptive management projects.

AB 3041 (Use of State Clearinghouse by CEQA Lead Agencies on Natural Resources). Requires any mitigated negative declaration prepared pursuant to CEQA to be prepared directly by, or under contract to, a public agency. Requires each lead agency to submit a sufficient number of copies of a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration to the state clearinghouse for review and comment by state agencies, and to submit a copy of that document in an electronic form in certain circumstances.

SB 984 (Rangeland, Grazing Land and Grassland Protection Act). This act enacts the Rangeland, Grazing Land, and Grassland Protection Act, which establishes a program to protect California's rangeland, grazing land, and grasslands through the use of conservation easements for specified purposes relating to the conservation and protection of rangeland, grazing land, and grassland in the state.

SB 1346 (Recycled Tires). Authorizes the California Integrated Waste Management Board to fund local public works programs that make use of rubberized asphalt concrete, which is made from recycled tires.

SB 1393 (CEQA Review of Certified Regulatory Programs). Requires the Secretary of the Resources Agency to develop a protocol for reviewing the prospective application of certified regulatory programs to evaluate the consistency of those programs with the requirements of CEQA by July 1, 2003. The act also requires the secretary to provide a significant opportunity for public participation in developing that protocol.

SB 1468 (Military Facilities in General Plans). Requires the land use element of a general plan to consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or underlying designated military aviation routes and airspace.

SB 1717 (City Annexations). Provides that a city and/or county's power to lease property includes leasing property for general sports purposes. However, a lease executed on or after April 24, 2002 for any authorized purpose may not include a shopping center, hotel, motel, or lodging house.

SB 1925 (CEQA Exemptions). Exempts low-income housing and some infill projects from restrictions imposed by CEQA.

SB 2055 (Subdivisions). Extends the authority of a legislative body to approve or conditionally approve an environmental subdivision—i.e., a subdivision of land for biotic and wildlife purposes—pursuant to the Subdivision Map Act through December 31, 2004. Also revises the definition of “design” in the Subdivision Map Act to include a reference to the requirement that the design and improvement of the subdivision be consistent with the general plan or any specific plan.

SOLID WASTE

AB 467 (Landfill Loans). Establishes the Landfill Closure Loan Program, an interest-free loan program to facilitate the early closure of certain older-technology landfills.

AB 709 (Burn Dump Sites). Prescribes a method to determine the lead oversight agency on the remediation of burn dump sites. Also requires the Department of Toxic Substances Control to develop

protocols for the site investigation and characterization of hazardous substances at burn dump sites and requires that hazardous remediation at burn dump sites be conducted in consultation or under the direct supervision of the appropriate agency.

AB 1400 (Solid Waste Composting Facility in Mariposa County). Requires the County of Mariposa to submit a report to the Integrated Waste Management Board on the county's progress in funding, constructing, and operating a mixed solid waste composting facility in cooperation with Yosemite National Park.

AB 1482 (Source Reduction and Recycling in Integrated Waste Management Plan). Provides that a city or county is subject to a penalty for the failure to implement a source reduction and recycling element or hazardous waste element as required by existing law.

AB 2308 (Inert Waste Deduction Reporting). Specifies that a jurisdiction must deduct inert waste removed from a solid waste stream from the amount of disposed waste required to be reported.

AB 2770 (Recycling Technology). Revises the definition of the term "solid waste facility" to include a gasification facility, and revises the definition of the term "transformation" to exclude gasification. It requires the Integrated Waste Management Board to include, as part of the annual report required to be submitted to the Legislature on or before March 1, 2003, a report on new and emerging conversion technologies, including noncombustion thermal technologies, chemical technologies, and specified biological technologies.

SB 199 (Landfill Grants). Provides grants and loans to local governments to help cleanup abandoned hazardous waste landfills.

SB 648 (Recycling Requirements for Public Agencies). Requires procuring agencies to continuously review and revise its procedures and

specifications for the purchase of lubricating oil and industrial oil to eliminate any exclusion of recycled oils and any requirement that oils be manufactured from virgin materials. It requires the Department of General Services to revise its list of available recycled products in its annual report.

SB 1328 (Solid Waste Illegal Disposal Abatement Grant Program). Expands the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program to include Native American tribes and all public entities.

SB 1374 (Solid Waste Reduction). Requires that each city, county, or regional agency's annual report include a summary of progress made in diversion of construction and demolition waste materials. Also requires the board, in determining penalties, to consider whether a local jurisdiction has provided information to the board concerning construction and demolition waste material.

SB 1514 (Beverage Container Recycling in Schools). This act requires the Department of Conservation, on or before January 1, 2004, to submit a report to the Legislature regarding beverage container recycling in California's public elementary, middle, and high schools.

SB 1542 (Environmental Justice in Siting Decisions). Requires the California Integrated Waste Management Board to devise an "environmental justice" model that local governments can use to give low-income and minority neighborhoods more input the expansion or construction of landfills.

SB 1697 (Antifreeze in Public Contracts). Includes antifreeze within the definition of "recycled product."

THREATENED AND ENDANGERED SPECIES

AB 858 (Effect of Reduced Waterflow on Salmon and Steelhead). Requires the Department of Fish and Game, subject to the availability of funds, to contract with the University of California to conduct a study of the effects that reduced water flows at the mouths and upstream estuaries of certain rivers would have on existing salmon and steelhead populations and on existing or prospective salmon and steelhead population restoration or reintroduction programs. Findings of the study will be the primary factor in any decision of the board to approve or deny an application to appropriate water from any river selected for the study.

AB 2013 (Native California Trout). Codifies 11 subspecies of trout as native California trout.

SB 107 (Natural Community Conservation Planning). Repeals existing Natural Community Conservation Planning Act and enacts a new Natural Community Conservation Planning Act. Authorizes the department to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan to provide comprehensive management and conservation of multiple wildlife species. It requires the agreement to meet specified conditions.

SB 482 (Salton Sea). Makes legislative findings concerning the Salton Sea and a Quantification Settlement Agreement. The act requires the Resources Agency and the Technology, Trade, and Commerce Agency, in consultation with specified entities and individuals, to review and report to the Governor and the Legislature, on or before June 30, 2003, on certain matters pertaining to the implementation of the Quantification Settlement Agreement.

SB 550 (Endangered Species). Under existing law, until December 31, 2002, the accidental take of candidate, threatened, or endangered species resulting from inadvertent or ordinary negligent acts on a farm or ranch in the course of otherwise lawful routine and ongoing agricultural activities is not prohibited by the California Endangered Species Act. This amendment deletes the requirement that the acts be inadvertent or ordinary negligent acts in order for the exception to apply.

SB 1573 (Interagency Aquatic Invasive Species Council). Establishes the Interagency Aquatic Invasive Species Council and authorizes its members, in cooperation with the Department of Fish and Game, to support and coordinate the development of a comprehensive plan for dealing with aquatic invasive species in California.

SB 2052 (Endangered Species in Natural Community Conservation Plans). Provides that, for purposes of the Natural Community Conservation Planning Act, the phrase "candidate species" has the same meaning as defined under the California Endangered Species Act.

WATER

AB 776 (Fairfield-Susian Sewer District). Authorizes the district to accept and contract for the disposal of sewage emanating from buildings outside the district that are connected to the district's sewage treatment system on March 1, 2002.

AB 1059 (Recreational Water Use). Allows state officials to bar or restrict recreational vessel traffic on state waters, as required to control or eradicate *Caulerpa taxifolia*, an invasive aquatic weed that has infested certain coastal lagoons and bays.

AB 1760 (Orange County Water District). Provides for penalties if a person or operator fails to

file a basin equity assessment report on or before the 30th day of November of each year.

AB 1823 (Regional Water Systems). Requires a regional wholesale water supplier to distribute available water during any interruption to all customers on an equitable basis. Also requires the city to assign higher priority to water delivery to the bay area than to electric power generation, and requires the State Department of Health Services to ensure that the bay area regional water system is operated in compliance with the California Safe Drinking Water Act and certain federal guidelines.

AB 1864 (Pajaro Valley Water Management District). Declares that the purpose of the Pajaro Valley Water Management Agency to manage existing and supplemental water supplies to ensure sufficient water supplies for present and anticipated needs. The act defines "supplemental water" to mean water imported from outside the watershed of the groundwater basin and certain conserved flood waters.

AB 1969 (Orange County Wastewater Discharges). Requires the Orange County Sanitation District to provide secondary treatment to all wastewater it discharges to the Pacific Ocean by 2013. Also exempts the OCSD from mandatory minimum penalties imposed by state and regional officials during the transition to secondary treatment.

AB 2351 (Penalties for Water Quality Violations). Allows regional water boards to direct a larger portion of mandatory minimum fines to supplemental environmental projects and exempting certain waste water treatment facility projects from mandatory minimum penalties.

AB 2362 (Discharges from Marine Vessels). Amends Section 782 of the Harbors and Navigation Code. Authorizes a state or local peace officer who reasonably suspects that a vessel is discharging sewage in an area where the discharge is prohibited to board the vessel for the purpose of inspecting the

marine sanitation device for proper operation and placing dye tablets into the holding tank.

AB 2469 (Regional Water Management Groups). Revises provisions proposed to be added to the Water Code by SB 1672, which would become operative only if SB 1672. The bill authorizes a regional water management group to prepare and adopt a regional plan that addresses programs, projects, reports, or studies relating to water supply, water quality, flood protection, or related matters.

AB 2481 (Water Quality Control Provisions). Establishes new procedures for enforcement of underground fuel storage tank regulations and restoring a funding program to help local governments clean up methyl tertiary butyl ether contamination.

AB 2534 (Protection of Beaches). The Watershed, Clean Beaches, and Water Quality Act provides for a program of grants to public agencies and nonprofit organizations for projects designed to improve water quality at public beaches, improve water quality monitoring and sewer capability, protect water quality by reducing runoff pollution, and control nonpoint source water pollution

AB 2606 (Recycled Water in Waste Wells). Requires the State Department of Health Services to determine that the proposed recharge by direct injection will not degrade, rather than impair, the quality of water in the receiving aquifer as a source of domestic water supply. It requires the department to consider the antidegradation policy adopted by the State Water Resources Control Board and current and potential future public health consequences of the controlled recharge.

AB 2645 (Security Information for Local Agencies Open Meetings). Expands the Brown Act closed session meeting exemptions to include discussion of matters relating to threats to the security of essential public services, including water, drinking water, wastewater, and electric service. The bill also allows

for a security consultant or security operations manager to be present during closed sessions.

AB 2704 (Flood Damage Reduction and Urban Creek Restoration). Creates the Urban Streams Restoration Program. It provides, to the extent that funds are provided, a process for awarding competitive grants for flood control and urban creek restoration.

AB 2717 (Water Desalination). Requires the Department of Water Resources, not later than July 1, 2004, to report to the Legislature, on potential opportunities and impediments for using seawater and brackish water desalination, and to examine what role, if any, the state should play in furthering the use of desalination technology.

AB 2971 (Wastewater Treatment Plants). Revises the definition of wastewater treatment plants to include private and governmental facilities used in the treatment or reclamation of sewage or industrial waste, rather than sewage and industrial waste, and any privately owned facility, without requiring that it be regulated by the Public Utilities Commission. Authorizes the State Water Resources Control Board to exempt for four years from the certificate requirements any facility that is classified, by regulation, as a Class 1 plant and found by the board could not, due to operator error, violate water quality objectives.

SB 469 (Total Maximum Daily Loads). Requires the State Water Resources Control Board to prepare, on or before July 1, 2003, guidelines to be used by the state board and the regional boards for the purpose of listing and delisting waters and developing and implementing the total maximum daily load (TMDL) program and total maximum daily loads pursuant to the federal Clean Water Act.

SB 526 (Discharges from Underground Storage Tanks). Provides for the issuance of a specified closure letter relative to the completion of an investigation and corrective action for an

underground storage tank. The act prohibits the issuance of such a closure letter unless the soil or groundwater, or both, where applicable, have been tested for MTBE. It prohibits the issuance of such a closure letter unless the board, a California regional water quality control State Water Resources Control Board, or the local agency finds that the tank is in compliance with specified corrective action requirements.

SB 621 (Water Bonds). Appropriates \$3.1 million in bond funds to the Tulare County Water Works District and Alpaugh Irrigation District for the repair, replacement, and new construction of their water supply and treatment systems.

SB 849 (Fees Relating to Oil Spills). Extends, until January 1, 2006, the expiration date on the authority of the administrator to establish a lower standard of financial responsibility for the specified nontank vessels relating to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. It modifies the collection by the administration fee which is imposed upon every person owning crude oil at a marine terminal.

SB 1093 (Recreational Water Use in Sly Park Recreational Area). Existing law, with certain exceptions, prohibits bodily contact with water in a reservoir in which water is stored for domestic use. This act exempts from this prohibition recreational activity in which there is bodily contact with water by any participant in Sly Park Reservoir provided that specified conditions are satisfied.

SB 1348 (Water Conservation). Requires the Department of Water Resources to take into consideration whether the urban water supplier is implementing or planning the implementation of water demand management activities in evaluating applications for grants or loans made available from the Water Conservation Account for the purpose of funding urban water conservation projects.

SB 1372 (Solar Evaporators). Establishes an inspection and permitting process for solar evaporators, an alternative surface impoundment system used to manage farm drainage. Also exempts solar evaporators from the Toxic Pits Cleanup Act of 1984.

SB 1381 (Santa Monica Bay Restoration Commission). Renames the Santa Monica Bay Restoration Project to the Santa Monica Bay Restoration Commission to carry out programs and projects aimed at restoring the Santa Monica Bay watershed.

SB 1473 (Water Security, Drinking Water, Coastal Beach Protection Act of 2002). Authorizes the issuance of bonds for the purposes of financing a safe drinking water, water quality, and water reliability program.

SB 1513 (Oil Spill Contingency Planning). Extends until Jan. 1, 2006, the Office of Spill Prevention and Response administrator's authority to exempt, when appropriate, certain non-tanker vessels to enter California without the required \$300 million oil pollution insurance.

SB 1518 (Recycled Water). Current law requires a sanitation district that includes any part of a city, water district or another local agency that provides water service to any territory in the district to obtain the consent of that city, water district, etc. before supplying water service to that territory. This act provides, among others, that this requirement does not apply to the provision of recycled water by a sanitation district. Therefore, Sanitary districts would no longer have to obtain consent from a water supplier before supplying recycled water in the same service area.

SB 1599 (Water Quality Enforcement). Authorizes the State Water Resources Control Board, in ruling on a petition for review of a regional board action on any waste discharge requirements, to grant a stay to be in effect from the effective date of the waste discharge

requirements. Also authorizes the superior court to do the same.

SB 1628 (Attorney General Representation of Water Board and Others). Allows the state Attorney General to represent the Integrated Waste Management Board, the State Water Resources Control Board, or both, along with another state agency in litigation.

SB 1653 (California Bay-Delta Authority Act). Prescribes the authority's organization, powers, and purposes, and requires the authority and the implementing agencies, to carry out the programs, projects, and activities necessary to implement the Bay-Delta Program.

SB 1672 (Integrated Regional Water Management Planning Act). Authorizes a regional water management group to prepare and adopt a regional plan, in accordance with certain procedures, that addresses programs, projects, reports, or studies relating to water supply, water quality, flood protection, or related matters that any local public agency, that is a participant in that group, has authority to undertake.

SB 1711 (Water and Electrical Energy Facilities). Specifies water treatment facilities to be included among those facilities that were previously exempt from city and county building and zoning ordinances as specified in current law. Current law prohibits application of the building ordinances and zoning ordinances of a county or city to the location or construction of specified water and electrical energy facilities. This act would require local agencies to comply with building and zoning ordinances.

S.B. 1870 (San Francisco Bay Area Regional Water System Financing Authority). Creates the Authority and allows for the issue of revenue bonds until December 31, 2020, pursuant to certain procedures, to improve the reliability of San Francisco's regional water system.

SB 1938 (State Funding for Groundwater Management). Requires local agencies that opt to implement ground water management plans to include basin-wide management objectives and other elements in order to receive state funding.