

State Water Resources Control Board

BUDGET NO. 3940

REPORT NO. 1

HEALTH AND SAFETY CODE

DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000. - 26204.]

(Division 20 enacted by Stats. 1939, Ch. 60.)

CHAPTER 6.75. Petroleum Underground Storage Tank Cleanup [25299.10. - 25299.97.]

(Chapter 6.75 added by Stats. 1989, Ch. 1442, Sec. 5.)

ARTICLE 6. Underground Storage Tank Cleanup Fund [25299.50. - 25299.63.]

(Article 6 added by Stats. 1989, Ch. 1442, Sec. 5.)

25299.50.

(a) The Underground Storage Tank Cleanup Fund is hereby created in the State Treasury. The money in the fund may be expended by the board, upon appropriation by the Legislature, for purposes of this chapter. From time to time, the board may modify existing accounts or create accounts in the fund or other funds administered by the board, which the board determines are appropriate or necessary for proper administration of this chapter.

(b) Except for funds transferred to the Drinking Water Treatment and Research Fund created pursuant to subdivision (c) of Section 116367, all of the following amounts shall be deposited in the fund:

(1) Money appropriated by the Legislature for deposit in the fund.

(2) The fees, interest, and penalties collected pursuant to Article 5 (commencing with Section 25299.40).

(3) Notwithstanding Section 16475 of the Government Code, any interest earned upon the money deposited in the fund.

(4) Any money recovered by the fund pursuant to Section 25299.70.

(5) Any civil penalties collected by the board or regional board pursuant to Section 25299.76.

(c) (1) Notwithstanding subdivision (a), any funds appropriated by the Legislature in the annual Budget Act for payment of a claim for the costs of a corrective action in response to an unauthorized release, that are encumbered for expenditure for a corrective action pursuant to a letter of credit issued by the board pursuant to subdivision (e) of Section 25299.57, but are subsequently not expended for that corrective action claim, may be reallocated by the board for payment of other claims for corrective action pursuant to Section 25299.57.

(2) Notwithstanding Section 7550.5 of the Government Code, **the board shall report at least once every three months** on the implementation of this subdivision to the Senate Committee on Budget and Fiscal Review, the Senate Committee on Environmental Quality, the Assembly Committee on Budget, and the Assembly Committee on Environmental Safety and Toxic Materials, or to any successor committee, and to the Director of Finance.

(Amended by Stats. 1999, Ch. 812, Sec. 17. Effective January 1, 2000. Repealed as of January 1, 2016, pursuant to Section 25299.81.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1491		Hazardous substances: petroleum underground storage tanks.	Chaptered 10/09/1997		-		
AB-3188		Underground petroleum storage tanks: hazardous substances removal.	Chaptered 09/30/1992		-		
SB-299		Leaking underground storage tanks.	Chaptered 10/02/1989		-		
SB-989	Sher	Pollution: groundwater: MTBE.	Chaptered 10/10/1999	10/10/1999 - Chaptered by Secretary of State. Chapter 812, Statutes of 1999.	-		
SB-2004		Leaking underground storage tanks.	Chaptered 09/27/1990		-		

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing this report requirement. The SWRCB has not submitted this report because it has never implemented the provisions for reallocation of funds appropriated in the Budget Act for the payment of corrective action claims.

REPORT NO. 2

HEALTH AND SAFETY CODE

DIVISION 20. MISCELLANEOUS HEALTH AND SAFETY PROVISIONS [24000. - 26204.]

(Division 20 enacted by Stats. 1939, Ch. 60.)

CHAPTER 6.76. Loans for Replacing, Removing, or Upgrading Underground Storage Tanks [25299.100. - 25299.117.]

(Chapter 6.76 added by Stats. 2004, Ch. 624, Sec. 1.)

25299.112.

On or before January 1 of each year, the board shall submit a report to the Legislature concerning the performance of the grant and loan program established by this chapter, including the number and size of grants and loans made, characteristics of grant and loan recipients, the number of underground storage tanks removed and upgraded as a result of the grant and loan program, and the amount of money spent on administering the program. Copies of the report shall be submitted to the appropriate fiscal and policy committees of the Legislature and, upon request, to individual Members of the Legislature.

(Added by Stats. 2004, Ch. 624, Sec. 1. Effective September 21, 2004. Repealed as of January 1, 2016, pursuant to Section 25299.117.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1068	Liu	Petroleum underground storage tanks: loans and grants.	Chaptered 09/21/2004	09/21/2004 - Chaptered by Secretary of State - Chapter 624, Statutes of 2004. 09/21/2004 - Approved by the Governor.	-		

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing this report requirement due to lack of interest in the report, despite the fact they have been providing the report annually. The State Water Resources Control Board states that it can provide the report upon request.

REPORT NO. 3

PUBLIC RESOURCES CODE

DIVISION 20. CALIFORNIA COASTAL ACT [30000. - 30900.]

(Division 20 added by Stats. 1976, Ch. 1330.)

CHAPTER 5. State Agencies [30400. - 30420.]

(Chapter 5 added by Stats. 1976, Ch. 1330.)

ARTICLE 1. General [30400. - 30404.]

(Article 1 added by Stats. 1976, Ch. 1330.)

30404.

(a) The commission shall periodically, in the case of the State Energy Resources Conservation and Development Commission, the State Board of Forestry and Fire Protection, the State Water Resources Control Board and the California regional water quality control boards, the State Air Resources Board and air pollution control districts and air quality management districts, the Department of Fish and Game, the Department of Parks and Recreation, the Department of Boating and Waterways, the California Geological Survey and the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation, and the State Lands Commission, and may, with respect to any other state agency, submit recommendations designed to encourage the state agency to carry out its functions in a manner consistent with this division. The recommendations may include proposed changes in administrative regulations, rules, and statutes.

(b) Each of those state agencies shall review and consider the commission recommendations and shall, **within six months from the date of their receipt**, to the extent that the recommendations have not been implemented, **report to the Governor and the Legislature** its action and reasons therefor. The report shall also include the state agency's comments on any legislation that may have been proposed by the commission.

[\(Amended by Stats. 2006, Ch. 869, Sec. 25. Effective January 1, 2007. Note: See this section as modified in Governor's Reorganization Plan No. 2 of 2012.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX3-33	Villines	Energy: commission and department.	Amended Assembly 09/11/2009	10/27/2009 - From Senate committee without further action.	Senate-Died - Energy, Utilities and Communications	Yes	Majority
AB-1016	Villines	Energy: commission and department.	Amended Assembly 01/04/2010	02/02/2010 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Utilities and Commerce	Yes	Majority
AB-2561	Villines, Fuentes	Energy: commission and department.	Amended Senate 08/02/2010	11/30/2010 - From Senate committee without further action.	Senate-Died - Rules	Yes	Majority
AB-	Cmte on	Maintenance of	Chaptered		-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
3355	Judiciary	the codes.	08/03/1992				
GRP-2		Governor's reorganization plan: reorganization of executive branch of state government.	Introduced 05/03/2012	07/03/2012 - Plan takes effect.	-		
GRP-3		Governor's Reorganization Plan: Commissions and Departments	Introduced 06/13/2005	08/25/2005 - Senate adopts Senate Resolution 19. Pursuant to Government Code Section 12080.5, plan does not take effect. 08/25/2005 - Senate adopts SR 19. Pursuant to Gov. Code Sec. 12080.5 plan does not take effect.	-		
SB-668	Kuehl	Mining.	Chaptered 09/30/2006	09/30/2006 - Chaptered by Secretary of State. Chapter 869, Statutes of 2006. 09/30/2006 - Approved by Governor.	-	Yes	Majority
SB-989		State Board of Forestry.	Chaptered 09/29/1998		-		

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing the California Coastal Commission's Recommendations report requirement as the report has not been issued in the last seven years. The Legislative Counsel website shows that the last report issued was in September 2000.

REPORT NO. 4

WATER CODE

DIVISION 7. WATER QUALITY [13000. - 16104.]

(Division 7 repealed and added by Stats. 1969, Ch. 482.)

CHAPTER 5.4. Nonpoint Source Pollution Control Program [13369. - 13369.]

(Chapter 5.4 added by Stats. 1999, Ch. 560, Sec. 1.)

13369.

(a) (1) The state board, in consultation with the regional boards, the California Coastal Commission, and other appropriate state agencies and advisory groups, as necessary, shall prepare a detailed program for the purpose of implementing the state's nonpoint source management plan. The board shall address all applicable provisions of the Clean Water Act, including Section 319 (33 U.S.C. Sec. 1329), as well as Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b), and this division in the preparation of this detailed implementation program.

(2) (A) The program shall include all of the following components:

(i) Nonregulatory implementation of best management practices.

(ii) Regulatory-based incentives for best management practices.

(iii) The adoption and enforcement of waste discharge requirements that will require the implementation of best management practices.

(B) In connection with its duties under this subdivision to prepare and implement the state's nonpoint source management plan, the state board shall develop, on or before February 1, 2001, guidance to be used by the state board and the regional boards for the purpose of describing the process by which the state board and the regional boards will enforce the state's nonpoint source management plan, pursuant to this division.

(C) The adoption of the guidance developed pursuant to this section is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The state board, in consultation with the California Coastal Commission and other appropriate agencies, as necessary, on or before December 31 of each year, shall submit to the Legislature, and make available to the public, both of the following:

(1) Copies of all state and regional board reports that contain information related to nonpoint source pollution and that the state or regional boards were required to prepare in the previous fiscal year pursuant to Sections 303, 305(b), and 319 of the Clean Water Act (33 U.S.C. Secs. 1313, 1315(b), and 1329), Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. Sec. 1455b), related regulations, and this division.

(2) A summary of information related to nonpoint source pollution that is set forth in the reports described pursuant to paragraph (1) including, but not limited to, summaries of both of the following:

(A) Information that is related to nonpoint source pollution and that is required to be included in reports prepared pursuant to Section 305(b) of the Clean Water Act (33 U.S.C. 1315(b)).

(B) Information that is required to be in reports prepared pursuant to Section 319(h)(11) of the Clean Water Act (33 U.S.C. Sec. 1329(h)(11)).

(Amended by Stats. 2004, Ch. 644, Sec. 40. Effective January 1, 2005.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2701	Runner, Campbell	Environmental protection: reports.	Chaptered 09/21/2004	09/21/2004 - Chaptered by Secretary of State - Chapter 644, Statutes of 2004. 09/21/2004 - Approved by the Governor.	-		
SB-227	Alpert	Water quality: nonpoint source pollution.	Chaptered 09/29/1999	09/29/1999 - Chaptered by Secretary of State. Chapter 560, Statutes of 1999.	-		

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing the Nonpoint Source Pollution Control report requirement because the report is comprised of copies of other reports with summaries of these reports. Copies of these reports are also made available on the State Water Resources Control Board website. The State Water Resources Control Board believes that it is unnecessary to submit a separate report to the Legislature. The Legislature may choose to continue to require that this report be submitted to the Legislature on a yearly basis.

REPORT NO. 5

WATER CODE

DIVISION 26. SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION ACT [79000. - 79221.]

(Division 26 added by Stats. 1999, Ch. 725, Sec. 1.)

CHAPTER 6. Watershed Protection Program [79070. - 79104.206.]

(Chapter 6 added by Stats. 1999, Ch. 725, Sec. 1.)

ARTICLE 2. Watershed Protection Program [79075. - 79088.]

(Article 2 added by Stats. 1999, Ch. 725, Sec. 1.)

79083.

(a) A grant recipient shall submit to the board a report upon the completion of the project or activity funded under this article. The report shall summarize the completed project and identify additional steps necessary to achieve the purposes of the local watershed management plan. The board shall make the report available to interested federal, state, and local agencies and other interested parties.

(b) The board shall prepare and submit to the Governor a biennial report regarding the implementation of this article. The biennial report shall include, at a minimum, a discussion relating to the extent to which the purposes described in Section 79077 are being furthered by the implementation of this article.

[\(Added by Stats. 1999, Ch. 725, Sec. 1. Approved March 7, 2000, by adoption of Proposition 13.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2701	Runner, Campbell	Environmental protection: reports.	Chaptered 09/21/2004	09/21/2004 - Chaptered by Secretary of State - Chapter 644, Statutes of 2004. 09/21/2004 - Approved by the Governor.	-		
SB-227	Alpert	Water quality: nonpoint source pollution.	Chaptered 09/29/1999	09/29/1999 - Chaptered by Secretary of State. Chapter 560, Statutes of 1999.	-		

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing the Watershed Protection Program report requirement due to lack of interest in the report. The State Water Resources Control Board can provide the report to the Governor upon request. The last report was completed in 2007.

REPORT NO. 6

WATER CODE

DIVISION 2. WATER [1000. - 5976.]

(Division 2 enacted by Stats. 1943, Ch. 368.)

PART 2. APPROPRIATION OF WATER [1200. - 1851.]

(Part 2 enacted by Stats. 1943, Ch. 368.)

CHAPTER 2. Applications to Appropriate Water [1250. - 1276.]

(Chapter 2 enacted by Stats. 1943, Ch. 368.)

ARTICLE 1. General Provisions [1250. - 1259.4.]

(Article 1 enacted by Stats. 1943, Ch. 368.)

1259.2.

(a) **The board shall annually prepare a written summary**, in chart form, of pending applications to appropriate water in the Counties of Marin, Napa, Sonoma, Mendocino, and Humboldt. The summary shall include a description of the status of each pending application, the actions taken in the preceding year, proposed actions for the upcoming year, and the proposed date for final action with regard to that application.

(b) For the purposes of carrying out subdivision (a), the board may post the information described in subdivision (a) on its Web site.

(Added by Stats. 2004, Ch. 943, Sec. 2. Effective January 1, 2005.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-2121	Committee on Budget	Water resources.	Chaptered 09/30/2004	09/30/2004 - Chaptered by Secretary of State - Chapter 943, Statutes of 2004.	-		
SB-1116	Committee on Budget and Fiscal Review	Water resources.	Amended Assembly 08/23/2004	11/30/2004 - From Assembly without further action. 11/30/2004 - Died on file.	-	Yes	Majority

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing the Coastal Streams Program report requirement due to lack of interest in the report. The State Water Resources Control Board can provide this information on their website if there is interest.

REPORT NO. 7

WATER CODE

DIVISION 2. WATER [1000. - 5976.]

(Division 2 enacted by Stats. 1943, Ch. 368.)

PART 2. APPROPRIATION OF WATER [1200. - 1851.]

(Part 2 enacted by Stats. 1943, Ch. 368.)

CHAPTER 1. General Provisions [1200. - 1248.]

(Chapter 1 enacted by Stats. 1943, Ch. 368.)

ARTICLE 2.7. Registration of Appropriations for Small Domestic, Small Irrigation, and Livestock Stockpond Uses [1228. - 1229.1.]

(Heading of Article 2.7 amended by Stats. 2011, Ch. 579, Sec. 1.)

1228.2.

(a) (1) Subject to subdivision (b), any person may obtain a right to appropriate water for a small domestic, small irrigation, or livestock stockpond use upon first registering the use with the board and thereafter applying the water to reasonable and beneficial use with due diligence.

(2) With regard to an appropriation for small domestic use, a registration shall not be filed for a facility served by or used pursuant to a permit or license for domestic or municipal use, and not more than one small domestic use registration shall be in effect at any time for any facility.

(3) With regard to an appropriation for small irrigation use, more than one registration may be in effect at any time for a registrant if the diversion or storage facilities subject to registration for a registrant do not exceed the ratio of one per 20 irrigated acres, and if the total water use on all acreage covered by the registrations, including any water use based on other rights, does not exceed 100 acre-feet per annum.

(4) A small domestic use registration and a small irrigation use registration may be in effect for the same facility only if the total combined water use covered by the registrations does not exceed 20 acre-feet per annum.

(5) With regard to an appropriation for livestock stockpond use, more than one registration may be in effect at any time for a registrant if stockponds subject to registration for that registrant do not exceed the ratio of one per 50 acres.

(b) Initiation of rights to appropriate water pursuant to this article shall be subject to Article 1.3 (commencing with Section 1205), relating to fully appropriated stream systems. The board shall not accept any registration of water use which proposes as a source of water supply any stream system which has been unconditionally declared by the board to be fully appropriated pursuant to Section 1205, except that subdivision (b) of Section 1206, relating to conditional declarations of fully appropriated stream systems, shall apply to registration of water use pursuant to this article, and the board shall accept those registrations where consistent with the conditions specified in any such declaration.

(c) On or before June 30, 1989, and annually thereafter, the Division of Water Rights shall prepare and submit to the board a report summarizing the location, nature, and amount of water appropriated pursuant to this article. The report shall include a description of the availability of unappropriated water in those stream systems which may become fully appropriated within the next reporting period.

(d) If a registration is filed with a source of supply on a stream system that the most recent report submitted under subdivision (c) identifies as a stream system that may become fully appropriated

within the next reporting period, the registration shall not take effect unless the board finds that unappropriated water is available for the appropriation proposed by the registration. If the board finds that unappropriated water is not available to supply the proposed appropriation, the board shall, following notice and hearing, determine whether that stream system should be declared fully appropriated pursuant to Article 1.3 (commencing with Section 1205).

(Amended by Stats. 2011, Ch. 579, Sec. 3, Effective January 1, 2012.)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-964	Huffman, Chesbro	Water rights: appropriation.	Chaptered 10/08/2011	10/08/2011 - Chaptered by Secretary of State - Chapter 579, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
SB-1775	Johannessen	Stockponds.	Chaptered 09/05/2000	09/05/2000 - Chaptered by Secretary of State. Chapter 306, Statutes of 2000.	-		

COMMENTS/RECOMMENDATIONS:

The State Water Resources Control Board recommends removing this report because the information is available on the SWRCB's website and information on new registrations is provided in the public monthly notices. SWRCB has had no request for copies of the report.