

A COMPILATION OF STORMWATER AND OTHER RELATED WATER NEWS

By S. Wayne Rosenbaum & Aiko Osugi, Foley & Lardner LLP

NATIONAL NEWS

Election Brings Changes to Both House and Senate - Impact on Water Issues Unclear

(This week in Washington, November 9, 2006) After twelve years of single party rule in the U.S. Congress, the House of Representatives and the Senate are now controlled by the Democratic Party, which was able to capitalize on discontent with the Administration's Iraq Policy and Republican rule in Congress to achieve large gains in Tuesday's mid-term elections. Democrats are expected to have a margin of at least 33 seats in the House. While the full impact of Tuesday's elections on policy matters will play out in the next several months, observers expect the majority to move on some high-profile democratic priorities while maintaining a degree of caution as the country heads into the 2008 presidential election cycle. Based on statements already made by Democratic Party leaders, the new House majority party will move on issues such as increasing the minimum wage, reforming the Medicare prescription drug program, passing ethics legislation, and reinstating oversight hearings on Administration policies, especially on its policies in Iraq and the war on terrorism. However, on matters concerning the environment, including issues such as water, energy independence, and climate change, it's unclear how much a Democratic-controlled Congress will accomplish. On fiscal matters, the Democrats will continue to operate in a restrained environment. An article detailing what water quality professionals might expect from the 110th Congress is available at <http://www.wef.org/NR/rdonlyres/2FE7C203-7E5C-4325-8681-94CAFAB12A9C/0/Midterm2006.pdf>. (PS)

WEF Encourages the Bush Administration to Finalize EPA Peak Flow Discharges Policy

(This week in Washington, November 9, 2006) WEF urged the Administration to finalize and release EPA's December 2005 peak flow discharges policy without further delay in a letter sent to the Office of Management and Budget (OMB) today.

For more information on the matters discussed in this issue of the *Stormwater News* please contact the following Foley & Lardner LLP professional, or the member of the firm who normally handles your legal matters.

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OMB is currently reviewing the policy, one of the final steps prior to its release. The proposed policy, issued December 22, 2005, is based on one developed jointly by the National Association of Clean Water Agencies (NACWA) and the Natural Resources Defense Council (NRDC). The policy interprets the 40 CFR 122.41(m) bypass provisions and the term "no feasible alternatives" as they apply to peak wet weather flow diversions from publicly owned treatment works (POTWs) serving separate sanitary sewer systems. In the letter, WEF stressed the need for a national policy on peak flows. "WEF believes that the absence of a national policy on peak flow discharges has resulted in an escalation of both cost and anxiety for POTWs, with different regions of the country interpreting and enforcing regulatory requirements differently. WEF supports EPA's peak flow policy because it believes that it will provide a clear and consistent process for evaluating and approving wet weather treatment and operating scenarios." WEF also mentioned that its new publication, *Guide to Managing Peak Wet Weather Flows in Municipal Wastewater Collection and Treatment Systems*, can support implementation of the policy. The guide presents a facility planning and management approach that brings detail to the general framework of the utility analysis included in the peak flow discharges policy. Contact Sharon Thomas at stthomas@wef.org for a copy of WEF's letter or for information on the new WEF guide. (SRT)

National Primary Drinking Water Regulations Final Ground Water Rule

(This week in Washington, November 9, 2006) EPA announced in the November 8 Federal Register that it is promulgating a National Primary Drinking Water Regulation, the Ground Water Rule, to provide for increased protection against microbial pathogens in public water systems that use ground water sources. The Ground Water Rule establishes a risk-targeted approach to identify ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The occurrence of fecal indicators in a drinking water supply is an indication of the potential presence of microbial pathogens that may pose a threat to public health. This rule requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens. The final rule is effective on January 8, 2007. To view the Federal Register notice, visit: <http://www.epa.gov/fedrgstr/EPA-WATER/2006/November/Day-08/w8763.htm>. (SJH)

EPA to Convene Expert Panel on Observational Exposure Measurement Studies

(This week in Washington, November 9, 2006) EPA announced in the November 6 Federal Register that it will convene a panel of experts and conduct a meeting to gather information on the most up-to-date methods, approaches, and ethical standards for designing and implementing observational exposure measurement studies. These studies are performed by researchers both within and outside of EPA to measure people's contact with chemicals in their everyday environments during normal activities. They involve measurements of chemicals in environmental media (e.g., air, water, food, soil, and dust);

collection of information about the voluntary study participants; and analysis of voluntary human samples such as blood or urine to determine the amounts of contact. EPA plans to use the information from the workshop to prepare a document on the state-of-the-science approaches for these studies. The workshop will be held in Durham, NC on November 28 - 29. To view the Federal Register notice, visit: <http://www.epa.gov/fedrgstr/EPA-MEETINGS/2006/November/Day-06/m18655.htm> (SJH)

PG&E Apologizes to Arizona Indian Tribe Over Facility - Firm Vows to Eventually Remove Water Treatment Plant from Sacred Site.

[The top official of California's biggest utility Thursday apologized to an Arizona Indian tribe, promising to atone for the company's desecration of a sacred site the tribe considers a portal to the afterlife.](#) (CC Times)

Bottled Water War Heats Up McCloud, Siskiyou Election - Battle to Control Board as Former Timber town Weighs Nestlé's McCloud River Plan.

[The water wars rage unabated here in the northeast corner of California, where conservationists are fighting the Nestlé Co. over their plans to tap into a source near what is arguably the state's most pristine large river. Nestlé, the country's largest bottled water company, could ultimately extract up to 520 million gallons of water from the McCloud River watershed each year.](#) (SF Chronicle)

RECLAIM AND DESAL

Engineers Develop Revolutionary Nanotech Water Desalination Membrane

(PhysOrg.com, November 6, 2006) Researchers at the UCLA Henry Samueli School of Engineering and Applied Science today announced they have developed a new reverse osmosis (RO) membrane that promises to reduce the cost of seawater desalination and wastewater reclamation.

Reverse osmosis desalination uses extremely high pressure to force saline or polluted waters through the pores of a semi-permeable membrane. Water molecules under pressure pass through these pores, but salt ions and other impurities cannot, resulting in highly purified water.

The new membrane, developed by civil and environmental engineering assistant professor Eric Hoek and his research team, uses a uniquely cross-linked matrix of polymers and engineered nanoparticles designed to draw in water ions but repel nearly all contaminants. These new membranes are structured at the nanoscale to create molecular tunnels through which water flows more easily than contaminants.

Unlike the current class of commercial RO membranes, which simply filter water through a dense polymer film, Hoek's membrane contains specially synthesized nanoparticles dispersed throughout the polymer - known as a nanocomposite material.

"The nanoparticles are designed to attract water and are highly porous, soaking up water like a sponge, while repelling dissolved salts and other impurities," Hoek said. "The water-loving nanoparticles embedded in our membrane also repel organics and bacteria, which tend to clog up conventional membranes over time."

With these improvements, less energy is needed to pump water through the membranes. Because they repel particles that might ordinarily stick to the surface, the new membranes foul more slowly than conventional ones. The result is a water purification process that is just as effective as current methods but more energy efficient and potentially much less expensive. Initial tests suggest the new membranes have up to twice the productivity -- or consume 50 percent less energy -- reducing the total expense of desalinated water by as much as 25 percent.

Water Department Moving in Positive Direction with Desalination

(Long Beach Press-Telegram, November 2, 2006) Long Beach Water Department is bubbling with pride - the stuff of expectant parents.

Throughout the year, the news front has been percolating with positive growth in a cutting-edge technology that might prove essential to nothing less than survival: the desalination industry.

For instance, the Association of Metropolitan Water Agencies (AMWA) recently presented the Gold Award for Competitiveness Achievement to the Long Beach Water Department, recognizing its innovative and sound financial courses, while praising the department's effort to seek new business opportunities and meet customer service needs and expectations.

The award was mainly a result of the department's day-to-day managerial operations, but also its push to develop a groundbreaking desalination technology, which has been awarded protection by the U.S. Patent Office.

The Nanofiltration Process, known as the Long Beach Method, is considered to be up to 30 percent more energy efficient than reverse osmosis, the current state-of-the-art technology, according to Ryan Alsop, spokesman for the Water Department.

The patent should be issued in the first quarter of 2007.

'Desalting Water' Premieres on November 9

Eighth episode of California's Water' series.

[This segment of "California's Water" focuses on ocean desalination and the potential role it may play in the state's water portfolio. Viewers will tour a desalination plant to understand how removing salt from seawater is increasingly seen as a viable way to "drought-proof" communities and reduce their dependence on imported water.](#) (Sac. Business News)

CALIFORNIA NEWS

Navy Sewage Flowed into San Diego Bay for Two Years - Spill Started When barracks Were Built.

[More than 10 million gallons of raw sewage flowed into San Diego Bay over the past two years from an award-winning military barracks because of an improperly connected pipe, Navy officials said yesterday. It was the largest reported sewage spill in the region since February 2000.](#) (Union Tribune)

Environmentalists Seek Conditions on Infrastructure Funding

(CBIA Monday Morning Report, November 13, 2006) Environmentalists are making plans to put the brakes on the just-approved infrastructure financing package by demanding that the allocation of billions in bond funding conform to a number of ambiguous objectives designed to control growth. In a call to action, the Planning and Conservation League (PCL) is advocating that, among other things, Proposition 1B's transportation funding should encourage smart growth, should have air-quality-improvement projects accompany every transportation expenditure and should not subsidize "suburban sprawl." Funds from Proposition 1E, the levee bond, should be used to expand wetlands and accomplish other environmental protection, PCL says. Of course, none of these and other conditions - some of which will dramatically slow down the allocation of the bond funding - were considered by California voters when they approved Propositions 1A through 1E. Environmental groups will seek to take advantage, however, of the need for the Legislature to authorize how much of initiatives' funding will be allocated and spent.

Federal Court Rejects Challenge to Critical Habitat Designation

(CBIA Monday Morning Report, November 13, 2006) The U.S. District Court for the Eastern District ("the Court") rejected a challenge by homebuilders and agricultural interests to a new designation of critical habitat in California by the U.S. Fish and Wildlife Service (USFWS). The case came as a result of an earlier successful challenge to the designation by the USFWS of 1.6 million acres as critical habitat. But, although that challenge was to have reduced the designation to 600,000 acres, the USFWS instead returned a plan for fencing off 850,000 acres. Homebuilders challenged the basis upon which the designation was made, arguing that the use by the USFWS of census tracts was too broad. But, in deciding *Home Builders Association of Northern California et al. v. US Fish and Wildlife Service* the Court said the Endangered Species Act (ESA) doesn't require anything more precise.

Progress Being Made on Water Deal with Mexico - Interior Secretary Hopes Agreement Will be in Place by the End of 2007.

[As Western water managers work toward new rules on how to share shortages on the Colorado River, progress also is being made on a similar agreement with Mexico. Interior Secretary Dirk Kempthorne said Tuesday from a houseboat on Lake Mead](#) (Ely Times)

New Laws – SWRCB Enforcement, Public summaries of Enforcement, Etc.

(Water Quality Newsflash, November) SB 729 (Simitian) – This new law was sponsored by the California Coastkeeper Alliance and authorizes the State Water Resources Control Board (SWRCB) to carry out the enforcement functions of the Regional Boards if this does not duplicate the Regional Board efforts. Currently, citizens concerned about lack of Regional Board enforcement need to formally appeal to the State Board before it can become involved. The new law also requires both State and Regional Boards to post a summary list of enforcement actions on the Internet including final disposition (e.g., fines) as well as information on rates of compliance. The publicizing of enforcement actions is expected to encourage compliance. In addition, Regional Boards can be compared concerning rates of compliance within their regions which may encourage more aggressive enforcement. (Effective 1/1/07)

Enforcement actions are currently posted at the SWRCB website but may not be consistently reported:

<http://ciwqs.waterboards.ca.gov/ciwqs/enforcementOrders.jsp> The SWRCB requests feedback on how to make the site more useful. Some Regional Boards currently include enforcement data in their Executive Officer reports posted on the Regional websites.

SB 1070 (Kehoe) – This bill was also sponsored by the California Coastkeeper Alliance and requires the State Board to post information on the results of water quality monitoring as well as assessment, research, standards, regulation, enforcement, and other items. It also establishes a California Water Quality Monitoring Council, administered by the State Board, which is intended to “reduce redundancies, inefficiencies, and inadequacies in existing water quality monitoring and data management programs.” The Governor’s signing message noted that this year’s budget includes an additional \$8.5 million for water quality monitoring. Increased monitoring will potentially lead to more waters being 303(d)-listed as impaired and therefore needing TMDLs. (Effective 1/1/07)

AB 1881(Laird) - Requires DWR to update, and local agencies to adopt, the model local water efficient landscape ordinance, including restrictions on overspray and runoff (Effective 1/1/07)

Vetoed: AB 2838 (Pavley) – Authorized coastal and Bay Area counties to impose a fee of up to \$6 per vehicle to fund coastal pollution mitigation. AB 2444 (Klehs) - Authorized a vehicle registration fee to fund environmental and transportation programs in the 9-county Bay Area.

Septic Discharge Fouls Morro Bay Water - Nitrates Taint Drinking Water for 20 Years.

[Two decades of discharge from septic tanks and fertilizers are being blamed for tainting part of Morro Bay's drinking water supply. High levels of nitrates found in six Morro Bay water wells last week likely accrued at a steady rate for the past 20 years.](#)

[City Manager Bob Hendrix said Monday. The city learned Wednesday that nitrate levels in its groundwater wells were above acceptable drinking levels.](#) (SLO Tribune)

Governor Schwarzenegger Announces Appointments

(November 15, 2006) Governor Arnold Schwarzenegger today announced the following appointments:

Jack Clarke, 64, of Apple Valley, has been appointed to the Lahontan Regional Water Quality Control Board. He has served on the Board since 1998 and is vice president and general manager of the Apple Valley Ranchos Water Company. Clarke previously served the Southern California Water Company as an area manager from 1974 to 1982 and Granite Construction as a purchasing agent and foreman from 1969 to 1974. He is a member of the Apple Valley Chamber of Commerce, Mojave Water Agency and the American Water Works Association. This position requires Senate confirmation and the compensation is \$100 per diem. Clarke is a Republican.

Francine Diamond, 63, of Pacific Palisades, has been appointed to the Los Angeles Regional Water Quality Control Board. She was first appointed to the Board in 1999 and currently serves as principal of the communications and public speaking firm, Francine Diamond Communications. Prior to that, Diamond was principal of Media Partners from 1994 to 2003 and served the Office of the State Controller as a special assistant on environmental issues from 1989 to 1992. She previously served on the Los Angeles County Beach Commission. This position requires Senate confirmation and the compensation is \$100 per diem. Diamond is a Democrat.

Maurice Gallarda, 53, of Yorba Linda, has been appointed to the Santa Ana Regional Water Quality Control Board. He has served as the executive officer of new business development for the Southwest Water Company since 1998. In 1990, Gallarda founded the Park Environmental Corporation and served as chief executive officer until 1997. Prior to that, he was president of Thorne Environmental from 1988 to 1990. This position requires Senate confirmation and the compensation is \$100 per diem. Gallarda is a Republican.

Amy Horne, 52, of Truckee, has been appointed to the Lahontan Regional Water Quality Control Board. She currently serves as chair of the Lahontan Regional Water Quality Control Board, where she was first appointed as a member in 2003. Horne previously served the Sierra Business Council as a research director from 1998 to 2005. Prior to that, she was a research forester for the U.S. Forest Service, Pacific Northwest Research Station and was an instructor of land surveying and mapping field modules at the Yale School of Forestry and Environmental Studies. This position requires Senate confirmation and the compensation is \$100 per diem. Horne is a Democrat.

M.E. "Red" Martinez, 75, of Banning, has been appointed to the Colorado River Basin Regional Water Quality Control Board. He has served on the Board since 2004 and retired as labor relations director for the Engineering Contractors Association in 2004, where he served since 1999. Previously, Martinez was a commissioner on the Board of Public Works for the City of Los Angeles from 1991 to 1999 and special representative and coordinator for the Los Angeles County Building and Construction Trades

Council from 1989 to 1991. He has served on the Los Angeles County Transportation Commission Environmental Community Advisory Committee and the Los Angeles Committee on Occupational Health and Safety Board of Directors. This position requires Senate confirmation and the compensation is \$100 per diem. Martinez is a Democrat.

William E. Peacock, 65, of Portola Valley, has been appointed to the San Francisco Bay Regional Water Quality Control Board. He is a retired colonel of the U.S. Marine Corps Reserve and currently is principal of Peacock & Company. Previously, Peacock was senior associate with the strategic consulting firm, Cassidy & Associates from 1990 to 1991 and director of international marketing for the McDonnell Aircraft Company from 1987 to 1989. He currently serves on the San Jose Silicon Valley Chamber of Commerce Board of Directors. This position requires Senate confirmation and the compensation is \$100 per diem. Peacock is a Democrat.

William Ruh, 47, of Montclair, has been appointed to the Santa Ana Regional Water Quality Control Board. He has served on the Board since 2002. Ruh also has served the Citrus Valley Association of Realtors as director of governmental affairs since 2001, consultant for the State Assembly Select Committee on the Alameda Corridor East since 1999 and has served on the Montclair City Council since 1998. Previously, he served on the Board of Directors for the Monte Vista Water District from 1991 to 1998 and the Planning Commission for the City of Montclair from 1988 to 1998. This position requires Senate confirmation and the compensation is \$100 per diem. Ruh is a Republican.

Gary Shallcross, 59, of Monterey, has been appointed to the Central Coast Regional Water Quality Control Board. Since 2005, he has worked part-time as a Marine Life Protection Act consultant with the Ocean Conservancy. Previously, Shallcross served as a district director for the Offices of Assemblymember John Laird from 2002 to 2004 and Assemblymember Fred Keeley from 1996 to 2002. He is a member of the State Bar of California, Trout Unlimited and the American Civil Liberties Union. This position requires Senate confirmation and the compensation is \$100 per diem. Shallcross is a Democrat.

Seymour Van Gundy, 75, of Riverside, has been appointed to the Santa Ana Regional Water Quality Control Board. He has served on the Board since 2000. In addition, Van Gundy has served the University of California, Riverside since 1957, currently holding the positions of professor emeritus and dean emeritus of nematology and plant pathology. He is a member of the Society of Nematologists, American Institute of Biological Sciences, American Association for the Advancement of Science and the Organization of Tropical Nematologists. This position requires Senate confirmation and the compensation is \$100 per diem. Van Gundy is a Republican.

Kern County Sewer Rule Debated in Court - Judge Postpones Hearing Until the End of This Month.

[Local landowners and real estate sellers, acting under the RLA name, sued the county after it passed a law that banned septic tanks on any new home lot smaller than six acres. The suit charges that the county failed to follow the California Environmental Quality Act when it approved the new rule.](#) (Bakersfield Californian)

SOUTHERN CALIFORNIA

Trash – LA Board Initiating More TMDLs

(Water Quality News Flash, November 20, 2006) The LA Regional Board will be holding CEQA scoping hearings for the Calleguas Creek and Ventura River Estuary (December 5, 2006); Machado Lake, Legg Lake, and Pico Kenter Drain (December 6, 2006); and Elizabeth Lake, Munz Lake and Lake Hughes in the Santa Clara River Watershed (December 5). The Board notes that “Littering is a severe and recurring problem that impairs the beneficial uses of waters of the State in the Los Angeles Region.” The LA Region has 25 waterways or waterway segments on the 303(d) list as impaired by trash. The rest of the state has a total of 4 listings. The LA Board has interpreted their narrative water quality objectives to arrive at a numeric objective of 0 (zero) trash. Consequently, runoff must be treated so that no trash enters the listed waterways. Caltrans is currently installing GSRDs on the LA River and Ballona Creek to meet the requirements of the Trash TMDLs for these waterways (see *NewsFlash 06-31*).

Other Regional Boards have been reluctant to list for trash. For example, in 2001, the SF Board considered adding trash to the list of pollutants impairing Bay area creeks; however, they declined to list because of a lack of a consistent methodology to assess impairment by trash. If the other Regional Boards eventually interpret their narrative objectives in a similar manner to the LA Board, then many more waterways may become listed.

LA TMDLs: http://www.waterboards.ca.gov/losangeles/html/updates_news.html#tmdl

San Dieguito Lagoon on path to Restoration - Project Will be Completed in Three Years.

[When work ends between late 2008 and mid-2009, the 440-acre wetland, degraded by time and urban encroachment, will support a population of fish, crabs, birds, small mammals and native plants. The wetland will have more than a mile of earthen berms to control flooding along the San Dieguito River, plus 115 acres of new tidal salt marsh, and five nesting sites for the endangered California least tern and the Western snowy plover.](#) (Union-Tribune)

Padilla Tough to Replace on Coastal Panel

(CalCoast News, November 15, 2006) Local environmental leaders are huddling to decide whom they favor to replace Chula Vista Mayor Steve Padilla on the California Coastal Commission. <http://www.calcoast.org/news/coast.htm>

End of the Story for Coastal Builders?

(CalCoast News, November 15, 2006) In a backlash against ‘mansionization,’ beach homeowners wanting to add a third level face increasing opposition. <http://www.calcoast.org/news/coast.htm>

Panel Says Short-Term Rentals Are Allowable

(CalCoast News, November 15, 2006) ENCINITAS – The city's attempt to ban new vacation rentals leased for 30 days or fewer has been dealt another blow by the California Coastal Commission. <http://www.calcoast.org/news/coast.htm>

Coronado Cays' Waterway Woes

(CalCoast News, November 15, 2006) CORONADO – A group representing 1,200 Coronado Cays homeowners is suing the city, alleging it has failed to maintain concrete channels that may be dangerously close to collapsing.

<http://www.calcoast.org/news/coast.htm>

O.C. Beach Smoking Ban Narrowly Fails

(CalCoast News, November 15, 2006) Although most Orange County beach towns have outlawed smoking on their shorelines, county supervisors went the other way Tuesday and declined to adopt a ban on the county's seven miles of beachfront.

<http://www.calcoast.org/news/coast.htm>

Smoking Ban Moves Ahead in Oceanside

(CalCoast News, November 15, 2006) OCEANSIDE – A proposed ban on smoking in public parks, on the beaches and the municipal fishing pier has the blessing of the city Parks and Recreation Commission.

<http://www.calcoast.org/news/beachrest.htm>

Which Way, Santa Cruz?

(CalCoast News, November 15, 2006) The famously quirky beach city fears losing its small-town charm if it accommodates the UC system's vision of a larger, research-oriented university. <http://www.calcoast.org/news/coast.htm>

Huge Baja Project May Chill Others' LNG Plans

(CalCoast News, November 15, 2006) Mexico's easier permit process allowed San Diego-based Sempra Energy to get a head start over those considering plants in California. <http://www.calcoast.org/news/coast.htm>

Sniffing Out the Source of the 'Malibu Smell'

(CalCoast News, November 15, 2006) County officials will use DNA tests in hopes of tracking the origin of animal or human waste that is fouling the city's beaches. <http://www.calcoast.org/news/waterq.htm>

Regional Panel: Time to Shore up Beaches Again

(CalCoast News, November 15, 2006) SAN DIEGO ---- Five years have come and gone since a regional planning agency sponsored a \$17 million makeover of San Diego County's scrawny shoreline ---- and so has much of the ripply beach body that officials artificially created. <http://www.calcoast.org/news/beachrest.htm>

Southern California Fishing Map Delayed

(CalCoast News, November 15, 2006) California's controversial effort to redraw its network of marine reserves will likely focus next on the north-central coast rather than Southern California, where fishing groups have considerable political clout. <http://www.calcoast.org/news/coast.htm>

Riverside Named the Leader in Water Pollution Fight - City Wins First Place from EPA for Sewage Pre-Treatment.

[A federal agency honored the city of Riverside on Tuesday with a national award for its sewage treatment efforts that reduce water pollution. Riverside took first place in the nation in the U.S. Environmental Protection Agency's award program for pre-treating sewage before it enters the city's wastewater treatment plant on Jurupa Avenue near Van Buren Boulevard.](#) (Riverside PE)

State Takes Close Look at Orange County's Polluted Waterways - Old Data Indicate Fish Contained PCBs.

[Fish contaminated with toxic PCBs have been reported in several Orange County bays, channels and beaches, according to an updated list of water bodies that fail to meet state water-quality standards released this week.](#) (O.C. Register)

LEGISLATION

CA AB 1752

Author: Levine (D)

Title: Environmental Quality

Introduced: 03/09/2005

Last Amend: 08/30/2006

Enacted: 09/29/2006

Location: Chaptered

Chapter: 752

Summary: Provides that if a specified bill introduced in the 2005-06 Regular Session that would revise requirements relating to the determination of the State Water Resources Board of a regional board is required to make before electing to

require a publicly owned treatment works (POTW) serving a small community to spend funds for a compliance project, to provide the changes would become operative on a specified date and requires the POTW to show how sufficient financing will be available in a specified time period.

Status: 9/29/2006 Signed by GOVERNOR.
09/29/2006 Chaptered by Secretary of State. Chapter No. 752

CA AB 1803

Author: Assembly Budget Committee

Title: Public Resources

Introduced: 01/10/2006

Last Amend: 06/27/2006

Enacted: 07/18/2006

Location: Chaptered

Chapter: 77

Summary: Requires Bay-Delta sport fishing stamp funding of ecosystem restoration; relates to the Fish and Game Preservation Fund, incompatible land use adjacent to large ecologically valuable landscapes, the bistate Tahoe Regional Planning Compact, hazardous waste transportation manifests, state forest management, corporate taxes for handling hazardous materials, greenhouse gas emissions, fire prevention activities, motor fuel tax funding of OHV recreation areas, the Coastal Wetlands Fund, and the tire fee.

Status: 07/18/2006 Signed by GOVERNOR.
07/18/2006 Chaptered by Secretary of State. Chapter No. 77

CA AB 2485

Author: Jones (D)

Title: Fish and Game: Sea Otters

Introduced: 02/23/2006

Last Amend: 08/22/2006

Enacted: 09/18/2006

Location: Chaptered

Chapter: 296

Summary: States the Legislature's intent to establish a research program focused on reducing sea otter mortality from nonpoint source pollution, and developing water and wastewater treatment technologies for causes affecting sea otter mortality. Modifies fines and penalties for violations relating to marine mammals and fully protected animals. Requires cat litter offered for sale to contain alternative statements regarding the proper disposal of feces. Relates to the Sea Otter Fund tax checkoff.

Status: 09/18/2006 Signed by GOVERNOR.
09/18/2006 Chaptered by Secretary of State. Chapter No. 296

Commentary: Under existing law, a person who deposits in, or permits to pass into, or place where it can pass into, the waters of this state specified substances, including any substance or material deleterious to fish, plant life, or bird life, is subject to specified civil penalties. This bill would include in those provisions any substance or material deleterious to mammals.

CA AB 2515

Author: Ruskin (D)

Title: Water Conservation: Report

Introduced: 02/23/2006

Last Amend: 06/28/2006

Enacted: 09/28/2006

Location: Chaptered

Chapter: 573

Summary: Requires the Public Utilities Commission to prepare and submit to the Legislature a report that describes the progress achieved toward implementing the policy objectives of the commission's Water Action Plan, and to include specified matter in the report.

Status: 09/28/2006 Signed by GOVERNOR.
09/28/2006 Chaptered by Secretary of State. Chapter No. 573

CA SB 354

Author: Escutia (D)

Title: Hazardous Materials Release: Remediation

Introduced: 02/16/2005

Last Amend: 08/10/2006

Enacted: 09/28/2006

Location: Chaptered

Chapter: 523

Summary: Relates to hazardous substances. Amends the Land Environmental Restoration and Reuse Act to delete specified exclusion from the definition of property in the act and to include in the act as property, a site that is described in one of the exclusions. Authorizes a notice to the owner requiring notice. Corrects the definition of environmental assessor registered by the Department of Toxic Substances.

Status: 09/28/2006 Signed by GOVERNOR.
09/28/2006 Chaptered by Secretary of State. Chapter No. 523

CA SB 475

Author: Runner G (R)

Title: Drinking Water: Water Softeners: Santa Clara River

Introduced: 02/18/2005

Last Amend: 08/07/2006

Enacted: 09/22/2006

Location: Chaptered

Chapter: 393

Summary: Provides that the Santa Clarita Valley Sanitation District may by ordinance require the removal of all installed residential self-regenerating water softeners that discharge to the community sewer system, if the district makes specified findings. Requires the district to make available to owners of residential self-regenerating water softeners a voluntary program to compensate the resident for 100% of the reasonable value of the removed appliance and to provide for 75% of those costs at a later time.

Status: 09/22/2006 Signed by GOVERNOR.
09/22/2006 Chaptered by Secretary of State. Chapter No. 393

CA SB 729

Author: Simitian (D)
Title: Water Quality
Introduced: 02/22/2005
Last Amend: 08/21/2006
Enacted: 09/18/2006
Location: Chaptered
Chapter: 293

Summary: Authorizes the State Water Resources Control Board to carry out the authority over water quality matters if the board determines that it will not duplicate the efforts of a regional board. Requires each regional board to coordinate with the state board and other state agencies with respect to water quality matters and report rates of compliance. Requires the posting of water quality related information on the Internet, including a summary of enforcement actions and the disposition of same.

Status: 09/18/2006 Signed by GOVERNOR.
09/18/2006 Chaptered by Secretary of State. Chapter No. 293

CA SB 775

Author: Cox (R)
Title: Watermasters: Court Appointments
Introduced: 02/22/2005
Last Amend: 08/15/2006
Enacted: 09/14/2006
Location: Chaptered
Chapter: 246

Summary: Specifies that, upon a petition, made to a court in which a relevant judicial decree has been entered, by the owners or governing bodies of at least 15% of the conduits lawfully entitled to directly divert water in a service area subject to that decree, may appoint a public agency as a watermaster to replace the watermaster. Provides that a watermaster appointed pursuant to this provision would have the powers and duties prescribed by the court pursuant to the exercise of its judicial authority.

Status: 09/14/2006 Signed by GOVERNOR.
09/14/2006 Chaptered by Secretary of State. Chapter No. 246

CA SB 1070

Author: Kehoe (D)

Title: Water Quality Information

Introduced: 02/22/2005

Last Amend: 06/29/2006

Enacted: 09/29/2006

Location: Chaptered

Chapter: 750

Summary: Requires the Water Resources Control Board to implement a public information program on water quality matters and that information on its Web site. Requires the Environmental Protection Agency and the Resources Agency to enter into a specified memorandum of understanding to establish the Water Quality Monitoring Council to review existing water quality monitoring and assessment and reporting efforts and to recommend funding and efforts to enhance those efforts.

Status: 09/29/2006 Signed by GOVERNOR.
09/29/2006 Chaptered by Secretary of State. Chapter No. 750

CA SB 1733

Author: Aanestad (R)

Title: Water Quality

Introduced: 02/24/2006

Last Amend: 08/10/2006

Enacted: 09/22/2006

Location: Chaptered

Chapter: 404

Summary: Amends the Porter-Cologne Water Quality Control Act. Requires the state Water Quality Control Board to provide guidance to regional boards relating to water quality, to undertake review and to report to the Legislature. Provides for

annual training to regional board members. Requires improved adjudication procedures at the regional level. Revises the requirements relating to the determination of the state or regional board relating to assessing certain penalties for waste discharges.

Status: 09/22/2006 Signed by GOVERNOR.
09/22/2006 Chaptered by Secretary of State. Chapter No. 404

CA AB 966

Author: Saldana (D)
Title: Water Quality: California-Baja Border Region
Introduced: 02/18/2005
Last Amend: 08/22/2006
Vetoed: 09/29/2006
Location: Vetoed

Summary: Requires the Environmental Protection Agency, Water Resources Control Board, the San Diego Regional Water Quality Control Board, and the Colorado River Basin Regional Water Quality Control Board, to take action under the federal Clean Water Act to establish effective water quality control programs for the California-Baja California border region and to establish cooperative water quality monitoring, inspection, and technical assistance programs to protect the environment and public health of the region.

Status: 09/29/2006 Vetoed by GOVERNOR.

CA SB 187

Author: Soto (D)
Title: Drinking Water: Contaminants
Introduced: 02/10/2005
Last Amend: 08/21/2006
Vetoed: 09/28/2006
Location: Vetoed

Summary: Requires the Department of Health Standards to consider certain criteria when it adopts a primary drinking water standard including the public health goal for the contaminant published by the Office of Environmental Health Hazard

Assessment, the national primary drinking water standard, and the technological and economic feasibility of compliance with the proposed standard. Requires the analysis and any standards documentation be made available to the public for review and comment.

Status: 09/28/2006 Vetoed by GOVERNOR.

CA SB 1640

Author: Kuehl (D)

Title: Water

Introduced: 02/24/2006

Last Amend: 08/07/2006

Vetoed: 9/30/2006

Location: Vetoed

Summary: Relates to a report of hydrologic conditions of water project facilities to each contractor, water diversions covered by a permit or license for small domestic or livestock stockpond uses, civil liability for failing to file a statement for a diversion or use, the State Water Plan, and coordination of an urban water management plan with utilities that provide electric or gas service. Establishes a groundwater monitoring program for the monitoring of the depth to groundwater in a particular basin.

Status: 09/30/2006 Vetoed by GOVERNOR.

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