

AMENDED IN SENATE MAY 31, 2011

SENATE BILL

No. 263

Introduced by Senator Pavley

February 10, 2011

An act to amend ~~Section 13752~~ *Sections 13752 and 13755* of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 263, as amended, Pavley. Wells: reports: public availability.

Existing law requires a person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or deepens or re-perforates a well, to file a report of completion with the Department of Water Resources. Existing law prohibits those reports from being made available to the public, except under certain circumstances.

This bill would instead ~~make a report relating to a well constructed, altered, abandoned, or destroyed on or after January 1, 2012, available to the public. The bill, commencing July 1, 2013, would also make available to the public reports relating to a well constructed, altered, abandoned, or destroyed before January 1, 2012, unless the department receives notification by the well owner that the well owner desires to keep the report confidential~~ *require the department to make the reports available to the public. The bill would require the department to provide a specified disclaimer when providing the reports to the public. The bill would prohibit the State Department of Public Health from preventing the disclosure of information provided in the reports.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13752 of the Water Code is amended to
2 read:

3 ~~13752. (a) (1) Except as otherwise provided in paragraph (2),~~
4 ~~a report made in accordance with paragraph (1) of subdivision (b)~~
5 ~~of Section 13751 for well construction, alteration, abandonment,~~
6 ~~or destruction completed before January 1, 2012, shall not be made~~
7 ~~available for inspection by the public, but shall be made available~~
8 ~~to governmental agencies for use in making studies, or to any~~
9 ~~person who obtains a written authorization from the owner of the~~
10 ~~well. However, a report associated with a well located within two~~
11 ~~miles of an area affected or potentially affected by a known~~
12 ~~unauthorized release of a contaminant shall be made available~~
13 ~~pursuant to this paragraph to any person performing an~~
14 ~~environmental cleanup study associated with the unauthorized~~
15 ~~release, if the study is conducted under the order of a regulatory~~
16 ~~agency. A report released pursuant to this paragraph to a person~~
17 ~~conducting an environmental cleanup study shall not be used for~~
18 ~~any purpose other than for the purpose of conducting the study.~~

19 ~~(2) Commencing July 1, 2013, the department shall make~~
20 ~~available to the public a report described in paragraph (1), unless~~
21 ~~the department receives notification by the well owner that the~~
22 ~~well owner desires to keep the report confidential.~~

23 ~~(b) Commencing January 1, 2012, the department shall make~~
24 ~~available to the public a report made in accordance with paragraph~~
25 ~~(1) of subdivision (b) of Section 13751 for well construction,~~
26 ~~alteration, abandonment, or destruction completed on or after~~
27 ~~January 1, 2012.~~

28 *13752. (a) The department shall make available to the public*
29 *a report made in accordance with paragraph (1) of subdivision*
30 *(b) of Section 13751.*

31 *(b) When providing a report to the public pursuant to*
32 *subdivision (a), the department shall also provide a statement that*
33 *includes all of the following:*

34 *(1) The information provided in a report varies in accuracy,*
35 *scale, origin, and completeness.*

36 *(2) The information is provided without warranty of the*
37 *suitability of the information for any particular purpose.*

1 (3) Use of the information in the report may require professional
2 interpretation or judgment.

3 (4) Any use of the information provided in a report is at the
4 user's own risk.

5 SEC. 2. Section 13755 of the Water Code is amended to read:

6 13755. ~~This~~ (a) Except as provided in subdivision (b), this
7 chapter does not affect the powers and duties of the State
8 Department of Public Health with respect to water and water
9 systems pursuant to Chapter 4 (commencing with Section 116270)
10 of Part 12 of Division 104 of the Health and Safety Code. Every
11 person shall comply with this chapter and any regulation adopted
12 pursuant thereto, in addition to standards adopted by any city or
13 county.

14 (b) Notwithstanding Section 6255 of the Government Code, the
15 State Department of Public Health shall not prevent the disclosure
16 of information provided in a report made in accordance with
17 paragraph (1) of subdivision (b) of Section 13751.