

Introduced by Senator PavleyDecember 1, 2014

An act to repeal and add Section 13752 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 20, as introduced, 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 require the department to, upon request, make the reports available to the public. The bill would require the department to provide specified disclaimers when providing the reports to the public. The bill would authorize the department to charge a fee for the provision of a report to recover the department's costs, that does not exceed the reasonable costs to the department of providing the report. The bill would require the release of a report to comply with the Information Practices Act of 1977 and would require the department to redact from the report specified information pertaining to the well owner. The bill would require a person who requests a report to provide his or her name, address, identification number from a government-issued source, as provided, and reason for making the request.

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 Section 13752 of the Water Code is repealed.

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

15 SEC. 2. Section 13752 is added to the Water Code, to read:

16 13752. (a) Upon request, the department shall make available
17 to the public a report made in accordance with paragraph (1) of
18 subdivision (b) of Section 13751.

19 (b) When providing a report to the public pursuant to subdivision
20 (a), the department shall also provide a statement that includes all
21 of the following:

22 (1) The information provided in a report varies in accuracy,
23 scale, origin, and completeness.

24 (2) The information is provided without warranty of the
25 suitability of the information for any particular purpose.

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

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

30 (c) (1) The department may charge a fee for the provision of a
31 report to recover the department's costs, that does not exceed the
32 reasonable costs to the department of providing the report pursuant
33 to this section. These costs may include the costs of promulgating
34 regulations to implement this section.

35 (2) The release of a report in possession of the department shall
36 comply with the Information Practices Act of 1977 (Chapter 1
37 (commencing with Section 1798) of Title 1.8 of Part 4 of Division
38 3 of the Civil Code).

1 (3) Prior to releasing a report pursuant to this section, the
2 department shall redact from the report the name and address of
3 the well owner.

4 (d) (1) A person making a request pursuant to subdivision (a)
5 shall, on a form provided by the department, provide his or her
6 name, address, identification number from an identification card
7 issued pursuant to Section 13000 of the Vehicle Code, driver's
8 license, or passport, and reason for making the request.

9 (2) The department shall maintain copies of the forms submitted
10 pursuant to paragraph (1) for five years.

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