

**EXHIBIT 2**

BILL NUMBER: AB 2530      ENROLLED      08/24/94  
 BILL TEXT

*repealed*

PASSED THE ASSEMBLY      AUGUST 24, 1994  
 PASSED THE SENATE      AUGUST 22, 1994  
 AMENDED IN SENATE      AUGUST 18, 1994  
 AMENDED IN SENATE      AUGUST 8, 1994  
 AMENDED IN SENATE      JUNE 28, 1994  
 AMENDED IN ASSEMBLY      APRIL 26, 1994  
 AMENDED IN ASSEMBLY      APRIL 5, 1994

INTRODUCED BY Assembly Members Sher, Bornstein, and Rainey  
 (Coauthor: Senator Kopp)

JANUARY 18, 1994

An act to amend Sections 13751 and 13752 of, and to repeal  
 Section 13750 of, the Water Code, relating to wells.

LEGISLATIVE COUNSEL'S DIGEST

AB 2530, Sher. Water wells.

Under existing law, any person who intends to perform specified work on a water well, cathodic protection well, or monitoring well is required to file a notice of intent with the Department of Water Resources, as prescribed, and any person who performs the specified work is required to file a report of completion of the well with the department, as prescribed, within 30 days after the well's construction or alteration has been completed. Existing law limits access to reports of completion to governmental agencies for use in making studies and to persons who obtain written authorization from the owner of the well.

This bill would repeal the requirement to file a notice of intent. The bill would extend to 90 days the period allowed to file a report of completion, would require that a copy of the log of any geophysical testing done in the well be included in the report of completion, and, except as specified, would expand access to reports of completion by additionally granting access to reports on wells located in urbanized areas, including wells owned by public agencies, to geologists, geophysicists, and civil engineers registered in the state, for use in making studies, and would define "urbanized areas" for those purposes. The bill would allow public agencies to publish selected portions of reports of completion, as prescribed.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13750 of the Water Code is repealed.

SEC. 2. Section 13751 of the Water Code is amended to read:

13751. (a) Every person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys a well, or who deepens or reperficates a well, shall file with the department a report of completion of the well within 90 days after its construction or alteration has been completed.

(b) The report shall be made on forms furnished by the department and shall include the information required by the department, including, but not limited to, all of the following:

- (1) A description of the well site sufficiently exact to permit location and identification of the well.
- (2) A detailed log of the well.
- (3) A description of type of construction.
- (4) The details of perforation.
- (5) The methods used for sealing off surface or contaminated waters.
- (6) Methods for preventing contaminated waters of one aquifer to mix with another aquifer.
- (7) A copy of the log of any geophysical testing done in the well.
- (8) The signature of the well driller.

SEC. 3. Section 13752 of the Water Code is amended to read:

13752. (a) Except as provided in subdivision (b), reports made pursuant to Section 13751 shall not be made available for inspection by the public but shall be made available to public agencies for use in making studies. A public agency may publish in a study selected portions of a report made available to it pursuant to this section if the public agency determines that the information in those selected portions is germane to the evaluation by the study of water resources, water quality, geologic hazards, or seismic hazards. Any report shall be made available to any person who obtains a written authorization from the owner of the well.

(b) (1) Except as provided in paragraph (3), reports made pursuant to Section 13751 regarding wells located in urbanized areas, including wells owned by public agencies, shall be made available to geologists, geophysicists, and civil engineers registered in this state for use in making studies.

(2) A geologist, geophysicist, or civil engineer who acquires reports pursuant to paragraph (1) shall not make copies of those reports available to other persons or entities.

(3) At any time after the report made pursuant to Section 13571 is filed, the person for whom the work was completed may, by certified mail sent to the office in which the report was filed, request that information concerning water resources contained in the report not be made available to geologists, geophysicists, or civil engineers. The request shall be noted on the report and shall be included with any copies of the report provided to other public agencies. The department shall not release information pursuant to paragraph (1) while the person making the request specified in this paragraph retains title to the land on which the work was completed.

(c) For the purposes of this section, "urbanized areas" means areas within the boundaries of urban water suppliers subject to the requirements of the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6) that provide water for more than 5,000 customers or that supply more than 10,000 acre-feet of water annually. "Urbanized area" does not include an area of 10 or more acres within the service boundaries of an urban water supplier that is served water for agricultural purposes only.

## COMPLETE BILL HISTORY

BILL NUMBER : A.B. No. 2530  
 AUTHOR : Sher  
 TOPIC : Water wells.

## BILL HISTORY

1994

Sept. 27 Vetoed by Governor.  
 Sept. 6 Enrolled and to the Governor at 11:30 a.m.  
 Aug. 24 Senate amendments concurred in. To enrollment. (Ayes 48. Noes 31. Page 8634.)  
 Aug. 23 In Assembly. Concurrence in Senate amendments pending.  
 Aug. 22 Read third time, passed, and to Assembly. (Ayes 38. Noes 0. Page 6449.)  
 Aug. 19 Read second time. To third reading.  
 Aug. 18 Read third time, amended. To second reading.  
 Aug. 16 Read second time. To third reading.  
 Aug. 15 From committee: Be placed on second reading file pursuant to Senate Rule 28.8.  
 Aug. 8 Read second time, amended, and re-referred to Com. on APPR.  
 July 7 From committee: Amend, do pass as amended, and re-refer to Com. on APPR. (Ayes 6. Noes 0.).  
 June 28 From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on AGR. & WAT. RES.  
 June 21 In committee: Hearing postponed by committee.  
 May 31 Referred to Com. on AGR. & WAT. RES.  
 May 26 In Senate. Read first time. To Com. on RLS. for assignment.  
 May 26 Read third time, passed, and to Senate. (Ayes 45. Noes 28. Page 6933.)  
 May 23 Read second time. To third reading.  
 May 19 From committee: Do pass. (Ayes 14. Noes 9.) (May 18).  
 Apr. 28 Re-referred to Com. on W. & M.  
 Apr. 26 Read second time and amended.  
 Apr. 25 From committee: Amend, do pass as amended, and re-refer to Com. on W. & M. (Ayes 8. Noes 4.) (April 12).  
 Apr. 6 Re-referred to Com. on W., P. & W.  
 Apr. 5 From committee chairman, with author's amendments: Amend, and re-refer to Com. on W., P. & W. Read second time and amended.  
 Jan. 27 Referred to Com. on W., P. & W.  
 Jan. 19 From printer. May be heard in committee February 18.  
 Jan. 18 Read first time. To print.

BILL NUMBER: AB 2530  
VETOED DATE: 09/27/94

To the Members of the California Assembly:

I am returning Assembly Bill No. 2530 without my signature.

This bill would change the procedure for making drilling reports maintained by the Department of Water Resources (DWR)

available to scientists, engineers and public agencies.

I am concerned that although this bill may appear to offer individuals the security of confidentiality, it also mandates DWR to make the data available to state and local entities. I believe this conflict violates the provider's request to keep the information confidential. Rather, the provider should have the assurance that when they request confidentiality, the information will not be distributed to any individual or governmental entity outside of DWR. I would consider exceptions needed for public safety. And obviously, if the property owner has no objection, he/she may voluntarily release DWR from the confidentiality requirement.

Cordially,

PETE WILSON

## BILL ANALYSIS

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## CONCURRENCE IN SENATE AMENDMENTS

AB 2530 (Sher) - As Amended: August 18, 1994

ASSEMBLY VOTE 45-28 ( May 26, 1994 ) SENATE VOTE 38-0 (August 22, 1994)

Original Committee Reference: W. P. &amp; W.

## DIGEST

## Existing law:

- 1) Requires any person who intends to construct, alter, destroy or abandon  
§ a water well to file a notice of intent with the Department of Water Resources (DWR) within five days of commencing the work.
- 2) Requires any person who performs such work on wells to file a report of  
§ completion within 30 days of completion of the work.
- 3) Limits access to completion reports to governmental agencies conducting  
§ studies and to individuals who obtain written authorization from the owner of the well.
- 4) Defines an "urban water supplier" as a supplier, either publicly or  
§ privately owned, that provides water for municipal purposes either directly or indirectly to more than 3,000 customers, or that supplies more than 3,000 acre-feet of water annually.

## As passed by the Assembly, this bill:

- 1) Repealed the requirement to file a notice of intent.
- 2) Extended the completion report deadline from 30 to 90 days.
- 3) Allowed public agencies to publish selected information from the reports  
that is germane to the evaluation of water resources, water quality,  
§ geologic hazards or seismic hazards.
- 4) Expanded access to the reports from urbanized areas, including wells  
§ owned by public agencies, to include state registered geologists, geophysicists, and civil engineers for use in making studies.
- 5) Defined "urbanized areas" as areas within the boundaries of urban water  
§ suppliers. Specifically excludes areas of 20 or more acres within the service boundaries of an urban water supplier that are served water for agricultural purposes only.

## The Senate amendments:

- 1) Prohibit geologists, geophysicists or civil engineers who acquire the well reports from making the information available to other persons or entities.

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- 2) Allow the person for whom the report was completed to request that information contained in the well log relating to water resources not be released to geologists, geophysicists, or civil engineers. Requires DWR to honor the request for as long as the person retains title to the land on which the work was completed.
- 3) Define "urbanized areas" as areas within the boundaries of urban water suppliers that provide water for more than 5,000 customers or that supply more than 10,000 acre-feet of water annually.
- 4) Reduce the agricultural land exemption from 20 acres to 10 acres.

## FISCAL EFFECT

According to the Assembly Ways and Means Committee analysis, result in DWR cost savings by eliminating the need to process notices of intent for water well work.

## COMMENTS

The Senate amendments restrict the circumstances under which third parties can obtain well reports. The amendments address opponents' concerns that the information in the reports is proprietary and should not be available to private individuals for their personal gain.

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## BILL ANALYSIS

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Sher (D), et al

8/18/94 in Senate

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45-28, p. 6933, 5/26/94

SUBJECT: Water wells

SOURCE: Association of California Water Agencies

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DIGEST: This bill simplifies well drilling report procedures.

Senate Floor Amendments of 8/18/94:

1. Require that all reports and subsequent copies of reports note whenever a landowner requests that he or she does not want the information contained in his or her report to be made available to geologists, geophysicists and civil engineers.
2. Restrict the definition of "urbanized areas" to mean those areas within the boundaries of urban water suppliers subject to the Urban Water Management Planning Act that provide water for more than 5,000 customers or supply more than 10,000 acre-feet of water annually.

ANALYSIS: Current law requires any person who intends to construct, alter, destroy or abandon a water well to file a notice of intent with the Department of Water Resources (DWR) within five days of starting work. The person who performs such work on wells must file a report of completion within 30 days after the work is done.

Access to completion reports is limited to governmental agencies conducting studies and to individuals who obtain written authorization from the owner of the well.

Current law defines an "urban water supplier" as a supplier, either publicly or privately owned, that provides water for municipal purposes either directly or indirectly to more than 3,000 customers, or that supplies more than 3,000 acre-feet of water annually.

This bill would repeal the requirement to file a notice of intent and extend the completion report deadline from 30 to 90 days.

It would permit public agencies to publish selected information from the reports when the information is germane to the evaluation of water resources, water quality, geologic hazards or seismic hazards. Unless the owner for whom the well was drilled notifies the department that the information is not to be made available, state registered geologists, geophysicists, and civil engineers may have access to the reports from urbanized areas for use in making studies; however, they may not make copies of the report to others. The request is to be noted on the report and is to be included with any copies of the report provided to other public agencies.

It would change the definition of "urbanized areas" to be areas within the boundaries of urban water suppliers that provide water for more than 5,000 customers or that supply more than 10,000 acre-feet of water annually. It specifically excludes areas of 10 or more acres within the service boundaries of an urban water supplier that are served water for agricultural purposes only.

FISCAL EFFECT: Appropriation: No Fiscal Committee: Yes Local: No

SUPPORT: (Verified 8/19/94)

Association of California Water Agencies (source)  
 Santa Clara Valley Water District  
 Groundwater Resources Association  
 San Diego County Water Authority  
 Consulting Engineers and Land Surveyors of California  
 The Builders Exchanges

ARGUMENTS IN SUPPORT: Association of California Water Agencies states that AB 2530 will simplify current procedural requirements concerning well drilling logs by eliminating the need to file a notice of intent and will extend the well log filing period from 30 to 90 days. The elimination of the notice requirement will eliminate a nonproductive filing at a significant dollar savings to the state. The extension of the time period will eliminate a current conflict with the 90-day time period of the Mechanics Lien Law, which would be a benefit to private business.

The bill also would expand access to Department of Water Resources "reports of completion" relative to wells by permitting access by geologists, geophysicists and civil engineers registered in the state for use in making studies. The expanded access would be limited to urbanized areas, as defined, so that agricultural areas would be excluded from this expanded authority. Current access to these records is limited to public agencies. The expanded access will enable private entities and educational

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institutions to conduct important studies relative to groundwater  
contamination, development of data pertinent to underground storage tank  
regulation and even concerning subsurface geology to achieve a better  
understanding of earthquake hazards.

ASSEMBLY FLOOR VOTE:

DLW:ctl 8/19/94 Senate Floor Analyses

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