

SENATE BILL

No. 1146

Introduced by Senator Pavley
(Coauthor: Assembly Member Solorio)

February 21, 2012

An act to amend Section 13752 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1146, 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 reperfors 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 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 also allow the department to charge a reasonable fee to recover the cost of reproducing the report and for compliance with the Information Practices Act of 1977.

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. ~~Reports made~~ (a) *The department shall make available*
4 *to the public a report* in accordance with paragraph (1) of
5 subdivision (b) of Section 13751 ~~shall not be made available for~~

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

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

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

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

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

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

23 (c) The department may charge a reasonable fee to recover the
24 cost of reproducing the report and for compliance with the
25 Information Practices Act of 1977 (Chapter 1 (commencing with
26 Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).