

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

April 3, 1992

Board of Directors (Executive Committee--Action)
(Special Committee on Legislation--Action)
(Engineering & Operations Committee--Information)

From General Manager

Subject Assembly Bill 3784 (Becerra--Los Angeles County)

Report

As originally introduced on February 1, 1992, AB 3784 made certain changes to the Water Code pertaining to the responsibility for operation of dams or reservoirs and amended Section 51 of the Metropolitan Water District Act to require member agency directors to be selected by a two-thirds, rather than majority vote of the governing body. At that time staff recommended no position.

As amended on April 1, 1992, this bill was completely reworded and now provides that, except for the purpose of emergency surge protection, a reservoir which has been drained due to water seepage and which is located within a five-mile radius of two or more faults may not be refilled unless all structural defects have been permanently corrected. The bill expressly excludes from the definition of "permanently corrected" the covering of any existing cracks with asphaltic concrete, clay, or a hypalon lining.

As the Board is aware, Metropolitan is in the process of preparing an Environmental Impact Report for the repair of Garvey Reservoir which has been drained due to seepage, and which is well within a five-mile radius of the Whittier and Highland Park Faults. The proposed repair includes, among other things, installing new asphaltic concrete in the areas of the cracks, and placing two layers of hypalon liner on top of the asphaltic concrete pavement. While there are some technical ambiguities in the bill, its language would prevent the repair and reuse of Garvey Reservoir in the manner contemplated by Metropolitan. Moreover, the bill would apply to future repair work at the many other reservoirs in California which are within a five-mile radius of faults. Accordingly, AB 3784 should be opposed.

Board Committee Assignments

This letter is referred to:

The Executive Committee for action because of its jurisdiction to study, advise and make recommendations with regard to legislation affecting the District, pursuant to Administrative Code Section 2417, subdivision (a);

The Special Committee on Legislation for action because of its jurisdiction to review and make recommendations based upon presentations of the General Manager regarding proposals for state legislation and amendments thereto, pursuant to Administrative Code Section 2581, subdivision (a); and

The Engineering and Operations Committee for information because of its jurisdiction to study, advise and make recommendations with regard to the operation, protection, and maintenance of plants and facilities of the District, pursuant to Administrative Code Section 2431, subdivision (c).

Recommendation

EXECUTIVE COMMITTEE AND SPECIAL COMMITTEE ON LEGISLATION FOR ACTION.

It is recommended that the Board oppose AB 3784.


for Carl Boronkay

NF:gm
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Attachment

AMENDED IN ASSEMBLY APRIL 1, 1992

CALIFORNIA LEGISLATURE—1991-92 REGULAR SESSION

ASSEMBLY BILL

No. 3784

Introduced by Assembly Member Becerra

February 21, 1992

An act to amend Sections 6028 and 6101 of the Water Code, and to amend Section 51 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1960), relating to water; add Sections 6103 and 6104 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 3784, as amended, Becerra. Water: dams reservoirs. Existing law prescribes various requirements relating to the operation of any reservoir.

This bill would, with a specified exception, prohibit the refilling of a reservoir that has been drained due to water seepage and is located within a 5-mile radius of 2 or more faults, unless all structural defects have been permanently corrected. The bill would make legislative findings and declarations and would define a term.

(1) Under existing law, no civil action may be brought against the state or the Department of Water Resources or its agents or employees for the recovery of damages caused by the partial or total failure of any dam or reservoir or through the operation of any dam or reservoir upon the ground that the defendant is liable by virtue of, among other acts, the approval of the dam or reservoir.

This bill would delete the approval of the dam or reservoir from those acts that would otherwise be immune from liability.

(2) Existing law authorizes the department to require

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1 the purpose of emergency surge protection that
 2 preserves the health and safety of the public, unless all
 3 structural defects have been permanently corrected.

4 (b) For purposes of subdivision (a), "permanently
 5 corrected" does not include the covering of any existing
 6 cracks with asphaltic concrete, clay, or a hypalon lining.

7 amended to read:

8 6028. No action shall be brought against the state or
 9 the department or its agents or employees for the
 10 recovery of damages caused by the partial or total failure
 11 of any dam or reservoir or through the operation of any
 12 dam or reservoir upon the ground that the defendant is
 13 liable by virtue of any of the following:

14 (a) The issuance or enforcement of orders relative to
 15 maintenance or operation of the dam or reservoir.

16 (b) Control and regulation of the dam or reservoir.

17 (c) Measures taken to protect against failure during an
 18 emergency.

19 SEC. 2. Section 6101 of the Water Code is amended to
 20 read:

21 6101. The department shall require owners to keep
 22 records of, and to report on, maintenance, operation,
 23 staffing, and engineering and geologic investigations and
 24 shall issue those rules and regulations and orders as
 25 necessary to secure maintenance and operation and to
 26 require staffing and engineering and geologic
 27 investigations which will safeguard life and property. In
 28 addition, the owner of a dam or reservoir or his or her
 29 agent shall fully and promptly advise the department of
 30 any sudden or unprecedented flood or unusual or
 31 alarming circumstance or occurrence affecting the dam
 32 or reservoir.

33 SEC. 3. Section 51 of the Metropolitan Water District
 34 Act (Chapter 200 of the Statutes of 1969) is amended to
 35 read:

36 Sec. 51. The board shall consist of at least one
 37 representative from each member public agency. The
 38 representatives shall serve without compensation from
 39 the district. They shall, at the option of the agency, either
 40 be designated and appointed by the chief executive