

Editor's Note: Our survey of environmental legislation this year is authored by Erin Sullivan of Oakland's Beyond Compliance. Ms. Sullivan provides Beyond Compliance's clients with advice in the areas of hazardous waste/materials, water quality, air quality and other EH&S regulatory requirements.

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In this issue we present our annual survey of new environmental legislation signed into law by Governor Arnold Schwarzenegger in 2007. We have grouped the bills according to subject matter. Readers should not assume that all the bills in any particular category (e.g., air quality) are in this issue. Unless the bill is noted as "urgency" legislation, its provisions will become effective on January 1, 2008. This is the first year of the two-year 2007-2008 session. Bills that failed to pass out of the Legislature this year can still be pursued next year.

As usual, there are a large number of changes in state legislation; often of a minute, technical nature. For this reason we caution that the bill summaries set forth below are our best efforts at describing these changes. Anyone interested in a particular bill should obtain a copy and review it in detail. Individual bills can usually be ordered from the Sacramento office of the bill's author (in parentheses) or from the legislative bill room at (916) 445-2645. They can also be found on the Official California Legislative Information website: www.leginfo.ca.gov.

AIR QUALITY, TRANSPORTATION, AND FUELS

AB 118 (Nunez) Clean Fuels. This bill creates the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007. The intent of this bill is to create a funding source for research, development, and deployment of clean fuels and innovative technologies to help meet the state's aggressive climate change initiatives. The bill creates two distinct programs – the Alternative Fund, administered by the California Energy Commission (CEC) and the Air Quality Improvement Program, administered by the California Air Resources Board (ARB). Both will serve as funding sources designed to diversify the state's fuels market. This investment in cleaner fuels will be jumpstarted on July 1, 2008 when vehicle registration fees will increase from \$31 to \$34 and smog abatement fees will increase by \$8.

AB 201 (Committee on Budget) Transportation bonds. This bill should be read together with SB 88, the Proposition 1B (the state's most recent Transportation Bond) implementation bill. While SB 88 excludes railroad projects from bond funding, AB 201 includes projects for the replacement, repower, or retrofit of diesel locomotive engines in the case where the railroad company has entered into a Memorandum of Understanding (MOU) with a public agency. Passed as urgency legislation, this bill is effective immediately.

AB 233 (Jones) Healthy Heart and Lung Act. AB 233 strives to reduce harmful diesel emissions by improving enforcement of diesel control regulations. This law increases minimum civil penalties from \$100 to \$300 for violations of ARB diesel idling limits. In addition to the penalty hike, ARB must develop a

strategic plan for consistent, comprehensive, and fair enforcement of diesel control regulations. This plan must include, among other things, an education and outreach component as well as a training program on enforcement of the state's diesel engine idling requirements.

AB 236 (Lieu) Green Fleets. A recent study found that in 2002, California's state fleet consisted of more than 5,200 flex-fuel vehicles. However, only 63 (1.2%) were actually fueled with alternative fuels. Intended to increase fuel efficiency and the use of alternative fuels, this bill amends the existing vehicle purchasing policies for state and local government fleets. By July 1, 2009, a vehicle capable of using alternative fuels must be operated on those fuels.

AB 294 (Adams) Manganese Study. This bill attempts to identify sources and reduce the levels of manganese particulate matter by requiring the ARB to conduct a study of ambient air concentrations of manganese. Through this study, ARB will discover if there are areas in the state with unhealthy concentrations.

AB 829 (Duvall) Custom Motorcycle Parts. Under existing law, new motorcycles must be sold in their factory condition. Once the bike is purchased and driven off the lot, the owner can buy and install ARB-approved aftermarket and performance parts. This bill allows these ARB-approved aftermarket and performance parts (such as low-pollution performance parts and other add-ons) to be sold and installed on motorcycles at the point of sale.

AB 1488 (Mendoza) Smog Check. Under the existing state smog check program, diesel-powered vehicles are generally exempt. This bill narrows the current exemption by including in the biennial smog

check program diesel-powered vehicles manufactured after the 1997 model-year that have a gross vehicle weight rating of less than 8,501 pounds.

SB 23 (Cogdill) Vehicle Exchange. This bill complements SB 719 (Machado) by requiring the SJVUAPCD to develop and administer a vehicle exchange program to replace high polluting vehicles with donated, smog-compliant vehicles. In short, if a low-income vehicle owner fails the smog check inspection, he or she may exchange the vehicle with a smog-compliant vehicle that has been donated for this purpose.

SB 88 (Committee on Budget and Fiscal Review) Proposition 1B Implementation. Effective immediately, this trailer bill implements Proposition 1B, the state's recently enacted Transportation Bond. In addition to the budget bill's \$600 million allocation (see SB 78), SB 88 assigns an additional \$350 million to cities and counties from Proposition 1B's Local Streets and Roads Account. Specifically, the bill requires that the cities and counties receive their minimum allocation (\$400,000) from bond funds appropriated during the 2007-08 fiscal year. The remainder will be allocated on a per capita basis.

SB 719 (Machado) SJVUAPCD Board. Studies show that from 1999 to 2003, the San Joaquin Valley exceeded the federal 8-hour ozone standard on more days than any other region in the country. This bill is intended to improve air quality in the Valley by increasing the membership of the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Board from 11 to 15 members. In addition to adding urban representation, SB 719 also adds expertise to the Board. Specifically, two of the members must be Governor-appointed with the stipulation that one is a practicing physician within the district and the other is a scientist, both with expertise in the health effects of air pollution on vulnerable populations.

SB 886 (Negrete McLeod) Term Limits. This bill removes the existing term-limits ban on the Chairpersons of the Sacramento Metropolitan Air Quality Management District and the Mojave Desert Air Quality Management District. The bill also expands the board membership of the South Coast Air Quality Management District from 12 to 13 members. To better address air-quality issues in the Los Angeles area, the additional member must be appointed by the Mayor of Los Angeles.

SB 1028 (Padilla) Motor Vehicle Emissions. This bill was sponsored by the South Coast Air Quality Management District (SCAQMD). The South Coast Basin does not meet the federal or state air quality standards for ozone or PM 2.5 and a majority of the Basin's emissions come from mobile sources. Under existing law, the ARB is *authorized* to adopt air pollution control rules and regulations governing mobile sources that are necessary, cost-effective and technologically feasible. Effective January 1, 2008 SB 1028 *requires* ARB to adopt and enforce air pollution control rules and regulations governing mobile sources that are necessary, cost-effective and technologically feasible.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

SB 97 (Dutton) CEQA and AB 32. SB 97 requires the Office of Planning and Research (OPR) to prepare, develop, and eventually update California Environmental Quality Act (CEQA) guidelines to address the feasible mitigation of GHG emissions, including the effects associated with transportation or energy consumption. These guidelines must be certified and adopted by the Resources Agency by January 1, 2010. In addition, the bill expressly states that, for highway and flood protection projects, an environmental impact report (EIR), negative declaration, or other document required by CEQA that does not adequately analyze the effects of greenhouse gas (GHG) emissions

does not create a cause of action under CEQA.

SB 341 (Lowenthal) Enterprise Zones. Prior to SB 341, all applicants interested in an enterprise zone were required to provide an initial study and a notice of preparation to the Department of Housing and Community and other relevant agencies. If the applicant was chosen as a final applicant, the applicant had to then prepare a draft EIR, regardless of the results of the initial study. SB 341 streamlines the process. Applicants must still include an initial study with their application. However, the results of the initial study determine whether the applicant must also submit a notice of preparation.

ENDANGERED SPECIES AND WILDLIFE

AB 821 (Nava) Condor preservation. Lead poisoning has been identified as one of the biggest threats to condor survival. This bill creates the Ridley-Tree Condor Preservation Act which requires the use of non-lead centerfire rifle and pistol ammunition when taking big game and coyote within condor habitat. By July 1, 2008, the Department of Fish and Game (DFG) must define non-lead ammunition by regulation. To the extent that funding is available, DFG must also provide hunters within these areas with free or reduced cost non-lead ammunition.

SB 384 (Cogdill) Wild trout. To better protect California's wild trout species, this bill requires the DFG to determine whether a stream or a lake should be managed as a wild trout fishery or whether it should involve the planting of native trout to supplement wild trout populations. DFG must prepare and complete management plans for all wild trout waters in California within three years of their initial designation and update the plans every five years for existing wild trout waters.

ENERGY

AB 292 (Blakeslee) Nuclear Planning Assessment Special Account. This bill renews the

Nuclear Planning Assessment Special Account through July 1, 2019 and extends the repeal date from January 1, 2010 to January 1, 2020. By extending these sunset dates, AB 292 gives local communities more time to plan, prepare, and respond to a radiological event at either of the state's two nuclear power plants – the Diablo Canyon Power Plant and the San Onofre Nuclear Generating Station.

AB 532 (Wolk) Solar energy. Where feasible, existing law requires the Department of General Services (DGS) to install solar equipment on all state buildings and parking facilities by January 1, 2007. This bill extends the deadline to January 1, 2009 but also requires DGS to consider solar heating as an option for warming state-owned swimming pools. As for new construction of state buildings and parking facilities, AB 532 extends the deadline by which these facilities must install solar energy systems (where feasible) from construction commencing on or after January 1, 2003 to construction commencing on or after January 1, 2008.

AB 609 (Eng) Green Construction. The State Building Construction Act of 1955 has proven cumbersome to state agencies when it comes to purchasing green building equipment. Specifically, the State Public Works Board can only approve energy conservation measures and energy service contracts for existing state buildings if the costs to the state would be less or comparable to non-green building equipment on a year-to-year comparison. Oftentimes, green technologies and equipment have higher initial costs but pay dividends in the long run due to lower operating costs. AB 609 recognizes this important distinction and substitutes the year-by-year comparison with a life-cycle cost analysis.

AB 662 (Ruskin) Water efficient appliances. A recent CEC study report concluded that household appliances that use less water also use less energy. This bill broadens existing energy-efficient appliances

standards by requiring CEC to set water efficiency standards for household appliances. As specified in the bill, the CEC must hold public meetings before adopting these standards and the standards must not result in added costs to the consumer.

AB 809 (Blakeslee) Renewable energy. Under existing law, hydroelectric facilities that generate less than 30 megawatts (MW) meet the definition of an “eligible renewable energy resource.” This bill revises the definition of an “eligible renewable energy resource” to include conduit hydroelectric facilities of 30 MW or less and larger hydroelectric plants that implement “energy improvements.” In short, the revised definition allows incremental electricity increases in hydroelectric power generated from small and large facilities to qualify as an eligible renewable energy resource and, ultimately, count towards the Renewables Portfolio Standard (RPS).

AB 946 (Krekorian) Electricity. Existing law allows public water and wastewater agencies to generate renewable energy at their facilities. However, these agencies were limited geographically in the sense that the energy had to be generated on or adjacent to the water or wastewater facility. This bill expands the definition to allow a public agency to generate renewable energy on any land it owns or controls.

AB 1103 (Saldana) Energy consumption. Effective January 1, 2009, AB 1103 requires electric and gas utilities, as defined in the Public Resources Code, to keep records of the energy use of nonresidential buildings to which they provide service. Data must be maintained in a format that is compatible with the Energy Star Portfolio Manager and, upon authorization from the building owner or operator, the data must be uploaded to the Energy Star system in a way that preserves confidentiality. While this bill will not reduce energy in and of itself, it is designed to provide a benchmark to assess a building's overall energy efficiency.

AB 1109 (Huffman) Hazardous lighting. The California Lighting Efficiency and Toxic Reductions Act is intended to phase out current inefficient incandescent lighting with more efficient bulbs. Effective January 1, 2010, AB 1109 prohibits the sale or manufacturing of certain general purpose lights that contain “hazardous substances” that would result in the prohibition of those general purpose lights being sold or offered for sale in the European Union pursuant to the RoHS Directive. General purpose lights include lamps, bulbs, tubes, or other electric devices that provide functional illumination for indoor residential, indoor commercial, and outdoor use. The bill also requires the CEC to adopt energy efficiency standards for these lights.

AB 1470 (Huffman) Solar hot water. In an effort to diversify the state's solar market, this bill creates the Solar Water Heating and Efficiency Act of 2007. The program requires the California Public Utilities Commission (PUC) to fund the program (up to \$250 million in rebates over the next 10 years) and to provide incentives toward reaching a goal of installing 200,000 solar hot water systems in California homes and businesses by 2017.

AB 1613 (Blakeslee) Waste heat. Combined heat and power (CHP), or cogeneration, is a method to generate power and thermal energy from a single fuel source. These systems recover heat that would otherwise be wasted which can result in operational efficiency, decreased costs, and a reduction in GHG emissions. Recognizing the value in CHP, this bill establishes the Waste Heat and Carbon Emissions Reduction Act. Under the Act, the PUC may require an electrical corporation to purchase eligible excess CHP-generated electricity and provide a market for this type of electricity.

AB 1714 (Levine) Solar energy systems. Last year's Million Solar Roofs bill (SB 1) required new solar customers to obtain electricity service using time-of-use (TOU) energy

rates. This provision has proven problematic in the state's hottest areas where people with solar panels are finding themselves paying more than regular utility customers. In response, AB 1714 removes the requirement for solar customers to switch to TOU rates until the PUC sets new electricity rates in 2009. Signed as urgency legislation, this bill is effective immediately.

SB 428 (Dutton) Interruptible service. To reduce state-wide electricity demand (especially during peak periods), this bill requires electrical corporations to offer an interruptible or curtailable power program to customers. To attract participation in the program, cost-effective pricing incentives that reflect avoided costs will be established by the PUC. In short, participating customers can save money on their eclectic bills. SB 428 is scheduled to sunset on January 1, 2015.

SB 1036 (Perata) Supplemental Energy Payments. Existing law allows the CEC to award Supplemental Energy Payments (SEPs) to renewable energy producers if their price for renewable energy exceeds the market price for electricity. This bill eliminates the SEP program and transfers authority to the PUC. SB 1036 refunds unspent SEP funds to electric customers and establishes a cap for above-market costs of investor-owner utility renewable energy purchases equal to limits under the current SEP program.

FLOOD CONTROL

AB 5 (Wolk) Comprehensive flood management. This bill is a compilation of provisions from three other flood bills; SB 5 (Machado), SB 17 (Florez) and AB 156 (Laird). AB 5 is designed to coordinate all of the flood bills so that the bills do not inadvertently cancel provisions of one another.

AB 70 (Jones) Flood liability. Effective January 1, 2008, this bill provides that a city or county may be liable for property damage caused by a flood. The bill does not release the state from liability. Rather, it

requires the city or county to pay its "fair and reasonable share" of the damage caused if the city or county has increased the state's exposure to liability by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project.

AB 156 (Laird) Flood control. Signed as part of the flood bill package, AB 156 authorizes the Department of Water Resources (DWR) to provide meals and other necessary support to those engaged in emergency flood fighting. The bill also requires DWR to prepare a schedule for mapping certain flood-prone areas and to provide written notice to each landowner whose property is within a levee flood protection zone.

SB 5 (Machado) Flood management. To help ensure that California is protected from flood disaster, SB 5 seeks to clarify the flood management roles and responsibilities of the local flood agencies, cities and counties, and developers and other property owners. Specifically, SB 5 requires cities and counties within the Sacramento-San Joaquin Valley to amend their general plans to include flood plan data, policies, and implementation measures. Among other things, the bill also requires the DWR and the Central Valley Flood Protection Board to prepare and adopt a Central Valley Flood Protection Plan by 2012.

SB 17 (Florez) Reclamation Board. This bill changes the name of the State Reclamation Board to the Central Valley Flood Protection Board. The Board will act independently of the DWR and its membership will increase from seven to nine. Two of the members will be chosen by the Legislature while the remainder will be appointed by the Governor. The bill establishes four-year term limits, conflict-of-interest requirements, and expertise qualifications and requires the board to develop a strategic flood protection plan and review local land-use plans.

SB 276 (Steinberg) Flood control

projects. This bill allows the Sacramento Area Flood Control Agency to improve levees and modify the Folsom Dam. These improvements are a key component to reaching the City of Sacramento's 200-year flood protection goal.

FORESTRY

AB 1515 (La Malfa) Wildfire program. Under the Z'Berg-Nejedly Forest Practice Act of 1973, residents and landowners are allowed to remove vertical debris such as undergrowth, scrub, and fallen trees for the purpose of reducing the rate of fire speed, duration, and intensity. This bill extends this exemption program until January 1, 2013.

SB 701 (Wiggins) Forest legacy program. This California Forest Legacy Program expired on January 1, 2007. This bill reinstates the Act and creates a new sunset date of January 1, 2015. The bill authorizes the Department of Forestry and Fire Protection to conserve private forest lands through purchasing conservation easements of eligible properties.

HAZARDOUS MATERIALS and HAZARDOUS WASTE

AB 422 (Hancock) Cleanup Standards and VOC assessments. This bill requires exposure assessments for health or ecological risk prepared as part of a Superfund cleanup to include exposure estimates for volatile organic compounds (VOCs). The bill also specifies that cleanups conducted under the Porter-Cologne Act (and overseen by a regional water board or a local agency) must conform to cleanup standards used by DTSC under the state Superfund law. Unless site-specific circumstances require the need for further assessment, this bill only applies to cleanup orders entered into after January 1, 2008.

AB 800 (Lieu) Discharge of hazardous substance or sewage. This bill requires any person, regardless of intent or negligence, who permits or causes the discharge of sewage or waste in or on any waters of the state to notify the local health officer

(LHO) or director of environmental health (DEH) as soon as the person knows of the discharge. It also requires the Office of Emergency Services (OES) to immediately notify the appropriate LHO or DEH. Upon receiving notification of the discharge, the LHO or the DEH must determine whether public notification is necessary.

AB 833 (Ruskin) California Toxic Release Inventory Program. This bill establishes the California Toxic Release Inventory Program of 2007. Effective January 1, 2009, this bill requires facilities, as defined, to submit a detailed toxic chemical release form to the Department of Toxic Substances Control (DTSC) equivalent to the release form required under federal EPCRA regulations as of January 1, 2006, if the facility is not required to submit a toxic chemical release form containing the same information under current federal regulations. This bill is in direct response to U.S. EPA's December 2006 raising of the threshold for detailed TRI reporting to 2,000 pounds of covered chemicals annually from the previous 500 pounds. Thus, the bill has the effect of requiring reporting to DTSC by those businesses whose releases are between 500 and 2000 pounds.

AB 1098 (Saldana) Administrative penalties. Under existing law, any business that violates the terms of the Hazardous Materials Business Plan (HMBP) program is liable to an administering agency for a prescribed administrative penalty. Historically, the governing board of the administering agency was responsible for setting the penalty. This bill streamlines the process by re-assigning the authority to the administering agency itself.

AB 1108 (Ma) Phthalates. Phthalates are chemicals that soften PVC plastic. They are used in many children's toys and baby products and, due to their tendency to leach from plastic, studies suggest that nearly all humans carry some level of these chemicals in their body. Effective January 1, 2009, this

groundbreaking bill prohibits the use of phthalates in certain toys and childcare products designed for children under the age of three. The bill also requires manufacturers to use the least toxic alternative available when replacing phthalates in their products.

AB 1359 (Parra) Dielectric mineral oil. Under existing law, dielectric oil must undergo a two-part test to prove that it meets purity and toxicity standards before it is transported from the point of generation. Due to the oil's low toxicity to aquatic species, this bill removes the toxicity test requirement so long as the generator provides a certification statement.

AB 1371 (Ruskin) Hazardous waste penalties. This bill authorizes the DTSC to pursue civil and administrative enforcement cases against violators who intentionally or negligently store or treat hazardous wastes at unauthorized facilities or locations they do not own or operate. Previously, in this situation, DTSC's only statutory option was to pursue a criminal enforcement action which generally requires a higher burden of proof.

AB 1447 (Charles Calderon) Major appliances. This bill builds on existing law by allowing appliance service technicians (in addition to certified appliance recyclers) to remove refrigerants from major appliances. The bill also creates new requirements to allow non-certified appliance recyclers to transport, deliver, or sell a discarded major appliance to a scrap recycling facility.

AB 1612 (Nava) Hazardous materials permits. In response to the recent Bay Area tanker truck accident at the MacArthur Maze, this bill requires hazardous material motor carriers to undergo a physical inspection by the California Highway Patrol (CHP) every two years under the current Biennial Inspection of Terminals program.

SB 774 (Ridley-Thomas) Hazardous packaging. Glass bottles made outside the United States and sold in California are often garnished

with paint containing high levels of lead. This can result in lead exposure to anyone who handles the glass bottles. To curb the potential for lead poisoning, this bill requires the paint or dried paint film decorating a glass bottle imported into the state to contain no more than 0.06 percent by weight of lead or lead compounds.

SB 966 (Simitian) Pharmaceutical drug waste. Under existing law, drugs are considered a household hazardous waste and, therefore, it is unlawful to throw unused drugs in the trash or flush them down the toilet. This bill requires the California Integrated Waste Management Board (IWMB) to develop pilot programs for the collection and safe disposal of pharmaceutical drug waste. The model programs must be made available to eligible participants by December 1, 2008 and must consider factors such as safety, oversight, diversion prevention, and usability. This law sunsets on January 1, 2013.

LAND USE

AB 162 (Wolk) General plans. Cities and counties are required to adopt a general plan that must include seven mandatory elements including housing and land use. The general plan may also include a variety of optional elements. This bill requires the land use element to incorporate flood management considerations. As cities and counties revise the housing element of the general plan, they must update the conservation element of the general plan to identify rivers, creeks, streams, flood corridors, riparian habitat and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. During this process, cities and counties must also update the safety element of the general plan to identify information regarding flood hazards and establish goals and policies to protect communities from unreasonable risks of flooding.

AB 1053 (Nunez) Infill applicant eligibility. This bill expands the

existing definition of “eligible applicant” under the Infill Incentive Grant Program to allow private business improvement districts (BIDs) to qualify as a joint applicant for receipt of funds under Proposition 1C’s (the Housing and Emergency Shelter Trust Fund Act) \$850 million in infill home development funding.

AB 1246 (Blakeslee) Mitigation Partnerships. Under existing law, public agencies can permit qualified non-profit organizations to hold title and manage lands or interests that have been provided as mitigation for a permitted project. This bill allows public agencies to extend this partnership opportunity in the development of the agency’s own projects.

AB 1460 (Saldana) Multifamily housing. Under current law, the California Tax Credit Allocation Committee (CTCAC) awards tax credits to projects to encourage private developers to invest in affordable housing. The demand for these credits is generally much higher than the supply of available credit so a point system is used to rank applications. Projects that incorporate sustainable building methods such as energy efficiency, watersaving fixtures, recycled building materials can receive points. This bill integrates a similar point system into California’s Multifamily Housing Program to encourage applicants of Proposition 1C funding to incorporate green building designs into their projects.

SB 162 (Negrete McLeod) Environmental justice. The Cortese-Knox-Hertzberg Reorganization Act of 2000 requires local agency formation commissions (LAFCOs) to consider fourteen particular factors when they review boundary changes. This bill requires LAFCOs to also consider environmental justice before acting on proposed boundary changes for cities and special districts.

OCEANS

AB 740 (Laird) Hull fouling. Aquatic invasive species are often transported across the seas by fastening to the outside of the vessel. “Fouling” can occur when these species release larvae into the new port. To protect California’s waters, AB 740 defines “hull fouling,” imposes new recordkeeping requirements, requires the removal and disposal of hull fouling organisms from a vessel on a regular basis, and requires the State Lands Commission (SLC) to develop and adopt regulations governing the management of hull fouling by January 1, 2012.

AB 1056 (Leno) California Ocean Protection Act. Sponsored by the Ocean Conservancy, AB 1056 requires the Ocean Protection Council (OPC) to establish a science advisory team made up of scientists from a range of disciplines, to assist and advise the OPC as it works to improve coastal and marine environments. To carry out its scientific and educational responsibilities, the OPC must also coordinate with the California Ocean Science Trust, ocean science institutes, and other non-profit organizations.

AB 1280 (Laird) Fishery management plans. This bill broadens the type of projects eligible for grants or loans from the California Ocean Protection Trust Fund. Specifically, this bill allows the OPC to allocate money from the Fund for the development of fishery management plans.

OIL SPILLS

AB 1220 (Laird) Oil spill response fund. AB 1220 amends current law by providing that any monies issued by the State Treasurer for the cleanup of oil spills must be repaid by the assessment of fees on distributors, pipeline operators, refiners, and marine terminal operators. This bill also revises the definition of small marine fueling facilities to exclude facilities with a tank storage capacity of 20,000 gallons and makes changes to the training and drill frequency under the Oil Spill Contingency Plan requirements.

PESTICIDES

AB 1717 (Committee on Agriculture) Misbranded pesticides. This bill increases, from two to four years, the statute of limitations for the Department of Pesticide Regulation (DPR) to prosecute and collect civil penalties for violations of misbranded or adulterated pesticides. It also requires pest control operators to register with the county agricultural commissioner before operating a structural pest control business.

RESOURCES

AB 646 (Wolk) Cache Creek Resource Management Plan. AB 646 prolongs the provisions of the Cache Creek Resource Management Plan until December 31, 2012. This watershed is often regarded as a statewide model for regional watershed restoration.

AB 1396 (Laird) California Coastal Trail. For more than three decades, there has been widespread support for the idea of a contiguous system of trails along the California Coast. The California Department of Transportation (Caltrans) maintains a list of state-wide surplus property but the list does not identify which properties, if any, are located in the coastal zone. To fill this gap, AB 1396 requires Caltrans to notify specified agencies of such properties on a quarterly basis.

AB 1426 (Wolk) Central Valley Vision. In an effort to better serve the needs of Central Valley residents by improving resource protection and recreational opportunities, this bill requires the DPR to develop an implementation plan for its Central Valley Vision by January 1, 2009. The Vision is intended to expand and improve park facilities and recreation programs throughout the state parks in the Central Valley.

SB 419 (Kehoe) San Diego River Conservancy. The San Diego River will receive more protection with the enactment of SB 419. This bill increases the San Diego River Conservancy’s board membership, expands the geographical

jurisdiction of the Conservancy, and includes the protection of historical and cultural resources to the Conservancy's mission.

SB 421 (Ducheny) Property acquisition. This bill allows the Department of Parks and Recreation to acquire, by donation or purchase, real property that is subject to a conservation easement or deed restriction. The deed restriction, conservation easement, or other limitation must be consistent with and promote the purposes for which the property is to be acquired.

SB 742 (Steinberg) OHVs. This bill reshapes the composition of the Off-Highway Motor Vehicle Recreation Commission by increasing membership from 7 to 9 members, 5 of which will be appointed by the Governor. Viewed as a compromise bill, SB 742 extends the Off-Highway Motor Vehicle Recreation Act from January 1, 2008 until January 1, 2018 but also significantly increases registration fees and fines for riders caught in off-limits territory. While the Commission no longer has the authority to approve grants or establish policies for the OHV Division, approximately 25% of available annual funds must be devoted to environmental programs.

SOLID WASTE AND RECYCLING

AB 679 (Benoit) Illegal dumping. Illegal dumping is harmful to the environment and human health. It is also an economic burden for local governments charged with the clean-up efforts. AB 679 is designed to deter potential violators by imposing, in addition to any other penalty or fine, a minimum fine of \$100 for an infraction and \$200 for a misdemeanor.

AB 1023 (DeSaulnier) Biodegradable trash bags. Existing law requires manufacturers of plastic trash bags sold in the state to meet various recycled content and notification requirements. This bill exempts manufacturers of compostable and biodegradable trash bags from these requirements.

AB 1048 (Richardson) Enforce-

ment. Local officials, enforcing anti-dumping laws, do not have access to an individual's criminal history information. This bill authorizes the Attorney General (AG) to provide a potential suspect's criminal history to these enforcement officers upon the showing of a compelling need.

AB 1473 (Feuer) Recycling centers. Existing law prohibits the operation of a solid waste facility without a permit. If a Local Enforcement Agency (LEA) determines that a facility is operating without a permit, the LEA must issue a cease and desist order. This bill allows the LEA to stay the cease and desist order if it is a source-separated facility that meets specified requirements.

SB 1021 (Padilla) Beverage containers. This bill extends multi-family recycling grants from January 1, 2008 to January 1, 2009. During this time, the Department of Conservation (DOC) is authorized to pay out \$15 million in grants to local governments or nonprofit agencies in an effort to place source-separated beverage container recycling receptacles in multifamily housing.

TANKS

AB 1130 (Laird) Aboveground storage tanks. This bill transfers the responsibility for the inspection of above-ground petroleum storage tanks (AST) and fee collection from the State and Regional Water Boards to the local Certified Unified Program Agencies (CUPAs). CUPAs are local agencies that administer six environmental and emergency response programs. Under this bill, CUPAs must inspect each petroleum-containing AST with a storage capacity of 10,000 gallons or more once every three years. Under this bill, the State Water Resources Control Board (SWRCB) and regional water boards are still authorized to oversee cleanup or abatement efforts.

AB 1437 (Aghazarian) Petroleum USTs. This bill revises several eligibility requirements for applicants of the Underground Storage Tank (UST) Cleanup Trust Fund Act of 1989. The Fund provides

reimbursement for unexpected and catastrophic costs associated with the cleanup of leaks from petroleum USTs. The bill allows the SWRCB to pay claims to aid eligible owners and operators of petroleum USTs if the Board determines that the claimant was unaware of the existence of the UST on his or her property. To be considered, the claimant must have obtained a permit (1) within one year from the date the claimant should have been aware of the existence of the UST or (2) when an applicable agency began issuing UST permits, whichever occurs later.

The bill is a response to a recent Court of Appeals decision giving UST tank owners greater access to the Fund (CEI July 31, 2007). The final version of the bill limits the impact of this decision at the request of the State Board.

WATER QUALITY

AB 258 (Krekorian) Nurdles. Preproduction plastic pellets, also called nurdles, are the basis for all plastic products. These tiny plastic resin pellets frequently make their way to the state's oceans and beaches through stormdrains and can be mistaken as food by marine life and seagulls. AB 258 requires the SWRCB and the regional water boards to develop and implement a monitoring program to control discharges of nurdles. Under this bill the SWRCB must also establish a fee schedule to pay for the program.

AB 739 (Laird) Stormwater management. AB 739 recognizes that urban runoff is a leading source of pollution to coastal and other water bodies. Accordingly, the bill establishes criteria for the SWRCB and the DWR to award grants for stormwater management projects that offer long-term water quality improvements. The projects will be funded by proceeds of Proposition 1E flood bonds and Proposition 84 resource bonds.

AB 783 (Arambula) Public water systems. Community water systems are public water systems that serve at least 15 service connections or regularly serve at least 25 yearlong

residents. It is often difficult for small community water systems, especially those that serve disadvantaged communities, to afford system upgrades and expansions. This bill directs the Department of Public Health (DPH) to prioritize the funding of water projects in these communities.

AB 1481 (De La Torre) Landscape irrigation. This bill requires the SWRCB to adopt a general permit for landscape irrigation uses of recycled water such as golf courses, parks, playgrounds, and highway landscaped areas. Once the general permit is in place, applicants may obtain coverage for a landscape irrigation use of recycled water by filing a notice of intent and submitting a fee that the SWRCB will establish. This bill is designed to help the state meet its annual goal of using 1 million acre feet of recycled water by 2010.

AB 1742 (Committee on Environmental Safety and Toxic Materials) Clean Water Fund. This bill allows the SWRCB to use a portion of the State Water Pollution Control Revolving Fund loan interest payments to pay for the costs of administering the Clean Water State Revolving Fund program. This bill also allows the SWRCB to adjust loan costs to assist disadvantaged communities.

SB 220 (Corbett) Vended water. Bottled water is currently regulated by the federal Food and Drug Administration (FDA). Under federal law, bottled water is considered a food product and, therefore, is not subject to federal drinking water requirements. In response, this bill imposes additional, more stringent state requirements for bottled water products. Specifically, SB 220 requires annual inspections to be performed by the State Department of Public Health (DPH), increases the annual water-vending machine license fee, and requires bottled water labels to include the name and contact information for the bottler or brand owner and the source of the bottled water. This bill also

requires water-bottling plants to prepare an annual bottled water report. The report must be made available to customers upon request and it must be prepared in English and Spanish.

SB 1029 (Ducheny) Drinking water standards. The Calderon-Sher Safe Drinking Water Act requires the DPH to adopt regulations relating to the primary and secondary drinking water standards for contaminants in drinking water. This bill expedites the process by requiring these regulations to become enforceable and take effect no later than 90 days from the date of adoption.

WATER SUPPLY

AB 566 (Plescia) Water conservation. The California Irrigation Management Information System (CIMIS) was developed by the DWR and the University of California at Davis in 1982 to assist the state's farmers and irrigators to manage their water resources in an efficient manner. CIMIS helps estimate crop water use for purposes of irrigation scheduling. To enhance CIMIS, this bill requires DWR to develop a state-wide uniform evapotranspiration protocol.

AB 715 (Laird) Low-flush toilets. Through a phased-in approach, this bill requires all toilets and urinals sold in California to be low-flush by 2014. All water closets installed or sold in California must not use more than 1.6 gallons per flush and all urinals, except blow-out urinals, must use not more than 1 gallon per flush by 2014. Manufacturers selling urinals or toilets in California must adhere to the following low-flush schedule: 50% by 2010, 67% by 2011, 75% by 2012, 85% by 2013, and 100% by 2014. From 2010 to 2013, manufacturers must notify CEC of the percentage of models that meet this high-efficiency standard.

AB 1376 (Berryhill) Urban water management plans. Many planning departments are not always aware of urban water management plans until they have been adopted. This bill requires each urban water

supplier to give the appropriate planning department of any city or county 60 days notice before the water supplier reviews or considers amendments or changes to the plan.

AB 1404 (Laird) Water measurement. Under existing law, water use information is reported to and collected by 3 different state agencies: SWRCB, the Department of Water Resources (DWR), and DPH. This bill requires these agencies to coordinate the collection, management, and use of agricultural and urban water use information. By January 1, 2009, the SWRCB must prepare and submit a report evaluating the feasibility, estimated costs, and potential means of financing a coordinated water measurement database.

AB 1406 (Huffman) Condominiums. This bill adds condominiums to the list of "structures" where the use of potable water for toilet and urinal flushing is "unreasonable" if recycled water is available.

AB 1420 (Laird) Water demand management. This bill conditions state funding for water management grants and loans upon the actual implementation of water conservation measures by urban water suppliers. With the arrival of the voter-approved bond funding, this bill is ultimately designed to promote greater water conservation measures.

AB 1560 (Huffman) Building standards. The CEC recently published a report estimating that 19% of California's electricity use is related to the movement of water. Intended to promote water conservation and water use efficiency in the construction arena, this bill requires the CEC to incorporate standards for water efficiency and conservation into existing building standards governing energy efficiency for new residential and new nonresidential buildings.