

*Editor's Note: Part II of Our survey of proposed environmental legislation being considered by the Legislature in 2007 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. She received her law degree from Lewis and Clark Law School and previously worked for the Oregon Department of Justice's Natural Resources Section.*

Part I of our survey appeared in our last issue (CEI March 15, 2007). Readers should not assume that all of the bills in any particular category will be in this issue. Both issues should be consulted to get the full picture of new legislation in a particular subject area. As we discussed in Part I, the bill summaries are by necessity very brief. Anyone with an interest in a particular bill should review the full text, either by downloading it from the Internet ([www.leginfo.ca.gov](http://www.leginfo.ca.gov)) or by calling the author's office to obtain a copy. You can also receive a copy by calling the legislative bill room at (916) 445-2323.

Readers will be struck as we were with the large number of bills introduced this year. This appears to be a function of the availability of bond funds from last year's election and the increased concerns over global warming. It also represents the recognition by members of the Legislature that the California public, spurred on by the Governor, is unusually interested in California taking a lead in protecting the environment, both locally and nationally.

## **AIR QUALITY, TRANSPORTATION, AND FUELS**

**AB 846 (Blakeslee) Clean Marine Fuels Tax Incentive Act.** This bill creates a tax exemption for the sale, use, storage, or other consumption of low-sulfur fuel products for use in

a vessel's auxiliary or main engine by a water common carrier in the state's territorial or internal waters.

**AB 901 (Nunez) Public Transportation.** Last year, voters approved Proposition 1B: the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Proposition 1B dedicates \$19.925 billion to fund state and local transportation improvement projects to reduce congestion, improve air quality, and enhance port security. This spot bill makes various declarations about public transportation and states the intent of the Legislature to provide accountability measures in the allocation of this money.

**AB 934 (Duvall) Nonvehicular Air Contaminants.** Current law requires the State Air Resources Board (ARB) to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources. Under this bill, the ARB would only be allowed to adopt such measures for nonvehicular *stationary* sources.

**AB 1055 (Blakeslee) Transportation Programs.** This spot bill declares the intent of the Legislature to enact laws to improve the coordination and compatibility of transportation programs authorized by the state with environmental mitigation of impacts on important farm lands, natural lands, and waterways.

**AB 1077 (Lieber) Plug-In Hybrids.** This bill creates the California Plug-In Hybrid Electric Vehicle Leadership Act of 2007 that establishes a 19-member Council to meet and strategize plug-in hybrid electric vehicle-related activities, identify existing and potential barriers to the program, and assess current plug-in hybrid activities and initiatives. The ultimate goal: 1,000,000 plug-in hybrid vehicles on California's roads by 2015.

**AB 1083 (Huffman) Biodiesel Tax Credit.** This bill authorizes a tax credit (personal and corporate) for each gallon of qualified biodiesel fuel, as defined, sold by a fuel retailer at any facility in the state.

**AB 1119 (Fuller) Carl Moyer Recommendations.** This bill requires the ARB to provide guidance and recommendations to local air quality management districts on the environmental justice requirements associated with the Carl Moyer Air Quality Standards Attainment Program.

**AB 1138 (Brownley) Boundary Disputes.** This bill clarifies existing law by authorizing the ARB to resolve any questions relating to the boundaries of a particular local air district.

**AB 1209 (Karnette) Bond Implementation.** \$1 billion of Proposition 1B money is dedicated to the ARB for emission reductions from activities related to the movement of freight along the state's trade corridors. This bill requires the ARB to develop and implement guidelines for the allocation of this money.

**AB 1455 (Arambula) Air Quality Zones.** Similar last year's AB 2553, which died in the Senate, this bill establishes California Air Quality Zones, and authorizes low- and zero-interest loans for entities within these areas.

**AB 1488 (Mendoza) Lightweight Diesel Vehicles.** By January 1, 2009, this bill requires the ARB to develop and adopt a 2-year pilot program to integrate lightweight diesel vehicles into the smog check program.

**SB 73 (Flores) Biodiesel.** Introduced as a tax levy, this bill offers "qualified producers" a refundable tax credit for each gallon of biodiesel produced or manufactured at any facility within the state. This tax credit is intended to promote the production and use of biodiesel in

order to create a domestic energy market and improve overall air quality across the state.

**SB 307 (Dutton) Southern California National Freight Gateway Strategy.** In October 2006, the Southern California Association of Governments (SCAG) signed a Southern California National Freight Gateway Strategy Memorandum of Agreement (MOA). The MOA outlines Southern California's important role in goods movement and highlights some of the associated environmental hurdles (*i.e.*, congestion, air quality, etc). The Strategy is designed to facilitate a regional goods movement investment plan and this spot bill declares the intent of the Legislature to incorporate the Strategy into the state's larger Goods Movement Action Plan.

**SB 509 (Simitian) Formaldehyde.** This bill essentially bans the use of formaldehyde in wood products manufactured or sold in California by requiring the ARB to adopt regulations requiring composite wood products (or the end-use applications of those products) to comply with an emission standard equivalent to a European Union (EU) standard for formaldehyde emissions.

**SB 531 (Oropeza) Air Toxic Emissions.** This spot bill states the intent of the Legislature to enact legislation to reform the regulation of air toxic emissions.

**SB 857 (Correa) Air Pollution Credits.** This bill authorizes a study to determine an appropriate tax credit for air pollution reduction equipment in South Coast Air Quality Management District and the San Joaquin Valley Unified Air Quality Management District.

**SB 876 (Calderon) Cost to Small Businesses.** This bill requires the ARB to consider the economic impacts of heavy-duty motor vehicle retrofit and replacement requirements on small business owners.

**SB 974 (Lowenthal) Port Investment Bill.** This bill provides a funding source (*i.e.*, \$30 per container fee) to reduce the toxic air

pollution caused by the operations in the ports of Long Beach, Los Angeles, and Oakland and also provides funding for infrastructure near and at those ports.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

**AB 862 (Wolk) Information Delivery.** The California Environmental Quality Act (CEQA) requires a lead agency to submit a copy of draft environmental impact reports (EIRs), proposed negative declarations, or proposed mitigated negative declarations to the State Clearinghouse in an electronic format. This bill allows the lead agency to submit these CEQA reports to the State Clearinghouse in one of two formats – hard copy or electronic copy. It would also require lead agencies that receive any recently-approved bond monies for projects to supply specified information to a state digital library.

**AB 872 (Davis) Urban Infill Exemption.** This spot bill states the intent of the Legislature to enact legislation to exempt urban infill affordable housing developments of less than 300 units from the provisions of CEQA.

**AB 985 (Saldana) Judicial Review.** State law allows certain actions or proceedings against the California Public Utilities Commission (PUC) or decisions of the State Energy Resources Conservation and Development Commission to be reviewed only with the Supreme Court of California. This bill affords judicial review by a court of appeal in these instances.

**AB 1096 (DeVore) CEQA Holiday.** This spot bill declares the intent of the Legislature to enact legislation to declare a "CEQA Holiday" exemption from CEQA for a period of five years for the construction of agricultural employee housing, affordable housing, and urban infill housing projects.

**SB 341 (Lowenthal) Enterprise Zones.** Currently, under the Enterprise Zone Act, a lead agency filing a preliminary application for

designation of an enterprise area must provide an initial study and a notice of preparation to the California Department of Housing and Community Development (HCD) and all responsible agencies. Cities and/or counties chosen by HCD as final applicants are then required to prepare a *draft* EIR. Under this bill, the lead agency would no longer be required to submit the notice of preparation or draft EIR. Instead, final applicants would be required to submit an EIR, negative declaration, or mitigated negative declaration.

**SB 427 (Harman) Short Form EIRs.** This bill authorizes a lead agency to prepare a short form EIR for a project subject to CEQA if the project meets specified criteria. Specifically, the project: (1) must be considered a "qualified urban use"; (2) is located within an area designated in a qualified programmatic plan for the type of proposed development; (3) is consistent with the land use designation for the area and applicable standards of population density and building intensity; (4) provides housing or employment near employment and business centers or transportation corridors; and (5) incorporates mitigation measures aimed at cumulative impacts. This short form EIR must also include specific information, and comply with various procedural requirements of CEQA.

**SB 781 (Correa) Mitigation Measures.** CEQA holds that a public agency should not approve a project if feasible alternatives or mitigation measures are available and would substantially lessen the significant environmental effects of the project. This bill requires the Secretary of the Resources Agency to report on the types and effectiveness of a representative sample of mitigation measures adopted by state and local agencies before January 1, 2009, and on or before July 1 of each subsequent year.

**SB 947 (Hollingsworth) Rights-of-Way.** This bill exempts the expansion of an existing overpass,

continued on next page

## Proposed Legislation

continued from previous page

on-ramp, or off-ramp built on easements or rights-of-way under the control of a state or local transportation agency, or a city and/or county from CEQA requirements.

### COASTAL

**1056 (Leno) California Ocean Protection Act.** This bill gives the California Ocean Protection Council authority to enlist the assistance of scientific experts in its efforts to protect and conserve coastal waters and ecosystems. It also alleviates some of the Councils' administrative burdens as it works to conserve coastal and ocean resources.

**AB 1130 (Laird) Offshore Oil Platforms.** By 2025, all 23 oil-drilling platforms located off California's coast are expected to be decommissioned and removed. These platforms support significant marine life. This bill allows the State Lands Commission (SLC) to consider alternatives to the complete removal of an offshore oil platform when the extraction of oil is no longer economical. This request must be presented by an owner or operator of a platform to the SLC and the owner or operator must pay for the cost of this platform removal alternatives determination. These funds may eventually be used for programs to protect sea otters, marine research, coastal access, improved water quality, public education, and completion of the California Coastal Trail.

**AB 1338 (Huffman) California Coastal Protection Act.** This bill establishes the California Coastal Protection Act of 2007 requiring local coastal governments to incorporate a nonpoint source pollution prevention component into their local coastal program or any major amendments to the program. If a local coastal government is subject to a National Pollutant Discharge Elimination System (NPDES) permit approved or amended after March 1, 2000, permit compliance satisfies the requirement of the nonpoint

source pollution control element.

**AB 1396 (Laird) California Coastal Trail.** This bill requires the California Department of Transportation (Caltrans) to annually identify all excess property in the coastal zone, and provide that information to certain agencies. It also requires Caltrans to consult with other state agencies regarding trail implementation and requires regional transportation planning agencies with jurisdiction in the coastal zone to coordinate with specified state agencies regarding development of the trail, and to include provisions for the Coastal Trail in their regional transportation plans.

**AB 1459 (Levine) Coastal Development.** Within the coastal zone, this bill prohibits the sale of an overnight visitor-serving commercial facility, or any unit within an overnight visitor-serving commercial facility, to an individual for full-time or part-time private residential use.

**SB 884 (Lowenthal) Coastal Commission Transparency.** In an effort to provide more transparency and accountability to the California Coastal Commission, this bill requires any person who communicates with Commission members and who qualifies as a lobbyist to comply with the Political Reform Act of 1974.

### CONTAMINATED PROPERTY

**AB 1183 (Hancock) Cortese List.** Current law prohibits the application of any CEQA exemption to a site on the Cortese List (a list of known sites containing hazardous materials). This bill would narrow that prohibition to development projects intended for residential or other sensitive uses. The bill also requires the Department of Toxic Substances Control to provide the public via the Internet with a list of sites where no final cleanup document has been provided and a list of all sites with land restrictions. The bill would also delete a current requirement that local enforcement agencies provide the Integrated Waste Management

Board with a list of solid waste sites under its jurisdiction with known migration of hazardous materials, and a requirement that the Department of Public Health provide to Cal/EPA a list of public drinking water wells with specified levels of organic contamination.

**SB 429 (Ducheny) Land Use Controls.** This bill requires Cal-EPA, the Integrated Waste Management Board, the State Water Board, DTSC, and specified local agencies to notify the building, planning, or engineering department in the affected city or county when each of them takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or other environmental cleanup action. Similar notice is required if the agency finds the property unsuitable for unrestricted use or if it enters into, or imposes, an instrument or agreement restricting land uses.

**SB 990 (Kuehl) Santa Susanna Field Laboratory.** This bill prohibits the sale, lease, sublease, or other transfer of land presently or formerly occupied by the Santa Susanna Field Laboratory, unless the Director of DTSC confirms that the land has undergone complete remediation of chemical and radioactive contamination.

### ENDANGERED SPECIES AND WILDLIFE

**AB 821 (Nava) Condor Preservation Act.** In 1982, fewer than 25 California condors existed in the wild. Today, their numbers have increased to approximately 200. Despite recovery efforts, condors remain at risk. Evidence suggests that condors, as well as golden and bald eagles, are susceptible to lead poisoning from ingesting bullet fragments. In response, this bill establishes the Ridley-Tree Condor Preservation Act to require non-lead ammunition when taking big game within condor habitat and, as funding is available, provide hunters with free non-lead ammunition.

**AB 828 (Ruskin) Wildlife Corridors.** This bill requires the California Wildlife Conservation Board

(WCB) to research and identify areas that are most essential as wildlife corridors and habitat linkages in an effort to protect wildlife diversity and prevent the loss of habitat. The WCB would be required to make this information publicly available and, to the extent feasible, utilize the provisions of the California Comprehensive Wildlife Action Plan to protect those corridors.

**AB 923 (Wolk) Wildlife Action Plan.** This bill requires the California Department of Fish and Game (DFG) to create an advisory committee to implement the California Wildlife Action Plan (Plan) to protect and conserve species without federal protection under the Endangered Species Act. The committee must be composed of members with an interest in non-game conservation and include a balanced range of representatives. Under this bill, DFG must also develop a detailed monitoring plan outlining how the Department intends to monitor the species, habitats, and actions identified in the Plan. The Plan must be reviewed and updated every five years and beginning January 1, 2009 DFG must submit a biennial report highlighting the Plan's implementation progress.

**AB 1032 (Wolk) Closed Waters.** This bill authorizes DFG to close an area otherwise open for vacuum or suction dredging, without regard to water level, in order to protect fish and wildlife resources, including certain wild trout stocks and other aquatic species.

**SB 1015 (Kuehl) Salmon Restoration.** This spot bill declares the intent of the Legislature to enact legislation to fund various salmon restoration projects across the state.

## ENERGY

**AB 609 (Eng) State Building Construction Act.** Pursuant to the State Building Construction Act of 1955, this bill encourages state buildings to upgrade to environmentally-friendly technologies by requiring equipment, conservation measures, or energy service contracts to be

anticipated to provide cost savings to the state within 15 years.

**AB 809 (Blakeslee) Eligible Renewable Energy Sources.** This bill revises the criteria for allowing electricity generated from hydroelectric facilities to be counted as fulfilling the requirements of the Renewables Portfolio Standard (RPS) Program. The bill provides that a small hydroelectric generation facility of 30 megawatts (MW) or less that commences operation after December 31, 2005 is an eligible renewable energy resource for purposes of the program if it does not change the stream flow regime or otherwise cause significant adverse environmental impacts.

**AB 811 (Levine) Tax Credits.** This bill authorizes a credit against taxes for each taxable year beginning on or after January 1, 2007, and before January 1, 2012, for the costs associated with the construction of an eligible renewable resource.

**AB 837 (Levine) Renewable Energy Reporting.** This bill requires the governing board of a local publicly-owned electric utility to annually report the proportion of electricity generated from eligible renewable energy resources provided to its customers.

**AB 940 (Krekorian) Solar Energy.** This spot bill declares the intent of the Legislature to enact legislation to promote the use of solar energy in California.

**AB 1064 (Lieber) Heat Corporations.** This bill removes from the definition of a "heat corporation," a person employing solar thermal distributed technologies for the production or generation of heat for its own use or the use of its tenants or for sale to a heat corporation or state or local public agency. It would also require the PUC, in consultation with the California Energy Commission (CEC), to administer, until January 1, 2012, a self-generation incentive program for distributed generation resources. While certain solar thermal distributed technologies would be eligible for the self-generation incentive program, solar electrical

generation technologies would be separately administered under the California Solar Initiative (CSI).

**AB 1109 (Huffman) Energy Efficient Lighting.** This bill directs the CEC to develop and implement a strategy for reducing California's energy consumption for lighting by 50% by the year 2018. The bill also directs the Department of Toxic Substances Control (DTSC) to develop and implement a schedule for reducing the amounts of mercury and lead in general purpose lights and to establish a collection and recycling system by July 1, 2009.

**AB 1428 (Galgiani) Biomass Conversion Pilot.** This bill requires electrical corporations to provide eligible biomass conversion customer-generators with net energy metering under a pilot program. The PUC would be required to provide the Legislature with a progress report by December 31, 2010.

**AB 1451 (Leno) Active Solar Energy Systems.** This bill extends the existing property tax benefit for installing solar panels on "newly constructed" properties from fiscal year 2008-09 through fiscal year 2015-16.

**AB 1470 (Huffman) Solar Heating and Efficiency Act of 2007.** This bill makes findings and declarations of the Legislature regarding the promotion of solar hot water systems and other technologies that reduce overall demand on natural gas. The bill defines several terms for purposes of the act and requires the PUC to create and administer, not later than July 1, 2008, a program to provide incentives for installation of 500,000 solar thermal systems in homes and businesses throughout the state by 2017.

**AB 1532 (Parra) Resource Recovery Pilot Program.** Resource recovery projects are defined to include projects that convert municipal waste, agricultural waste, forest waste, landfill gas, or digester gas in a manner so as to produce energy as a byproduct. This bill requires electrical corporations to provide

continued on next page

## Proposed Legislation

continued from previous page

eligible resource recovery projects with net energy metering under a pilot program.

**AB 1613 (Blakeslee) Waste Heat and Carbon Emissions Reduction Act.** The Waste Heat and Carbon Emissions Reduction Act declares as state policy that the conversion of waste heat to electricity or other useful energy applications be treated as an efficiency measure. The bill also states the intent of the Legislature to obtain 5,000 MW of new electrical generation by the year 2015 by achieving improved efficiencies utilizing waste heat through combined heat and power systems.

**SB 332 (Corbett) Appliance Efficiency.** This spot bill declares the intent of the Legislature to enact legislation related to energy efficiency standards for computers, networks, televisions, and other appliances.

**SB 412 (Simitian) Liquefied Natural Gas Terminals.** This spot bill declares the intent of the Legislature to enact legislation regarding the siting and construction of liquefied natural gas facilities on or off the coast of California.

**SB 451 (Kehoe) Energy Conservation.** This bill requires the PUC to require each electrical corporation and gas corporation to develop and implement an energy conservation investment initiative that consists of all cost-effective, reliable, and feasible direct investments in equipment and practices that reduce the use of energy. These investments would be recoverable in rates, including a reasonable return on invested capital.

**SB 871 (Kehoe) Expedited Siting of Electrical Generation.** A now expired law required the CEC to establish an expedited review process for applications to construct and operate thermal powerplants. This bill restores the authority and establishes a new sunset date of January 1, 2012.

**SB 1012 (Dutton) Renewables Portfolio Standard.** This spot bill declares the intent of the Legislature to ensure that the state meets established RPS program targets. Specifically, the bill declares the intent of the Legislature to enact legislation that would establish a multi-agency body under the direction of the Governor to identify and resolve permitting issues associated with renewable energy generation and transmission line facilities.

**SB 1036 (Perata) Renewable Energy Resources.** Electricity deregulation legislation created the New Renewable Resources Account (Account). Money in the account supports the development of new in-state renewable electricity generation facilities and related projects. Existing law requires the PUC to award production incentives and allocate and award supplemental energy payments (SEPs) from the Account. This bill adopts a proposal whereby the SEPs would be returned to the utilities, eliminating the PUC's responsibility in administering the payments.

### FLOOD CONTROL

**AB 832 (Bass) Proposition 84 Implementation.** Last year, voters approved Proposition 84 which allocates \$4 billion for infrastructure projects for flood control and levee repair and improvements. This spot bill declares the intent of the Legislature to enact legislation to implement Proposition 84.

**AB 1452 (Wolk) Central Valley Flood Protection Act.** This bill enacts the Central Valley Flood Protection Act of 2008 which prohibits the Reclamation Board from approving funding for flood protection projects that would effectively narrow flood channels or reduce the capacity of the flood protection system in the Sacramento San-Joaquin Valley to convey water.

**AB 1507 (Emmerson) Alluvial Fan Task Force.** This bill requires the Director of Water Resources to establish the Alluvial Fan Task Force to review the current understanding of alluvial fan floodplains and to

prepare recommendations relating to alluvial fan floodplain management.

**SB 378 (Steinberg) Disaster Preparedness and Flood Prevention Act.** This flood implementation measure expedites the approval and completion of projects to reduce flood risk; requires the annual investment strategy to identify structural and non-structural projects/programs, their costs, and the resources available to pay for them; and improves the state's real-time flood management system.

**SB 399 (Dutton) Water Infrastructure.** This bill makes legislative findings and declarations relating to the San Francisco Bay/Sacramento-San Joaquin Delta and the need for additional water infrastructure.

**SB 1002 (Perata) Water Quality and Supply.** This bill provides grants for small community drinking water systems infrastructure improvements, for feasibility studies for new surface storage under the Bay-Delta program, and for development of a plan for re-operation of flood protection and water supply systems.

### FORESTRY

**AB 1515 (La Malfa) Tree Harvest Exemption.** This bill makes permanent a current exemption for the harvesting of trees. Specifically, the exemption authorizes the harvesting of trees that eliminate the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns in order to prevent the spread of wildfires.

**SB 466 (Steinberg) Board of Forestry.** This bill allows the State Board of Forestry to hire professional and administrative employees or contractors to offer scientific, legal, and other services to the Board. The bill also identifies measures that would mitigate the environmental impacts, including climate change effects, of timberland and forestland conversions, and authorizes the Board to adopt regulations necessary to implement these measures.

## GLOBAL WARMING

**AB 1066 (Laird) Global Warming.** This bill requires coastal cities and counties to consider climate change impacts when preparing, adopting, or updating a Local Coastal Plan as required by the Coastal Commission and requires the Commission to assist local governments in obtaining state and federal assistance to understand, mitigate, and adapt to climate change impacts.

**AB 1190 (Horton) Fuel Tax.** This bill creates a three tiered excise tax rate on gasoline and diesel fuel based on the amount of carbon dioxide emissions per mile traveled. This bill exempts the lowest emission fuels, Category 1, from the excise tax, decreases the excise tax to 9 cents per gallon for Category 2 fuels, and creates a high-carbon fuel tax (27 cents per gallon) for Category 3 fuels. In addition, AB 1190 authorizes the Board of Equalization to adjust the Category 3 tax rate.

**AB 1506 (Arambula) Energy Independence and Early Adapter Business Incentive Act of 2007.** This bill creates incentives for small business energy efficiency and reduction of greenhouse gas (GHG) emissions. The bill allows corporations, as defined, to provide direct loans and loan guarantees for capital expenditures that reduce GHG emissions or generate renewable energy.

## GREEN BUILDING

**AB 888 (Lieu) Green Building Standards.** This bill requires certain state agencies to develop proposed building standards in such a way as to ensure that green building elements are incorporated into the standards. Green building elements include, but are not limited to: water recycling and conservation, alternative energy technologies, recycling of construction and demolition waste, using recycled building materials, incorporating measures to improve indoor air quality, improving access to natural light, establishing an in-house recycling program, providing designated parking for alternative fuel

and carpool vehicles, and more.

**AB 1058 (Laird) Best Practices for Green Building Construction.** A reintroduction of AB 2928 from last year, this bill requires the California Environmental Protection Agency (Cal-EPA) to develop, adopt, and make available voluntary "best practices" for residential green building by July 1, 2009. Some examples of best practices include those involving energy, water, materials, resources efficiency, conservation and reuse, indoor air quality, innovation and design processes, and life-cycle analysis.

**AB 1065 (Lieber) GHG Building Standards.** This bill requires the State Energy Resources Conservation and Development Commission to adopt standards to reduce the energy consumption per gross square foot of floorspace of new residential and non-residential buildings, on a specified schedule, using the standards adopted in 2003 as the baseline for comparison purposes.

**AB 1327 (Ma) Green Building.** This spot bill declares the intent of the Legislature to enact legislation to develop a uniform definition for "green building" and to extend tax and planning incentives to developers to build green buildings.

## HAZARDOUS MATERIALS

**AB 833 (Ruskin) California TRI Program.** In response to a planned federal reporting reduction for low threshold users, this bill directs Cal-EPA to establish a California Toxics Release Inventory (TRI) Program.

**AB 1098 (Saldana) Penalties.** This bill removes the requirement that the amount of an administrative penalty for violation of a hazardous materials business plan (HMBP) be determined by the governing board of the administering agency. Rather, violators will be subject to an administrative penalty not to exceed \$2,000 per day per violation. In addition, any person or stationary source that knowingly violates the federal accidental release prevention program after reasonable notice of the violation would be punished

by a fine not to exceed \$25,000 per day per violation and imprisonment for not more than one year.

**AB 1359 (Parra) Dielectric Fluid.** This bill exempts generators of dielectric fluid from testing for purity levels before transporting if the generator demonstrates (through prior tests) that dielectric fluid subject to similar operations conditions did not exhibit toxic characteristics.

**SB 578 (Simitian) High Production Volume (HPV) Chemicals.** This bill calls for the reporting and tracking of HPV chemicals and their associated health effects. Under this law, manufacturers of HPV chemicals are required to provide DTSC with physicochemical, toxicological, and ecotoxicological information about the chemical. The manufacturer must also identify any industry sectors that purchase more than 5% of the HPV chemical and, of those industry sectors, whose products are likely to be exposed to humans. This is one of several proposed "green chemistry" bills designed to change how the chemical industry is regulated.

**SB 899 (Simitian) Perflourinated Compounds.** Beginning June 1, 2008, this bill prohibits a person from manufacturing, processing, or distributing a product that contains perflourinated compounds or chemicals that degrade in the environment to perflourinated compounds.

**SB 973 (Simitian) Chemicals of Concern.** Since 1999, the Government of Canada has been busy reviewing a list of 23,000 chemical substances to determine which pose a hazard to human health or the environment. This Canadian review, referred to as the Priority Substance List, was completed in September 2006. The Canadian Government has recommended that many of these chemicals be eliminated altogether. Part of a larger suite of green chemistry bills, SB 973 requires DTSC to compile a list of these "chemicals of concern"

continued on next page

## Proposed Legislation

continued from previous page

by March 1, 2008 and post the list on the Department's website. Any manufacturer or distributor of a listed chemical who sells or uses that chemical in the state must provide DTSC with certain information regarding the sale and use by September 1, 2008.

### HAZARDOUS WASTE

**AB 1193 (Ruskin) Mercury-Added Thermostats.** This bill enacts the Mercury Thermostat Collection Act requiring certain manufacturers to establish and maintain a collection and recycling program for out-of-service mercury-added thermostats. Manufacturers must be in compliance with the Act by July 1, 2008 in order to continue selling thermostats in California.

**AB 1257 (Caballero) Rural CUPAs.** Existing law requires Cal-EPA to allocate funds to eligible counties for which a Certified Unified Program Agency (CUPA) has not been certified on or before January 1, 2000. Even if the county's CUPA was certified on or before January 1, 2000, this bill also makes eligible counties with a population of 70,000 people or less.

**AB 1371 (Ruskin) Civil Penalties.** This bill imposes civil or administrative penalties against anyone who intentionally or negligently treats, stores, or causes the treatment or storage of, a hazardous waste at an unauthorized site. Penalties are not to exceed \$25,000 per day per violation.

**AB 1447 (Calderon) Major Appliances.** This bill allows appliance service technicians to remove refrigerant from a major appliance and establishes new requirements for non-certified appliance recyclers who transport, deliver, or sell a discarded major appliance. The bill also revises the definition of "materials that require special handling" to exclude oil or used oil encased in a major appliance.

**AB 1535 (Huffman) Personal**

**Computers.** This bill expands the Electronic Waste Recycling Act of 2003 to include personal computers. Retailers would be required to collect a \$6 fee from the consumer at the time of purchase.

**SB 774 (Ridley-Thomas) Hazardous Packaging.** In order to qualify for one of the Toxics in Packaging Prevention Act exemptions, this bill requires that glass bottle packaging with any paint or applied ceramic decoration on the bottle not contain lead or lead compounds in excess of .06% by weight of the total non-volatile content of the weight of the dried paint film.

**SB 817 (Ducheny) Silver.** Under the state's hazardous waste laws, certain hazardous waste treatment activities are exempt from the requirement to obtain a hazardous waste facilities permit. This bill adds another exemption: hazardous waste treatment activity in which the generator treats photoimaging solutions that are hazardous solely due to their silver content.

### LAND USE

**AB 373 (Wolk) Community Facilities.** In 1982, the Mello-Roos Community Facilities Act of 1982 was established to provide an alternate method to local public agencies for financing needed improvements and services. Under existing law, local agencies may initiate proceedings to establish a district if they include a statement of the priority that various kinds of facilities have for financing. This bill revises this statement to include the priority that services, in addition to public facilities, have for financing. AB 373 also authorizes local governments to establish community facilities districts for purposes of maintaining parks, open space, flood and storm protection services, and more.

**AB 997 (Arambula) Infill Development.** In a recent report, the Legislative Analyst's Office (LAO) noted that several new bills propose approaches to the allocation of Proposition 84 funds for urban greening and conservation planning. AB 997 requires the HCD to

administer the Regional Planning, Housing, and Infill Incentive Account and requires certain amounts from the account to be available to fund grants to cities, counties, redevelopment agencies, incorporated mutual water companies, special districts, and non-profit organizations for capital outlay projects that serve development on land defined as "infill." AB 997 apportions Proposition 84's planning funds to HCD for local infill planning grants and incentives. HCD would be required to assign \$30 million for grants and \$60 million for loans to fund local planning for infill development.

**AB 1352 (Berryhill) Environmental Permits.** This bill broadens the current definition of "environmental permit" to include any permit issued by an air quality or air pollution control district. It would also expedite the review and approval of those environmental permit applications affiliated with projects that promote public and environmental health.

**SB 562 (Wiggins) Williamson Act Clarification.** By broadening the definition of "agricultural use" under the Williamson Act, this Farm Bureau-sponsored bill allows land enrolled in the program to be used to grow dedicated crops for the production of biofuels or voluntarily participate in the United States Department of Agriculture's Conservation Reserve Program or Conservation Reserve Enhancement Program.

### MISCELLANEOUS AND MULTIMEDIA

**AB 995 (Nava) Proposition 1B Funds.** This spot bill declares the intent of the Legislature to advance certain goals and policies relating to funds associated with the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

**AB 1074 (Houston) Environmental Quality Incentives Program.** This spot bill declares the intent of the Legislature to enact legislation to better utilize federal EQIP funding in California by expediting the

permitting process.

**AB 1100 (Ruskin) Cloned Food.** This bill requires the labeling of all cloned meat and milk products sold in California. The Food and Drug Administration (FDA) recently concluded that the meat and milk from cloned animals and their offspring are safe to eat and drink. This bill allows consumers to make the informed choice to avoid cloned food products.

**AB 1157 (Ruskin) Public Utilities Commission.** Currently, public utility "customers" are entitled to reasonable compensation (*i.e.*, attorney's fees, witness costs, and other reasonable costs) for participation or intervention in any proceeding of the PUC where the customer's involvement significantly contributes to the proceedings of the PUC. This bill broadens the definition of "customer" to include participants representing labor organizations, environmental organizations, or any organization whose primary purpose is to further the public interest.

**AB 1220 (Laird) Oil Spill Response Fund.** According to a February 27, 2007 press release issued by Assemblymember Laird's office, this bill effectively doubles funds available for oil spill response. In the event of an oil spill, the state currently has available \$54 million. This bill would double this amount by re-establishing \$54 million in bonding capacity previously ruled illegal by the California Attorney General.

**AB 1527 (Arambula) Cleantech Advantage Act of 2008.** This bill establishes the Cleantech Advantage Act of 2008 – a tax credit against taxes paid on or after January 1, 2008, and before January 1, 2013, in an amount equal to 8% of the amount paid or incurred by a "qualified taxpayer" (a small business as defined by the Government Code, with a gross income of less than \$10,000,000 earned in California) for qualified costs related to clean technology manufacturing activities. This bill also authorizes a credit

against those taxes during the same period in an amount equal to 20% of the net tax expenses paid or incurred by a qualified taxpayer for qualified research in California, related to clean technology industries. Finally, this bill allows up to 50% of unused credits allowed to a qualified seller to be sold or traded to, and be used by, any company that employs workers in the state.

**AB 1620 (Arambula) California Clean Technology Services Unit.** This bill establishes the California Clean Technology Services Unit within the Business, Transportation and Housing Agency to promote the development of new technologies and products that meet the environmental objectives of the state, to facilitate the ability of businesses to bring clean technologies to California's market, and to coordinate with specified state agencies in order to encourage clean technologies that meet the state's environmental goals and standards. This bill also requires the unit to deliver annual progress reports to the Legislature.

**AB 1651 (Alarcon) Qualified Green Machinery.** This bill authorizes a tax credit in an amount equal to the amount paid (*i.e.*, 100%) to a qualified green business for purchasing or upgrading qualified green machinery. Qualified green machinery is defined as manufacturing machinery that is more fuel-efficient and less polluting than the industry average.

**SB 775 (Ridley-Thomas) Universal Screening for Lead.** Existing law requires any laboratory that performs a blood lead analysis on a specimen of human blood drawn in the state to report certain information to the Department of Health Services (DHS) for every person tested. This bill revises the information to be reported by the laboratory. The bill also requires DHS, now the Department of Public Health (DPH), to distribute informational materials about lead to all health care providers that administer perinatal care services and would require these providers to relay this information to pregnant women.

## OCCUPATIONAL SAFETY AND HEALTH

**AB 354 (Hernandez) Lead Abatement.** This bill declares the intent of the Legislature to establish a program to register licensed contractors who perform lead abatement work. The program, if enacted, would be administered by the California Division of Occupational Safety and Health (DOSH).

## PESTICIDES

**AB 1530 (Lieber) Pesticide Poisoning.** Under this bill, laboratories that perform cholinesterase testing on human blood for purposes of determining pesticide residue levels must electronically report specific information on every person tested to the Office of Environmental Health Hazard Assessment (OE-HHA), the Department of Pesticide Regulation (DPR), and the Department of Public Health. OE-HHA must share this information electronically with the appropriate county agricultural commissioner, local health officer, and the health care provider that ordered the test. OE-HHA may review the cholinesterase test results in consultation with DPR and DPH, but the bill ultimately requires OE-HHA to prepare an annual report on the testing program.

## RESOURCES

**AB 838 (Blakeslee) Easements.** This bill authorizes the California Department of Parks and Recreation (DPR) to obtain or authorize grants for the purchase of conservation easements if the easement is necessary to protect a unit of a state park from an incompatible use or, more generally, for preservation and enhancement purposes.

**AB 1180 (Blakeslee) County Farm Bureau.** The California Farmland Conservancy Program Act establishes a program for grants issued by the Department of Conservation (DOC) to qualified applicants for the acquisition of agricultural conservation easements. This bill expands the definition of applicant

continued on next page

## Verification Procedure

continued from previous page

to include a county farm bureau. It would also modify the Director's authority to issue these grants.

**SB 300 (Corbett) Penalty Increase.** This bill significantly increases the amount of money the San Francisco Bay Conservation and Development Commission can impose in civil penalties from an amount not to exceed \$30,000 to an amount not to exceed \$100,000.

**SB 917 (Migden) Watershed Conservation Protection Fund.** This bill establishes the Watershed Conservation Protection Fund. Any available appropriated funds designed for watershed restoration projects and cooperative conservation partnerships must be deposited into this fund.

### SOLID WASTE AND RECYCLING

**AB 820 (Karnette) Recycling Polystyrene.** Beginning January 1, 2009, this bill prohibits a state facility from selling, using, or distributing foamed polystyrene food containers. In addition, state agencies must require prospective bidders and contractors to certify that they will not sell, use, or distribute foamed polystyrene containers at a state facility.

**AB 1023 (DeSaulnier) Compostable Trash Bags.** Existing law imposes various requirements on manufacturers of plastic trash bags. This bill exempts manufacturers of compostable and biodegradable plastic products from these requirements.

**AB 1075 (Cook) Biomass Conversion.** This bill simply clarifies the authority of the California Integrated Waste Management Board (CIWMB) with regard to biomass conversion projects.

**AB 1150 (Lieu) Transformation.** This bill redefines "transformation" to mean the incineration of solid waste, or the processing of solid waste through a noncombustion thermal, chemical, or biological process for purposes of source reduction

and recycling under the California Integrated Waste Management Act of 1989.

**AB 1195 (Torrico) Used Oil.** This bill limits applicability of the existing used oil recycling incentive to only those entities that transport the used oil to a facility for *purposes of recycling*. Under existing law, the CIWMB must pay the recycling initiative to an electric utility if the utility uses used lubricating oil at a facility in the state. This bill makes this payment discretionary.

**AB 1207 (Smyth) Biosolids.** This bill requires CIWMB to develop biosolid regulations by July 1, 2009 and prohibits a local entity from adopting or enforcing any ordinance or regulation inconsistent with the activities allowed by those regulations.

**AB 1237 (Hancock) Solid Waste Facilities.** Currently, CIWMB has 60 days to concur or object to the issuance, modification, or revision of a solid waste facility permit. This bill extends the time period to 90 days. If CIWMB fails to concur or object within the 90-day period, *objection*, not concurrence, is presumed. AB 1237 also amends current law by requiring CIWMB and local enforcement agencies (LEAs) to conduct at least one unannounced inspection of each solid waste facility within its jurisdiction each month.

**AB 1473 (Feuer) Cease and Desist Orders.** Generally, if a solid waste facility operates without a permit, the LEA immediately issues a cease and desist order requiring the facility to close operations until a permit is obtained. This bill allows LEAs to stay the issuance of a cease and desist order if the facility accepts only materials that are source-separated for recycling and meets other operational requirements. In addition, the CIWMB must conduct a study to determine the environmental and public health effects of these facilities and whether existing regulations are appropriate.

**SB 529 (Migden) Rigid Plastic Packaging.** This spot bill declares the intent of the Legislature to enact

legislation to establish a tradeable credit system for the utilization of post-consumer plastic generated within the state and to eliminate the exemption of certain manufacturers from those requirements.

**SB 826 (Padilla) Environmental Justice.** This bill requires the CIWMB to adopt state minimum standards to identify and mitigate environmental justice impacts in disproportionately affected communities where solid waste facilities are located.

**SB 842 (Scott) Gasification.** Existing law defines "gasification" as a zero emission technology that uses a non-combustion thermal process to convert solid waste to a clean burning fuel for purposes of generating electricity. This bill revises gasification criteria by requiring that the technology produce zero discharges of air contaminants or emissions as determined by the ARB, air pollution control districts, or air quality management districts.

**SB 898 (Simitian) Cleanup.** This bill authorizes CIWMB to offer grants to combat illegal solid waste disposal sites and mitigate the impact of solid waste that otherwise would be disposed into storm drains.

**SB 1020 (Padilla) Diversion.** This bill increases the waste diversion requirement applicable to cities and counties from 50% to no less than 75% on and after January 1, 2012.

**SB 1021 (Padilla) Beverage Container Grants.** This bill authorizes the Department of Conservation (DOC) to increase multifamily recycling grants from \$5 million to \$15 million.

### UNDERGROUND STORAGE TANKS

**AB 1437 (Aghazarian) UST Cleanup Fund.** Existing law allows the State Water Resources Control Board (SWRCB) to spend money from the state's Underground Storage Tank Cleanup Trust Fund (Fund) to pay claims to aid owners and operators of an UST system in the event of an unauthorized release. This bill revises eligibility requirements by

requiring an applicant to be in compliance with insurance and permit requirements before the date when the applicant submits a completed application to the Fund. Additionally, the bill revokes certain Fund-related discretionary powers of the State Water Board.

## URBAN GREENING

**AB 822 (Levine) Urban Runoff.** Last year, voters approved Proposition 84 which dedicates \$90 million for urban greening projects designed to reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits. This bill appropriates \$2 million of this money to the Resources Agency to establish a program addressing adverse impacts of urban runoff on state water quality.

**AB 1303 (Smyth) Urban Greening Act.** This bill requires DPR to establish a local grant program to benefit eligible cities, counties, or districts using Proposition 84 urban greening funds.

**AB 1602 (Nunez) Sustainable Communities.** This bill establishes the Sustainable Communities and Urban Greening Grant Program. The bill requires the Resources Agency, in consultation with Cal-EPA and the Business, Transportation, and Housing Agency, to develop and administer local grants to improve community sustainability and livability through the development of "green infrastructure."

## WATER QUALITY

**AB 559 (Ruskin) Chloramine Study.** This bill calls for a study of chloramine, the chemical currently used to disinfect the Hetch Hetchy Water supply. The bill requires the Department of Public Health (DPH) to identify potentially dangerous drinking water disinfection byproducts and their persistence in the environment. It also requires DPH to identify treatment methods, technologies, and other management options that reduce or eliminate the need to add chlorine, chloramines,

or other additives to drinking water as a disinfectant. Under this bill, DPH must report its progress to the Legislature by July 1, 2009 and make this information publicly available on the Department's website.

**AB 909 (Wolk) Mercury Monitoring.** With the passage of Proposition 84 in 2006, there is now \$90 million available for the reduction and prevention of stormwater contamination of rivers, lakes, and streams. This bill directs some of this money towards grants to local agencies to monitor and remediate activities related to mercury and methyl mercury contamination.

**AB 938 (Calderon) Urban Runoff.** This bill authorizes a local water district to acquire, construct, operate, maintain, and furnish facilities to divert urban runoff from a drainage course within that district, treat the urban runoff, return the water to the drainage course, or to beneficially use the water.

**AB 992 (Brownley) Stormwater Containment.** This bill makes various findings regarding the increase in water pollution caused by runoff from urban areas and declares the intent of the Legislature to establish a grant program to encourage the retrofit and building of new roads that allow stormwater to percolate into the ground instead of entering storm drains. Finally, when determining a project's eligibility for transportation bond funds, priority would be given to applicants with stormwater containment provisions incorporated into their road projects.

**AB 1010 (Hernandez) San Gabriel Basin Water Quality Authority Act.** This bill simply extends the San Gabriel Basin Water Quality Authority Act's July 1, 2010 repeal date to July 1, 2020.

**AB 1026 (Caballero) Leafy Greens.** In response to last year's E. coli contamination of spinach, this spot bill declares the intent of the Legislature to enact legislation to present to the voters a bond measure to fund the tertiary treatment of water sources used to wash leafy green

vegetables.

**AB 1127 (Carter) Perchlorate.** This bill requires DPH to review the state's standards for perchlorate in drinking water by June 30, 2008.

**AB 1284 (Eng) Water Quality.** In an effort to implement bond money for groundwater programs and programs designed to promote integrated regional water management planning, this bill requires DWR to give prioritize projects that actively engage disadvantaged communities in planning and implementation actions. This bill also requires these management plans to address water pollution issues that pose a risk to human health and the environment and to identify any disadvantaged communities located within the boundaries of the plan.

**AB 1489 (Huffman) Stormwater and Groundwater Management.** This bill declares the intent of the Legislature to implement stormwater management programs and programs to reduce or prevent the contamination of groundwater.

**AB 1703 (LaMalfa) Storm Water Monitoring.** The state's Porter-Cologne Water Quality Control Act requires the State Water Board to develop minimum monitoring requirements for regulated municipalities that were subject to a stormwater permit on or before December 31, 2001, and minimum standard monitoring requirements for regulated industries to be included in all applicable stormwater permits on or before July 1, 2008. This bill repeals these requirements.

**SB 1029 (Ducheny) Drinking Water Standards.** This bill requires any primary or secondary drinking water standard adopted through regulations by DPH to become effective within 60 days of adoption.

## WATER POLICY AND SUPPLY

**AB 642 (Wolk) Design-Build.** This bill expands the current law by allowing any county to enter into design-build contracts until January 1, 2018. This bill also broadens the universe of authorized design-build

continued on next page

## Proposed Legislation

continued from previous page

contracts to include water resource facilities and wastewater treatment projects.

**AB 662 (Ruskin) Conservation Design and Construction Standards.** This bill requires the California Energy Commission to prescribe water conservation design and construction standards for new residential and new non-residential buildings before January 1, 2009. **AB 1132 (Berryhill) Graywater Irrigation Credit.** This bill provides a tax credit for taxable years beginning on or after January 1, 2007, and before January 1, 2021 for the costs associated with the installation of a graywater irrigation system.

**AB 1297 (Arambula) Regional Water Management Plans.** Proposition 84 makes available \$1 billion for Integrated Regional Water Management Grants. Not more than 5% of this money may be used for grants or direct expenditures involving the development, updating, or improvement of integrated regional water management plans. This bill provides that not more than 5% of the amounts listed on the allocation schedule for the 12 identified water regions be made available to any identified region that has not adopted an integrated regional water management plan, for the purpose of developing the plan.

**AB 1376 (Berryhill) Urban Water Management Plans.** Existing law requires urban water suppliers that provide water for municipal purposes to more than 3,000 customers (or supply more than 3,000 acre feet of water annually) to develop and implement an urban water management plan. These suppliers must solicit comments from city and county planning departments served by the water supplier at least 60 days prior to the public hearing on the plan.

**AB 1404 (Laird) Water Measurement.** In an effort to provide accurate water measurement and interagency coordination, this bill requires the Department of Water Resources (DWR), the State Water

Board, and DPH to develop and implement a coordinated water use reporting database and standardized forms to facilitate better water management.

**AB 1420 (Laird) Water Demand.** According to a February 26, 2007 press release from the office of Assemblymember Laird, this bill is intended to ensure the use of water as efficiently as possible in urban areas by increasing the implementation of urban water conservation measures. Existing law requires 14 water demand management measures to be included in a local water supplier's Urban Water Management Plan. This bill requires the terms of and eligibility for state grants to be conditioned on the implementation of these water conservation measures.

**AB 1435 (Salas) Conservation Rate Structure.** This bill requires certain local water suppliers to develop and implement a conservation rate structure based on the amount of water used for non-agricultural purposes.

**AB 1481 (De La Torre) Water Recycling.** This bill requires the State Water Board to prescribe general water recycling requirements for certain landscape irrigation uses by January 1, 2010.

**AB 1521 (Salas) Bottled Water.** This bill requires each bottle of water sold in California to identify the source of the water on its label. Each water-vending machine, retail water facility, or private well source that sells water at retail would also be subject to this identification requirement. AB 1521 also requires sellers of bottled water, like public water systems, to submit an annual notification plan and consumer confidence report to DPH.

**AB 1664 (Strickland)** For purposes of allocating state bond funds available for the improvement or construction of a public water system (PWS) or a publicly owned treatment works (POTW), this bill requires the state to give preference to projects that would increase sewer or water rates by more than 100%.

**SB 395 (Cox) Groundwater Aquifers.** This spot bill states the intent of the Legislature to enact legislation to facilitate groundwater aquifer use to increase the reliability of Central Valley regional water supplies.

**SB 435 (Cogdill).** This spot bill declares the intent of the Legislature to enact legislation to facilitate cooperation between local governments and water districts to establish community walking and hiking trails on water district property and to limit the liability of a water district for injuries that may occur as a result of the granting of access to district property on trails that are established and maintained by a separate local governmental entity.

**SB 825 (Padilla) Water Conservation Policy.** This spot bill declares that it is the policy of the state to promote water conservation, water efficiency, and water recycling as the most cost-effective means of increasing water supply and protecting the environment.

**SB 862 (Kuehl) Water Resources Planning.** This bill is identical to last year's SB 1640 except that it excludes the groundwater monitoring requirements that the Governor previously found objectionable. According to a fact sheet developed by Senator Kuehl's office, SB 862 is designed to ensure that future water management plans are of high quality, developed in open and transparent processes, and based on accurate assessments of water use and groundwater conditions.

**SB 1001 (Perata) Regional Board Membership.** Under current law, each regional water board consists of 9 members appointed by the Governor. This bill revises this configuration by establishing regional boards of 5 members. Members would be selected on the basis of their demonstrated interest and proven ability in the field of water pollution control and understanding of local and regional water pollution issues.