



CALIFORNIA

Environmental Law AND Policy



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CALIFORNIA

Environmental Law AND Policy

A PRACTICAL GUIDE



Albert I. Herson

Gary A. Lucks

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Notice

This book is designed to assist you in understanding environmental law and policy. It is necessarily general in nature and does not discuss all exceptions and variations to general rules. Also, it may not reflect the latest changes in the law. It is not intended as legal advice and should not be relied on to address legal problems. You should always consult an attorney for advice regarding your specific factual situation.

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Dedication

Al Herson dedicates this book to his wife Laurie Warner Herson, who gave generous support and understanding, as always, during the writing. And to his wonderful daughters Allie and Michelle Herson; may they live on a sustainable planet.

Gary A. Lucks dedicates this book to his wife, Lisa Marie Gibson, for her patience and support as he endeavored to complete the project after the birth of their baby, Dylan Gibson Lucks.

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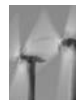
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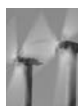
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Preface

Book Overview

The field of California environmental law is vast and ever-changing. Planners, project applicants, developers, landowners, regulatory agency staff, consultants, attorneys, environmental managers, interested citizens, and students need a survey of California environmental law written for a general, non-technical audience. This book was written to serve that need.

Guide to California Environmental Law is the only book that covers the entire field of California environmental, land use, and natural resources law in a concise, user-friendly format. Written in non-technical language, the book comprehensively surveys the most important California environmental statutes and regulatory programs, as well as relevant federal environmental statutes and regulatory programs. It highlights landmark court cases and current policy issues, and provides practical tips on getting through the regulatory process successfully.

Guide to California Environmental Law is completely up-to-date, incorporating changes to statutes and regulatory programs through 2007. To assist in more in-depth research, the book identifies sources of further information for each major program, as well as regulatory agency contacts and websites.

The legal citations in the book are selective, to promote readability. Because this book is intended for a generalist non-technical audience, procedural topics such as administrative appeals, litigation, enforcement, and remedies are addressed only briefly. Attorneys seeking more comprehensive legal citations and expanded coverage of specific topics should refer to other excellent publications identified in this book, including Solano Press titles, and the Matthew Bender treatise, *California Environmental Law and Land Use Practice*. This book is not intended to give legal advice, for which an attorney should be consulted.

Book Objectives, Scope, and Format

Objectives

The specific objectives of this book are to provide readers with:

- A comprehensive, user-friendly, concise review of California and related federal environmental law in non-technical language
- Focused information on what practicing planners, project applicants, attorneys, and other audiences need to know
- References to key publications and websites for further research

Scope

The book is divided into four major parts:

- **Part One** starts with an introduction (chapter 1), reviewing the basic framework of California environmental law. It then covers the broadest environmental programs, those related to environmental and land use planning. It includes chapters on the California Environmental Quality Act or CEQA (chapter 2), local land use planning (chapter 3), and state and regional land use controls (chapter 4).
- **Part Two** covers specific pollution control programs. It includes chapters on air quality (chapter 5), noise (chapter 6), hazardous materials and toxic substances (chapter 7), hazardous wastes (chapter 8), solid waste (chapter 9), water quality (chapter 10), and drinking water (chapter 11).
- **Part Three** covers programs regulating the state's natural resources. It includes chapters on agriculture (chapter 12), water resources (chapter 13), fish and wildlife (chapter 14), wetlands (chapter 15), forestry (chapter 16), and surface mining (chapter 17).
- **Part Four** presents two practical guides for environmental compliance. Chapter 18 is a permitting guide designed to help project applicants navigate the complexities of environmental, land use, and natural resource permitting in California. Chapter 19 is an environmental auditing guide designed to help facility managers plan environmental compliance audits.

Format

The book's chapters covering individual land use or environmental regulatory programs (chapters 2 through 17) follow a common internal organization:

- Identification of key laws and agencies
- Summaries of major regulatory programs
- A glossary of terms used in the chapter (major permits and approvals are indicated by an asterisk)
- Acronyms used in the chapter
- References to key publications and websites

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