

*Editors Note: This survey of proposed environmental legislation being considered by the Legislature in 2009 is authored by Jason Insdorf, JD MEM of Beyond Compliance LLC. Mr. Insdorf provides Beyond Compliance's clients with advice in the areas of sustainability, hazardous waste/materials, water quality, air quality and other Environmental Health and Safety regulatory requirements. He received his law degree from Pace Law School and Masters of Environmental Management from the Yale University School of Forestry and Environmental Studies. He was previously a law clerk for the United States Department of Justice Environmental Enforcement Section.*

Each year CEI does a survey of environmental bills that have been introduced into the legislature. In this issue we present the year 2009 proposed Assembly and Senate bills. AB refers to bills that originate in the Assembly and SB to those that originate in the Senate. The legislator or committee carrying the bill (the author) is included in parentheses.

This year is the first year of the two-year legislative session. The last date for the introduction of new bills this year was February 27. To be considered for the Governor's approval, all bills must pass out of their house of origin by June 5, and must pass both houses by the end of this year's session on September 11. Governor Schwarzenegger then has until October 11 to sign or veto any such bill. All bills ultimately signed into law by October 11 will go into effect on January 1, 2010, unless the bill is marked as "urgency" legislation in which case it goes into effect upon the Governor's signature. Some of the bills might be classified as "spot bills." These placeholder bills consist of little more than language indicating what subject area the author is intending to cover and are submitted to meet the February 27 deadline. Spot bills are fleshed

out by the author through post-introduction amendments.

We will issue our annual report in October on legislation that has been signed into law.

Bills are divided into categories according to subject matter (alphabetically). There is inevitably some overlap. For example some bills in the category "climate change" could arguably be placed in the air pollution or energy categories. In addition, some bills were grouped together by topic, where they discussed the same or similar subject matter.

Finally, we note that our description of each piece of legislation is, by necessity, brief. We suggest that our readers that are interested in a particular bill download a copy from the "Official California Legislative Information" Website at <http://www.leginfo.ca.gov/>.

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

**AB 28 (Jeffries) Natural Gas Engines.** This bill would prohibit local air districts from restricting natural gas powered engines used to operate water pumps by a city, county, or special district, including a water district.

**AB 397 (Jeffries) Election of board members (SCAQMD).** Currently, the 13 members of the South Coast Air Quality Management District (SCAQMD) governing board are a mix of appointees by state officials, and local officials chosen by local governments within the District. This bill would require the District to be divided into 13 divisions according to population with one Board member elected from each division by the residents of that division. The new Board would initially take office in December of 2012 after the first round of elections.

**AB 414 (Galgani) Carl Moyer** This bill would make changes to the Carl Moyer Program, which provides funding for eligible heavy duty fleet modernization projects. AB 414 would require the Air Resources Board (ARB) to include within the projects eligible for funding, a trade-down program that replaces older model vehicles used in commercial operations with newer model vehicles that reduce emissions of oxides of nitrogen (NOx) and particulate matter (PM).

**AB 435 (Pavley) Smog Check: Motorcycles.** This bill would require the Department of Consumer Affairs to include model year 2000 or newer motorcycles in its smog check program beginning January 1, 2012.

**AB 658 (Hayashi) Air Quality: Dry Cleaning.** This bill would increase the grants available for eligible dry cleaners to purchase an environmentally friendly dry cleaning system from ten thousand to twenty thousand dollars.

**AB 859 (Jones) Smog Check: Repair Assistance.** This bill would require the Department of Consumer Affairs to apply the smog check program to model year vehicles that are fifteen years old or older by January 1, 2010. Funds generated through additional inspection fees would be deposited into the High Polluter Repair or Removal Account. The bill would also increase the authorized contribution from the department for assisting eligible low income individuals with repairs under the program.

**AB 956 (Skinner) Pavement Coatings.** This spot bill states the Legislature's intent to enact legislation requiring the California Air Resources Board (ARB) to adopt regulations on pavement coatings in order to reduce smog production resulting from artificially increased temperatures.

**AB 1097 (Eng) Motor Vehicles: Fuel Efficiency.** This bill would require all state agencies, departments, officers, or other entities to purchase or lease motor vehicles with a fuel efficiency of at least thirty five miles per gallon.

**AB 1318 (Perez) Emission Reduction Credits: SQAQMD.** Currently, every local air district governing board is required to establish a system by which all reductions in the emission of air contaminants may be banked for future use as offsets. This bill would require the SCAQMD to transfer a certain quantity of banked emission reduction credits to an account for use by eligible electrical generating facilities.

**AB 1305 (Perez) Imported Electricity: Mitigation.** This bill would require, any person who imports electricity into the state from a generating facility located in Mexico within 100 kilometers of the California border to pay a specified mitigation fee. The bill only applies to imports from Mexican facilities that share an air basin with California, are constructed on or after January 1, 2010, and which do not utilize the level Best Available Control Technology (BACT) and offsets as required by California facilities.

**AB 1395 (Torrico) Public Disclosure.** This bill would require the ARB to make all proposed changes to draft regulations designed to reduce the emission of air pollutants available on its web site and to send the changes through list serves. The bill would also require that all ARB workshops meant to inform stakeholders of a regulatory development and implementation process be recorded and made available for public review.

**AB 1527 (Lieu) Motor Vehicle Emission Reduction Projects.** This bill would allow a motor vehicle emission reduction project to be funded from multiple programs, including Carl Moyer and the Goods Movement Emissions Reduction Program, provided the project meets the requirements of those programs.

**SB 124 (Oropeza) Idling at Schools.** The ARB currently enforces regulations that limit school bus idling. These regulations provide a civil penalty for any driver or motor carrier that does not comply. This bill would codify these regulations and make any violation subject to civil and administrative penalties with a minimum civil penalty of \$100 and criminal penalties for specified violations.

**SB 205 (Hancock) Traffic Congestion.** This bill would allow a countywide transportation planning agency to place a majority vote ballot measure before the voters of the county to authorize an increase in the fees on motor vehicle registration in the county by a maximum of ten dollars per vehicle to fund transportation related projects and programs.

**SB 225 (Flores) Emission Reduction Credits.** Currently, local air districts fund air pollution emission reduction projects using funds generated by a surcharge on motor vehicle registration. These projects cannot be used to generate emission reduction credits under any state or federal emissions averaging, banking or trading program or to offset an emission reduction obligation of a person or entity. This bill would allow such projects funded by public and private money to be used for credit under certain conditions.

**SB 382 (Flores) Agricultural Burning**

This bill would make an agricultural permit granted to a person to burn agricultural waste within the San Joaquin Valley Unified APCD invalid for any day during which a program prohibiting the operation of a wood burning fireplace, heater, or device has been put in effect by the San Joaquin Valley Unified APCD.

**SB 400 (Corbett) Green Vehicles**

This bill would redefine "advanced transportation technologies" in the California Alternative Energy and Advanced Transportation Financing Authority program to include "California Green Vehicles". This change would allow California Green

Vehicle related industries access to the alternative methods of financing that are available for providing and promoting the establishment of facilities needed to commercialize certain transportation technologies. The bill would also include among the list of projects that are available for funding through the Alternative and Renewable Fuel and Vehicle Technology Program those that involve the manufacture of vehicle technologies that provide better fuel efficiency and lower Greenhouse Gas (GHG) emissions.

**SB 462 (Strickland) and SB 464 (Strickland) Tax Breaks: Diesel Reduction** These bills would income and corporate tax payers to take credits for certain diesel reduction activities. SB 462 would allow manufacturers of "verified diesel emission control strategies" to claim a credit against their "net tax" not to exceed ten thousand dollars between taxable years January 1, 2009 and December 1, 2019. SB 464 would allow a credit of five percent of the amount paid or incurred for taxable years 2009 through 2019 for qualified property that is used by an eligible taxpayer to meet the ARB's established diesel particulate matter reduction requirements.

**SB 554 (Hollingsworth) Residential Wood Burning.** This bill would prohibit any local air district from adopting a rule or regulation that restricts or prohibits the installation or operation of any wood-burning device in a new or existing residential structure.

**SB 626 (Kehoe) Plug in Hybrid/Electrical Infrastructure**

This bill would require the Public Utilities Commission (PUC), in consultation with other entities, to evaluate and implement policies to develop infrastructure sufficient to overcome barriers to the widespread deployment and use of plug-in hybrid and electrical vehicles.

**SB 632 (Lowenthal) Port Congestion Relief.** This bill would require, beginning January 1, 2010, the Ports of Long Beach, Los Angeles, and Oakland to assess their infrastruc-

ture and air quality improvement needs including, but not limited to, projects that improve the efficiency of the movement of cargo and the replacement of equipment that move such cargo, and report those needs to the Legislature along with proposals to fund them.

**SB 696 (Wright) Emission Reduction Credits.** This spot bill states the Legislature's intent to enact legislation to ensure that there are sufficient real, surplus, enforceable, quantifiable, and permanent emission reduction credits available to allow the SCAQMD to permit new clean efficient power plants.

**SB 728 (Lowenthal) Parking Cash Out.** This bill would authorize the ARB, cities, counties, and air districts to impose penalties and other compliance mechanisms for violating a "Parking cash-out program." This is an employer-funded program under which an eligible employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**AB 55 (Jeffries) Water Supply Planning.** Currently a water supply assessment (WSA) is required for any "project" subject to the California Environmental Quality Act (CEQA). A "project" is defined as, among other things, a proposed residential development of more than 500 dwelling units or various other developments e.g. hotels, shopping centers that would demand an amount of water equivalent to, or greater than, that of a 500 dwelling unit project. This bill would set criteria for those other developments, such as square footage for a shopping center or number of rooms for a hotel or motel. Those "projects" not meeting the criteria would not be considered a "project" that requires a WSA.

**AB 499 (Hill) Parties to CEQA Lawsuit.** This bill would require that a petitioner or plaintiff in an action or proceeding challenging

the approval by a public agency of a project name the party receiving the approval as a real party in interest in the litigation.. The bill would also require a lead agency to name the recipient of the agency's approval in its notice of approval or determination.

**AB 696 (Hagman) CEQA arbitration.** This bill would allow an applicant for a project subject to CEQA at the time of application to choose to resolve any disputes with the lead agency over an environmental impact report (EIR) before an arbitrator instead of in a court of law.

**AB 1204 (Huber) CEQA: Sustainable Community Strategy.** Currently a residential or mixed use project that is consistent with certain criteria and policies contained in a sustainable community or alternative planning strategy and that will achieve Greenhouse Gas (GHG) targets and incorporate mitigation measures is exempt from referencing, describing, or discussing certain potential impacts in the project's CEQA document. This bill deletes the residential and mixed use qualifier for the exemption, thereby making all CEQA projects complying with the specified criteria eligible for the exemption.

**SB 476 (Correa) CEQA: Non-compliance Allegations: Public Comment.** Currently, a person is prohibited from bringing an action or proceeding alleging noncompliance with CEQA unless the basis for the noncompliance was presented to the lead agency orally or in writing during the statutorily required public comment period. This bill allows a person to bring an action or proceeding, subject to certain limitations, alleging grounds not raised during the public comment period if the person can show that the alleged grounds for noncompliance relate to matters that were not known and could not have been known with reasonable diligence at the time the CEQA document (negative declaration etc.) was made available for public review. This bill would also prohibit a lead agency from addressing comments

submitted after the public review period, unless the person is alleging noncompliance with CEQA and can show that the subject matter of the comments could not have been known with reasonable diligence at the time of the public review period. The bill would also require a lead agency when evaluating cumulative effects in an EIR, to consider only the information available at the time of the publishing of the notice of preparation.

**SB 605 (Ashburn) Biogas Pipeline Exemptions.** This bill would exempt from CEQA, a project of less than eight miles in length within a public street or highway or another public-right-of-way for the installation of a new pipeline, or the, repair, relocation, replacement, removal, or demolition of an existing pipeline used to transport biogas.

## **CLIMATE CHANGE**

**AB 19 (Ruskin) Product Labeling.** This bill would enact the "Carbon Labeling Act of 2009." The Act would require the ARB to develop and implement a program for the voluntary assessment, verification, and labeling of the carbon footprint of consumer products sold in California. Manufacturers choosing to participate would be allowed to include standardized information on the product, packaging, and advertising.

**AB 177 (Price) Equity in GHG Reduction Efforts.** This spot bill states the intent of the Legislature to enact legislation to ensure greater equity and inclusion of Californians in the future of developing and implementing policies to reduce greenhouse gas (GHG) emission in the state.

## **AB 231 (Huffman) Climate Protection Trust Fund**

AB 32 authorizes the ARB to adopt a fee schedule to be paid by regulated sources of GHG emissions. The Act requires the revenue generated to be deposited into the Air Pollution Control Fund for the purpose of carrying out the Act. This bill would amend existing law to require that

all revenue generated, including from fines and penalties, be instead deposited into a "Climate Protection Trust Fund" that the bill would create.

**AB 376 (Nava), AB 1404 (De Leon) and SB 722 (Steinberg) Consumer Protection: GHG offsets and Credits.** These three bills are designed to provide protections for consumers of voluntary carbon reduction products, such as credits and offsets. AB 376 is a spot bill stating the intent of the Legislature to enact legislation to provide protections for purchasers of offsets, including both businesses and individuals, and to help ensure that their participation brings about the desired environmental benefit. AB 1404 would require the ARB, if it chooses to allow the use of market-based compliance mechanisms, to create an entity to independently verify the integrity and permanency of GHG offsets. The bill would also require providers and users of offsets to pay a fee to fund the entity's activities. SB 722 would enact measures to ensure that the benefits to the environment through the sale of legitimate GHG reduction credits, offsets or similar products are realized. It would prohibit a person from representing in an advertisement or other promotional materials the sale of a GHG reduction product unless it meets certain criteria.

**AB 478 (Chesbro) Solid Waste: GHG.** This bill would require the ARB to consult the California Integrated Waste Management Board (IWMB), in addition to the PUC, with regards to the development of regulations to meet AB 32 emission reductions targets. The bill would require the ARB to consult with the IWMB on reducing GHG gases from solid waste reduction and recycling.

**AB 782 (Jeffries) Sustainable Communities.** SB 375, adopted last year, requires metropolitan planning organizations (MPOs) to adopt a sustainable communities strategy designed to achieve greenhouse gas emission reduction targets for automobiles and light trucks. If

the sustainable communities strategy cannot by design achieve such targets, the MPO must develop an alternative planning strategy to achieve the targets through other measures and policies. This bill would prevent any person or entity from challenging in a judicial proceeding the propriety of an ARB decision to approve a particular sustainable communities strategy. This bill would also add commercial builders and other business entities to the Regional Targets Advisory Committee.

**AB 1091 (Ruskin) Climate Change Predictions.** This bill would require the Natural Resources Agency to incorporate climate change predictions into all relevant planning processes.

**AB 1212 (Ruskin) Clean Vehicle Incentive Program.** This bill would allow the ARB to adopt and implement a clean vehicle incentive or feebate program consisting of one-time rebates for low GHG emitting vehicles funded by one-time surcharges on the sale of high GHG emitting new passenger motor vehicles.

**AB 1373 (Skinner) GWP: Refrigerants.** This bill is designed to reduce high global warming potential (GWP) gases. To this end, AB 1373 would enact the "California Refrigeration and Air-Conditioning Improvement Act of 2009" that requires the Energy Commission to phase out the use of high-GWP compounds in the commercial refrigeration and air-conditioning industry.

**AB 1405 (De Leon) Community Benefits Fund**

This bill would establish a "Community Benefits Fund" to collect an unspecified amount of revenue generated from fees paid by companies subject to AB 32. The bill would require the funds to be used to accelerate GHG emissions reductions and mitigate the direct health impacts from climate change in the most impacted and disadvantaged communities in California.

**AB 1452 (Skinner) Cement.** This

spot bill states the Legislature's intent to enact legislation requiring the ARB to promulgate procurement standards for cement in order to reduce GHG emissions and particulate matter resulting from its production and transport.

**AB 1504 (Skinner) and SB 144 (Pavley) Forest Carbon Sequestration** These two bills are intended to encourage the sequestration of carbon through encouraging the preservation of existing forest lands. AB 1504 would amend the state's Forest Practices Act to recognize the public's need for sequestration of CO<sub>2</sub>, and would require that sustained yield plans and timber harvest plans include provisions to mitigate against the release of CO<sub>2</sub>. SB 144 would require the Department of Forestry and Fire Protection to impose a fee on an application for conversion of timberlands to other uses. The proceeds of the fee would be used to fund the development of options by the Department to encourage the management of forestlands for sequestration purposes. The bill would also authorize the Department to acquire conservation easements to preserve forests.

**SB 31 (Pavley) AB 32 Revenue Allocations.** This bill would require the revenue generated from AB 32 market based compliance mechanisms to be deposited into the Air Pollution Control Fund. It would also authorize the use of these revenues, upon appropriation by the Legislature, to fund a number of programs aimed at reducing GHG emissions.

**SB 104 (Oropeza) Designation of GHGs.** This bill would amend AB 32 to include among the list of designated GHGs, nitrogen trifluoride and any other anthropogenic gas one metric ton of which leads to the same or greater contribution to global warming as one metric ton of carbon dioxide (CO<sub>2</sub>). The bill would also include a procedure by which any person could petition the ARB for a gas to be added among the list. Furthermore, SB 104 would require the ARB to adopt emission limits and emission reduction measures

for each designated GHG.

**SB 128 (Padilla) Climate Change Institute.** This spot bill states the intent of the Legislature to enact legislation to create the California Climate Change Institute to help prepare California for the challenges of mandatory GHG regulation and a new low-carbon economy.

**SB 295 (Dutton) AB 32 Regulations Delay.** This urgency measure would prohibit the ARB from starting work on the regulations adopting the GHG emission reduction measures pursuant to AB 32 until June 1, 2009 at the earliest, and after the ARB has completed an additional peer-reviewed study of the costs, savings, and impacts of the regulations. The bill would also prohibit the implementation of these regulations until the unemployment rate in the state is below 5.8% for three consecutive months.

**SB 333 (Hancock) Voluntary GHG Emission Offset Program Fund.** This bill would require the ARB to develop strategies for the sale of voluntary GHG emission offsets by the state. Proceeds generated from the voluntary purchase of these offsets by businesses, industries, and the public would be deposited in a "Voluntary Greenhouse Gas Emission Offset Program Fund." Upon appropriation by the Legislature, moneys in the fund would be expended by the ARB board for a variety of projects designed to mitigate climate change impacts.

**SB 721 (Steinberg) Climate Action Team.** This bill would establish a Climate Action Team (CAT) to coordinate the state's overall climate policy. The Team would be comprised of representatives of specified state agencies and would be required to annually submit to the Legislature information that prioritizes and identifies key expenditure categories related to climate change.

## ENDANGERED SPECIES AND WILDLIFE

**AB 1442 (Committee on Water,**

### **Parks and Wildlife) Oil Spills: Wildlife Rehab.**

This bill would amend the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act that require a "responsible party" to submit a wildlife rehabilitation plan in the event of an oil spill. AB 1442 would require not only the submission of the plan but also its implementation. The bill would also amend existing law to include aquaculture animals and products, plants, or amphibians among the list of resources that the Department of Fish and Game must seize should they be unlawfully taken, possessed, sold, imported or transported.

**SB 281 (Runner) Endangered Species: Incidental Take.** Current law allows the taking of a species listed under the California Endangered Species Act (CESA) if the taking is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated. This bill would require a showing of species impact avoidance, minimization, and mitigation, for any incidental take permit issued after January 1, 2008 for a renewable energy project in the Mojave or Colorado desert region.

## ENERGY

**AB 3 (Perez) Green Jobs.** This bill would require the Public Utilities Commission (PUC), in consultation with appropriate state agencies, to establish a "Renewable Energy Workforce Readiness Program" to ensure green collar jobs within California's various renewable energy sectors. The Program will award grants to governmental, educational, and nonprofit groups that can successfully operate renewable energy worker training and education programs targeted to certain disadvantaged populations.

**AB 45 (Blakeslee) Small Wind Energy Systems.** This spot bill states the Legislature's intent to encourage local agencies to support the state's ambitious renewable energy procurement requirements contained in the California Renewable Portfolio Standard (RPS) Program by de-

veloping and adopting ordinances that facilitate the installation of small wind energy systems.

### **AB 64 (Krekorian) & SB 14 (Simitian) RPS Goals**

The Renewable Portfolio Standard (RPS) requires all retail energy sellers to procure 20% of their energy from renewable sources by 2010. These two bills would establish a more ambitious RPS. AB 64 calls for a 25% RPS by 2016, a 35% RPS by 2020, and would establish a goal of a 50% RPS by 2035. SB 14 raises the RPS to require 33% renewable energy procurement by 2020. SB 14 also changes the manner in which renewable contracts are evaluated for reasonableness in price and sets out a transparent process for publicly owned utilities to determine and report on renewable goals.

**AB 380 (De La Torre) Solar Jobs.** This bill would require the Secretary of Labor and Workforce Development, in collaboration with stakeholders, to create the "California Clean Energy Curriculum and Training Initiative of 2009" by July 1, 2010. The initiative would be designed to establish a standardized curriculum for use at schools and provide outreach, assistance, and guidance on creating clean energy training programs. The bill provides funding for the initiative through a marked subaccount within the Labor and Workforce Development Fund.

**AB 546 (Knight), AB 1028 (Blumenfield), AB 1029 (Blumenfield), AB 922 (Miller), and AB 150 (Smyth) Tax Exemptions and Credits: Renewable Energy and Energy Efficiency.** These bills provide tax exemptions and credits, subject to limitations, for certain renewable energy technologies. AB 546 would exempt from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption, of personal property purchased for use primarily in the manufacture of solar photovoltaic panels. AB 1028 would provide a sales and use tax exemption for the gross receipts from the sale and

storage, use, or other consumption in California of qualified renewable energy systems. AB 1029 would allow an income and corporate tax credit in an amount equal to an undetermined percentage of the tax paid by a taxpayer in connection with the manufacture of qualified solar energy materials. AB 922 would provide an exemption from the diesel fuel tax between July 1, 2009 and June 30, 2014 for biomass-based diesel fuel produced in California with "California feedstock." AB 150 would create an exemption for the gross receipts from the sale, storage, use, or other consumption of energy efficiency products in California from certain sales and use taxes.

**AB 531 (Saldana) Energy Disclosure.** This bill would expand the circumstances under which an electric or gas utility can disclose a utility's customer's personal information without their written consent. AB 531 would exempt an electric or gas utility from disclosure prohibitions where a utility customer's personal information is included in the energy consumption data submitted to the Environmental Protection Agency's (EPA) Energy Star Portfolio Manager. The bill does not alter the current requirement that the submission be made in a manner that maintains the confidentiality of the customer.

**AB 915 (Logue) RPS Change.** This bill would amend the California Renewable Portfolio Standard (RPS) Program to require by no later than December 31, 2010, each retail seller of electricity to increase its total procurement of electricity generated by eligible renewable energy resources by at least an additional one percent of net program retail sales rather than total retail sales of electricity per year. Net program retail sales are total retail sales of electricity, minus those retail sales where the load was met by non-eligible hydroelectric generation.

**AB 920 (Huffman), SB 7 (Wiggins), and SB 366 (Aanestad) Net Metering and Solar Power** These bills change how net energy metering is implemented in

California. Net energy metering allows a customer-generator to net the energy produced by its eligible renewable energy generator against the energy received from its electric service provider AB 920 would require electric utilities to provide customers that produce net surplus electricity either compensation for any net surplus electricity generated in a 12 month period or allow the eligible customer-generator to apply the net surplus electricity as a credit for kilowatt hours subsequently supplied by the electric utility. SB 7 would allow electricity generators the choice of being financially compensated or applying the net surplus electricity as a credit for future consumption. SB 366 would add biomass and hybrid solar-wind systems to the list of eligible renewable energy sources that are eligible for net energy metering.

**AB 1106 (Fuentes) and SB 523 (Pavley) Feed in Tariffs.** AB 1106 and SB 523 would require utilities to file a standard feed-in tariff for the electricity generated by a renewable electric generation facility and to make it available to customers that own and operate an eligible renewable electrical generation facility. The tariff would provide for payment for every kilowatt hour of electricity generated at a renewable electric generation facility.

**AB 1350 (Blakeslee) Sustainable Biofuel: Voluntary Certification.** This bill would create the "Alternative and Renewable Fuel and Vehicle Technology Fund" to encourage the development of biofuels that can help mitigate climate change, improve energy security, offset rising oil prices, and stimulate rural economies. The bill would also establish a voluntary certification program to set environmental performance standards for a qualifying sustainable biofuel.

**AB 1351 (Blakeslee) RPS Eligibility.** This bill would change the definition of those types of energy generation that qualify for the RPS program.

**AB 1551 (Committee on Utilities and Commerce) Alternative En-**

## **ergy Financing**

Currently the California Alternative Energy and Advanced Transportation Financing Authority is authorized to purchase or make loans for project proponents to purchase "alternative source" energy or projects. This bill would change the definition of "alternative sources" by deleting the requirement that the source be intended primarily to offset part or all of a customer's own electrical requirements.

### **SB 17 (Padilla) Smart Grid**

This bill seeks to facilitate the development of a smart grid system in California that will improve the overall efficiency, reliability, and cost effectiveness of the electrical system. The bill would require electrical corporations to submit a "smart grid deployment plan" to the PUC for approval. Once the plan is approved, SB 17 would authorize corporations to recover the reasonable costs from ratepayers of incrementally deploying smart grid technologies. The bill would also authorize a plan to provide for the deployment of smart grid technologies from entities other than electric corporations.

**SB 32 (McLeod) Renewable Electric Generation.** This bill is designed to help utilities meet their RPS goals and would require local publicly owned electric utilities to adopt a tariff allowing customers of electric utilities that operate eligible renewable energy source projects of less than three megawatts to sell electricity to the utility. Every kilowatt hour of electricity purchased would count toward meeting the local publicly owned electric utility's RPS procurement targets.

**SB 376 (Simitian) Natural Gas/** This bill would establish the "Liquefied Natural Gas Market Assessment Act" designed to study the market for liquefied natural gas (LNG) while considering the potential public health, safety, and environmental impacts. The Act would require the California Energy Commission (CEC), in consultation with a number of entities, to submit

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to the Legislature and Governor a LNG Market Assessment studying the need for LNG imports to meet California's energy demand at reasonable prices.

**SB 488 (Pavley) Energy Efficiency.** This bill would require the California Energy Commission (CEC) to establish, by no later than July 1, 2010, an ongoing procedure to develop an energy efficiency financing program that would allow residential, commercial, industrial, and municipal "participants" to finance energy efficiency improvements.

**SB 655 (Padilla) Independent System Operator**

The Independent System Operator is a nonprofit public benefit corporation that is charged with ensuring efficient use and reliable operation of the state's electricity transmission grid. This bill would require the Operator to support and assist in implementing the RPS Program and GHG reduction laws and regulations.

**SB 806 (Wiggins) Energy Efficiency.** Currently, the PUC supervises a number of energy efficiency programs administered by electrical corporations. This bill seeks to protect the utility ratepayer by prohibiting more than five percent of the funds collected to support these programs from being used for administrative costs.

**SB 805 (Wright) Energy: Procurement.** Currently the PUC is required to review and adopt a procurement plan for each electrical corporation that shows how the corporation will meet the RPS program. The plan must include an assessment of annual or multiyear portfolio supplies and demand to determine the optimal mix of eligible renewable energy resources. This bill would require that the assessment additionally consider the electrical corporation's optimal portfolio to reach the state's goals for reducing emissions of GHGs. The bill would also require electrical corporations to give priority to renewable energy

projects that provide environmental and economic benefits to disadvantaged communities when soliciting and procuring renewable energy resources for California-based projects.

**ENFORCEMENT**

**AB 1496 (Skinner) Supplemental Environmental Projects.** This spot bill would declare the Legislature's intent to enact legislation requiring California EPA to ensure that a supplemental environmental project (SEP) is implemented in the community that suffered the environmental or public health consequences of the matter that triggered the SEP requirement.

**GREEN BUILDING**

**AB 210 (Hayashi) Green Building.** Currently a city or county can make changes or modifications in the requirements contained in the provisions of the California Building Standards Code and other specified regulations. This bill would explicitly authorize cities or counties to change or modify green building standards, even where they would be more restrictive than existing law.

**AB 1234 (Skinner) Smart Buildings.** This spot bill states the legislature's intent to enact legislation relating to smart buildings and the promotion of energy savings and management. It is designed to complement existing law, which requires the Strategic Growth Council to coordinate programs related to natural resource protection, sustainability, AB 32 targets, and more.

**AB 433 (Ammiano) Building Standards-Ventilation Systems.** This bill would require, among other things, that the California Building Standards Commission adopt or approve a building standard that requires new residential buildings with ten or more dwelling units located near roadways or in areas with a specified concentration of air pollution to be equipped with ventilation systems that will remove greater than eighty percent of ambient particulate matter from the habitable areas of the unit.

**AB 828 (Lieu) Green Building Standards.** This bill would allow any state agency to propose to the Building Standards Commission green building standards within their area of expertise, provided the proposed standards do not conflict with other laws and regulations. The bill would require standards developed and adopted to be inserted into the California Building Code. AB 828 also would require the CEC to develop, adopt, and submit to the Building Standards Commission voluntary energy efficiency or water efficiency standards.

**AB 212 (Saldana) Zero Net Energy Buildings.** This bill would require that the CEC adopt building and conservation standards for building design, construction, energy and water so that, after January 1, 2020, or when the commission determines the cost effectiveness of using photovoltaic technology, that all new residential construction is required to be zero net energy.

**HAZARDOUS MATERIALS**

**AB 147 (Saldana) Electronic Devices.** California law prohibits the sale of "electronic devices" containing certain heavy metals that are also prohibited for sale in the European Union (EU). To determine whether a product is prohibited, the DTSC has to conduct product-by-product testing to determine the hazardous materials content, if any, of a consumer item sold in the state. This bill would, among other things, require manufacturers of an electronic device to prepare technical documentation and other information demonstrating that its product is not prohibited, and upon request, to submit such information to the DTSC. The bill would also require the DTSC to treat any "trade secret" information as confidential.

**AB 256 (Berryhill) Business Plan Agricultural Exemption.** Currently businesses that handle designated hazardous material must establish and implement a hazardous materials business plan (HMBP) for emergency response to a release or threatened release. This bill would

amend current law to exempt an agricultural or horticultural farm from establishing an HMBP if its only hazardous materials onsite are small amounts of oils or fertilizers, or small amounts of other hazardous materials maintained onsite for less than 10 days.

**AB 738 (Committee on Environmental Safety and Toxic Materials) Hazardous Materials: Brownfield Cleanup.** This bill would authorize the Department of Toxic Substance Control (DTSC) to administer and implement a loan or grant program consistent with federal regulations implementing the federal Small Business Liability Relief and Brownfields Revitalization Act of 2001.

**AB 935 (Feuer) Nanomaterials.** This spot bill states the Legislature's intent to enact legislation to address emerging toxicity issues related to the increasingly widespread use of engineered nanomaterials. The Legislation would call for the use of best practices and consumer notification.

**AB 1078 (Feuer) Toxics in Consumer Products.** This bill would indefinitely extend the exclusion of mercury-containing lights from the definition of "consumer product" as it pertains to information required to be submitted in the Toxics Information Clearinghouse.

**AB 1188 (Ruskin) Hazardous Materials: Penalties.** This bill would establish a "Pollution Prevention Technology Assistance Grant Fund" to receive some money generated from administrative penalties assessed by the DTSC or a unified program agency. DTSC would be authorized to use the money for grants to assist small businesses in purchasing pollution prevention equipment.

**SB 22 (Simitian) Toxics Information Clearinghouse.** This bill would expand the role of the Office of Environmental Health Hazard Assessment in how it evaluates the chemical data to be included in the statutory mandated Toxics Information Clearinghouse. SB 22 would

authorize the Office to recommend procedures for expediting the review and identification of hazard traits, including pending and proposed actions by other states, the federal government, and other nations to limit hazardous materials in products.

**SB 143 (Cedillo) Innocent Landowner Defense.** The California Land Use and Revitalization Act allows for the immunity from liability under certain state laws for innocent landowners, bona fide purchasers, or contiguous property owners that would otherwise be liable for a release. The Act is set to sunset on January 1, 2010. This bill would continue the Act indefinitely by removing the repeal date.

**SB 346 (Kehoe) Brake Pads.** This bill is designed to limit the harmful constituents, such as copper, that are released to the environment by motor vehicle brake pads. This bill would place increasingly more stringent limits on metals contained in brake pads beginning in 2014 and culminating in 2032.

**SB 443 (Pavley) Chemicals of Concern.** Legislation adopted last year (AB 1879) requires DTSC identify "chemicals of concern" in consumer products. This bill would amend the definition of "consumer product" to include cleaning products used in food facilities.

**SB 723 (DeSaulnier) Electronic Waste Recovery.** This bill would require that the Integrated Waste Management Board establish an electronic waste recovery payment schedule every year rather than every two years to cover the net cost of for authorized collectors to operate a system for collecting, consolidating, and transporting covered electronic wastes.

**SB 757 (Pavley) Lead Wheel Weights** This bill would prohibit the wholesale or retail sale in California of any wheel weight that contains more than .1 percent lead by weight.

**SB 797 (Pavley) Bisphenol A.** This bill would enact the "Toxin-Free Toddlers and Babies Act," which

would prohibit the sale, manufacture, or distribution in commerce of any food, or beverage in a can or jar (intended for consumption by infants or children three years of age or younger) that contains bisphenol A at a level above .1 parts per billion (ppb).

## HAZARDOUS WASTE

**AB 536 (Arambula) Financial Assurances.** Currently, the owner or operator of a hazardous waste facility requiring a permit under the federal Resource Conservation and Recovery Act (RCRA) subtitle C regulations, must post financial assurance to cover the cost of damage claims, closure and potential subsequent maintenance of the facility. This bill would add a "financial test" to the eligible types of financial assurances and provides a means for a local government owner of a hazardous waste facility to use any eligible financial assurance, including the financial test. The bill would not define a "financial test."

**AB 1131 (Feuer) Source Reduction.** This bill would increase from two to three the minimum number of industry generator categories by SIC Code that the DTSC is required to select every two years for promoting the implementation of model source reduction measures.

**AB 1147 (Arambula) Medical Waste.** This bill would allow the Department of Public Health to grant a treatment facility or large generator a variance to the waste management treatment, containment, and storage requirements contained in the Medical Waste Management Act if the department determines that the variance provides at least the same level of public health protection as provided under the Act.

**SB 26 (Simitian) Home Generated Pharmaceutical Waste.** This bill would require the California State Board of Pharmacy to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to properly manage pharmaceutical wastes and their disposal. The bill

would also allow pharmacies to accept the return of properly stored home-generated sharps waste and would allow for the establishment of home-generated pharmaceutical waste consolidation points.

**SB 231 (Lowenthal) Hazardous Waste Generator Fees.** This bill would increase the base fee rate that is used to calculate how much a generator of hazardous waste is required to pay the State Board of Equalization for each generator site from \$2,748 to \$3,815 for the 2008 calendar year.

**SB 466 (Oropeza) Hazardous Waste: Transportation.** This bill would increase the maximum weight and volume for shipments of hazardous waste and wastewater collected from a remote site and transported to a consolidation site that would be eligible for exemption from specified manifest and transporter registration requirements

**SB 546 (Lowenthal) Used Oil.** This bill would require that used oil, subject to exception, be tested and analyzed by a laboratory before being shipped to a transfer facility, recycling facility, or facility located out of state to ensure that it meets certain characteristics. The bill would also revise the definitions of “used oil hauler” and “used oil recycling facility” in the California Oil Recycling Enhancement Act to meet changes to certain used oil recycling facility certification requirements that would be mandated by this bill.

## PESTICIDES

**AB 622 (Swanson) Pesticide Aerial Spraying.** This bill would establish an aerial pesticide application safety zone around residential areas and other known sensitive sites, where the pesticide to be used contains any active or inert ingredient that is known or suspected to be a carcinogen, a mutagen, or an endocrine disruptor.

**AB 21 (Bonnie Lowenthal) Methyl Bromide.** This bill states the Legislature’s recognition of the potential threat to public health

and the environment from the use of methyl bromide to clean or fumigate cargo shipping containers. The bill as amended would require the Department of Pesticide Regulation to conduct a review of available technologies to reduce methyl bromide emissions.

**AB 835 (Monning) Pesticides: VOCs.** This bill would require the ARB by July 1, 2010, and annually thereafter, to update, in a public hearing, the commercial structural and agricultural use pesticide volatile organic compound (VOC) emissions inventory with the most currently available emissions data. The bill would also require the ARB, in consultation with the Department of Pesticide regulation, to disclose active and inert pesticide ingredients of all pesticide products registered for use in California.

## RESOURCES

**AB 13 (Salas), SB 12 (Simitian), SB 229 (Pavley), and SB 808 (Wolk) Protection of The Delta.** These bills are designed to protect the Sacramento-San Joaquin Delta. AB 13 would establish the Sacramento-San Joaquin Conservancy with certain powers, duties, and limitations to oversee a comprehensive delta sustainability program for the Delta and Suisin Marsh. SB 12 would enact the “Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009.” This Act seeks to facilitate the establishment of a comprehensive program for the sustainable management of the Delta ecosystem and a governance structure that will coordinate efforts across state agencies to develop a legally enforceable California Delta Ecosystem and Water Plan. SB 229 would substantially revise the membership and function of the 9-member California Water Commission in the Department of Water Resources, including giving it primary authority to implement and oversee the implementation of the Bay-Delta Interim Governance Act of 2009. SB 808 would enact the Sacramento-San Joaquin Delta Protection Act of 2009 to protect

beneficial uses of water in the Sacramento-San Joaquin Delta. The Act would require the SWRCB to implement its Strategic WorkPlan in a manner that takes into account the public trust and other resource considerations, such as the effects of climate change.

**SB 42 (Corbett) Once-Through Cooling.** This bill would prohibit a state agency from authorizing, any new power plant or industrial facility using once-through cooling, or the expansion of an existing ocean intake of such a power plant. Existing power plants would have to stop using such systems as of January 1, 2015.

**SB 51 (Ducheny) Salton Sea Restoration.** This bill would establish the Salton Sea Restoration Council to implement preferred alternatives set out in the Salton Sea Ecosystem Restoration Program Preferred Alternative and carry out other activities to improve the Salton Sea.

## SOLID WASTE AND RECYCLING

**AB 68 (Brownley), AB 87 (Davis) and SB 531 (DeSaulnier) Carry-Out Bags.** These bills seek to reduce the litter caused by single-use carry out bags. AB 68 would require stores that are currently required to provide customers recycling for single-use carry out bags to additionally collect a fee from the customer of \$.25 per single-use carryout bag distributed at the time of sale. AB 87 would prohibit, with exception, a store after July 1, 2010 from providing a single-use carryout bag, including a green carry out bag, to a customer at the point of sale, unless the store charges the customer at least twenty-five cents per bag. SB 531 would enact the “Single-Use Carryout Bag Responsibility Act” requiring suppliers of plastic or paper single-use carryout bags to remit a Single-Use Carryout Bag Responsibility Fee of \$.001 for each paper or plastic single-use carryout bag supplied to a store.

**AB 274 (Portantino) Solid Waste: Landfills: Closure Plan.** This bill would prohibit the owner or operator of a closed solid waste landfill

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subject to a closure or post-closure maintenance plan from selling or offering for sale any portion of a closed waste management unit before proving the ability to meet financial assurance requirements.

**AB 283 (Chesbro) End-of-life Product Management.** This bill would create the California Product Stewardship Act of 2010 to deal with end-of-life product disposal issues. This Act directs the CIWMB to develop, implement, and administer an "Extended Producer Responsibility Framework." This framework is designed to comprehensively reduce end-of-life environmental impacts of products and requires that producers share in the responsibility for the stewardship of their products.

**AB 473 (Blumenfeld) Solid Waste: Multifamily Dwellings.** This bill would require the owner of a "multifamily dwelling" after July 1, 2010 to arrange for recycling services that are appropriate for the dwelling and consistent with existing state and local laws and local ordinances or agreements.

**AB 479 (Chesbro) Solid Waste: Diversion.** This bill would state the Legislature's intent to encourage the development of additional solid waste processing and composting capacity to meet state objectives for decreasing solid waste disposal. This bill would also require a jurisdiction's implementation schedule for its source reduction and recycling element to contain a provision requiring it to divert 60 percent of all solid waste after January 1, 2015, through source reduction, recycling, and composting activities.

**AB 903 (Chesbro) Electronic Waste Disposal.** This bill requires state agencies to add to the solid waste reduction annual report that they must submit to the CIWMB, calculations of annual disposal reduction of electronic waste and changes in electronic waste generated or disposed of due to certain factors.

**AB 907 (Chesbro) Re-refined Oil.** Currently, The every oil manufacturer is required to pay to the

CIWMB \$.04 for every quart, or \$.16 for every gallon, of lubricating oil sold or transferred in the state, or imported into the state for use in the state. This bill would allow the Board to develop a program of incentives to manufacturers of re-refined oil.

**AB 925 (Saldana) Recycling: Beverage Caps.** This bill is designed to reduce single use beverage caps, which contribute to the problem of marine debris. AB 925 would prohibit after January 1, 2012, a retailer from selling or offering for sale a single-use beverage container with a cap that is not affixed to, or part of, the beverage container, and a single-use beverage container with a cap, unless the cap is made of recyclable material.

**AB 1150 (Gaines) and SB 44 (Denham) CIWMB Abolishment.** These bills would abolish the California Integrated Waste Management Board and transfer its duties, powers, purposes, responsibilities and jurisdiction to the Department of Conservation.

**AB 1173 (Huffman) Recycling: Lamps.** This bill would prohibit the distribution of any monies generated from energy efficient investment funds or other funds generated from usage charges on electricity, to a manufacturer or distributor of compact fluorescent lamps, unless the lamps meet certain specifications, and the entity has implemented measures to encourage the recycling of those lamps.

**AB 1280 (Adams) Recycling Electronic Waste.** This bill would expand the list of appliances that are exempted from the definition of a "covered electronic device" under the Electronic Waste Recycling Act of 2003 to include a freezer, induction cooktop or range, beverage maker, and food steamer.

**AB 1343 (Huffman) Architectural Paint.** This bill would establish the "Architectural Paint Recovery Program" to require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint in

order to reduce the costs and environmental impacts of the disposal of such paint.

**AB 1358 (Hill) Disposable Food Containers.** This bill would prohibit a restaurant, or food vendor from dispensing prepared foods in various disposable or non-recyclable plastic or paper food containers. The bill would also require state facilities and certain others doing business with the state from using, selling, or purchasing certain disposable food service containers and non-recyclable food ware.

**SB 25 (Padilla) Solid Waste Diversion.** This bill would require the CIWMB to adopt policies, programs, and incentives to ensure that sixty percent and eventually seventy five percent of all solid waste generated in the state is source reduced, recycled, or composted.

**SB 55 (Corbett) Recycling: California Redemption Value Containers.** This bill would expand the coverage of the California Beverage Container Recycling and Litter Reduction Act ("bottle bill") so that it covers vegetable, nut, grain, or soy drinks that contain any percentage of juice. The bill would also delete the current requirement that an eligible vegetable drink be sixteen ounces or less and would delete the provision that excludes from the definition of "beverage" products that are not sold in an aluminum, glass, plastic, or bimetal container.

**SB 167 (Ducheny) Waste Tires.** This bill would require the CIWMB 5-year plan that establishes goals and priorities for waste tire programs to include the development of projects in Mexico near its border with California that include education, infrastructure, mitigation, cleanup, prevention, reuse, and recycling projects that address the movement of used tires from California to Mexico that are eventually disposed of in California.

**SB 228 (DeSaulnier) Plastic Bags.** This bill would require the manufacturer of a marine degradable or compostable plastic bag meeting certain standards to ensure that the

bag is “readily and easily identifiable,” which would be defined as a bag that is a uniform color green with the label “Compostable” and carrying the certification label of the Biodegradable Products Institute.

**SB 803 (DeSaulnier) Solid Waste: Plastic Waste.** This spot bill states the Legislature’s intent to enact legislation that would mitigate the environmental impact of plastic packaging materials and reduce the overall amount of plastic waste disposed of in California’s landfills.

## UNDERGROUND STORAGE TANKS

**AB 96 (Ruskin) Small Business Grants.** Currently, small businesses that seek a grant to help pay specified costs of complying with underground storage tank regulations must show that the applicant’s family, or an affiliated entity, owned and operated the subject tank since January 1, 1997. This bill would remove that requirement.

## WATER QUALITY

**AB 268 (Gaines), AB 580 (Huber), and AB 916 (Logue) Septic Tanks.** These bills would make changes to a part of the Porter-Cologne Water Quality Control Act that pertains to onsite sewage treatment systems (“septic tanks”). AB 268 would repeal a chapter that requires the State Water Resources Control Board (SWRCB) to adopt statewide regulations or standards for the permitting and operation of specific onsite sewage treatment systems. AB 580 would authorize the SWRCB, in addition to a regional water quality control board (RWQCB), to set exemption criteria for the permitting and operation of particular onsite sewage treatment systems. AB 916 would amend the Act to require the SWRCB to adopt regulations or standards rather than recommended standards for the permitting and operation of certain onsite sewage treatment plants.

**AB 301 (Fuentes) Bottled Water.** Current law prescribes various quality, reporting, and labeling standards for bottled water and other private water source companies and limits

the level of certain contaminants that may be contained in their water. This bill would require each applicant for a license as a water bottling plant or other private water company to also provide information to the Department of Public Health on the total volume of water bottled or sold and other information about the company.

**AB 305 (Nava) Oil Spill Reporting Penalties.** It is currently illegal for a responsible party to fail to report or knowingly make a false or misleading report of an oil spill occurring in waters of the state, other than marine waters. The penalty upon conviction is a fine of not more than fifty thousand dollars. This bill would add imprisonment in the county jail as an alternative to or addition to the monetary penalty.

**AB 460 (Anderson) & AB 1366 (Feuer) Water Softeners** These bills seek to limit the high salinity levels caused by water softeners, which hinder water recycling and impair surface and groundwater resources. AB 460 is a spot bill that states the intent of the Legislature to enact legislation that would require all new residential water softening equipment sold in California to have a certain salt efficiency rating and would require a 20% reduction in the per capita use of salt in water softening equipment. AB 1366 will allow local public water suppliers in certain areas of the state vulnerable to high salinity to regulate residential self-regenerating water softeners.

**AB 913 (Logue), AB 914 (Logue) and SB 514 (Aanestad) Minimum Penalties: POTWs.** Currently the Porter-Cologne Water Quality Control Act imposes a mandatory minimum penalty of \$3,000 for each serious waste discharge violation or repeat violations. AB 913 would prohibit the State or a regional board from imposing such a penalty if it fails to act within 12 months from the date of the notice of violation. SB 514 would allow the SWRCB or the Attorney General to waive the penalty if not imposed within 12 months. AB 914 would authorize

the SWRCB or a regional board to elect to require a POTW that serves a small community and has been penalized under the Act to spend an equivalent amount towards the completion of a compliance project in lieu of paying the penalty.

**AB 1079 (Perez) California-Mexico Border.** This bill is designed to address the threat of negative health and environmental impacts from the high concentrations of fecal coliform bacteria in the New River to a number of residents located near the California-Mexico border. The bill would require the California Environmental Protection Agency to work with agencies and NGOs on both sides of the border to establish cooperative water quality programs to support the “New River Public Health Improvement Project”.

**AB 1242 (Ruskin) State Water Policy.** This spot bill would declare it to be the established policy of the state that every Californian have access to safe, affordable water for basic human needs.

**SB 133 (Corbett) Groundwater Protection.** This bill would establish the “Alameda County Water District Groundwater Protection Act” for the purposes of protecting groundwater from improperly constructed, operated, and closed wells and exploratory holes. The bill would allow the Alameda County Water District to undertake a number of actions to protect groundwater, including declaring any abandoned or unused well, exploratory hole, or other excavation that creates or threatens to create a water contamination hazard a public nuisance.

**SB 233 (Aanestad) and SB 413 (Ducheny) SWRCB and RWQCB Board Membership.** These bills would require changes to the membership of the SWRCB and the nine regional boards. SB 233 would prohibit any person from being a member of the SWRCB or a regional board if the member receives or has received, during the previous 2 years, twenty five percent or more of his or her income directly or indirectly

from any person subject to specified waste discharge requirements or applicants for such requirements. SB 413 would alter the representative membership structure of regional boards to include seven members appointed by the Governor, each of whom are to represent, and act on behalf of, all the people, and reside or have a principal place of business within the region. The bill would also set guidelines for what the State Water Board is to do when it reaches the conclusion that a regional board has substantially and continually failed to administer water quality programs in conformity with laws and regulations.

## **WATER POLICY AND SUPPLY**

**AB 49 (Feuer) Urban Water Use.** This bill would require California to achieve a 20% reduction in urban per capita water use by December 31, 2020.

**AB 408 (Saldana) General Plan.** Current law requires the planning agency of a legislative body to refer any action that would adopt or substantially amend a general plan to a number of different entities for their review. This bill would add the applicable regional board as one of those entities. AB 408 would also require the SWRCB to take action to increase, on or before January 1, 2015, the sustainable local water supplies available for meeting existing and future uses in the state by an undetermined number of acre-feet per year in excess of the 2002 level.

**AB 410 (De la Torre) Safe Drinking Water Bonds.** This bill would make \$5 million of the proceeds from 2006's Proposition 84 to address salinity problems in specified areas of the state, and would set a target for the recycling of 1.3 million acre feet of water by 2020 and 3 million acre feet by 2030.

**AB 969 (Calderon) Recycled Water.** This bill would repeal the provision of the Water Recycling Act of 1991 that requires the Department of Water Resources to form an advisory task force and identify and report to the Legislature on op-

portunities for increasing the use of recycled water and the constraints and impediments to increasing its use. The bill would also change the Act's statewide goal for recycled water to an unspecified number of acre-feet of water per year by the year 2020.

**AB 1187 (Huffman), SB 371 (Cogdill), SB 735 (Steinberg), and SB 456 (Wolk) Bonds for Safe, Clean, Reliable Drinking Water.** These bills would authorize the issuance, subject to voter approval, of almost ten billion dollars each in bonds to provide funding for an improved drinking water supply in the state.

**AB 1347 (Price) Water Desalination.** This bill would repeal provisions of the Cobey-Porter Saline Water Conversion Law that require the Department of Water Resources (DWR) to report to the Legislature on potential opportunities and impediments for using seawater and brackish water desalination.

**AB 1408 (Krekorian) Water Conservation Mitigation Fund** This bill would establish a "Water Conservation Mitigation Fund" to help ensure that all subdivisions approved pursuant to the Subdivision Map Act have a sufficient water supply available. The bill would require that a subdivision have an adequate water supply available or that the applicant participate in the Fund, which would be held by the public water system. The public water system would be required to expend the Fund on water conservation measures that would offset one hundred percent of the projected demand of the subdivision.

**AB 1438 (Conway) Wellhead Protection.** This bill would allow the Department of Public Health to establish a wellhead protection account within the Safe Drinking Water State Revolving Fund, which was established pursuant to the California Safe Drinking Water Act.

**AB 1465 (Hill) Urban Water Use.** Currently every urban water supplier must submit to the Department of Water Resources and other entities a plan that includes information

relating to the supplier's water demand management measures. This bill would amend existing law to require the suppliers to describe the opportunities for development of recycled water supplies. AB 1465 would also require the Department to determine that an urban water supplier is eligible for a loan or grant, despite not being able to implement all of the water demand management measures identified in the plan.

**SB 301 (Florez) Water Supply Reliability and Ecosystem Recovery.** This bill would place before the voters at the next statewide election a measure authorizing fifteen billion dollars in general obligation bonds to be issued to finance specified water supply reliability and ecosystem recovery and restoration programs. General Obligation Bond Law.

**SB 310 (Ducheny) Stormwater Management.** This bill would establish the "California Watershed Improvement Act of 2009" for the purpose of protecting California's water supply from uncontrolled pollutants in urban runoff, stormwater, and other forms of runoff and nonpoint source pollution. The Act would permit each county, city, or special district that is a permittee or copermitttee under a NPDES permit for municipal separate storm water sewers to develop a watershed improvement plan that addresses these issues.

**SB 565 (Pavley) Recycling Water.** This bill would require the SWRCB to adopt a statewide plan and adopt appropriate measures to ensure that by year 2009, at least 50 percent of the wastewater discharged annually directly into the ocean is recycled and put to beneficial use by the year 2030. The bill would also require the Board to impose an annual fee on discharges of wastewater into the ocean,

**SB 736 (Pavley) Water Consumption Fee.** This bill would establish an unspecified fee to be paid by persons diverting or extracting water to fund water resource projects and programs.