

Editor's Note: Our survey of environmental legislation this year is authored by Lynn Stetler of Oakland's Beyond Compliance LLC. Ms. Stetler received her law degree from U.C. Hastings College of the Law and her undergraduate degree from U.C. Berkeley in Conservation and Resource Studies, specializing in International Environmental Policy and Law. Ms. Stetler provides Beyond Compliance with insight and guidance in the areas of hazardous waste/materials, water quality, air quality and other EH&S regulatory requirements

In this issue we present our annual survey of new environmental legislation signed into law by Governor Arnold Schwarzenegger in 2009. Although the battles over the budget and the state's dire financial straits generally reduced the number of bills landing on the Governor's desk, there are nevertheless a large number of bills making highly technical changes to state law related to the environment.

We have grouped the bills according to subject matter. Unless the bill is noted as "urgency" legislation, its provisions will become effective on January 1, 2010. This is the first year of the two-year 2009-2010 session. Bills that failed to pass out of the Legislature, may be carried over to next year's session. Where the bill is discussed in detail in an issue of CEI we have provided a citation.

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

Information website: www.leginfo.ca.gov.

Those readers with access to the electronic copy of this issue may access the Legislature's file on that bill containing its text and supporting materials by clicking on the bill number.

AIR QUALITY, TRANSPORTATION, AND FUELS

AB 672 (Bass) Prop. 1B Funded Projects. Under existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) authorizes the issuance of \$19.925 billion of general obligation bonds for various transportation purposes. This bill authorizes a lead agency for a project where bond funding has been authorized, to apply for a letter of no prejudice that would make the agency eligible for reimbursement for expenditure of funds for the project under certain conditions, including the expenditures being eligible for reimbursement, the agency complying with all legal requirements, including the California Environmental Quality Act (CEQA), and reimbursement funds being available.

AB 798 (Nava) California Transportation Financing Authority. This bill creates the California Transportation Financing Authority (CTFA) with specified powers and duties relative to issuing bonds to fund transportation projects to be backed by various revenue streams of transportation funds, including toll revenues under certain conditions. The stated objective of the CTFA is to issue transportation bonds to fund the construction of new capacity or improvements for the state transportation system consistent with the state's greenhouse gas (GHG) reduction, air quality, and natural resource conservation goals. This bill deletes the require-

ment that eligible applications for development and operation of up to four high-occupancy toll lane facilities under Streets and Highways Code Section 149.7 be submitted to the Legislature for approval or rejection.

AB 892 (Furutani) Good Movement Emission Reduction Program. This bill allows the reallocation of Proposition 1B funds that have not been liquidated within four years of the award date to be awarded by the local entity for a back-up project that was identified in the original grant agreement or, if there are no other eligible projects, returned to the Air Resources Board (ARB) to be reallocated pursuant to certain guidelines. The funds returned must first be used for projects that are in the same emission source category and the same trade corridor as the original project, if possible. Second priority for returned funds is projects that are only in the same trade corridor as the original project. The ARB must annually report on funds allocated pursuant to this bill and provide a description of the projects, including a quantitative description of the emissions reductions achieved through the project or program.

AB 1085 (Mendoza) Release of Studies and Report Before Public Comment Period. This bill requires that the ARB make available to the public all information upon which it relies during the development of a proposed regulation before the opening of the comment period for the formal adoption of the regulation by the ARB. The state board is not required to release proprietary, confidential or otherwise legally protected business information and shall release information in aggregated form, where necessary, to protect such information.

AB 1464 (Smyth) California Bicycle Routes of National, State, or Regional Significance Act. This bill enacts the California Bicycle Routes of National, State, or Regional Significance Act, which authorizes the Department of Transportation (DOT) to establish a process for identifying and promoting bicycle routes of national, state, or regional significance that meet specified criteria such as historic routes, established training routes, unique scenic significance, among others.

SB 83 (Hancock) Motor Vehicle Registration Fees. This bill authorizes a countywide transportation planning agency to impose, if approved by voters, an additional fee of up to \$10 on each vehicle registered within the county for congestion and pollution mitigation programs and projects and for matching funds for transportation programs and projects funded from state general obligation funds.

SB 124 (Oropeza) Penalties for Illegal School and Schoolbus Idling. This bill increases the minimum penalty for schoolbus idling and idling at schools violations to \$300 from \$100 to conform to the minimum penalty for a violation of the existing rule limiting the idling of commercial motor vehicles. In addition, this bill authorizes additional civil and criminal penalties for violation of the schoolbus idling and idling at schools regulations, including strict liability for a civil penalty not to exceed \$1,000 for each day in which a violation occurs and criminal misdemeanor penalties, including a fine of not more than \$1,000 or imprisonment in the county jail for not more than six months, or both.

SB 626 (Kehoe) Alternative Vehicle Electrical Infrastructure. This bill requires the Public Utilities Commission (PUC), in consultation with the California Energy Commission (CEC), the ARB, electrical corporations, and the motor vehicle industry, to evaluate policies to develop infrastructure sufficient to overcome any barriers

to the widespread deployment and use of plug-in hybrid and electric vehicles. The PUC must by July 1, 2011, adopt rules relating to such an infrastructure that address specified matters including the impact of the wide use of plug-in hybrids and electric vehicles in achieving the state's greenhouse gas emission reduction goals under AB 32 and the state's renewable portfolio standard (RPS).

SB 716 (Wolk) Local Transportation Funds Allocation. Current law authorizes counties to impose a .25% sales tax to raise funds for transportation improvements. This bill specifies that, starting July 1, 2014, for counties that had a population of less than 500,000 as of the 1970 census, but have a population of 500,000 or more as of the 2000 or subsequent census, local transportation funds apportioned for the urbanized areas of those counties must be allocated for public transportation, including farmworker vanpools, and not for street and road purposes. Cities in those counties with populations 100,000 or less would be exempt from this requirement, as would Ventura County. Funds allocated to nonurbanized areas remain available for street and road purposes.

SB 728 (Lowenthal) Parking Cash-Out Program Penalties. Existing law requires an employer located in a nonattainment area that employs 50 persons or more and provides a parking subsidy to employees, to offer a parking cash-out program, as defined. This bill authorizes the ARB to impose a civil penalty for a violation of this requirement and authorizes a city, county, and local air district to adopt a penalty or other mechanism to ensure compliance. The penalty can only be imposed by either the state board or the local agency, not both.

SB 783 (Ashburn) High-Speed Rail Business Plan. This bill requires the High-Speed Rail Authority (HSRA) no later than January 1, 2012 and every two years thereafter, to prepare and submit

to the Legislature a business plan for the state-wide high-speed train system addressing specific information, including the types of services anticipated to be developed; the primary benefits the system will provide; and a forecast of patronage, operating and maintenance costs, and capital costs for the system, among other information. This bill also requires that the plan include forecasting of high, medium and low ridership scenarios and their potential incomes, expected schedule for completing an environmental review, and other specified information for Phase I of the project. The HSRA must publish a draft plan for public review and comment sixty (60) days prior to submitting the plan to the Legislature.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

ABX3 81 (Hall) City of Industry Stadium Complex. This bill exempts from CEQA any activity or approval, necessary or incidental to all aspects, from development to operation, of a football stadium complex in the City of Industry. See related article in this issue.

AB 1318 (Perez) SPV Sentinel Energy Project. This bill establishes special air pollution permitting procedures applicable to the SPV Sentinel Energy Project located near Palm Springs. The bill requires the South Coast Air Quality Management District (SCAQMD) to transfer emission reduction credits for sulfur oxides (SOx) and particulate matter (PM) from the district's internal emission credit accounts to eligible electrical generating facilities and exempts from CEQA certain actions of the district pursuant to this bill. This bill requires that mitigation fees are collected and used for emission reduction purposes in specified areas. Additionally, this bill requires the ARB, in consultation with other agencies, to prepare and submit to the Governor and Legislature a report that evaluates the electrical system reliability needs

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for the South Coast Air Basin and recommends the most effective and efficient means of meeting those needs while ensuring compliance with state and federal law.

SB 605 (Ashburn) Biogas Pipeline Exemption. This bill expands the existing CEQA pipeline exemption to include biogas pipelines located in Fresno, Kings, or Tulare counties. The exemption terminates on January 1, 2013.

SB 670 (Wiggins) Dredge Equipment Permitting. This urgency bill, passed to codify the settlement of a lawsuit (CEI July 30, 2009), specifies that the issuance of permits to operate vacuum or suction dredge equipment is a project under CEQA and suspends all vacuum and suction dredging for instream mining purposes in waters of this state and forbids the issuing of permits to conduct such dredging until the Department of Fish and Game (DFG) completes an environmental impact report (EIR) for such activities. The legislation became effective on its signature by the Governor on August 6.

SB 827 (Wright) SCAQMD Permitting. This bill overrides a court decision by allowing the SCAQMD to end a permit issuance moratorium and issue permits until May 1, 2012, pursuant to District Rules 1304 and 1309.1, for essential public services, electrical generation, and some small business projects (CEI September 16, 2009).

CLIMATE CHANGE

AB 881 (Huffman) Sonoma County Regional Climate Protection Authority. This bill, creates the Sonoma County Regional Climate Protection Authority to assist local agencies in meeting local, state, and federal greenhouse gas (GHG) emission reduction goals. The authority will be governed by the same board as the Sonoma County Transportation Authority.

SB 104 (Oropeza) Greenhouse Gas: Nitrogen Trifluoride. This bill adds nitrogen trifluoride to the list of GHGs regulated by the ARB pursuant to AB 32.

SB 391 (Liu) California Transportation Plan. This bill requires CalTrans to update the California Transportation Plan (CTP) by December 31, 2015, and every 5 years thereafter. The CTP must address how the state will meet the GHG reduction milestones of AB 32 and identify the statewide integrated multimodal transportation system needed to achieve these milestones. The bill also requires CalTrans to provide an interim report to the California Transportation Commission by December 31, 2012 that will include an overview of all sustainable community strategies prepared by metropolitan planning organizations and how they will influence the configuration of the statewide integrated multimodal transportation system.

SB 575 (Steinberg) Climate Change Smart Growth: Clean Up of SB 375. The Sustainable Communities and Climate Protection Act of 2008 (SB 375, Steinberg) launched a long-term "Sustainable Communities Strategy" to reduce vehicle miles traveled (VMT). This bill is "clean up" legislation that modifies a prior requirement for the MPOs to convene informational meetings before board of supervisors and city councils covering the Sustainable Communities Strategy. This bill will require these informational meetings to discuss the strategy with the local elected officials and to "solicit and consider their input and recommendations."

Current law also requires local governments to revise the housing elements of their general plans pursuant to a specified schedule. This bill adjusts the schedule to better align it with pre-existing housing element reviews. In addition, this bill requires the DOT to maintain and publish a current schedule of the estimated regional transportation plan adoption dates and a current

schedule of the estimated and actual housing element due dates on its Internet Web site.

ENDANGERED SPECIES, WILDLIFE, AND PLANTS

AB 248 (Lowenthal) Ballast Water Management. This bill requires the person in charge of a vessel that has a ballast water treatment system installed on board to provide additional information to the State Lands Commission including: manufacturer information on the system and the number of tanks and volume of each tank that is managed using the system, and the volume of water that was discharged, among other information. This new information is in addition to information on the systems that is currently required to be submitted to the Commission.

AB 1066 (Mendoza) Timber Harvesting Plans. This bill allows for four additional one-year extensions of timber harvesting plans for operations commenced but not completed if the plan expired in 2008 or 2009, good cause is shown, operations are in conformance with the plan and all applicable rules and regulations, and the notice of extension includes written certification by a registered professional forester regarding specified conditions. This bill also allows two two-year extensions of a plan approved on or after January 1, 2010, to December 31, 2011 if necessary to complete plan operations, if the plan complies with the above requirements.

AB 1217 (Monning) Sustainable Seafood. This bill requires the California Ocean Protection Council to develop and implement a voluntary sustainable seafood promotion program that, among other things, consists of a protocol to guide entities on how to be independently certified to internationally accepted standards, a marketing assistance program, and a competitive grant and loan program. The grant and loan program will only be available in years that funds are appropriated by the Legislature and

will assist California fishery groups and associations in qualifying for certification. The program would exclude seafood produced through aquaculture or fish farming until accepted sustainability standards have been developed and implemented for these fish rearing methods.

AB 1442 (Comm. on Water, Parks, and Wildlife) Oil Spills and Wildlife Rehabilitation.

This bill, among other things, authorizes the Administrator of the Office of Spill Prevention and Response, under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, to require the party responsible for an oil spill to not only prepare and submit a wildlife rehabilitation plan to the Administrator, but to also implement the plan. This bill deletes diesel from the definition of “nonpersistent oil” under the Act.

This bill also requires that degraded potential wildlife habitat property leased to nonprofit organizations for public agencies, upon the contingency it be restored, be open to the public for compatible recreational purposes for the term of the lease. This bill also modifies existing regulations on Dungeness crab and sea cucumber fisheries.

SB 448 (Pavley) California State Safe Harbor Agreement Program Act.

The stated purpose of this act is “to establish a program that will encourage landowners to manage their lands voluntarily to benefit endangered, threatened or candidate species and not be subject to additional regulatory restrictions as a result of their conservation effort.” This bill allows the DFG to authorize acts of a landowner that are otherwise prohibited if, as part of a safe harbor agreement with the landowner, implementation of the agreement is expected to provide a net conservation benefit to the species listed in the agreement, among other conditions. This act sunsets on January 1, 2020.

SB 481 (Cox) Management of Wildlife at Public Use Airports.

Recognizing that public-use airports must perform limited wildlife haz-

ing, harassment and depredation to protect the health, safety, and welfare of the public, this bill authorizes the lawful taking of birds on lands leased or owned by the airport if certain conditions are met. Such taking is not authorized on airport lands reserved for habitat mitigation or conservation of the species being taken and there is no taking of a fully protected, candidate, threatened, or endangered species.

ENERGY

AB 45 (Blakeslee) Small Wind Energy Systems.

This bill reenacts a lapsed authorization (AB 1207 (Longville)) for local governments to provide, by ordinance, for the installation of small wind energy systems outside of urbanized areas, but within the county’s jurisdiction. Ordinances approved prior to July 1, 2010 are exempt from the provisions of this bill. Ordinances approved after July 1, 2010 must comply with the requirements and conditions set forth in this bill. This bill establishes a process for the issuance of conditional use permits for these systems pursuant to timelines established in the Permit Streamlining Act and establishes fees for application review in accordance with Govt. Code Sections 66014 and 66016. Local governments are authorized to impose conditions on installation of these systems, but such conditions cannot be more restrictive than certain specified requirements and conditions specified in this bill.

AB 162 (Ruskin) Disclosure of Sources of Electrical Generation.

Existing law requires that retail suppliers of electricity disclose accurate, reliable, and simple to understand information on the sources of energy the supplier uses. This bill requires that retail sellers of electricity disclose their specified and unspecified sources of electricity to end-use customers annually, instead of quarterly, for the previous calendar year. This bill defines the term “unspecified sources of power” to mean electricity generated that is not traceable to specific sources

by any auditable contract trail and adds a definition for “retail supplier.” This bill also provides that compliance with the power source disclosure requirements by a publicly owned electric utility (POU) constitutes compliance with reporting requirements to the CEC for the renewable portfolio standard (RPS).

AB 262 (Bass) American Recovery and Reinvestment Act of 2009 (ARRA).

This bill appropriates \$113 million to the State Energy Resources Conservation and Development Commission from the Federal Trust Fund for expenditure consistent with the federal stimulus legislation (ARRA). This bill also requires that any money received by the state from the federal ARRA that is directed for energy-related activities, programs or projects, be administered by the appropriate state energy and water agencies and must adhere to the principle of accountability while also adhering to existing state energy and water practices and policies, including those related to green building practices, water conservation, renewable energy resources, environmental protection, and green job training.

AB 531 (Saldana) Energy Consumption Data Disclosure.

Existing law requires an owner or operator, on and after January 1, 2010, to disclose the U.S. EPA’s ENERGY STAR Portfolio Manager energy consumption benchmarking data and rating to a prospective buyer, lessee of the entire building, or lender that would finance the entire building. This bill instead requires such disclosure on a schedule of compliance established by the CEC, which is yet to be established.

AB 758 (Skinner) Program to Achieve Greater Energy Savings.

This bill requires the CEC, by March 1, 2010, to establish a regulatory proceeding to develop a comprehensive program to achieve greater energy savings in the state’s existing residential and nonresidential building structures. This bill requires the PUC, by March 1,

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2010, to open a new proceeding or amend an existing proceeding to investigate the ability of electrical and gas corporations to provide energy efficiency financing options to their customers to implement the comprehensive program that will be developed by the CEC under this bill. Upon completion and promulgation of the program required under this bill, each POU shall be responsible for implementing an energy efficiency program that recognizes the inefficiencies in existing residential and commercial buildings.

AB 904 (Perez) Capital Investment Incentive Program (CIIP).

Existing law authorizes a county, city, or city and county to establish a capital investment incentive program and to pay an incentive to qualified manufacturing facilities to encourage investment in their communities and to encourage specified industries. Existing law also allows a city, special district, or school district to pay a portion of its ad valorem property tax revenues toward the incentive program. This bill modifies the definition of “qualified manufacturing facility” to include a facility engaged in manufacturing related to the production of electricity from solar, wind, biomass, hydro-power, or geothermal resources on or after July 1, 2010. This bill also eliminates the ability of a school district to pay a portion of its ad valorem tax revenues toward the program, transfers the duties under this program from the Technology, Trade, and Commerce Agency to the Business, Transportation and Housing Agency, and repeals the CIIP on January 1, 2017. An incentive program established before January 1, 2017 can remain in effect for the full term of that program.

AB 920 (Huffman) Solar and Wind Distributed Generation Net-Metering.

Current law provides a credit toward the year-end bill for net surplus of electricity produced by eligible customer-generators of solar and wind generation

(≤1 mw capacity) during a 12-month period that was returned to the grid. Any surplus credit amount above the final bill was not returned to a customer-generator. This bill, among other things, requires electric utilities to buy back any net surplus of electricity produced during a 12-month period by eligible customer-generators of solar and wind generation and requires the customer to receive total compensation for the surplus at a just and reasonable buy-back rate set by the PUC. This bill caps the amount of net surplus electricity a utility must purchase at 2.5% of each utility’s aggregate peak demand. If the customer’s future usage is less than the usage at the time of installation, the customer will be under a net-metered tariff that will provide a bill credit valued at the retail rate of electricity, but a year-end check will be issued for any excess credits.

AB 1031 (Blumenfeld) Renewable Energy Resources.

Current law allows local governmental entities to produce and export renewable power from an eligible renewable generating facility to the electricity grid and receive a bill credit to be applied to another benefiting account. This bill expands this program to include a college “campus,” defined as an individual community college campus, California State University campus, or University of California campus.

AB 1110 (Fuentes) Advanced Electrical Distributed Generation Technology.

This bill acknowledges that current state policies provide incentives to cogeneration facilities, while not providing similar incentives to other ultraclean generation facilities. This bill provides similar incentives to advanced electrical distributed generation facilities (AEDGs) as cogeneration facilities receive, provided that the AEDG meets state emission standards, produces de minimis emissions of sulfur oxides and nitrogen oxides, meets GHG emission performance standards, has a total electrical efficiency of not less than 45%, and

utilizes renewable or nonrenewable fuel, among other conditions. The provisions of this bill sunset on January 1, 2014.

AB 1351 (Blakeslee) Renewable Energy Resources.

According to the bill author, this bill corrects a drafting error from AB 809 (Blakeslee). This bill clarifies that the Clean Water Act certification required of out-of-state facilities can be received from the applicable state board or agency or from a regional board to which the state board has delegated authority to issue the certification, but does not have to come directly from the SWRCB.

AB 1551 (Comm. on Utilities and Commerce) California Alternative Energy and Advanced Transportation Financing Authority Act.

According to the bill analysis provided by the Utilities and Commerce Committee, this urgency bill “corrects language that inadvertently restricted the size of all project financed by the California Alternative Energy and Advanced Transportation Financing Authority when the language was intended to only [restrict the size of] energy generation projects that are implemented under power purchase agreements.” For the purpose of implementing the California Solar Initiative program, this bill also revises the definition of “low-income residential housing” to include individual residences, as well as multifamily residences. Finally, this bill extends the eligibility of certain fuel-cell electrical generating facilities to participate in the standard tariff providing net energy metering to January 1, 2014.

SB 17 (Padilla) Smart Grid Systems.

This bill establishes the smart grid policy of the state and requires the PUC, by July 1, 2010, and in consultation with the CEC, the Independent System Operator, and other key stakeholders, to determine the requirements of a smart grid deployment plan consistent with the established policy and federal law. This bill requires each electrical corporation, by July 1, 2011, to develop and submit a

smart grid deployment plan to the PUC for approval and requires each local publicly owned electric utility with more than 100,000 service connections to develop, by July 1, 2011, a smart grid deployment plan consistent with federal law. The PUC must, by January 1, 2011 and annually thereafter, report to the Governor and the Legislature on the provisions of this bill.

SB 32 (McLeod) Renewable Electric Generation Facilities.

This bill expands the current feed-in-tariff program by requiring investor owned utilities (IOUs) to purchase all electricity produced by eligible renewable energy sources with a capacity of ≤ 3 megawatts (mw), increased from ≤ 1.5 mw, and deletes the requirement that the facility be located on property owned or under the control of a customer, instead defining "electric generation facility" as one that is located within the service territory of the corporation and developed for the purpose of selling electricity to the corporation, among other criteria. This bill requires IOUs to file with the PUC a standard tariff for the electricity purchased from such facilities and establishes the requirements under this tariff program. This bill also requires a local publicly owned electric utility (POU) that sells electricity at retail to 75,000 or more customers to adopt and implement a tariff for electricity purchased from an electric generation facility, as defined above, and establishes the requirements of this new program.

SB 412 (Kehoe) Self-Generation Incentive Program. The Self-Generation Incentive Program (SGIP) was established in 2001 in response to the energy crisis to provide incentives for renewable and other super clean energy resources and to decrease electricity demand. The SGIP currently authorizes only fuel cell and wind technologies. This bill extends the sunset date of the SGIP through January 1, 2016 and expands the eligible resources to include all self-generation technologies that the PUC determines will support the state's GHG emissions

reduction goals under AB 32. In addition, the bill limits the amount the PUC can direct the utilities to collect through 2011 to up to the 2008 authorized amount. On the revised sunset date, all unallocated funds collected shall be repaid to reduce ratepayer costs.

SB 488 (Pavley) Energy Usage Disclosure Program. This bill would require each electrical and gas corporation and POU having an energy usage disclosure program to report to the PUC the nature of the utility's program and the energy savings resulting from that program on or before March 15, 2010, or within 90 days of having collected a year's worth of data, and annually thereafter until March 15, 2014.

SB 571 (Maldonado) Geothermal Regulation Violations.

Existing law imposes a civil penalty on an oil or gas operator when a violation of geothermal regulations has occurred, requires the State Oil and Gas Supervisor to issue an order directing certain action of the operator when necessary in response to complaint, and imposes a penalty for late payment of annual well fees. This bill authorizes the supervisor to deny approval of operator's proposed well operations until the operator pays the civil penalty, complies with the order of the supervisor, or pays the required well fee.

SB 581 (Leno) Expansion of San Francisco Electrical Energy Projects.

This bill authorizes the City and County of San Francisco to expand its renewable generation of municipal power to include solar, wind, small hydro, biomass, geothermal, fuel cells, digester gas and ocean power sources, among others, that meet certain requirements. This bill requires PG&E to accept any electricity exported to the grid by renewable generation, up to the amount of electricity being used during the corresponding time period by the qualifying remote load.

SB 695 (Kehoe) Energy Rates. This urgency bill rolls back some of the regulations adopted during

the 2001 energy crisis. This bill authorizes the PUC to increase the electrical rates charged to residential customers up to 130% of the baseline quantities, not less than 3% and not more than 5% per year, subject to limitations. This bill requires that 1) residential customers have the option to not receive time-variant pricing from electrical corporations for services and incur no additional charges for exercising that option; or 2) if default time-variant rates are intended to be charged, the customer is given option (1), above, and provided at least a year of interval usage data and an addition year's service at the customer's previous rate. This bill also allows retail customers to choose their electricity provider within a distribution service territory, up to an annual limit. This bill revises California Alternate Rates for Energy (CARE) eligibility and rates and requires that the PUC give eligible customers access to energy efficiency program and that electrical and gas corporations provide energy efficiency and solar programs to upper-tier and multifamily customers.

GREEN BUILDING

AB 210 (Hayashi) Green Building Standards.

Existing law authorizes a city or county to make reasonably necessary changes or modifications to the requirements contained in the California Building Standards Code and other specified regulations. This bill clarifies that cities and counties are authorized to make reasonably necessary changes or modify the requirements of the code and other specified regulations, including but not limited to green building standards, because of local climatic, geological, or topographical conditions.

HAZARDOUS MATERIALS

AB 305 (Nava) Statute of Limitations for Penalties.

This bill extends the statute of limitation of five years for commencing actions for violations relating to hazardous waste and substances to include

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those actions relating to hazardous materials release response plans. This bill also increases the penalty for failure to report an oil spill or knowingly making a false or misleading report on an oil spill to include imprisonment in the county jail for not more than one year in addition to the existing provision providing for a fine.

AB 463 (Tran) Hazardous Materials Transportation. This bill allows the Department of Transportation to issue a new or initial license to transport hazardous materials to a motor carrier who, within the previous three years, has been issued an unsatisfactory rating as a result of an inspection conducted under the Biennial Inspection of Terminals Program, if the carrier has corrected the unsatisfactory rating before applying for the license to transport hazardous materials.

AB 856 (Caballero) Fertilizing Material. This bill revises definitions relating to and adds a definition for "organic input material," and makes related conforming changes to the California Department of Food and Agriculture's (CDFA) fertilizer program statutes. The need for this bill stems from concerns over insufficient oversight authority for organic input materials for fertilizers using organic labels. This bill requires CDFA, by January 1, 2012, to review certain issues relating to organic input materials and to post the review in a report on CDFA's website.

Among other things, this bill increases the license fee for manufacturers or distributors of fertilizing materials to an amount not to exceed \$300, requires registration of each differing label for organic input materials, and establishes a registration fee for organic input material not to exceed \$500 per product, which would be deposited into a newly created Organic Input Materials Account. This bill increases fines for violations of provisions relating to fertilizing materials. Penalties

are also increased for violation of regulations related to movement, distribution or sale of quarantined products. This bill also provides that any tonnage report that is more than 90 days past due is cause for revocation of the license.

SB 143 (CEDILLO) CALIFORNIA LAND REUSE AND REVITALIZATION ACT OF 2004 EXTENSION OF REPEAL DATE. The California Land Reuse and Revitalization Act of 2004 (CLRRA), in part, provides qualified immunity for innocent landowners, bona fide purchasers, and contiguous property owners from liability for clean up costs from contamination by previous landowners. Existing law will repeal CLRRA on January 1, 2010. This bill extends the date of repeal for the CLRRA to January 1, 2017. This bill also authorizes a prospective purchaser who qualifies as a bona fide purchaser to enter into a specified agreement with an agency and obtain immunities only upon acquiring the site.

SB 260 (Wiggins) Motor Oil Fee. This bill increases the existing maximum fee from \$0.02 to \$0.05 for each gallon of motor oil sold or purchased on or after January 1, 2010. The fee is charged to persons involved in the sale of motor oil, including producers when selling to a retail establishment or to a motor oil dealer, and to a retailer for motor oil imported from out of state. The fee is paid only once on any particular quantity of motor oil and does not apply to motor oil exported out of state.

SB 757 (Pavley) Lead Wheel Weights. This bill prohibits the manufacture, sale, or installation in California of a wheel weight that contains more than 0.1% lead and enacts civil and administrative penalties not to exceed \$2,500 per day for each violation. Additionally, this bill specifies that if a chemical or chemical ingredient in wheel weights, including an alternative to lead, is identified as a chemical of concern under the state's green chemistry program, it shall remain subject to the chemicals of con-

cern evaluation process pursuant to Health and Safety Code section 25253.

LAND USE

AB 94 (Evans) Natural Heritage Preservation Tax Credit Act of 2000. Under this act, property may be contributed to specified entities for the protection of wildlife habitat, open space and agricultural lands. This bill expands the definition of "donee" to include a local government that has submitted an application directly to the Wildlife Conservation Board and makes related changes. This bill also extends the prohibition of tax credits being awarded through the 2014-15 fiscal year and deletes the monetary limit of \$1 million on the award of tax credits pursuant to the Act. Finally, this bill excludes as displaced persons, for purposes of reimbursement of moving expenses, persons who are displaced by willingly donating or selling their property or residents of rental properties that are donated or sold for the purposes of protecting wildlife habitat, providing recreation areas, or preserving cultural or agricultural resources and open space.

SB 671 (Runner) Williamson Act Formal Review. This bill authorizes a county assessor to require a deposit from the landowner to cover the costs of conducting a formal review of the fair market value of agricultural land subject to a Williamson Act contract proposed for cancellation.

MISCELLANEOUS AND MULTIMEDIA

SB 833 (Comm. on Natural Resources and Water) Omnibus Bill. This bill provides technical cleanup and clarification to previous legislation regarding mine reclamation, conservation, protection of Native American remains, Treasure Island, and mapping issues. This bill also clarifies that a person who owns, leases, operates or maintains an occupied structure in an area covered with flammable materials or in a mountainous, forest-, brush-, or grass-covered land must maintain

defensible space of 100 feet from each side of the structure but not beyond the property line.

SOLID WASTE AND RECYCLING

AB 274 (Portantino) State Solid Waste Postclosure and Corrective Action Trust Fund. This bill creates the State Solid Waste Postclosure and Corrective Action Trust Fund, a fee funded program, for corrective action and postclosure activities of closed solid waste facilities when not performed by an owner or operator, and if certain conditions are met. This program will go into effect provided that 50% of the operators of solid waste facilities opt into the program. The fee for the program will be \$0.12 per ton for each operator of a landfill that elects to participate added to the current quarterly fee, effective January 1, 2012 if participation meets 50%. The California Integrated Waste Management Board (CIWMB) must inform the Board of Equalization on or before August 31, 2011, if the fee is to become operative.

SB 63 (Strickland) Waste Board Abolishment and Transfer of Functions. This bill abolishes the California Integrated Waste Management Board (CIWMB) and transfers its duties, responsibilities, and permanent employees to a newly established Department of Resources Recycling and Recovery (DRRR) within the Natural Resources Agency. Further, this bill creates the Division of Recycling within the DRRR that will administer the California Beverage Container Recycling and Litter Reduction Act, currently administered by the Department of Conservation, and transfers the Office of Education and the Environment to the California EPA. Any regulation adopted prior to January 1, 2010 by the CIWMB or the Department of Conservation that is in effect on such date shall remain in effect on and after January 1, 2010.

SB 167 (Ducheny) Waste Tires in the California -Mexico Border Region. The California Tire Recycling Act (CTRA) requires the

CIWMB to adopt a five-year plan to establish goals and priorities for waste tire programs. This bill directs the CIWMB to include in the plan elements addressing the development of projects in Mexico in the California-Mexico border region 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. The bill also authorizes the use of tire fee revenues to fund border activities related to waste tires.

SB 230 (Cogdill) Waste Tire Hauler Registration Exemption. This bill adds an additional exemption to the waste and used tire hauler registration requirements for persons transporting illegally dumped waste or used tires to an amnesty day event or an authorized location and who have received written authorization from the local enforcement agency. The local enforcement agency must provide copies of any written authorization to the CIWMB within 30 days of issuance.

SB 486 (Simitian) Sharps Waste Collection and Disposal. This bill requires, on or before July 1, 2010, pharmaceutical manufacturers that sell or distribute medication self-injected at home to submit a plan to the CIWMB that describes how the manufacturer supports the safe collection and proper disposal of the waste injection devices. The plan must describe actions taken, if any, to provide for safe collection and disposal of the waste devices, to educate consumers about safe management and collection opportunities, and to support such efforts by retailers, distributors, manufacturers, local governments, health care organizations and other partners and public health interest groups. The plans are required to be posted on the manufacturers' websites.

SB 546 (Lowenthal) California Oil Recycling Enhancement Act Revisions. This bill, among other things, does the following: (1) establishes a definition of "re-

refined oil" and redefines "used oil hauler"; (2) increases the fee for oil manufacturers and decreases the fee for lubricating oil with at least 70% rerefined oil; (3) increases the recycling incentive for collection centers, industrial generators, and curbside collection, and establishes a rerefining incentive; (4) provides for the development and implementation of an education program to promote used oil recycling and waste reduction; and (5) requires used oil to be tested and analyzed prior to shipment to a transfer or recycling facility. In addition, this bill redirects grant funds toward promoting the manufacture of rerefined lubricating oils.

SB 627 (Calderon) Catalytic Converter Core Recyclers. This bill establishes recordkeeping requirements for core recyclers relating to the acceptance, shipment, or sales of used catalytic converters. A core recycler is defined as a person or business, including a recycler or junk dealer, that buys used individual catalytic converters, transmissions, or other parts previously removed from a vehicle. This bill also prohibits the core recycler from providing payment for a converter unless certain requirements are met. The information collected must be maintained for two years and criminal penalties are established for violation of the requirements of the bill and for making false or fictitious statements regarding any information required by the bill.

UNDERGROUND STORAGE TANKS

AB 96 (Ruskin) Underground Storage Tank Grants and Loans. Existing law provides for a grant and loan program to small businesses to pay specified costs of complying with underground storage tank regulations. This urgency bill deletes the requirement that the grant applicant, the applicant's family, or an affiliated entity, has owned or operated the project tank since January 1, 1997. This bill also extends the sunset date of the Replacement of Underground Storage Tank program to January 1,

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2016 and transfers \$8 million from the Petroleum Underground Storage Tank Financing Account to the grants and loan subaccount for the Replacement of Underground Storage Tanks program. Further, this bill extends the deadline for application for grants to June 30, 2009, sunsets the new grants and loans program on January 1, 2011 and provides that applicants for loans be in compliance with existing vapor recovery requirements.

WATER QUALITY

AB 890 (Perez) City of Maywood Drinking Water. This bill makes legislative findings and declarations that the drinking water in the City of Maywood has levels of manganese consistently above 0.05 milligrams per liter, rendering the water distasteful and unusable for drinking and other purposes. Further, the Legislature finds that the public water system has failed to address the concerns of the community regarding manganese in the drinking water. Therefore, this bill requires the public water system serving the city to prepare and submit to the city and the State Department of Public Health (DPH), among other public entities, a study on the City of Maywood's water by December 21, 2010, addressing the impacts of manganese on the quality of the city's water. The City Council of Maywood will conduct a public hearing on the results and the public water system must respond in writing to the public comments and post the study and comments on the water system's website(s).

AB 1079 (Perez) New River Restoration. This bill, contingent upon the execution of an agreement with the City of Calexico for the purpose of providing funding, requires the California-Mexico Border Relations Council to develop a strategic plan containing specific elements to guide the implementation of the New River Improvement Project (NRIP) to study, monitor, remediate, and enhance New River

water quality in the County of Imperial and develop a river parkway suitable for public use and enjoyment. The bill also establishes a NRIP account to receive funds for the clean-up effort.

AB 1366 (Feuer) Residential Self-Regenerating Water Softeners. This bill authorizes local agencies in the Central Coast, South Coast, San Joaquin River, and Tulare Lake, hydrologic regions; and the Counties of Butte, Glenn, Placer, Sacramento, Solano, Sutter, and Yolo that own or operate a community sewer system or water recycling facility and that are subject to a finding by a regional board that the control of residential salinity input will contribute to water quality objectives, to adopt an ordinance or resolution to control salinity inputs from residential self-regenerating water softeners. Controls can include water softeners ratings, requiring plumbing permits, requiring users to hook up to hot water only, prohibition of installation, or requiring removal of water softeners, among others control options. If removal is required by the local agency, a program must be enacted to reasonably compensate the owner of the unit.

AB 1438 (Conway) Safe Drinking Water State Revolving Fund. This bill revises the requirements of the Safe Drinking Water State Revolving Fund, including eliminating the \$1 million maximum grant amount for a single project and instead establishing specific caps for different types of grants. Under this bill the maximum grant amounts for a single project are: (1) not more than \$500,000 for project planning; (2) unless the Department of Public Health (DPH) approves an increase, not more than \$3 million for construction; (3) if the DPH approves an increase, not more than \$10 million if the project meets certain conditions, including the project serving a disadvantaged community. This bill also authorizes the DPH to establish a wellhead protection account within the Safe Drinking Water State Revolving Fund.

SB X3 27 (McLeod) Drinking Water: Federal Stimulus Funding. This urgency bill authorizes the DPH and the SWRCB to transfer federal stimulus (ARRA) funds, under specified conditions, to the Safe Drinking Water State Revolving Fund, which is used to provide grants and loans for design and construction of public water system projects. This bill limits grants to \$10 million per project. This bill also provides that the provisions of ARRA prevail over any conflicting state law or regulation and ARRA funded projects are exempt from certain planning and water management requirements of Water Code section 10631. Finally, this bill allows loan forgiveness for ARRA funded projects.

SB 133 (Corbett) Alameda County Water District Groundwater Protection Act. This bill transfers authority to regulate groundwater wells from the Cities of Fremont, Newark and Union City to Alameda County Water District (CWD) and authorizes the Alameda CWD to establish a permit program and to take related action, with regard to construction, operation, maintenance, decommissioning, abandonment, or destruction of wells, exploratory holes, or other excavations for the purpose of protecting groundwater. This bill also authorizes the Alameda CWD to establish a procedure for the abatement of as a public nuisance of any abandoned or unused well, exploratory hole, or other excavation that creates or threatens to create a water contamination hazard.

SB 310 (Ducheny) California Watershed Improvement Act of 2009. This bill authorizes each county, city, or special district that is a permittee or copermitttee under a national pollutant discharge elimination system (NPDES) permit to develop a watershed improvement plan that addresses major sources of pollutants in receiving water, stormwater, urban runoff, or other surface runoff pollution within the watershed or subwatershed. The bill requires the applicable regional

water board to review and approve the plan under certain circumstances. The stated purpose of the act is to maintain existing regulatory requirements, while putting California in a leadership role in stormwater management through facilitating city, county and other municipal stormwater permittees' adoption of cooperative watershed-based stormwater management programs.

SB 790 (Pavley) Stormwater Resource Planning Act and Water Quality Grants. This bill establishes the Stormwater Resource Planning Act which authorizes a city, county, or special district, individually or jointly, to develop a stormwater resource plan to achieve multiple benefits including water quality, water supply, habitat benefits, and quality of life benefits such as open space. The plan must, among other things, provide for multiple benefit project design to maximize water supply, water quality, and environmental and other community benefits, provide for community participation, and be consistent with specified water permits and any applicable integrated regional water management plan. This bill also authorizes grants for projects designed to implement or promote low-impact development that will contribute to the improvement of water quality or reduce stormwater runoff and for projects designed to implement specified stormwater resource plans.

WATER POLICY AND SUPPLY

AB 474 (Blumenfeld) Contractual Assessments: Water Efficiency Improvements. This bill expands the authorization that allows public agencies to enter into contractual assessments with willing property owners to include financing the installation of water efficiency improvements that are permanently fixed to residential and commercial real estate, including, but not limited to, recycled water connections, synthetic turf, cisterns for stormwater recovery, and permeable pavement. This bill also adds agriculture to the types of

property whose owners can enter into a contractual assessment for energy and water efficiency projects and adds municipal utility districts and community service districts to the list of entities that can enter into such assessments.

AB 975 (Fong) Water Meters. This bill requires, on and after January 1, 2010, each water corporation with 500 or more service connections, with specified exceptions, to install a water meter on each new service connection and, by January 1, 2025, to install a water meter upon each unmetered service connection. Each applicable water corporation that reaches 500 or more connections must install a water meter upon each unmetered connection within 10 years of reaching that threshold. This bill requires each water corporation that has installed water meters, with specified exceptions, to charge customers for potable water based on volume of delivery on and after January 1, 2015 and requires the water corporation to recover the cost of providing services related to the water meters. Charging for water based on volume may be delayed for up to one annual billing cycle to acclimate customers to the new pricing structure.

AB 1061 (Lieu) Water-Efficient Landscapes. This bill provides that a provision of any of the governing documents of a common interest development shall be void and unenforceable if it prohibits, or includes conditions that have the effect of prohibiting or restricting compliance with a local water-efficient landscape ordinance or local water conservation measures adopted pursuant to state regulations.

AB 1465 (Hill) Urban Water Management Planning. This bill deems water suppliers that are members of the California Urban Water Conservation Council to be in compliance with the requirement to describe the supplier's water demand management measures in its urban water management plan if the supplier complies with all the provisions in the "Memorandum of Understanding Regarding Urban

Water Conservation in California," dated December 10, 2008, as it may be amended.

SB 283 (DeSaulnier) Water Recycling Act of 2006. The Water Recycling Act of 2006 requires the Department of Water Resources (DWR) to adopt and submit to the California Building Standards Commission, by July 1, 2008, regulations to establish a state version of Chapter 16 of the Uniform Plumbing Code to provide design standards to safely plumb buildings with both potable and recycled water systems. This urgency bill extends the date the regulations are due to the Commission to December 31, 2009. This bill also requires the DWR to review and update the regulations annually commencing July 1, 2011 and eliminates the requirement that the regulations can only be adopted if the Legislature appropriates funds for that purpose.

SB 407 (Padilla) Real Property Water-Conserving Plumbing Fixtures. Addressing the Legislature's concern about water supply reliability issues raised by growing urban areas, this bill requires that, on and after January 1, 2014, permittees for building alterations or improvements on single-family residential properties built and available on or before January 1, 1994, and as a condition for issuance final approval by the local building department, must replace all noncompliant plumbing fixtures, as defined, with water-conserving plumbing fixtures. On or before January 1, 2017 (single family residential) and January 1, 2019 (multi-family residential and commercial), non-compliant plumbing fixtures must be replaced with water-conserving fixtures. Under certain circumstances, noncompliant fixtures must be replaced in any multifamily and commercial residential real property on and after January 1, 2014. Sellers or transferors of such properties shall be required to disclose in writing to any prospective purchaser any noncompliant plumbing fixtures by specified dates.