

Editors Note: *Derek Hoye, JD of Beyond Compliance LLC, authored this Special Report on California's 2010 Proposed Environmental Legislation. Mr. Hoye provides Beyond Compliance's clients with advice in the areas of sustainability, water quality, air quality, hazardous waste/materials and many other evolving environmental regulatory requirements.*

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Each year CEI does a survey of environmental bills that will be considered by the Legislature during the current year's session. The Special Report covers bills that will be considered by the Legislature this year.

This is the second year of the two-year 2009-2010 session. The vast majority of the bills included in this report were introduced this year prior to the February 19 bill introduction deadline. However, there are a number of bills left over from last year that have passed their house of origin by January 31 of this year ("two year bills"). These bills are still technically alive and we have included those that still appear viable. We caution readers that the authors of these bills may or may not push them this year.

All bills introduced this year must pass out of their house of origin by June 4, and all bills must pass both houses by the end of this year's session on August 31. Governor Schwarzenegger then has until October 2 to

sign or veto any such bill. All bills ultimately signed into law by the Governor by that date will go into effect on January 1, 2011, unless the bill is marked as "urgency" legislation in which case it goes into effect upon the Governor's signature. Urgency legislation requires a 2/3 vote of each house. As usual, a large number of the bills are "spot" bills. These consist of little more than language indicating what subject area the author is intending to cover and are submitted to meet the bill introduction 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. In the meantime, we will periodically update our readers on those bills that we feel are the most significant as they progress through the Legislature. We also invite readers to visit our website ceitoday.com, where we will keep tabs on what we feel are the most important bills. While we have tried to include all proposed environmental legislation (except for some minor bills or those we believe cover subjects our readers have limited interest in) we undoubtedly have missed some.

AB refers to bills that originate in the Assembly and SB to those that originate in the Senate. The legislator carrying the bill (the author) is included in parentheses. Bills are divided into categories according to subject matter. 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.

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 POLLUTION

AB 1416 (Galgiani) Groundwater Drilling. This bill would prohibit the ARB from imposing specified emission control requirements on portable engines, off-road vehicles, or on-road vehicles used by a person holding a C-57 or C-61 (D-21 subcategory) license issued by the Contractors' State License Board for water well drilling, reconstruction, or maintenance, or water pump installation, repair, or maintenance, until 5 years after the emergency drought declaration of 2009 is terminated. The ARB would be prohibited from imposing reporting requirements for off-road diesel-fueled fleets until January 1, 2015, at the earliest.

AB 2037 (Manuel Perez) Electricity. This bill would prohibit privately or publicly owned electric providers from entering into a long-term financial commitment with or for a new electrical generation facility, if a local air district has determined that the new facility was not certified by the Energy Commission, does not include Best Available Control Technology (BACT) requirements or meet other air regulation requirements, and contributes to an inability to meet state or federal ambient air standards in the air basin over which the district has jurisdiction.

AB 2289 (Eng) Smog Check Program. This bill, sponsored by the ARB and Bureau of Automotive Repair, would revamp the state's smog check program in response to a critical audit. The bill is described in detail in our last issue (CEI March 17, 2010).

AB 2328 (Niello) ARB Small Business Member. The ARB consists of eleven members; two of whom represent the general public. This bill would require one of those public

members to be an owner of a small business.

AB 2329 (Ruskin) ARB Hearing Board Notices. This bill would require a local air district to send a notice of a hearing by its hearing board no less than three days prior to the hearing to anyone who requests notices of such hearings.

AB 2469 (Berryhill) State Air Resources Board Dispute Resolutions. This bill would allow a person to seek relief regarding that person's ability to comply with any requirement imposed or administered by the ARB, by applying for a dispute resolution order from a hearing officer, pursuant to specified requirements.

SB 435 (Pavley) Motorcycles. This spot bill would declare the Legislature's intent to enact legislation to increase enforcement, including, increasing penalties, for tampering with pollution control devices on motorcycles.

SB 1114 (Florez) Publicly-Funded Emission Credits. Current law prohibits local air districts from recognizing emission reduction credits from publicly funded projects. This bill would authorize a local air district to create an emission reduction credit from a marine vessel or locomotive emission reduction project that is funded by both public and private moneys. A credit created pursuant to this provision would only be for the percentage of the emission reduction project that is paid for by private moneys. The bill would provide that the state share of the credit would be 20%, and the Treasurer would be required to sell this ownership share, and deposit the proceeds into the Emission Reduction Credit Sales Fund, which the bill would create. The 80% balance of the credit would belong to the person or entity that established the project.

SB 1194 (Hollingworth) Wood-Burning Appliances. This bill would prohibit a local air district from adopting or implementing a ban on wood-burning fireplaces or other appliances in a new or existing

residential structures.

SB 1238 (Calderon) Diesel vehicles and Engines. Existing law requires the State Air Resources Board every 3 years to review enforcement of diesel emission control regulations for on-road and off-road engines and to develop a strategic plan for consistent, comprehensive, and fair enforcement of these regulations. The law requires the state board to consult with local air districts and the public in developing the plan. This bill would require the board to also consult with affected businesses.

SB 1299 (Lowenthal) Vehicle Miles Traveled Fee (VMT). This bill would require the Department of Motor Vehicles to develop and implement, by January 1, 2012, a pilot program designed to assess issues related to implementing a VMT fee in California. The bill would also require the Department to prepare and submit a specified report of its findings to the policy and fiscal committees of the Legislature no later than June 30, 2012.

SB 1433 (Leno) Inflation Adjustment to ARB Penalties and Fines. This bill would require the ARB, on March 1, 2011, and annually thereafter, to adjust for inflation the maximum civil and criminal penalties specified for violation of the state's air pollution laws, and to publish the inflation-adjusted maximum penalties on its Internet Web site.

CEQA

AB 1704 (Jeffries) CEQA Exemption for Pipeline in Existing Right-of-Way. This bill will exempt from CEQA review a project for the installation of a new pipeline for the distribution of recycled water or for the replacement of an existing pipeline for the distribution of water within an improved public street, highway, or right-of-way.

AB 1805 (Calderon) CEQA Pilot Project Exemption Program. The bill would enact the CEQA Litigation Protection Pilot Program of 2010 and would require the Business,

Transportation and Housing Agency to select projects that meet specified requirements from specified regions for each calendar year between 2010 and 2014. The bill would exempt from judicial review, pursuant to CEQA, a lead agency's decision to certify the environmental impact report (EIR) of, or to adopt a mitigated negative declaration for, the selected projects, a lead agency's and responsible agency's approval of the selected project, and the Business, Transportation and Housing Agency's selection of the projects. The bill would require the Business, Transportation and Housing Agency, by December 31 of each year, to submit an annual report to the Governor and to the Legislature summarizing the designation of projects, and the job creation and investment attributable to the designated projects.

AB 1846 (Perez) Expedited Environmental Review: Climate Change Regulations. CEQA requires ARB, the State Water Board, DTSC, and the Department of Resources, Recycling, and Recovery (CalRecycle) to perform, at the time of adoption of a rule or regulation requiring the installation of pollution control equipment, an environmental analysis of the reasonably foreseeable methods of compliance. CEQA authorizes the use of a focused environmental impact report for a project that consists solely of the installation of pollution control equipment required by specified state agencies. This bill would additionally require the above environmental analysis be performed for a rule or regulation adopted pursuant to the California Global Warming Solutions Act of 2006. The bill would authorize the use of the focused environmental impact report for a project that reduces greenhouse gas emissions in compliance with a rule or regulation adopted pursuant to the California Global Warming Solutions Act of 2006 (AB 32).

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AB 2165 (Knight) CEQA: Exemption for High Desert Facility. This bill would exempt the High Desert Health System Multi-Service Ambulatory Care Center project from the requirements of CEQA.

AB 2565 (Ammiano) Notices. This bill would authorize the lead agency, in lieu of providing an interested party and a public agency with a notice, response, or document as required by CEQA, to notify the interested party or public agency of the availability of the notice, response, or document on the lead agency's Internet Web site. The bill would authorize the lead agency to post, maintain, and make available on the lead agency's Internet Web site, any notices, responses, and documents that are required to be made available to the public or to other public agencies.

SB 1261 (Ashburn) Environment: CEQA: Expedited Review. This spot bill would state the intent of the Legislature to enact legislation establishing a fast track environmental review process that maintains current environmental protection while expediting the review of projects related to green or renewable industries that will create jobs in the state.

SB 1293 (Hollingsworth) Exemption for Vegetation Management Plan. This bill would exempt from CEQA the adoption of a vegetation management plan or the implementation of a project identified in an adopted plan meeting specified requirements.

CLIMATE CHANGE

AB 19 (Ruskin) Greenhouse Gas Emissions: Consumer Product Labeling. This bill would enact the Carbon Labeling Act of 2009. The act would require the state Air Resources Board (ARB) to develop and implement a program for the voluntary assessment, verification, and standardized labeling of the carbon footprint of consumer products sold in California.

AB 1373 (Skinner) High GWP Refrigerants. This bill would enact the California Refrigeration and Air-Conditioning Innovation Review Act of 2009 and would require the State Energy Resources Conservation and Development Commission (Energy Commission), using existing staff and funds, to develop and to conduct, in consultation with the ARB, a study containing specified elements assessing the potential efficiency of stationary cooling technology that significantly reduces the use and emission of high-global warming potential (GWP) compounds in the stationary refrigeration and air-conditioning industry.

AB 1504 (Skinner) Forest Resources: Carbon Sequestration. This bill requires the California Department of Forestry (CDF) by March 1, 2011, to assess the capacity of its forest and rangeland regulations to meet or exceed the state's greenhouse gas (GHG) reduction goals for forests, pursuant to the California Global Warming Solutions Act of 2006 (AB 32). This bill also would add carbon dioxide sequestration to the current list of public needs to be met under the state's Forest Practices Act.

AB 1530 (Skinner) Greenhouse Gas Emission Reduction Measures. This bill would require the ARB to adopt protocols for the evaluation, quantification, and verification of any greenhouse gas emission reduction measure that relies on electrical energy efficiency to ensure that the reductions comply with the existing requirements of the California Global Warming Solutions Act of 2006 (AB 32).

AB 2311 (Mendoza) California Global Warming Solutions Act of 2006 (AB32): Transportation Fuels. This bill would require the ARB to review any regulation it has previously adopted that establishes greenhouse gas emission standards for transportation fuels and to adopt a report relating to this review. The bill would require the state board, based on that report, to revise the compliance schedule or schedules

in the regulation to avoid impacts on California fuel supplies or prices, competitiveness of California businesses relative to out of state or international competitors, impacts on the California economy, and impacts on California small businesses. The first such report would be due December 31, 2011, and subsequent reports would be due at the end of each succeeding three year period.

AB 2534 (Fuentes) AB 32: Impacted Communities. This bill would authorize the ARB to establish a fund into which it would deposit a portion of any revenues received from the distribution of allowances received pursuant to market-based compliance mechanisms (e.g. cap and trade) under AB 32. That fund would be used for expenditure on communities experiencing increased exposure to air pollutants to the extent that the ARB establishes that the increased exposure to air pollutants is caused by the implementation of the market-based compliance mechanism regulation.

AB 2691 (Hall) GHG Emissions Fee. This bill would prohibit any state or local agency (other than the ARB) from imposing a greenhouse gas emissions fee on a source that is included in a AB 32 market-based compliance program, such as cap-and-trade, and is also subject to an ARB-imposed fee for the implementation of AB 32.

SB 144 (Pavley) Forest Resources: Carbon Sequestration. This bill would require the Department of Forestry, in order to further the goals of the AB 32 and to enhance the capability of forest carbon sequestration, to develop options and incentives for the management of private forests. Pursuant to the criteria established under the California Global Warming Solutions Act of 2006 (AB 32), the Department would establish scientific standardized baselines at the regional and state levels to project future scenarios of carbon emissions and sequestration, and to develop regulations that establish mitigation requirements for forest conversion.

SB 518 (Lowenthal) Incentives to Reduce Parking Subsidies. This bill would establish a point system that would reward cities and counties for the adoption of specified measures designed to eliminate the use of free parking to attract vehicles to a commercial or residential development. Measures include reducing or eliminating minimum parking space requirements for projects, removing density limits, establishing parking fees, and numerous other options. Cities or counties that adopt enough of these measures would be awarded with carbon credits in a cap-and-trade program, would get a preference for the receipt of grants or loans, or would receive other benefits. The author intends this program to be a measure that could assist local planners in meeting the requirements of SB 375; the legislation seeking to reduce GHG emissions through better land use planning.

SB 1006 (Pavley) Natural Resources. This bill would require the Natural Resources Agency, in developing and implementing climate change adaptation strategies and activities, to fully consider and undertake, to the maximum extent practicable, initiatives that, among other things, protect or enhance natural ecosystem functions in relation to wetlands, beaches, flood plains, watersheds, and greenhouse gas emissions.

SB 1033 (Wright) Restrictions on Trading of Cap and Trade Allowances. This bill would require the ARB, if a market-based mechanism such as cap and trade is adopted to implement AB 32, to sell or otherwise distribute an emissions allowance under the mechanism only to a person subject to the greenhouse gas emissions limit to which that allowance applies.

SB 1120 (Dutton) AB 32: Market-Based Compliance Mechanisms. This bill would prohibit the State Air Resources Board from implementing a market-based compliance mechanism that includes caps on greenhouse gas emissions and trad-

ing among participants unless it is a part of a legally enforceable regional or federal program.

SB 1153 (Hancock) Renewable Energy Projects and Agricultural Land. This spot bill would express the intent of the Legislature to enact legislation to address the serious threat of global warming to the economic well being, public health, natural resources, and the environment of the state by coordinating permit approvals and providing incentives for renewable energy projects with multiple environmental and economic benefits to agricultural land.

SB 1241 (Wolk) Greenhouse Gas Emissions Reduction in Agriculture: Grant Program. This bill would require the Secretary of Agriculture to administer an unspecified percentage of certain funds, which are subject to appropriation by the Legislature, in consultation with the California Agricultural Climate Benefits Advisory Committee, which the bill would require the secretary to establish, to be used for costs of administration or grants to reduce greenhouse gas emissions in the state's agricultural sector.

SB 1263 (Wyland) AB 32 Made Inoperative. This bill would make the provisions of AB 32, and any regulation adopted pursuant to the act, inoperative. .

SB 1305 (Pavley) Legislative Appropriation of AB 32 Fee Revenue. This bill would provide that revenues generated from fees to fund expenditures beyond the administrative costs of implementing AB 32, revenues generated as a result of the implementation of market-based compliance mechanisms such as cap-and-trade, or revenues generated from other compliance mechanisms shall be appropriated by the Legislature in furtherance of the goals of AB 32.

COASTAL

AB 2125 (Ruskin) Coastal Resources: Marine Spatial Planning. This bill would require the Ocean Protection Council to

support interagency collaboration and management of geospatial information to identify priority uses and address user conflicts in the ocean environment, and analyze and develop recommendations on marine spatial planning.

AB 2503 (John A. Perez) Artificial Reefs. This bill would enact the California Marine Life Legacy Act to establish a program of artificial reef research and development. The act would authorize the Department of Fish and Game to approve the conversion of an offshore oil platform or production facility into an artificial reef, if specified criteria are satisfied, including a finding that the alternative of converting the decommissioned offshore oil platform or production facility into an artificial reef provides a net benefit to the environment compared to the alternative of removing the facilities from the marine environment.

AB 2598 (Brownley) Tidelands and Submerged Lands: Sea Level Action Plan. This bill would require each trustee of granted public trust lands to prepare a sea level action plan by July 1, 2011, and submit the plan to the Natural Resources Agency, the Governor's Office of Planning and Research, and the State Lands Commission. The bill would require the plan to include, among other things, an assessment of the impact of sea level rise on granted public trust lands, an estimate of the financial cost of this impact, and strategies to prevent or mitigate damage to development and infrastructure.

THE DELTA

AB 13 (Salas) Sacramento-San Joaquin Delta Conservancy. This bill would establish the Sacramento-San Joaquin Delta Conservancy to restore, maintain, and enhance ecosystems, including habitats, wildlife corridors, native species, and open space, in the Sacramento-San Joaquin Delta, and to develop and implement projects to address the economic viability of the Delta region, consistent with a specified

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Delta Plan.

AB 1594 (Huber) Peripheral Canal. This bill would prohibit the construction of a peripheral canal that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. The bill would require the Legislative Analyst's Office to complete an economic feasibility analysis prior to the enactment of a statute authorizing the construction of a peripheral canal. The bill would also require that the construction and operation of a peripheral canal not diminish or negatively affect the water supplies, water rights, or quality of water for water users within the Sacramento-San Joaquin Delta watershed.

AB 1797 (Berryhill) State Water Resources Development System: Delta Corridors Plan. This bill would require the Department of Water Resources to undertake an expedited evaluation and feasibility study with regard to the implementation of a through-Delta conveyance plan (Delta Corridors Plan). The Department would be required to prepare and submit to the Legislature, on or before January 1, 2012, a report that includes its feasibility findings. If the Department determines the implementation of the plan is feasible, the Department would be required to include recommendations with regard to specific facilities to be constructed, and to identify potential funding sources, for the purposes of implementing the plan.

AB 1886 (Yamada) Water Use: Sacramento-San Joaquin Delta Watershed. The Department of Water Resources exports water from the Delta watershed in connection with its operation of the State Water Project. This bill would require the department, in preparing and updating the California Water Plan, to include a report on progress toward meeting the goals of reducing reliance on the

Sacramento-San Joaquin Delta in meeting the state's future water supply needs and regional self-reliance for water.

AB 2336 (Fuller) Delta Stewardship Council. This bill would require the Delta Stewardship Council, in the course of developing and adopting the Delta Plan, to assess the adverse impacts of invasive species predation on native species, evaluate predator suppression options in areas of the Delta that evidence the highest levels of predation, and recommend changes in law and actions by state agencies to remedy the situation in as timely a manner as is practicable.

SB 1468 (Padilla) Bay Delta Conservation Plan. The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan) by January 1, 2012. The Act authorizes the incorporation of the Bay Delta Conservation Plan into the Delta Plan if certain requirements are met. This bill would state legislative findings and declarations relative to the development of the Bay Delta Conservation Plan and the activities of the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee.

ENDANGERED SPECIES AND WILDLIFE

AB 2063 (Huffman) Chinook Salmon. This bill would proclaim a legislative goal of restoring Chinook salmon runs in California to sustainable levels, sufficient to support viable recreational, commercial, and tribal fisheries, within a decade.

AB 2223 (Nava) Wildlife Management Areas: Nontoxic Shot. This bill would require the use of nontoxic shot, as defined in the bill, when shooting or hunting in a state wildlife management area. Under the bill, a person who violates that requirement would be guilty of an infraction punishable by a \$500 fine

for the first offense.

SB 1218 (Flores) Fisheries. This bill would require the Department of Fish and Game to conduct a 3-year study to assess interactions between hatchery fish and naturally spawned fish and to develop hatchery and stream management practices to ensure the viability of fish populations and to ensure sustainable fisheries. The Department would be required, on or before January 1, 2014, to prepare and submit to the Legislature a report on the study. The bill would require the Department to establish a study team of not fewer than 12 members, with membership as prescribed in the bill.

SB 1349 (Cogdill) Endangered Species: Experimental Populations. This bill would amend the California Endangered Species Act (CESA) to incorporate provisions that parallel federal provisions covering a person who obtains a permit to introduce an experimental population of a species listed under the federal Endangered Species Act. These "enhancement of survival" permit provisions would provide that CESA does not prohibit the take, or the incidental take, of any endangered, threatened, or candidate species, if the Secretary of the Interior or the Secretary of Commerce designates an experimental population of federally-listed species.

According to materials provided by the author, this bill is prompted by the ongoing efforts to restore the San Joaquin river and re-establish spring-run Chinook salmon. In a settlement of a major lawsuit, salmon are required to be introduced no later than December 31, 2012. The federal agencies have proposed reintroduction of these salmon as an experimental population.

ENERGY

AB 222 (Adams) Energy: Biofuels. This bill would define "in-state renewable electricity generation facility," for purposes of California's Renewable Portfolio Standard (RPS), to include a facility that uses conversion at a biorefinery. The bill would define "biorefinery" to mean

a facility that uses a non-incineration thermal, chemical, biological, or mechanical conservation process, or a combination of those processes, to produce clean burning fuel for generating electricity or a renewable fuel from carbonaceous materials not derived from fossil fuel or solid waste feedstock.

AB 1030 (Blumenfield) Renewable Energy Projects: Department of Transportation. This bill would authorize the Institute of the Environment at the University of California, Los Angeles, in consultation with the Director of Transportation and only upon receipt of funding, to undertake a project for mapping the renewable energy development potential of state-owned real property under the direction and control of the Department of Transportation

AB 1106 (Fuentes) Renewable Electric Generation Facilities: Feed-in Tariffs. This bill would make the existing feed-in tariff statute applicable to an electric generation facility that interconnects to the grid and commences initial operation on or before June 30, 2011.

AB 1350 (Blakeslee) Regional Mitigation for Renewable Energy Projects. This bill would authorize the Energy Commission to communicate, coordinate, and work with the Natural Resources Agency, the Department of Fish and Game, and other specified entities to consider and implement mitigation requirements on a regional basis for projects proposing to develop eligible renewable energy resources for the purposes of the California Renewable Portfolio Standard Program.

AB 1915 (Davis) Solar Energy Projects: Rental Properties. This bill would require the Public Utilities Commission to implement a strategy to expand the participation rates of multiunit residential and commercial rental properties in utility energy efficiency and solar energy programs in accordance with prescribed program requirements.

The Commission would be required to prepare and submit a report on that program to the Legislature.

AB 1923 (Evans) Photovoltaic Panels Theft. This spot bill would state the intent of the Legislature to enact legislation to discourage the theft of photovoltaic panels.

AB 1947 (Fong) Solar Farms: Credits. This bill would direct the Public Utilities Commission to require an electrical corporation to apply a bill credit of up to 100% to a customer's bill for electricity that is generated by solar panels leased by the customer at a solar farm and fed back to the electric grid.

AB 2231 (Manuel Perez) Renewable Energy Action Team. This bill would require the Energy Commission to convene the Renewable Energy Action Team, which would consist of representatives from the Commission, the Department of Fish and Game, and the Natural Resources Agency. The bill would require the Commission also to request the United States Fish and Wildlife Service and the United States Department of the Interior Bureau of Land Management to participate in the team. The team would be required to develop and adopt the Desert Renewable Energy Conservation Plan to identify renewable energy zones based on renewable energy development potential and environmental, wildlife, and conservation criteria. The bill would specify required components of the plan.

AB 2514 (Skinner) Energy Storage Systems. This bill would require each electrical corporation and local publicly owned electric utility, commencing January 1, 2014, to procure new energy storage systems that are sufficient to provide specified percentages of the utility's average peak electrical demand using stored energy that was generated during off peak periods of electrical demand (energy storage portfolio).

AB 2561 (Villines) Abolishment of Energy Commission. This bill would abolish the Energy Commis-

sion and the Electricity Oversight Board. The bill would create the Department of Energy, headed by a Secretary of Energy, and would create the California Energy Board and the Office of Energy Market Oversight within the department.

AB 2719 (DeVore) Oil and Gas Leases in State Waters. This bill would create, until July 1, 2011, the Interim Resources Management Board, consisting of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, and the Controller. The bill would authorize the board to consider a lease application for the extraction of oil or gas offshore in state waters. The bill would authorize the board to approve that lease if specified terms and conditions are met.

AB 2724 (Blumenfield) Solar Water Heating. This bill would require the Public Utilities Commission, in order to encourage the installation of solar water heating systems in buildings owned and occupied by public agencies, to consider additional incentives for the installation of solar water heating systems by public entities, including, but not limited to, exemptions or partial exemptions from the surcharge. The bill would require the commission to give special consideration to large users of hot water such as jails, prisons, and public hospitals.

SB 376 (Simitian) LNG Facilities. This bill enacts the Liquefied Natural Gas Market Assessment Act and requires the California Energy Commission, on or before July 1, 2011, to create a matrix on its Internet Web site containing information related to the building and operation of a liquefied natural gas terminal project, and requires quarterly updates.

SB 722 (Simitian) Renewable Energy Resources. This spot bill would revise the Renewable Energy Resources Program to state the intent of the Legislature to increase the amount of electricity generated from eligible renewable energy

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resources per year, so that amount equals at least 33% of total retail sales of electricity in California per year by December 31, 2020. The bill would revise certain terms used in the program and revise certain eligibility criteria for a renewable electrical generation facility pursuant to the program.

SB 1073 (Ashburn) Income Taxes: Research and Development Credit: Renewable Energy. This bill would, provide a tax credit under both the state income and corporate taxes, beginning with the 2010 tax year, equal to 20% of the qualified research expenses associated with green technology and renewable energy research and development projects.

SB 1198 (Huff) Energy Commission Oversight. This bill would require the Energy Commission to submit any regulation it has adopted but not implemented by January 1, 2011 and thereafter to the Legislature. The regulation cannot then be implemented unless both houses of the Legislature approve it by a majority vote. The bill also prohibits any such regulation from being implemented until the state's unemployment rate drops to 5.1% for three consecutive months.

SB 1247 (Dutton) Public Utilities. This bill would delete the existing definition of an eligible renewable energy resource under the California Renewable Portfolio Standard Program and, instead, define the term to mean an electric generating facility that uses biomass, solar energy, wind, geothermal, fuel cells using renewable fuels, hydroelectric generation, nuclear generation, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and any additions or enhancements to the facility using that technology. The bill would make other conforming changes and repeal certain provisions relating to the eligibility of hydroelectric generation.

SB 1319 (Pavley) Land Use: Renewable Energy. California's Planning and Zoning Law provides that it is the policy of the state to promote and encourage the use of distributed renewable energy systems and to limit obstacles to their use, and states the intent of the Legislature that local agencies encourage the installation of these systems by removing obstacles to, and minimizing the costs of, permitting them. This bill would authorize local agencies to authorize one or more pilot projects that will result in the resubdividing or consolidation of or redevelopment of small parcels on previously disturbed lands that are of lesser value as wildlife habitat, but are not conducive to acquisition for large-scale renewable energy systems for the purpose of siting renewable energy systems.

SB 1327 (Pavley) Solar Energy. This spot bill would state the intent of the Legislature to enact legislation to encourage small-scale solar energy systems of one megawatt or less capacity in communities with large concentrations of multifamily residential complexes, and its further intent to enact legislation to enable the residents of those complexes to participate in feed-in tariff programs, solar energy incentives, and the economic and environmental benefits of rooftop solar and other small-scale renewable energy projects.

SB 1340 (Kehoe) Alternative Fuels and Vehicle Technologies. Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the Energy Commission to provide grants, loans, loan guarantees, revolving loans, or other appropriate measures, for the development and deployment of innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change goals. This bill would specify additional projects eligible for funding under the program including a program to provide funding for in-home electric vehicle charging stations for homeowners who purchase an

electric vehicle.

SB 1367 (Wyland) Renewable Energy: 20% Procurement Attainment Date. This bill would extend the target date for a retail seller to procure 20% of its retail sales from eligible renewable energy resources from December 31, 2010, to December 31, 2020. The bill would similarly extend the attainment goal date, under the Renewable Energy Resources Program, for at least 20% of total retail sales of electricity to be generated from eligible renewable energy resources per year from December 31, 2010, to December 31, 2020.

SB 1437 (Kehoe) Plug-in Hybrid and Electric Vehicles. This bill would require the California Public Utilities Commission to determine, for each class of ratepayers, the portion of the billings that are used for subsidizing electricity for plug-in hybrid and electric vehicles.

SB 1465 (Lowenthal) Microturbine Incentives. This bill would instruct the PUC to require an electrical corporation to purchase excess electricity from any customer using a microturbine with a generating capacity of not more than one megawatt that runs off of waste or standard gas associated with the extraction of oil or gas.

HAZARDOUS MATERIALS AND WASTE

AB 1824 (Monning) Hazardous Materials: Nonbiodegradable Toxic Chemicals. This bill would include certain organic chemicals as a nonbiodegradable toxic chemical for the purposes of the current prohibition against the sale or use of a such chemicals in chemical toilets, or toilets in recreational vehicles (RVs) or vessels. The bill will also prohibit the use of nonbiodegradable toxic chemicals for cleaning or unclogging sewage systems.

AB 2176 (Blumenfield) Fluorescent Lights. This spot bill is intended ultimately to contain language requiring producers of mercury-containing fluorescent lamps to establish a program for collecting

and recycling the lamps.

AB 2388 (Miller) Reactivation of Hazardous Waste ID Numbers.

This bill would require DTSC, by July 1, 2011, to revise its identification number certification system to provide a method for an immediate reactivation of a suspended identification number of a hazardous waste generator.

AB 2379 (Feuer) Source Reduction.

The state's current hazardous waste source reduction law (SB 14) requires DTSC to select two industries by SIC Code every two years for the purpose of promoting within those industries model source reduction measures. This bill will instead require selection of four industries every two years.

SB 22 (Simitian) Toxics Information Clearinghouse.

Existing law requires the Office of Environmental Health Hazard Assessment, by January 1, 2011, to evaluate and specify the hazard traits and environmental and toxicological end points and any other relevant data that are to be included in the Toxics Information Clearinghouse. This bill 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 797 (Pavley) Bisphenol-A.

This bill would ban as of July 1, 2011 the sale or distribution of bottles and related products or containers intended for use by children if they contain bisphenol-A in amounts of more than 0.1 parts-per-billion. The bill, introduced last year, is currently on the Assembly inactive file, but may be activated given the ongoing controversy over BPA.

SB 928 (Simitian) Produce Ingredient Disclosures.

The bill would require a manufacturer or wholesaler of certain designated consumer products to provide a notice by March 2011 listing all of the substances, identified by a number or other unique identifier,

that are contained in that product by posting that information on the manufacturer's or wholesaler's Internet Website. A manufacturer or wholesaler that does not maintain an Internet site would be required to establish one. Categories of products covered by the bill include air care products, automotive products, cleaning products, and polishes and other floor maintenance products.

SB 929 (Pavley) Hazardous Materials: Children's Jewelry Containing Cadmium.

This bill would prohibit the manufacturing, shipping, selling, or offering for sale, or offering for promotional purposes children's jewelry containing cadmium.

SB 1052 (Oropeza) Electronic Waste: State Agencies.

This bill would require the Department of Toxic Substances Control, the Department of Resources Recycling and Recovery, and the Department of General Services to jointly collaborate to identify the methods that state agencies are required to adopt to properly handle and dispose of electronic waste and would require each state agency to adopt an electronic waste management plan. The plan would be submitted for review and approval, and would require each state agency to submit an annual report to the Department of Toxic Substances Control regarding the implementation of the plan. Revisions could be requested or enforcement actions taken pursuant to the hazardous waste control laws.

MULTI-MEDIA

AB 1949 (Logue) Regulations: Five-Year Review and Report.

The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. This bill would additionally require the California Environmental Protection Agency, the Division of Occupational Safety and Health in the Department of Industrial Relations, and the State Air Resources Board to review and publicly report on regulations that

it adopts or amends five years after adoption. The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within the immediately preceding five years and the estimated economic, small business, and consumer impact of the regulation.

AB 1659 (Huber) State Government: Agency Repeal.

This bill would create the Joint Sunset Review Committee to identify and eliminate waste, duplication, and inefficiency in government agencies, as defined, and to conduct a comprehensive analysis of every agency to determine if the agency is still necessary and cost effective.

AB 1833 (Logue) Economic Impact Analysis.

This bill would require Cal/EPA, CalOSHA, and the ARB, when proposing to adopt, amend, or repeal an administrative regulation, to complete an economic impact analysis of that action prior to such adoption. The analysis would have to contain the projected cost of the action to the General Fund, the projected total economic impact of the action, including the cost to small business and the estimated number of jobs to be lost, a description of all feasible regulatory alternatives and a cost-benefit analysis of each alternative, and a summary of written criticisms.

AB 2378 (Niello) Performance Standards.

This bill would require that all state agencies acknowledge that performance standards are generally the preferred alternative to mandatory methods of compliance in achieving the goals of a regulation, and would require the agency to explain any deviation from that preference.

AB 2466 (Smyth) Regulations: Legislative Validation: Effective Date.

This bill would require the Office of Administrative Law to submit to the Legislature for review a copy of any regulation that it submits to the Secretary of State, and for the

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Legislature to also refer a copy of every regulation submitted to an appropriate policy committee for review of its consistency with the intent of the authorizing statute. This bill would also require that a regulation becomes effective on the 90th day after it is filed with the Secretary of State, unless prescribed conditions occur.

AB 2529 (Fuentes) State Agencies: Regulations: Review. This bill would adopt the regulatory philosophy and the principles of regulation, as outlined in a 1993 Executive Order by President Clinton (Presidential Executive Order 12866) in order to achieve the same regulatory benefits within the state. These include reform and greater efficiency in the regulatory process with the objective of enhancing planning and coordination with respect to both new and existing regulations; the restoration of the integrity and legitimacy of regulatory review and oversight; and making the process more accessible and open to the public.

SB 959 (Ducheny) Development: Expedited Permit Review. This bill would require the Office of Planning and Research in consultation with the Natural Resources Agency and the California Environmental Protection Agency, to develop a consolidated project information form that may be used by applicants for development projects. The bill would also require the Office of Planning and Research to develop guidelines that would provide technical assistance to counties and cities in establishing and operating an expedited development permit process.

SB 960 (Dutton) State Air Resources Board: Regulations. This bill would require the ARB to submit a major regulation and other related information to the Office of Administrative Law (OAL). OAL would then prepare an analysis of the regulation, with prescribed ele-

ments; would determine the costs and benefits of the regulation and whether the regulation is technologically feasible; and would then submit the analysis to the ARB and the Legislature.

NATURAL RESOURCES

AB 234 (Huffman) Oil Spill Prevention and Response: Transfer of Oil. This bill would require appropriate equipment and supplies for the containment and removal of oil spills in water adjacent to an oil transfer site. The bill would also require the transfer unit to have, among other things, equipment compatible with a vessel traffic advisory control system.

SB 4 (Oropeza.) Public Resources: State Beaches and Parks: Smoking Ban. This bill would make it an infraction for a person to smoke a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system. The bill would require that the ban on smoking be in effect in units of the state park system only if the district superintendent of the state park system has posted an order in accordance with state park regulations policy that prohibits smoking in those areas, and public notice of the proposed order has been provided for at least 30 days.

PESTICIDES

AB 1721 (Swanson) Pesticides: School Zones. This bill would provide, subject to exceptions, that restricted-use pesticides shall not be applied for purposes of production agriculture or a state pest eradication or control program within 1/2 mile of a school safety zone and that other pesticides shall not be applied for purposes of production agriculture or a state pest eradication or control program within 1/4 mile of a school safety zone.

AB 1963 (Nava) Cholinesterase Testing. This bill would require any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy its responsibilities for medical supervision of its employees

who regularly handle pesticides, or to respond to alleged exposure to cholinesterase inhibitors to electronically report specified information on every person tested to the Department of Pesticide Regulation, which would be required to share the information with the Office of Environmental Health Hazard Assessment (OEHHA) and the State Department of Public Health on an ongoing basis. This bill would also require the Department of Pesticide Regulation and local county agricultural commissioners to investigate the incidences of cholinesterase inhibitor-related illness and would require the OEHHA to review the cholinesterase test results.

SOLID WASTE AND RECYCLING

AB 479 and 737 (Chesbro) Solid Waste Diversion. These bills would increase the target for diversion of solid waste from landfills under the Integrated Waste Management Act from the current 50% to 75% after January 1, 2020. The bill also makes a number of other changes in the Act, including requiring local jurisdictions to adopt a commercial recycling ordinance.

AB 903 (Chesbro) and SB 288 (DeSaulnier) Solid Waste: Compostable Plastic Bags. These bills would require a manufacturer of compostable plastic bags to ensure that the compostable plastic bag is readily and easily identifiable from other plastic bags. The bills define both "readily" and "easily identifiable."

AB 983 (Skinner) Recycling: California Beverage Container Recycling. This bill would revise the term beverage for the purposes of the California Beverage Container Recycling Act to include vegetable, fruit, nut, grain, or soy drinks or juices or noncarbonated drinks that contain any percentage of those drinks or juices, and would delete the requirement that a vegetable, drink, subject to the act, be sold in a container of 16 ounces or less.

AB 1343 (Huffman) Solid Waste: Architectural Paint: Recovery Program. This bill would create an architectural paint recovery program that would be enforced by the California Integrated Waste Management Board (now the Department of Resources, Recycling, and Recovery or CalRecycle). A manufacturer or designated stewardship organization would be required to submit to the Board (Department) an architectural paint stewardship plan to develop and implement a recovery program to reduce the generation of post consumer paint, promote the reuse of post consumer architectural paint, and manage the end-of-life of post consumer architectural paint, in an environmentally sound fashion, including collection, transportation, processing, and disposal.

AB 1998 (Brownley) Recycling: Plastic and Paper Carryout Bags. This bill would require a store with regard to providing carryout bags to a customer at the point of sale, to either make reusable bags available for purchase by the customer or provide a paper carryout bag that is subject to the green bag fee that would be imposed by the bill. The bill would require a store to charge a green bag fee of not less than \$0.25 for each paper carryout bag distributed at the point of sale. The bill would establish the Paper Bag Pollution Cleanup Fund in the State Treasury and would require a store to remit these fees, less a specified amount, to the State Board of Equalization for deposit in that fund.

AB 2138 (Chesbro) Recycling: Food Service Packaging: Carryout Bags. This bill would enact the Plastic Ocean Pollution Reduction, Recycling, and Composting Act and would prohibit a food provider, after an unspecified date, but not after July 1, 2013, from distributing a disposable food service packaging or a single-use carryout bag unless the packaging or bag meets the criteria for either compostable packaging or recyclable packaging. This bill would provide for the imposition of a civil penalty upon a person

violating these requirements and would require the penalties to be deposited into the Ocean Pollution Reduction Account, which the bill would create in the Integrated Waste Management Fund in the State Treasury. The bill would authorize CalRecycle to expend the moneys deposited in the account, upon appropriation by the Legislature, to provide public education and assist local governmental agencies in efforts to reduce plastic waste and marine debris, and for its costs of implementing the Act.

AB 2139 (Chesbro) Solid Waste: Product Stewardship. This bill would create the California Product Stewardship Act and would define the term "covered product" to include medical sharps, containers used to contain pesticides intended for residential use, small personal use propane tanks, personal butane lighters, and single-use food packaging that CalRecycle determines is a significant source of ocean and beach contamination. The bill would require the establishment of a plan with a baseline collection rate for those products.

AB 2256 (Huffman) Product Labeling: Flushable Products. This bill would prohibit anyone from packaging consumer products with a label that states they are flushable, sewer and septic safe, or like terms, unless they meet specified product criteria. The bill would make violation of this provision punishable by a fine of up to \$2,500.

AB 2398 (John A. Perez) Product Stewardship: Carpet. This bill would require the establishment of a baseline collection rate for the amount of carpet that is discarded and subsequently collected. The bill would provide a procedure for determining the collection rate for purposes of the bill.

SB 1100 (Corbett) Product Stewardship: Household Batteries. The bill would require by September 30, 2011 a producer of household batteries to submit a product stewardship plan to CalRecycle, which would be required to include

specified elements, including performance goals and product goals. By January 1, 2012, CalRecycle would be required to review and either approve or disapprove the product stewardship plan. After 2012 the bill would prohibit a producer or retailer from selling a household battery unless the producer has an approved stewardship plan. A producer of a household battery must also collect the household battery pursuant to the plan and meet the performance goals included in the product stewardship plan.

SUSTAINABILITY

AB 1891 (Committee on Higher Education) Sustainable Agriculture Research: Agricultural Chemicals. This bill would reestablish the Sustainable Agriculture Research and Education Program, administered by the Regents of the University of California. that expired on January 1, 2010. The program provides extension services, training, and financial incentives for participating farmers to implement biologically integrated farming systems. The bill would not reinstitute certain reporting requirements under the previous version of the Program.

AB 2670 (Perez) State Capitol Sustainability Task Force. This bill would establish the State Capitol Sustainability Task Force consisting of the California State Senate, the California State Assembly, the Office of the Governor, and the Office of the Lieutenant Governor to coordinate, develop, and complete a State Capitol sustainability initiative to further the sustainability practices at the State Capitol Building, the Legislative Office Building, and the State Capitol Park grounds.

SB 675 (Steinberg) Energy Job Training: Clean Technology and Renewable Energy Job Training. This bill would enact the Clean Technology and Renewable Energy Job Training, Career Technical Education, and Dropout Prevention Act of 2010 and would create a fund by

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the same name in the State Treasury. Moneys in the fund would be available, upon appropriation by the Legislature, in the form of competitive grants that would be awarded by the State Allocation Board to qualifying entities for the construction of new facilities or the reconfiguration of existing facilities to enhance educational opportunities for program participants and to provide them with the skills and knowledge necessary for careers directly related to clean technology, renewable energy, or energy efficiency that may also contribute to California's goal in reducing greenhouse gas emissions.

UNDERGROUND STORAGE TANKS

AB 1674 (Saldana) UST Exemption Determination and Aboveground Storage Tanks. This bill deletes a requirement that the State Water Resources Control Board not object to a local agency's determination that an underground storage tank is exempt from meeting specified requirements for underground storage tanks installed on or after July 1, 2003, and before July 1, 2004, or on or after July 1, 2004. The bill also makes technical definitional changes to the rules for Above Ground Storage Tanks.

WATER

AB 40 (Smyth) Water: Reasonable Use: Electrical Generation Facilities. This bill would declare that the use of potable domestic water for cooling towers that are part of a generating system that is an eligible renewable energy resource is a reasonable use of water if certain requirements are met.

AB 300 (Caballero) Subdivisions: Water Supply. This bill would require the public water system, or the local agency if there is no public water system, to review, verify for accuracy, and approve a subdivider's water savings projections attributable to voluntary demand management measures. This bill would

provide that such a water supply assessment when completed satisfies the existing requirement of verifying sufficient water supply.

AB 301 (Fuentes) Vended Water Permits: Penalties. This bill would require each applicant for a license as a water-bottling plant or a private water source to provide to the Department of Public Health specified information about the source and volume of the water used, and would require the Department to annually compile a listing of this information and make it available to the public.

AB 410 (De La Torre) Recycled Water. Current law establishes a statewide goal of recycling 700,000 acre feet of water by 2000 and 1 million acre feet by 2010. This bill would refer to the statewide recycling goal as a target, and would additionally set a target to recycle a total of 1,525,000 acre-feet of water per year by 2020, and 2,525,000 acre-feet of water per year by 2030 for the purpose of maximizing the use of recycled water in the state. This bill would require the Department of Water Resources, in providing grants to hydrologic regions, to give additional consideration to proposals for the preparation of salt and nutrient management plans consistent with the recycled water policy of the State Water Resources Control Board.

AB 752 (Caballero) Safe Drinking Water and Water Supply Reliability Act of 2010. This bill would enact the Safe Drinking Water and Water Supply Reliability Act of 2010, which, if approved by the voters, would authorize the issuance of general obligation bonds to finance a safe drinking water and water supply reliability program. The bill would provide for the submission of the bond act to the voters at the November 2, 2010, statewide general election.

AB 1100 (Duvall) Potable Reuse Demonstration Water. This bill would allow the bottling of potable reuse demonstration water to be distributed, free of charge, for educational purposes or to promote

water recycling. The bill would establish specific bottling, labeling, and sanitation requirements for potable reuse demonstration water and would require an operator seeking to bottle this water to establish a collection and recycling program for distributed bottles.

AB 1728 (Gilmore) Sampling. This bill would provide a publicly owned treatment works (POTW) with the option of using an automatic composite sampler, in lieu of grab samples, to collect representative samples for monitoring constituents that are subject to the mandatory minimum penalties.

AB 1774 (Saldana) Recycled Water: State Agency landscape Irrigation. This bill would state legislative findings and declare that the use of potable domestic water for the irrigation of landscaping is generally a waste or an unreasonable use of water if recycled water is available for that use.

AB 1834 (Solorio) Regional Water Management: Stormwater. This bill would authorize a landowner to install, maintain, and operate, on the landowner's property, a rainwater capture system meeting specified requirements. The bill would require the State Water Resources Control Board to initiate a stakeholder process to develop guidelines for local agencies to address issues arising out of rainwater capture for nonpotable uses, and would require the board to submit recommendations as to the appropriate guidelines to the Legislature and the Governor by December 31, 2011.

AB 1843 (Gilmore) Water Supply Security: Reports. This bill would require the California Office of Homeland Security to submit confidential reports to the Legislature regarding the current security status of the state's existing drinking water systems and facilities, with a special focus on any vulnerability to terrorist attacks and recommended actions necessary to bring the security status to acceptable levels.

AB 1884 (Galgiani) Local Water Supply Projects: Inventory. The

Department of Water Resources is required annually to prepare and submit to the Legislature a report on the goals of the Bay-Delta Program and the budget for the State Water Resources Development System. This bill would additionally require the department to conduct a state-wide inventory of local regional water supply projects and post the results of the inventory on the department's Internet Web site by January 1, 2012.

AB 2049 (Arambula) State Water Resources Development System: Water Delivery. This bill would prohibit the Director of Water Resources from approving a transfer or assignment, for more than 10 years, of any contractual right to the delivery of water held by a contractor for agricultural use to another contractor for municipal use, to the extent permitted by law.

AB 2304 (Huffman) Groundwater Management Plans: Components. This bill would add coordination with local planning agencies to develop and implement land use strategies that protect priority recharge areas to the list of authorized components of a groundwater management plan.

AB 2407 (Harkey) California Regional Water Quality Control Boards: Boundaries. This bill would revise the description of the boundaries of the Santa Ana Regional Water Quality Control Board and the San Diego Regional Water Quality Control Board.

AB 2422 (Berryhill) Urban Water Demand Management. This bill would require the Department of Water Resources to convene an expert scientific panel to review, and provide recommendations for, updates to the model water efficient landscape ordinance and proposed rules, regulations, and guidelines relating to urban residential water demand management. The bill would prescribe the membership of the panel and requirements for the panel's review and recommendation functions.

AB 2507 (Strickland) Small Water Systems. Current law authorizes the department to establish less stringent drinking water requirements for so-called small water systems, and requires local health officers to enforce those standards. This bill would require local public health officers to also establish the standards themselves, as well as enforce them.

AB 2583 (Hall) Water Quality: Treatment Chemicals. This bill would require water agencies and their direct suppliers, in order to mitigate the potential catastrophic harm involved in the unintended and intentional releases of hazardous substances that are in transit, to utilize raw material chemical products derived from Inherently Safer Technology or inherently safer production measures where the products derived from safer measures or technology are appropriate, given the disinfection methodology used by the water agency, and commercially available without being materially cost prohibitive to the water utilities or rate payers.

AB 2679 (Eng) Tiered Energy and Water Pricing. This spot bill states the intent of the Legislature to enact legislation that creates a tiered system for achieving consumption reductions in energy and water in all public sector agencies for cost reduction, cost avoidance, and environmental compliance purposes.

SB 565 (Pavley) Water Resources. This bill would authorize the State Water Resources Control Board to order any person or entity that diverts water or uses water to submit any technical or monitoring report related to the diversion or use of water by that person or entity. The bill would authorize the State Board, in connection with an investigation or proceeding of a water diversion or use, to inspect the facilities of any person or entity to determine compliance with specified water use requirements.

SB 918 (Pavley) Water Recycling. This bill would require the Department of Public Health to develop

and adopt uniform water recycling criteria for indirect potable water reuse, and to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse, consistent with a specified timeline. The bill would require funds generated by penalties for violations of water quality requirements from July 1, 2011 through June 30, 2015 to be made available, upon appropriation by the Legislature to the State Department of Public Health for the purposes of developing and adopting the criteria.

SB 1107 (Kehoe) Water Quality: Interceptor and Trap Grease. This bill would enact the Interceptor and Trap Grease Transportation Act of 2010. The bill would require the State Water Resources Board to prepare, adopt, and implement regulations to manage the transportation of interceptor and trap grease to appropriate facilities for recycling, treatment, or proper disposal.

SB 1173 (Wolk) Recycled Water. Current law declares that the use of "non-recycled water" for non-potable municipal or industrial uses is a waste or unreasonable use of water, if recycled water is available. This bill would replace non-recycled water with the term "raw or potable" water.

SB 1234 (Kehoe) Unreasonable Use of Water. This bill would require the State Water Resources Control Board, by January 1, 2012, to adopt regulations to identify unreasonable uses of water during various periods of water shortage and would set forth related legislative findings and declarations.

SB 1284 (Ducheny) Mandatory Minimum Penalties. Current law imposes a mandatory minimum penalty of \$3,000 on each "serious" violation of a wastewater discharge permit by specified dischargers. One of the violations defined as serious is the failure to file a discharge monitoring report required under the permit. This bill will eliminate the serious designation for failure to file the report, if no discharge oc-

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curred during the reporting period in question, or if any discharge that did occur did not violate a numeric effluent limit contained in the permit. Current law also excuses a permit violation if the discharger is subject to a compliance schedule with respect to that violation provided the schedule does not exceed five years. This bill would extend that period to ten years.

SB 1469 (Simitian) Water Quality Objectives: Potential Threats

The Porter-Cologne Water Quality Control Act requires each California regional water quality control board to establish water quality objectives in water quality control plans. The Act requires the implementation program for achieving those water quality objectives to include specified information. This bill would require each regional board to include in the implementation program a description of the process used to identify and manage potential threats to water quality.

SB 1478 (Committee on Natural Resources and Water) Water Conservation: Urban Water Management

This bill would grant an extension to July 1, 2011 to an urban wholesale water supplier for adoption of an urban water management plan that is otherwise due in 2010 in order to give that supplier time to incorporate methodology for establishing its urban water use target that is supposed to be developed this year by the Department of Water Resources. The bill would revise the requirements that apply to a retail water supplier supplying water to a military installation by requiring the supplier to consider the prior water conservation of that military installation.

CONTAMINATED PROPERTIES

DTSC Seeks Comments on Soil Gas Advisory

The Department of Toxic Substances Control has released a draft “advisory” establishing procedures for collecting and analyzing soil gas samples at contaminated sites. The Department staff is seeking comment on the draft by April 15.

As DTSC indicates in the Advisory’s Introduction, “[a]ctive soil gas sampling and analysis refers to the methods utilized to collect vapor phase data at sites potentially affected by volatile organic compounds (VOCs), including chlorinated solvents, petroleum hydrocarbons, methane, hydrogen sulfide and semi volatile organic compounds (SVOCs). The data obtained from a soil gas investigation can be used to identify the source and spatial distribution of contamination at a site or to estimate indoor air concentrations for risk assessment purposes.”

The Advisory has sections on:

- Project scope;
- Field activities including sampling and analysis;
- Soil gas investigation reports;
- Soil gas sampling location and sampling wells/probes installation;
- Soil gas sampling;
- Purge volume test;
- Purge/sample flow rate and applied vacuum;
- Sample containers;
- Sample collection;
- Field conditions;
- Chain of custody records;
- Analysis of soil gas samples;
- Reporting limits for target compounds;
- Quality assurance/quality control (QA/QC);
- Laboratory certificates;
- Holding time;

- Analytical methods;
- Soil gas sampling analysis;
- Methane and hydrogen sulfide sampling programs;
- Analytical results reporting.

It also includes a series of Appendices that lay out particular methodologies used in the sampling and analysis process.

The Department emphasizes that “the Advisory is not a regulation, nor does it impose any requirements on the regulated community.” The Advisory notes that “[o]ther technically equivalent procedures may exist, and this Advisory is not intended to exclude alternative approaches or methodologies.”

The Department does note that the Advisory supersedes the “2003 Advisory—Active Soil Gas Investigation (Cal/EPA, 2003) and 1997 LARWQCB ‘Interim Guidance for Active Soil Gas Investigation.’”

Comments are due by April 15. A copy of the draft Advisory can be found at: www.dtsc.ca.gov/SiteCleanup/upload/SAG_Review_Drft.pdf.

ENDANGERED SPECIES

FWS Finalizes Red-Legged Frog Habitat Designation

The U.S. Fish and Wildlife Service has completed its designation of 1,636,609 acres in 27 California counties as critical habitat for the California red-legged frog (*Rana aurora draytonii*). The final designation is more than three times larger than the previous designation of 450,288 acres in 20 counties adopted in 2006. It is a slight reduction from the approximately 1.8 million acres proposed for designation in September of 2008 (CEI September 30, 2008).

The California red-legged frog is the largest native frog in the western United States. It is believed to be the frog that inspired Mark Twain’s famous short story, “the Celebrated Jumping Frog of Calaveras County.” The frog was listed as threatened under the Endangered Species Act in 1996. In March of 2001, the Service