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CLIMATE CHANGE

• The Air Resources Board staff has released a draft of the final version of the Board’s cap-and-trade program aimed at reducing greenhouse gas emissions from the state’s largest emitters of GHG gases (p. 2).

WATER QUALITY

• The State Water Board is seeking comments on the draft of a statewide policy that would establish statewide numeric water quality objectives for toxics in state waters, as well as a new methodology for determining the toxicity of wastewater effluent (p. 3).

GREEN CHEMISTRY

• Cal/EPA’s Environmental Policy Council, made up of the heads of the various Cal/EPA constituent agencies, has agreed with the staff of the Department of Toxic Substances Control that there is no need for a multimedia analysis of DTSC’s proposed green chemistry regulations thereby eliminating a possible delay in the adoption of the regulations (p. 5).

AIR QUALITY

• The San Joaquin Valley air district board has adopted a controversial proposal assessing a \$12 registration surcharge on vehicles in the Valley that is intended to provide an alternative to the assessment of fees on large sources of ozone precursor emissions, as required by the federal Clean Air Act (p. 6).

UNDERGROUND TANKS

• The State Water Board’s underground tank staff is circulating a draft of a petroleum storage tank closure policy that would accelerate the closure of what the staff considers to be low-risk petroleum UST sites (p. 6).

PROPOSITION 65

• The state’s experts on reproductive toxicity have recommended the listing of methyl isocyanate as a Prop. 65 reproductive toxicant (p. 7).

• The Office of Environmental Health Hazard Assessment is seeking information on six pesticides that it is considering listing as Prop. 65 carcinogens pursuant to the Prop. 65 authoritative body mechanism (p. 7).

• The state’s experts on reproductive toxicity have declined for now to take up a petition by the American Chemistry Council aimed at blocking the listing of Bisphenol A as a Prop. 65 reproductive toxicant by rescinding the certification of the authoritative body on which the listing would be based (p. 8).

SPECIAL REPORT: NEW LEGISLATION

• The bulk of this issue is our annual Special Report of new environmental legislation signed into law by Governor Schwarzenegger authored this year by Lynn Stetler of Oakland’s Beyond Compliance LLC (p. 9).

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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 2010. 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, 2011. This is the second year of the two-year 2009-2010 session. Bills that failed to pass the Legislature or were vetoed by the Governor are dead.

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.

Click on the bill title and number to see the final version of the bill and supporting analysis.

AGRICULTURE/PESTICIDES

[AB 219 \(Ruskin\) Agricultural Inspections and State Board of Food and Agriculture](#). This bill increases the civil penalty to \$2,500, from \$1,000 for the failure of an operator of a vehicle to obtain the required certificate of inspection required for vehicles entering the state with a shipment of an agricultural commodity.

The bill also provides that public officers associated with any area of government, including agriculture, whether elected or appointed, may be appointed to and serve as members of the State Board of Food and Agriculture. Such a member may serve on the board contemporaneously with his other government assignments, but cannot participate in any board action that involves him or any agricultural entity with which he is connected with or has a financial interest in.

[AB 1736 \(Ma\) Structural Pest Control Board and Structural Fumigation Enforcement Program](#). This bill requires that the Governor appoint members of the Structural Pest Control Board based on nominations received by the Director of the Department of Pesticide Regulation (DPR) that are solicited by the Director, according to detailed standards, from specified interested parties. This bill makes amendments to the prescribed membership of the board and the term of membership and authorizes the Agricultural Commissioners in Los Angeles, Orange, Santa Clara, and San Diego Counties to perform activities under the program, previously performed by the DPR director. The Director, instead, will oversee the commissioners' activities under the program. Finally, this bill extends the sunset date of the Structural Fumigation Enforcement Program until January 1, 2014.

[AB 1963 \(Nava\) Laboratory Cholinesterase Reporting](#). This bill requires, until January 1, 2017, laboratories that perform cholinesterase testing to electronically report specified information on each person tested to DPR where the testing is done in order to satisfy medical supervision requirements or in order to respond to alleged or known exposure to cholinesterase inhibitors.

The bill also requires, by December 31, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) and DPR, in consultation with the State Dept. of Public Health (DPH), to prepare and post a report on their web sites on the effectiveness of the medical supervision program and of the provisions of this bill. The medical supervisor ordering the test for a person must note the purpose of the test and ensure that the person tested receives a copy of the test results and recommendations within 14 days of the supervisor receiving the results. All information reported pursuant to this bill shall be confidential, except that OEHHA, DPR, and DPH may share the information for the purpose of surveillance, case management, investigation, environmental remediation, or abatement.

[AB 2122 \(Mendoza\) Pesticide Continuing Education](#). This bill provides that any regulation adopted or amended pertaining to the continuing education requirements for applicants for any license or certificate related to pesticide or pest management must establish minimum course requirements. The bill also directs the Director of Pesticide Regulation to approve courses that deal with specified subjects, such as plant health, organic and sustainable practices, water and air monitoring, and others; all

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within the context of pesticides and pest management. Finally, this bill requires the director to act within 15 business days to approve or reject continuing education courses submitted to meet the requirements of the law pertaining to pesticides.

[AB 2612 \(Committee on Agriculture\) Food and Agriculture Omnibus Bill](#). This bill covers a variety of food and agriculture topics relating to: the definition of “collection center” used as temporary storage prior to transportation to a rendering plant or pet food processor; collection center license expiration dates; collection center fee extension; inedible kitchen grease collection centers; and producer registration. Most notably, this bill: (1) Requires the registrant of any production agricultural- or structural-use pesticide that is packaged in high-density polyethylene (HDPE) containers of 55 gallons or less to establish a recycling program or demonstrate participation in a recycling program; (2) deletes the requirement of third-party certification of pesticide container recycling; and (3) authorizes promulgation of regulations meant to streamline the organic registration process.

[AB 2686 \(Berryhill\) Recovery of Civil Penalties for Violations of the California Organic Products Act of 2003 \(COPA\)](#). Existing law authorizes the Secretary of Food and Agriculture or a county agricultural commissioner to levy a civil penalty against a person who violates the California Organic Products Act of 2003, or any regulation adopted pursuant to that act, or regulations adopted by the National Organic Program. This bill authorizes county agricultural commissioners to file a certified copy of a final decision with the court that directs the payment of a civil penalty pursuant to violations of the COPA and, if applicable, any order that denies a petition for writ of mandamus. This authorization will expedite recovery of civil penalties, as it requires the court to

enter judgment immediately upon the filing and at no cost.

AIR QUALITY, TRANSPORTATION AND FUELS

[AB 787 \(Hill\) Vehicle Repair Assistance and Retirement Compensation](#). The existing vehicle retirement program for vehicles that fail their most recent California smog check inspection and the existing enhanced fleet modernization program for the retirement of high polluting vehicles require the administering agencies to pay up to \$1,500, or more if cost effective, for a vehicle when the owner of the vehicle exercises his or her right to voluntarily retire it.

This bill instead requires the administering agencies to pay a low-income vehicle owner, defined as 225% of the federal poverty level, \$1,500 for a retired vehicle and pay \$1,000 to all other vehicle owners. Vehicles must have been registering in the state at least two years prior to qualify for retirement compensation. Additional payments above these amounts may be authorized for specified factors. This bill also restricts the vehicle repair assistance program for vehicles that fail smog checks to low-income individuals and changes the definition of low-income from 185 to 225% of the federal poverty level.

[AB 1106 \(Fuentes\) Alternative and Renewable Fuel and Vehicle Technology](#). This urgency bill extends indefinitely the authorization, under the Alternative and Renewable Fuel and Vehicle Technology Program (“ARF Program”), for the State Energy Commission to contract with the Treasurer to provide funds to specified public and private entities for the development and deployment of innovative technologies aimed at transforming the state’s fuel and vehicles types in order to attain the state’s climate change goals. This bill further authorizes the Commission to contract with small business financial development corporations, designated by the Business, Transportation and Housing Agency, to expend funds

through the Small Business Loan Guarantee Program under the terms of the ARF Program.

[AB 1224 \(Wright\) Nuisance Odor Complaints](#). This bill authorizes an air district to adopt a rule or regulation, meeting specified standards, ensuring that district staff and resources are not used to investigate complaints alleging a nuisance odor violation that are determined to be repeated and unsubstantiated. Any rule or regulation adopted under this bill must be submitted to specified Assembly and Senate Committees within 30 days of adoption. This authorization sunsets on January 1, 2014.

[AB 1507 \(Lieu\) Motor Vehicle Greenhouse Gas \(GHG\) Reduction Projects](#). This bill requires the Air Resources Board (ARB), by July 1, 2011 to revise the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) guidelines to allow specified federal and state funds to be used for a project that reduces greenhouse gas (GHG) emissions without incurring a cost-effectiveness penalty under the Program.

[AB 1784 \(Fong\) Santa Clara Valley Transportation Authority \(SCVTA\)](#). This bill authorizes the SCTVA to enter into agreements with any city within the County of Santa Clara to improve a street, road, highway (with certain exceptions), or expressway under the jurisdiction of the city or county.

[AB 1871 \(Jones\) Personal Vehicle Sharing Programs](#). This bill is first-in-the-nation legislation that allows Californians to share their personal cars in carsharing pools, known as personal vehicle sharing programs, without risking the loss of their personal auto insurance. This bill prohibits a private passenger vehicle from being classified for insurance purposes in a manner that would characterize it as a commercial enterprise solely on the basis of it being used for personal vehicle sharing. For purposes of this bill, revenue from carsharing must not exceed the annual expenses of owning

and operating the vehicle and the insurance required for carsharing shall not be less than three times the minimum insurance requirements for private passenger vehicles. The bill ensures that the individual car owner is not held liable for losses that arise when the vehicle is used for personal vehicle sharing and provides additional insurance requirements and limitations for a personal vehicle sharing program.

[AB 2037 \(V. Manuel Perez\) Air Pollution Performance Standard for New Electricity Generation](#). This bill prohibits a load-serving entity or local publicly-owned electric utility from entering into, and the California Public Utilities Commission (CPUC) from approving, a long-term financial commitment for a new electricity generating facility in California if that facility does not meet best available control technology (BACT) standards to control air pollution emissions and does not comply with local, regional, state, and federal rules, regulations and laws. Further, entering into financial commitments with and approving any new electricity generating facility is prohibited if the facility is outside of California in a shared pollution area, unless the facility meets the BACT standards to control air pollution emissions that apply in the air basin in California adjacent to the facility.

[AB 2289 \(Eng\) Smog Check Program](#). This bill requires the Department of Consumer Affairs/Bureau of Automotive Repair (DCA/BAR) to utilize only second generation on-board diagnostic systems smog testing (OBD II) on model year 2000 and newer vehicles instead of tailpipe testing, beginning no earlier than January 1, 2013. The bill authorizes the DCA to adopt regulations for referee inspections for vehicles that present prohibitive or unusual inspection circumstances and allows the referee to charge a fee for this service. This bill requires the DCA to issue inspection-based performance standards for inspection stations to follow and requires the DCA/BAR to evaluate the performance of smog

test stations. The vehicles most likely in need of repair will be directed to the highest performing stations. This bill repeals the provision related to issuing citations to smog check stations or technicians and replaces it with a more stringent provision that authorizes issuing citations to inspectors and stations that perform improper and/or incomplete inspections, including issuing an order of abatement, an administrative fine between \$100 and \$5,000, and/or a civil penalty of not more than \$5,000.

[SB 435 \(Pavley\) Motorcycle Noise Emission Standard Label](#). This bill makes it a crime for a person to park, use, or operate in California a motorcycle that is manufactured on or after January 1, 2013 or that has aftermarket exhaust system equipment that is manufactured after January 1, 2013 if the motorcycle or exhaust system does not have an affixed Environmental Protection Agency (EPA) noise emission label that indicates conformance with federal EPA noise emission control standards. Violation of this provision shall be cited as a secondary infraction meaning that peace officers will not be allowed to stop a motorcycle solely on suspicion of a violation of the provisions of this bill.

[SB 535 \(Yee\) High-Occupancy Vehicle \(HOV\) Lanes](#). This bill requires the Dept. of Motor Vehicles (DMV) to issue up to 40,000 new and distinct identifiers, or labels, for new classes of enhanced advanced technology partial zero emission vehicles (enhanced AT PZEV) vehicles between January 1, 2012 and January 1, 2015 that will allow these vehicles to use HOV lanes until January 1, 2015. This bill extends HOV lane privileges for low emission vehicle until January 1, 2015 for the following vehicles: (1) a super ultra-low emission vehicle (SULEV); (2) an inherently low-emission vehicle (ILEV); and (3) a vehicle that was produced during 2004 model-year or earlier and meets California's ultra-low emission vehicle (ULEV)

standard. This bill extends HOV lane privileges for low emission vehicle until July 1, 2011 for the following vehicles: (1) a hybrid or alternative fuel vehicle that meets AT PZEV standards and gets 45 mpg or greater fuel economy; and (2) a hybrid that was produced in the 2004 model-year or earlier, has a 45 mpg or greater fuel economy and meets ULEV, SULEV, or PZEV standards. This bill authorizes the HOV privileges for enhanced AT PZEV vehicles beginning January 1, 2012 through January 1, 2015. This bill requires removal of HOV lanes upon certain findings by the Dept. of Transportation (DOT), including findings regarding significantly increased congestion.

[SB 1340 \(Kehoe\) Electric Vehicle Charging Station Funding](#). Existing law, under the Alternative and Renewable Fuel and Vehicle Technology Program, provides monies to entities to develop and deploy innovative technologies that transform fuel and vehicle types to help attain climate change goals. This bill authorizes a public agency to enter into a contract with a property owner to finance an electric vehicle charging station, but prohibits a public agency from permitting a property owner from participating in a contractual assessment program if the amount of the assessments exceeds 5% of the property's market value. This bill expands Property Assessed Clean Energy (PACE) bonds to include voluntary contractual assessments on properties or through a voluntary special tax for the purposes of financing charging stations. This bill also provides for funding for homeowners to make electrical modifications to support charging an electric vehicle.

[SB 1371 \(Correa\) Capital Improvements to Intercity and Commuter Rail Lines: Letter of No Prejudice](#). This urgency bill allows eligible recipients for funding of capital improvements to intercity and commuter rail lines and urban rail transit systems that will feed into the high-speed train system under the

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Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to apply to the California Transportation Commission for a letter of no prejudice relating to those projects. A letter of no prejudice is defined by this bill as an agreement between a recipient and the Commission that makes the recipient eligible for future reimbursement for expenditures from bond proceeds, pursuant to the terms of the agreement and availability of bond funds. Expenditures for the costs designated in the letter of no prejudice shall be eligible for reimbursement from the Train Bond Fund under the conditions specified in this bill.

[SB 1402 \(Dutton\) Air Violation Administrative and Civil Penalties](#). In an effort to promote transparency and consistency, this urgency bill requires the Air Resources Board (ARB) to provide specific written explanations prior to imposing an administrative or civil penalty for violation of an air pollution law, to make these explanations available to the public, and to annually report on administrative penalties imposed. This bill also requires that all final mutual settlement agreements related to the above be made publicly available. Finally, this bill requires ARB, no later than March 1, 2011, to publish a penalty policy pertaining to vehicular air pollution control that considers specified circumstances.

[SB 1455 \(Kehoe\) Hybrid and Electric Vehicle Internet Web Site](#). This bill requires, by July 1, 2011, the Energy Commission, in consultation with the California Public Utilities Commission (CPUC), to develop and maintain an internet web site containing links to electrical corporation and local publically owned electric utility web sites or other sites that contain information on hybrid or electric vehicles, including information on whether a residence will require a utility service upgrade, basic charging requirements, load management techniques, and utility

rate options.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

[AB 231 \(Huber\) CEQA Overriding Consideration](#). This urgency bill authorizes a lead agency until January 1, 2016, when using a tiered Environmental Impact Report (EIR), to incorporate by reference a finding of overriding consideration made in a prior EIR for a later project if, among other conditions, the lead agency determines that the later project's significant impacts on the environment are not greater or different than those identified in the previous EIR, all of the applicable mitigation measures from the prior EIR are incorporated into the later project EIR, the prior EIR was certified not more than three years earlier, and prior infeasible mitigation measures remain infeasible.

[AB 1846 \(V. Manuel Perez\) CEQA Environmental Analysis of AB 32-Driven Rules or Regulations](#). CEQA requires that an environmental analysis be conducted of the reasonably foreseeable methods of compliance at the time of adoption of a rule or regulation that requires the installation of an air pollution control device or a performance standard or treatment requirement.

This bill requires the same environmental analysis for a rule or regulation that requires the same air pollution control measures as above that are adopted pursuant to the Global Warming Solutions Act of 2006 (AB 32), including those adopted by the State Energy Commission and the CPUC. As with existing law, the bill authorizes the use of focused EIR for projects that consist solely of the installation of the above-mentioned air pollution remediation measures in compliance with a rule or regulation adopted pursuant to AB 32.

[AB 2565 \(Ammiano\) CEQA Fees for Documents](#). This bill authorizes a public agency to charge the public a reasonable fee, not to exceed the actual cost of reproduction, for a hard copy of environmental docu-

ments, defined as an initial study, negative declaration, mitigated negative declaration, draft and final EIR, among others. This bill also authorizes a public agency to provide environmental documents in electronic format in accordance with the Government Code.

[SB 1456 \(Simitian\) CEQA Mediation and Frivolous Suits](#). According to the author, this urgency bill, "clarifies that under CEQA, a mediation proceeding in accordance with the Mediation and Resolution of Land Use Disputes Law, like a CEQA settlement meeting, is intended to be conducted concurrently with any judicial proceeding." The bill also allows anyone filing a lawsuit to contest an EIR to request mediation with the lead agency and the project's developer; allows the State Attorney General to intervene in CEQA-related lawsuits to expedite the process in court; and provides that a lead agency can decide that, in accordance with a specified procedure, if a cumulative effect in a prior EIR has been adequately reviewed, it need not be reviewed again in a later EIR, mitigated negative declaration, or negative declaration.

The bill also adds a new section to the CEQA statute that authorizes a party to a lawsuit to file a petition with the court requesting the court to sanction a party for any frivolous claim made in the lawsuit. The court may then assess a fine of up to \$10,000 on any attorney, law firm, or party, if the court finds that the claim is "totally and completely without merit."

CLIMATE CHANGE

[AB 1504 \(Skinner\) Forest Carbon Sequestration](#). This bill makes legislative findings and declarations regarding the importance of the state forests as a potential source for carbon dioxide sequestration and urges specific state agencies to strive to go beyond the status quo sequestration rate and ensure that their policies and regulations reflect the unique role of forests in combating climate change. The bill

directs the Board of Forestry and Fire Protections to ensure that its rules and regulations consider the capacity of the forests' ability to sequester carbon dioxide emissions sufficient to meet or exceed the state's GHG reduction goals, consistent with the scoping plan adopted pursuant to AB 32.

[SB 1328 \(Lowenthal\) Motor Vehicle Cabin Temperature.](#) This bill requires the ARB to consider the following if adopting or amending regulations to reduce motor vehicle cabin temperature in order to reduce GHG emissions: 1) potential reductions in air-conditioning use that can be achieved while the vehicle is moving and while parked; 2) potential conflicts between and relative benefits of, vehicle cabin temperature reduction requirements and GHG emission reduction technologies; and 3) the flexibility necessary to achieve overall maximum GHG emission reductions from vehicles.

According to the author, this bill provides guidance to the ARB when it resumes its work on a vehicle cabin temperature standard. That effort stalled earlier this year when the ARB decided to scrap that portion of its "cool cars" rule aimed at limiting vehicles interior temperature by requiring window glazing.

ENDANGERED SPECIES, WILDLIFE, AND PLANTS

[AB 1254 \(Berryhill\) Fish and Game Commission, Hunter Education Instructors, and Fish and Wildlife Propagation Funds.](#) This bill requires the Fish and Game Commission to hold no fewer than ten meetings per year, if the commission has adequate funding to pay for the expenses of department travel and requires no more than 3, changed from 2, regular meetings to be held in Sacramento. This bill requires the DFG to offer special hunting opportunities as an incentive to attract qualified hunter education instructors. This bill allows the DFG to suspend funds obtained by counties in the form of fines and forfeitures

if an audit of such funds determines that the fund expenditures are not in compliance with the law or were expended improperly, or both.

[AB 1929 \(Hall\) Invasive Aquatic Species Liability and Enforcement: Dressedid mussels.](#) Existing law exempts a public or private agency from specific enforcement activities if the operator of a water supply system facility has prepared and implemented a prescribed plan to control or eradicate dreissenid mussels. This bill additionally provides that such operators: 1) will not be subject to any civil or criminal liability for the introduction of dreissenid mussel species as a result of operation of such facilities; and 2) will be exempt from the provision that they may not possess, import, ship, transport, plant or caused to be placed or planted mussels in waters of the state. These additional provisions are contingent upon the operator being in compliance with its plan and the plan being up to date. The operator must also now allow inspections by the Dept. of Fish and Game (DFG).

[AB 2376 \(Huffman\) Fish and Game Strategic Vision Committee.](#) This bill requires the Natural Resources Agency to convene a committee to develop and submit to the Governor and Legislature, before July 1, 2012, a strategic vision addressing specified topics for the Department of Fish and Game (DFG) and the Fish and Game Commission. Committee members will be comprised of the Secretary of the Natural Resources Agency, the Director of the DFG, the president of the Fish and Game Commission, the chair of the State Energy Commission, a representative of the University of California and representatives from other agencies, if they choose to participate.

[SB 1303 \(Wolk\) Accidental Take of Protected Species During Agricultural Activities.](#) Under existing law, the accidental killing of candidate, threatened or endangered species on farm or ranch land in the course of normal and customary agricultural activities is an exempt activity. This

law extends the sunset date of this provision to January 1, 2014. This bill makes legislative findings, declarations, and statements of intent about the California Endangered Species Act and the importance of providing incentives and outreach to landowners to conduct voluntary conservation activities for the benefit of protected species. This bill also authorizes the DFG to approve applications for nonprofits to conduct educational and outreach services to promote voluntary conservation activities and requires these organizations to report back to the DFG on activities conducted.

ENERGY

[AB 1947 \(Fong\) Solar Initiative Programs.](#) The California Solar Initiative sets a goal for Investor Owned Utilities (IOUs) to install 3,000 megawatts of photovoltaic solar energy in California within 10 years, and prescribes requirements for meeting that goal. This bill provides for an exemption to the requirements that: (1) systems receiving monetary incentives under the Initiative be intended primarily to offset part or all of the consumer's own electricity demand; and (2) that the system be located on the same premises as the consumer. This exemption will allow the installation of solar systems not located on the premises of the consumer.

[AB 1873 \(Huffman\) Property Assessed Clean Energy \(PACE\) Bonds.](#) AB 811 (Levine) is California's 2008 legislation that allows municipalities to provide up-front financing for the installation of energy-efficiency upgrades to existing residential, commercial, industrial, or other real property via property assessed clean energy (PACE) bonds. This bill authorizes the Treasurer, CalPERS, and the State Compensation Insurance Fund to purchase bonds issued to finance the installation of energy or water efficiency improvements or renewable energy sources through PACE programs. The Assembly bill

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analysis, dated August 19, states that this authorization “may lower the interest rates that local governments must charge homeowners, while simultaneously creating a new, secure income stream for the state of California.” The bill also authorizes a joint powers authority (JPA) to purchase and a local agency to sell the right, title, and interest in a PACE assessment

[AB 1954 \(Skinner\) Renewable Energy: Electrical Transmission.](#) This bill provides that if the CPUC finds that a new renewable energy facility is necessary to facilitate achievement of the Renewable Portfolio Standard (RPS), then the corporation’s application for a certificate authorizing the construction of new transmission facilities is necessary to the provision of electric service.

This bill also establishes that, for the purpose of defining a renewable energy credit, the Energy Commission must set the de minimis quantity of nonrenewable fuels for each renewable energy technology at a level of no more than 2% of the total quantity of fuel used by the technology to generate electricity, adjustable to up to 5%, under certain conditions that promote an increased generation of renewable energy. According to the most recent Assembly Floor Analysis, posted on August 24, the bill is intended to address a relatively technical issue that inadvertently presents impediments to financing of renewable energy contracts pursuant to an agreement between the JPA and the local agency.

[AB 2514 \(Skinner\) Energy Storage System Procurement Targets.](#) This bill requires the CPUC and the governing boards of local publicly owned electric utilities to open a proceeding by March 1, 2012 to determine the appropriate targets, if any, for load-serving entities and local publicly owned electric utilities to procure viable and cost-effective energy storage systems, as defined. This bill requires, if appropriate, the

CPUC and governing boards of local publicly owned electric utilities to adopt an energy storage system procurement target by October 1, 2013 and October 1, 2014, respectively, to be achieved by December 31, 2015 and December 31, 2016, respectively, with a 2nd target to be achieved by December 31, 2020 and December 31, 2021, respectively. This bill requires reporting to the CPUC and the Energy Commission. Electric corporations with 60,000 or fewer customers in California and a public utility district that receives all of its electricity pursuant to the Trinity River Division Act are exempt from this bill’s requirements.

[AB 2724 \(Blumenfeld\) Renewable Energy Incentives and Policy Goals and Objectives.](#) This bill expands the California Solar Initiative, through January 1, 2013, to provide incentive payments for eligible facilities sized up to five (5) megawatts (MWs) with a cap of 26 MWs. This bill also requires a state agency, as defined, that operates under a feed-in tariff to take the total annual amount of kilowatt-hours exported to the grid into consideration when determining whether the state agency has achieved the policy goals and objectives established by law.

[SB 1198 \(Huff\) Electricity Consumption Labeling on Televisions.](#) The State Energy Commission is required to adopt appliance efficiency regulations and other measures, such as energy labeling to promote energy efficient appliances. In November 2009, the commission adopted television electricity consumption labeling regulations. This bill provides that the labeling regulations will not go into effect until July 1, 2011 and go into effect only if a Federal Trade Commission (FTC) labeling rule for television products is not effective before that date. The labeling regulations, if implemented, will only stay effective until a FTC labeling rule is effective for television products.

[SB 1247 \(Dutton\) Hydroelectric Generation Facilities.](#) This urgency bill provides that a new small or

conduit hydroelectric facility or repowered facility that is an eligible renewable energy resource under the RPS program as of January 1, 2010, will not lose eligibility if it causes a change in the volume or timing of streamflow, if those changes are required pursuant to the Federal Power Act on or after January 1, 2010. This bill also provides an alternative eligibility requirement for incremental increases gained from efficiency improvements for the Rock Creek Powerhouse facility.

GREEN BUILDING/BUILDING STANDARDS

[AB 1011 \(Jones\) Insurer Green Investments.](#) Existing insurance law encourages community development investments and requires that specific information on such investments be reported to the Insurance Commissioner. This bill includes green investments as community development investments, thereby requiring information to be reported by insurers about their green investments.

Green investments are defined in this bill as, among other things, investments that emphasize renewable energy projects, economic development, and affordable housing projects in existing low- to middle-income urbanized areas that accommodate growth “in compact forms, so as to deemphasize [auto] dependency, ... support [] affordable housing near employment, and create jobs.” The Department of Insurance is now required to post green investment information on its website.

[AB 2001 \(Harkey\) Building Standards Adoption.](#) Existing law requires the California Building Standards Commission to approve building standards proposed by other state agencies. This bill transfers the responsibilities of the State Dept. of Public Health to adopt building standards to the commission, but requires the concurrence of the DPH on any adopted building standard regulation.

GREEN JOBS

[AB 2696 \(Bass\) Green Collar Jobs Council](#). This bill revises the duties of the Green Collar Jobs Council (GCJC), including requiring the Council to collaborate with educational institutions and other organizations to align workforce development services with strategies for regional economic recovery and growth and aligning activities with regional economic recovery and growth strategies. This bill authorizes the California Workforce Investment Board (CWIB) to accept revenues, moneys, grants, goods, or services from federal and state entities and other organizations to be used for purposes related to GCJC activities and requires the CWIB to consult with state and local agencies to identify opportunities for funding for GCJC under the federal American Recovery and Reinvestment Act of 2009 (i.e., the federal stimulus legislation). This bill amends the date that the CWIB is required to report to the Legislature on GCJC activities to April 1, 2011 and annually thereafter.

HAZARDOUS MATERIALS/ HAZARDOUS WASTE

[AB 1930 \(De La Torre\) Glass Beads Used for Surface Preparation](#). This bill prohibits the manufacture or sale in California of glass beads that contain 75 parts per million (ppm) or more of arsenic or 100 ppm or more of lead by weight, if the beads will be used with blasting equipment. Further, all glass beads sold in California for surface preparation must now be labeled in a specified manner that indicates compliance with the above limits. Glass beads sold in compliance with the above requirements shall not be considered as a product category subject to chemicals of concern regulations under the green chemistry program. This bill sunsets on January 1, 2015.

[AB 2379 \(Feuer\) Hazardous Waste Source Reduction Technical Assistance](#). The Hazardous Waste Source Reduction and Management Review Act of 1989 (SB 14) requires

that the Dept. of Toxic Substances Control (DTSC) establish a technical assistance and outreach program for at least two priority categories of generators, by Standard Industrial Classification (SIC) Code, every two years, one of which consists primarily of small businesses. This bill instead requires the DTSC to select at least four priority categories every two years and additionally requires one of those categories to consist primarily of businesses that are affected by actions taken by the DTSC under the Department's green chemistry program.

[SB 346 \(Kehoe\) Motor Vehicle Pads](#). This bill, starting January 1, 2014, prohibits the sale in California of motor vehicle brake pads containing specified amounts of cadmium, lead, chromium, and mercury. Brake pads containing more than 5% copper by weight and more than 0.5% copper by weight will be prohibited from being sold in the state starting January 1, 2021 and January 1, 2025, respectively. The bill allows motor vehicle manufacturers and distributors, wholesalers, and retailers of replacement brake pads to deplete their inventory of noncompliant materials until December 31, 2023. Violations of these provisions will be subject to a civil fine of up to \$10,000 per violation. This bill, among other things, will also: establish a process for extensions; exempt certain motor vehicle classes from the bill's requirements; require screening for alternatives to copper; require all new motor vehicles to comply with the bill according to the dates above; and require reporting to the legislature by DTSC.

[SB 579 \(Lowenthal\) California Oil Recycling Enhancement Act](#). This bill changes the date when the Dept. of Resources Recycling and Recovery (CalRecycle) is required to set and pay a \$0.02 per gallon refining incentive to certain recycling facilities that produce re-refined base lubricants meeting certain requirements from January 1, 2014 to January 1, 2013. This bill also deletes a provision from the California Oil Recycling Enhancement Act requiring Cal-

Recycle to provide funds from the California Used Oil Recycling Fund to rural counties for local government-sponsored collection efforts and changes the conditions for payment of the recycling incentive in small rural counties.

[SB 929 \(Pavley\) Children's Jewelry and Heavy Metals](#). This bill, starting January 1, 2012, prohibits the manufacture, sale, or offering for sale for promotional purposes of children's jewelry that contains more than 0.03% (300 ppm) cadmium by weight. This provision does not apply to any toy regulated for cadmium exposure under the federal Consumer Product Safety Improvement Act of 2008. The bill clarifies that DTSC retains the authority to further regulate such jewelry separately under its green chemistry program.

[SB 1365 \(Corbett\) Toy Safety Statutes](#). This bill updates the California toy safety statutes to reference the most current versions of federal law and regulations. Specifically, this bill adds to the toy safety statutes a reference to lead content permitted pursuant to the Consumer Product Safety Act and the Consumer Product Safety Improvement Act of 2008. This bill also adds chromium to the list of prohibited soluble compounds used in coating toys and references identification of the prohibited compounds by the American Society for Testing and Materials (ASTM) international standard for toy safety (F963).

LAND USE

[AB 1962 \(Chesbro\) Irrevocable Offers of Dedication of Real Property](#). This bill authorizes a regional park district, regional park and open-space district, or regional open-space district to accept, with the consent of the district's board, an irrevocable offer of dedication of real property or any interest in real property for specified recreational and open-space uses. Offers of dedication can only be terminated under two specified conditions. Ac-

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According to the author's office, this bill allows a district to accept offers of real property directly, rather than through a city or county, thus streamlining the process.

[AB 1965 \(Yamada\) Williamson Act Lot Line Adjustment Contracts.](#) The Williamson Act provides that parties may mutually agree to rescind a contract and simultaneously enter into a new contract to facilitate a lot line adjustment. This contracting provision remains in effect until January 1, 2011. This bill extends the repeal date of the contract rescission provision to January 1, 2013 and requires that an application to rescind a contract under this provision be processed to its completion if it is submitted before January 1, 2013.

[AB 2133 \(Niello\) California Memorial Stadium Seismic Retrofitting.](#) This bill deletes a previously established exemption to the existing state earthquake zoning law, under the Alquist-Priolo Earthquake Fault Zoning Act, for projects relating to structures owned and operated by state entities and agencies listed on the California Register of Historical Resources or the National Register of Historic Place, recognizing that buildings not owned by the state are not subject to the local planning process and, thus, should not be able to use this provision to obtain an exemption. This bill maintains UC Berkeley's ongoing renovation and retrofit of California Memorial Stadium as the sole exception to the above deletion, while making legislative findings and declarations that the stadium requires seismic retrofitting.

[AB 2179 \(Monning\) City of Santa Cruz and City of Long Beach Public Trust Lands.](#) This bill grants the City of Santa Cruz all the right, title, and interest in the "Volleyball Parcel," the "West Lawn Parcel" and the "Trestle Easement." This bill grants the City of Long Beach all the right, title, and interest in the "Southern

Parcel" and the "Street Parcel." Both the City of Santa Cruz and the City of Long Beach are required to hold, operate, and manage these public trust lands for the benefit of the statewide public.

[SB 1006 \(Pavley\) Strategic Growth Council Loans and Grants.](#) Existing law requires the Strategic Growth Council to manage and award grants and loans to a city, county, or non-profit organization to support the planning and development of sustainable communities. This bill expands the list of eligible applicants to include special districts or entities formed under a joint powers agreement. This bill specifies that an eligible joint powers authority must contain at least one member that individually would qualify as an eligible applicant for the financial assistance.

[SB 1319 \(Pavley\) Subdivision Parcel Merger Funding for Renewable Energy Projects.](#) This bill explicitly states that there is nothing in the Subdivision Map Act merger or reversion provisions that prohibits a landowner, local agency, or renewable energy corporation authorized to conduct business in the state from seeking financial assistance from state funding sources to defray the cost of merging parcels for the purpose of siting renewable energy projects.

MISCELLANEOUS AND MULTIMEDIA

[SB 518 \(Lowenthal\) Graywater Building Standards.](#) This bill requires the California Building Standards Commission to adopt building standards, using prescribed standards, for the construction, installation, and alteration of graywater systems for indoor and outdoor uses in non-residential occupancies. The standards are to be included as part of the next triennial edition of the California Building Standards Code adopted after January 1, 2011. Once these standards are adopted, the Dept. of Water Resources (DWR) authority to adopt and update non-residential graywater system

standards will terminate.

[SB 855 \(Committee on Budget and Fiscal Review\). State Budget for Resources and Environmental Protection.](#) This is a budget trailer bill that makes a number of changes in state environmental statutes as part of this year's final 2010-2011 budget deal. Two provisions of the bill direct the Governor to submit a zero-based budget for fiscal year 2011-12 for all AB 32 climate change related programs and expenditures and all Sacramento-San Joaquin Delta restoration activities. These are due to the Legislature by April 1, 2011. This bill also makes changes in statutes necessary to implement the 2010-11 State Budget for Resources and Environmental Protection in the following topics, programs, departments/agencies, and funding mechanisms: Hazardous waste control law penalties related to lead-containing jewelry, toxic packaging, and lead wheel weights; biorefiners and the California Ethanol Producer Incentive Program; non-corn-based ethanol; remediation of orphaned oil facilities; green building; Dept. of Forestry and Fire Protection; CAL FIRE expenditures; State Energy Conservation Assistance Account and the Local Jurisdiction Energy Assistance Account; the Clean and Renewable Energy Business Financing Revolving Loan Program; Siting application and compliance fees relating to construction of a thermal power plant or electric transmission line; solid waste landfill fee provisions and related Clean Water Act provisions; Environmental Education Initiative; Wastewater Operator Certification Fund; CEQA document preparation for water rights applicants and petitioners; Prop 1E and Prop 84 funds; Underground Injection Control Program; and CARB rule-making process public disclosure.

[SB 1477 \(Committee on Environmental Quality\) California Pollution Control Financing Authority.](#) The California Pollution Control Financing Authority is authorized to provide California businesses

with financing for pollution control facilities to prevent or reduce environmental pollution. This urgency bill, among other technical changes, revises the definitions of “project” and “pollution control facility,” providing more general descriptions, rather than identifying specific types of projects and facilities. This bill also provides that eligible projects may also include environmental projects authorized by federal law for tax-exempt or tax-credit financing, as specified.

NATURAL RESOURCES

[AB 1891 \(Committee on Higher Education\) Sustainable Agriculture Research and Education Program.](#) This bill statutorily reestablishes the Sustainable Agriculture Research and Education Program operated by the University of California (UC). According to the bill analysis, this program was inadvertently deleted from statute in 2009 as part of an overall higher education technical cleanup measure (AB 1182 (Brownley)). This bill, however, deletes the requirement that the UC report to the Legislature on the program biennially.

[AB 2103 \(Hill\) San Francisco Bay Restoration Authority Measures.](#) Existing law authorizes the San Francisco Bay Restoration Authority to levy assessments, taxes, or fees for the purpose of restoration, enhancement, protection and enjoyment of wetlands and wildlife habitat in San Francisco Bay and along its shoreline. This bill requires the authority, when it proposes any regional measure, to call a special election on the measure to be submitted to the voters in the appropriate county(ies) and that the special election be consolidated with the next regularly scheduled statewide election.

[AB 2163 \(Mendoza\) Timber Harvesting Plans.](#) 2009’s AB 1066 (Mendoza) allows, until January 1, 2012, four additional one-year extensions of timber harvesting plans, under certain conditions, for operations commenced but not completed if the plan expired in 2008 or 2009. This urgency bill allows up to a

maximum of four one-year extensions, including any other extensions granted prior to January 1, 2010, under the same conditions as AB 1066. The bill removes the sunset date for allowing 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 certain requirements. Finally, the bill provides that beginning January 1, 2012, a plan approved on or after January 1, 2012, is effective for a period not more than three years, unless extended.

[AB 2761 \(Committee on Natural Resources\) California Urban Forestry Act Update.](#) This bill updates the California Urban Forestry Act of 1978, by redefining “urban forestry” to mean the cultivation and management of native or introduced trees and related vegetation in urban areas for specified reasons and allowing for the loaning of equipment for local or regional urban forestry projects to include green waste utilization efforts. This bill also revises the authority of the State Geologist to enter into contracts with certain entities, as defined, and repeals the provision that requires the Attorney General to be the legal advisor for the Division of Oil, Gas and Geothermal Resources.

[SB 1142 \(Wiggins\) Agricultural Conservation Easements.](#) This bill authorizes the Director of the California Dept. of Conservation (DOC) to make grants, from a source other than the California Farmland Conservancy Program Fund, for the acquisition of agricultural conservation easements, upon legislative appropriation. This bill also establishes the Farm, Ranch, and Watershed Account within the Soil and Conservation Fund to be used to provide the grant funding.

[SB 1488 \(Committee on Natural Resources and Water\) City of Pittsburg Public Land Grant and Land Bank Funds.](#) This bill addresses tidelands and submerged lands in the City of Pittsburg and the Land Bank Fund associated with the

Kapiloff Land Bank Act. This bill requires a survey of the boundaries of the public trust land granted to the City of Pittsburg and excludes Brown’s Island from the land grant. This bill also allows money in the Land Bank Fund to be used on non-public trust lands to create access to public trust lands.

OIL AND GAS

[AB 2453 \(Tran\) Oil and Gas Operations Enforcement Appeals.](#) Responding to the California appellate court decision, *Termo Company v. Luther*, this bill expressly requires a court, on appeal, to apply the “substantial evidence” judicial standard, as well as making numerous changes to the appeal process from an enforcement action of the State Oil and Gas Supervisor or a district deputy regarding the operation of a well or drilling operation. Among other changes, enforcement orders must now provide a clear and concise factual, statutory and regulatory basis of the action and the penalties and requirements imposed on the operator. Cease and desist orders must identify precisely what operations are to be stopped and what steps are required to be taken before operations will be allowed to be resumed. This bill repeals and rewrites many of the provisions relating to which orders can be appealed, when, to which appellate body, and how the appeal process is to be conducted. Remedial work conducted by an operator on invalidated orders is now reimbursable.

SOLID WASTE AND RECYCLING

[AB 1004 \(Portantino\) State Solid Waste Postclosure and Corrective Action Trust Fund.](#) Current law establishes the above named Trust Fund as of January 1, 2012, if by July 1, 2011 landfill operators representing at least 50% of landfill waste opt-in to the program. The Trust Fund, if it does commence, will be funded by an increase of \$0.12 per ton in the tipping fee paid at those landfills. The fund will be used to

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provide financial assurance for participants for corrective action and post-closure costs. This bill extends the opt-in date to January 1, 2012, extends all other time provisions by six months, and makes other technical changes in the law.

[AB 1343 \(Huffman\) Architectural Paint Recovery Program.](#) This bill creates an architectural paint recovery program, administered by CalRecycle, for the purpose of reducing the generation of postconsumer paint, promoting the reuse of postconsumer architectural paint, and managing the end-of-life of postconsumer architectural paint, in an environmentally sound manner. A plan to develop and implement a program, including specified considerations, must be submitted to CalRecycle by April 1, 2012 by a manufacturer or a designated stewardship organization.

Either on or before July 1, 2012 or three months after a plan is approved by CalRecycle, the program must be implemented by the manufacturer or stewardship organization. This bill will prohibit the sale of architectural paint by any manufacturer that is not in compliance with the bill's requirements, effective 120 days after notice of the listing of the authorized manufacturers on CalRecycle's website, and establishes civil penalties for violations of the program. The stewardship organization will be required to pay CalRecycle an annual fee to cover the costs of administering and enforcing the program. Finally, this bill requires manufacturers to annually submit reports to CalRecycle beginning July 1, 2013.

[AB 2398 \(John A. Perez\) Carpet Stewardship Program.](#) This bill will prohibit producers and retailers of carpets from selling carpet in California, unless the producer or a carpet stewardship organization has submitted a stewardship plan for the collection and recycling of carpet waste to CalRecycle by Sep-

tember 2011. The plan will have to be designed to meet specified waste carpet recovery targets and a five cent per square yard assessment will be added to the cost of carpet sold from July 1, 2011 and July 1, 2013 to fund the planning efforts. That charge will be adjusted after that date to the extent necessary to fund the recovery plan.

The bill also adds carpet to the state agency buy recycled requirements and specifies a minimum content of 25% recycled materials.

[SB 228 \(DeSaulnier\) Compostable Plastic Bags.](#) Existing law prohibits the sale of plastic bags and food and beverage containers that are labeled "compostable" or "marine degradable," unless the bags or containers meet requisite ASTM standard specifications. This bill requires a manufacturer of a bag that meets ASTM standards, beginning July 1, 2011, to ensure that the bag is readily and easily identifiable from other plastic bags. The bag must have a certification logo, as defined, and be either green in color with the word "compostable" on one side or labeled with the word "compostable," as defined. The compostable bag cannot be labeled with any recycling type of symbol.

[SB 390 \(Kehoe\) Recycling Market Development Zone Program.](#) The Recycling Market Development Revolving Loan Subaccount (RMDRLS) is an account, within the Integrated Waste Management Account (IWMA), that serves the Recycling Market Development Revolving Loan Program in providing loans to businesses that use postconsumer or secondary waste materials to manufacture new products. Existing law limited the amount of appropriations from the IWMA to the RMDRLS and considered the appropriations as loans to be repaid with interest. This bill deletes that limitation and deletes the requirement that the transfers be loans that must be repaid with interest, retroactive to January 1, 1992. This bill prevents CalRecycle from funding a loan if the recipient has not obtained all significant, ap-

plicable permits as determined by CalRecycle. This bill extends the sunset date of the appropriations and program to July 1, 2021 and January 1, 2022, respectively.

UNDERGROUND STORAGE TANKS

[AB 1674 \(Saldana\) Hazardous Substance Storage Tanks.](#) Existing law provides an exemption from the underground storage tank (UST) requirements for a UST that meets specified criteria, one of which being that the applicable local agency determines that the UST meets or exceeds requirements. This bill, along with adding other requirements to qualify for the exemption, deletes the ability of the State Water Quality Control Board (SWQCB) to object to the local agency's above determination. The bill also exempts USTs from certain design and operation requirements if all exterior surfaces, including connected piping and the floor directly below the tank, can be visually monitored. The bill also adds an exemption from UST construction and monitoring requirements for a tank, if it is located in a below-grade structure, connected to an emergency generator tank system, and has a cumulative capacity of 1,100 gallons or less of diesel fuel. This bill also deletes the authority of a certified unified program agency (CUPA) to waive the fee associated with filing an aboveground tank facility statement, and revises the definition of "tank facility" under the Aboveground Petroleum Storage Act.

WATER QUALITY

[AB 153 \(Hernandez\) and AB 1265 \(Caballero\) Safe, Clean, and Reliable Drinking Water Supply Act of 2012.](#) Both of these urgency bills amend the \$11.1 billion water bond proposal created in the 7th extraordinary session of 2009 by SB 2 X7 (Cogdill). AB 1265 shifts the measure from the November 2010 statewide ballot to the November 2012 statewide ballot. The Governor requested Proposition 18, the water bond, be delayed because of concern that voters would reject it given California's \$19 billion budget

deficit and struggling economy. The bill also removes the provision that would allow private, for-profit companies to get bond funding through joint powers authorities to build water storage facilities.

AB 153 expands the eligible uses of the \$100 million provided for groundwater cleanup projects under the Bond, so that the funds will be available for “costs associated with projects, programs, or activities” rather than being limited to project costs.

[AB 2125 \(Ruskin\) Marine Spatial Planning](#). This bill makes legislative findings and declarations regarding the importance of preservation of the state’s ocean resources and ecosystem-based ocean management. As such, this bill directs the Ocean Protection Council to support and facilitate data sharing between agencies and to increase the availability of scientific and geospatial data such as ocean floor mapping.

[AB 2515 \(V. Manual Perez\) Coachella Valley Alternative Water Treatment](#). This urgency bill makes legislative findings and declarations regarding groundwater contamination in the Coachella Valley and the limitations to providing this community with safe drinking water. Because point-of-use (POU) and point-of-entry (POE) water treatment regulations that would benefit this community by providing an alternative to centralized treatment have not yet been developed, this bill directs the Dept. of Public Health to adopt emergency regulations allowing the permitted use of POE and POU treatment by public water systems in lieu of centralized treatment.

Such emergency regulations shall remain in effect until January 1, 2014 or until POU and POE treatment regulations have been developed. Under this bill, the Dept. of Public Health may award grants covering the full cost of POU and POE treatment for severely disadvantaged communities, as defined, until January 1, 2014.

[AB 2554 \(Brownley\) Fee for Services by Los Angeles County Flood Control District](#). This bill, among other things, expands the Los Angeles County Flood Control District’s property-related revenues to include imposing a fee, in addition to its current authorization for levying of taxes and assessments. According to the author’s office, this bill “would authorize the District to put a fee on the local ballot, asking voters to raise revenue to fund clean water projects [mandated by the Clean Water Act] and carry out the essential duties of the District,” which, according to the sponsors are very costly.

[SB 51 \(Ducheny\) Salton Sea Restoration Council](#). This bill establishes the Salton Sea Restoration Council as a state agency in the Natural Resources Agency responsible for overseeing the restoration of the Salton Sea. The council must report to the Governor and Legislature by June 30, 2013, with a recommended Salton Sea restoration plan, which must consider a range of impacts of the plan on air quality, fish and wildlife, water quality, and the technical and financial feasibility of the plan. The bill lays out the council’s membership, which will be comprised of member groups (4) and voting (16) and non-voting members (8), member term length, council duties, etc., along with designating a stakeholder forum.

[SB 918 \(Pavley\) Water Recycling](#). This bill requires the Department of Public Health to adopt water recycling criteria for indirect potable use for groundwater recharge by December 31, 2013 and criteria for surface water augmentation by December 31, 2016. The criteria for surface water augmentation would be subject to review by an expert panel convened by DPH. The bill will also require DPH to investigate and report to the Legislature by December 30, 2016 on the feasibility of direct potable reuse.

DPH (and its successor) have been working on criteria for groundwater recharge for some time. Part of the problem has been a lack of fund-

ing. The bill attempts to solve that part of the problem by authorizing the expenditures necessary for the bill’s implementation to be provided from the State Water Board’s Waste Discharge Permit Fund, pursuant to an agreement between DPH and the State Board that has yet to be worked out.

[SB 1169 \(Lowenthal\) Water Code Technical Amendments](#). This bill makes numerous technical amendments to update and clarify the Water Code. Existing law authorizes a party aggrieved by a specified decision or order issued by the State Water Board or a decision issued by a regional board, which the State Board has refused to review, to obtain review of the State Board action (or inaction) in superior court. This bill provides that an aggrieved party must first file a petition for reconsideration with the State Board to exhaust that party’s administrative remedies, but only if the State Board decision or refusal to act was made by a Board official delegated such authority by the Board and if the State Board has authorized the petition for reconsideration. Among other topics covered by this bill: (1) it extends the terms of two board members on each of the nine regional boards to make the terms consistent and uniform; (2) it changes the agency to which reporting is filed for the delivery of recycled water to a condominium project; (3) it deletes obsolete provisions; (4) it deletes the requirement for notice in permit or license revocation procedures where the permit or license holder is requesting the revocation; and (5) it clarifies that the State Board may, on its own motion, review regional board basin planning actions.

[SB 1284 \(Ducheny\) Civil Penalties and Compliance Timelines for Water Violations](#). This bill provides that failure to file a discharge monitoring report under the Porter-Cologne Water Quality Control Act is not a “serious violation” that would incur minimum

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mandatory civil penalties, if there were no discharges to waters of the United States reportable during the monitoring period, and the discharger submits a statement stating this to the State or regional board, and also states the reason(s) why the report was not filed on time. Discretionary penalties, however, may still be levied against the discharger. This bill also provides for a one-time fine totaling \$3,000 for certain violations involving a failure to file a discharge monitoring report, rather than \$3,000 for each 30-day period of non-compliance following the deadline, if certain conditions are met. This provision of the bill sunsets on January 1, 2014. This bill also authorizes a regional board, after a public hearing, to extend the time allowed for bringing a waste discharge into compliance an additional five years, up to ten years, if the discharger can demonstrate that additional time is necessary.

WATER POLICY AND SUPPLY

[AB 1260 \(Fuller\) California Water Commission Member Terms](#). This bill extends the terms of the current members of the California Water Commission to May 14, 2014 for those members whose appointment has been confirmed by the Senate and whose term is unexpired as of January 1, 2011. Commencing May 14, 2014, membership to the commission shall resume to being covered under the rules governing staggering of terms.

[AB 1788 \(Yamada\) State Funding of Flood Control Projects in Disadvantaged Communities](#). Current law authorizes the state to pay up to 70% of specified flood control projects, upon the recommendation of the Department of Water Resources or the Central Valley Flood Protection Board, if the project advances certain objectives, one of which being that it benefits areas where the median household income is less than 120% of the poverty level,

as defined by the Department of Finance. This bill changes that objective to authorize projects that will increase the level of flood protection for “disadvantaged communities,” defined as those with an annual median household income that is less than 80% of the statewide annual median household income.

[AB 2277 \(Fletcher\) Urban Retail Water Suppliers to Military Installations](#). Existing law requires urban retail water suppliers to prepare an implementation plan that incorporates state water use reduction targets. Federal law previously required, under Executive Order (EO) 13423, that military installations reduce water usage by 6% by the end of fiscal year (FY) 2015. In 2009, President Obama signed EO 13514, which replaced EO 13423 and increased the water reduction goal for federal facilities to 26% by end of FY 2020. This bill replaces EO 13423 with EO 13514, thereby updating the targets to be considered by urban retail water suppliers to military installations in their implementation plan.

[AB 2488 \(Ruskin\) San Francisco Bay Area Regional Water System](#). This bill, among other clarifying changes, reflects changes in the public entities belonging to San Francisco Bay Area Regional Water System and their average daily water delivery quantities, but specifies that, in the future, such changes will not require an amendment to the statute. This bill also allows the Bay Area Water Supply and Conservation Agency to assist its water purveyors to meet the 20x2020 Water Conservation Plan urban water use targets (SB X7 7 (Steinberg)). If requested by its purveyors, the agency may develop and administer a regional conservation program and shall be eligible to receive financial assistance for development and/or administration of this program.

[SB 1443 \(Simitian\) Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force](#). This bill extends the existence of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force to the date the task force submits its report on a strategy and recommendations for the emergency preparedness in the Delta region to the Legislature and extends the sunset date of these provisions to January 1, 2013.

[SB 1450 \(Simitian\) Delta Stewardship Council Contracts](#). This urgency bill authorizes the Delta Stewardship Council to enter into contracts, subject to specific requirements, for consultant services and architectural and engineering services to assist the council with, among other things, performance of the council’s responsibilities and preparation of the Delta Plan and associated environmental review in accordance with the Sacramento-San Joaquin Delta Reform Act of 2009.

[SB 1478 \(Committee on Natural Resources and Water\) Urban Wholesale Water Suppliers](#). This bill corrects an inadvertent omission in SB 7X 7, (Steinberg 2009) by granting urban wholesale water suppliers the same six-month extension granted to urban retail water suppliers to provide additional time for the urban wholesale water suppliers to adopt an urban water management plan.