

*Editor's Note: Our survey of environmental legislation this year is authored by Lynette 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's clients with 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 2008. 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, 2009. This is the final year of the two-year 2007-2008 session. Bills that failed to pass out of the Legislature this year 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](http://www.leginfo.ca.gov).

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

**AB 268 (Committee on Budget) Budget Act Trailer Bill.** This trailer bill provides implementing language for the Proposition 1B State-Local Partnership Program (Program) and addresses other

transportation programs. AB 268 describes the categories of projects that can be funded through the Program: 95% of the funds will be available by matching funds from voter-approved fees or taxes solely dedicated to transportation purposes, and 5% will be available by matching funds from uniform developer fees through a competitive grant program. AB 268 allocates Trade Corridors Improvement Fund monies and other transportation funds to each transportation corridor. In addition, it transfers \$939 million in spillover funds to the Mass Transportation Fund. These funds are to be used to pay transportation bond debt payments and a Prop 42 loan payment. Finally, the bill increases vehicle registration by \$11 to fund additional highway patrol officers and increases the penalties for late payment of registration fees.

**AB 1209 (Karnette) Hybrid Stickers.** Current law allows replacement of decals where a hybrid vehicle's Clean Air Sticker is destroyed, but not if the vehicle itself is destroyed. This bill allows the Department of Motor Vehicles to issue a replacement sticker for another hybrid vehicle, owned by the same person, provided proof of the vehicle's non-repairable or total loss salvage status is provided.

**AB 2522 (Arambula) Motor Vehicle Registration Fees.** This bill authorizes the San Joaquin Valley Unified Air Pollution Control District to increase vehicle registration fees by up to \$30 per motor vehicle per year to fund incentive-based programs to achieve state and federal air quality standards. This bill requires at least \$10 million of the revenues to be used to mitigate air pollution in disproportionately impacted environmental justice communities in the San Joaquin Valley.

**AB 2922 (DeSaulnier) Portable Fuel Container Violation Penalties.**

AB 2922 clarifies the ARB's enforcement authority over air quality violations relating to portable fuel containers, spouts, and engines. The bill directs the ARB to adopt standards and regulations for this equipment. Finally, AB 2922 establishes a maximum civil penalty for violations under the new regulations not to exceed \$500 per vehicle.

**AB 3005 (Jones) Traffic Mitigation Fees.** To give credit and provide incentives to developers for the reduced impact a project may have on traffic due to its proximity to transit, this bill encourages more transit-oriented housing developments by reducing traffic impact fees charged by cities and counties for new housing developments that are transit-oriented in accordance with characteristics listed in the bill. Characteristics include a one-half mile proximity to a transit station and convenience retail uses, including a store that sells food, and a minimum number of parking spaces within the housing development.

**AB 3034 (Galgiani) Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.** This bill, designated as Proposition 1A on the November ballot, authorizes the issuance of \$9.95 billion of general obligation bonds for a new high-speed railroad. The bill prioritizes the San Francisco to Los Angeles route while providing that other routes will be considered if funds become available. The bill also creates a new peer review committee and places additional conditions on spending.

**SB 155 (Cox) Gas Station Vapor Recovery.** This bill prohibits the State Air Resources Board from requiring a gas station to undergo an Enhanced Vapor Recovery Phase II upgrade until April 1, 2011 if the station: (1) As of January 1, 2009, has installed a state board certified

Phase II vapor recovery system; (2) Has an annual gasoline throughput of 240,000 gallons or less; (3) Operates in a county that has a population of less than 100,000; and (4) Operates in a basin not classified as nonattainment for ozone

**SB 1548 (Florez) San Joaquin Valley Air District.** This bill establishes a special city selection committee to appoint the five city council members from city councils within the San Joaquin Valley Air District to serve on the District governing board. Under existing law, the city council members are appointed by the cities within the territory of the unified district. The new special city selection committee will be comprised of one member from each city council in each city located within the district.

**SB 1646 (Padilla) SCAQMD Fee Extension.** This bill removes the 2010 sunset on the South Coast Air Quality Management District's authority to impose a \$1 fee on vehicle registration renewal. Existing law requires that funds generated from this fee be used to reduce vehicle air pollution through a clean-burning fuel program.

**SB 1720 (Lowenthal) Hybrid Stickers.** The Department of Motor Vehicles reports that after February 2007, when Clean Air Stickers issuance had reached its statutory limit, a black market was created for the stickers with no provisions in place to punish the culprits. This bill creates an infraction for individuals convicted of fraudulent creation, use, sale, and trafficking of fraudulent Clean Air Stickers or for reselling valid Clean Air Stickers.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

**SB 947 (Hollingsworth) Transportation Projects.** This bill requires a lead agency for a project that could affect major roads and public transit within five miles of the project and freeways, highways and rail transit within ten miles of the project to provide notice of at least one scoping meeting to the appropriate transportation planning

agency or public agencies. This bill also requires that the effects of a project on overpasses and on- and off-ramps be considered during consultation with agencies.

## CLIMATE CHANGE

**AB 1225 (De Saulnier) Climate Change Ocean Impacts.** This bill authorizes the California Ocean Council to fund efforts to minimize adverse impacts of climate change on California's ocean ecosystems. Information developed under these projects will provide guidance to the Air Resources Board for the adoption of early action measures pursuant to AB 32.

**AB 2045 (De La Torre) Urban Forests.** This bill revises and expands the types of projects that are eligible for Urban Forestry grants. Specifically, this bill authorizes eight additional types of projects: greenhouse gas emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater management, water shortages, lack of green space, and lack of urban parks that are accessible to pedestrians. This bill also expands the powers and duties of the department.

**AB 2991 (Nunez) ARB Climate Change Experts.** This bill adds two climate change experts appointed by the California Air Resources Board (CARB) to its nine-member Research Screening Committee. The bill also expands the charge of the Committee to include reviewing climate-change related research.

**SB 375 (Steinberg) Climate Change Smart Growth.** This bill's objective is to align planning for housing, land use, transportation, and greenhouse gas (GHG) emissions for the 17 metropolitan planning organizations (MTOs), assigning each a GHG emission reduction target. This bill requires the Air Resources Board, by September 30, 2010, to provide each region with GHG emission reduction targets for autos (2020) & light trucks (2035). This bill also requires MTOs to include Sustainable Communities Strategies (SCS) for reducing GHG emissions

in their regional transportation plans (RTPs). Local governments are required to revise housing elements in conjunction with their RTP and to rezone to accommodate regional housing needs. This bill relaxes CEQA requirements for housing developments that are consistent with a SCS.

## ENDANGERED SPECIES, WILDLIFE, AND PLANTS

**AB 541 (Huffman) Genetically Engineered Plants.** This bill establishes protocols and procedures for determining whether patent infringement has occurred on a genetically engineered plant. Farmers must be notified of a patent infringement or breach of contract allegation and an agent of the patent must request permission to enter land for the purpose of obtaining crop samples. This bill provides that farmers with de minimus levels of proprietary plants shall not be held liable for patent infringement if they did not knowingly buy or acquire the proprietary plant.

**AB 2065 (Hancock) Invasive Aquatic Species.** This bill requires owners and managers of certain reservoirs to determine the vulnerability of the reservoir for the introduction of non-native mussel species, including the quagga and zebra mussels. Specifically, this bill applies to those reservoirs where recreational, boating, or fishing activities are allowed. Under this law, owners and managers must also develop and implement a monitoring and educational program designed to prevent the introduction of these non-native mussel species. Violators are subject to a civil penalty of \$1,000 per violation.

**AB 2133 (Hancock) Habitat Restoration.** This bill simplifies habitat restoration activities by allowing the Department of General Services (DGS) to authorize a board, commission, or conservancy within the Resources Agency to also carry out a project, without the services of the DGS. Such streamlining is only available in situations where the estimated project cost does

not exceed \$500,000. This bill also allows the State Coastal Conservancy, with the approval of the DGS, to directly carry out a public works project involving habitat or wetlands restoration on specified state-owned lands.

**AB 2763 (Laird) Invasive Pests.** This bill requires the Department of Food and Agriculture (DFA) to develop and maintain a list of invasive animals, plants, and insects that are reasonably likely to enter California, and for which an eradication or control program might be appropriate. Depending on funding, DFA will also be charged with preparing and maintaining a written plan on the most appropriate method of eradication or control for the high-priority invasive pests on the list. If the application of pesticides is identified as an appropriate response, the written assessment must discuss the pesticides themselves, their concentrations, the frequency of application, and any impacts on public health and the environment.

**AB 2785 (Ruskin) Habitat Connectivity.** This bill requires DFG to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages and prioritize vegetative data development in those areas.

**SB 562 (Wiggins) Fishery Restoration Projects.** This urgency bill appropriates \$5.3 million in Proposition 84 funds to begin coastal salmon and steelhead fishery restoration projects.

**SB 1436 (Ducheny) Endangered Species Act.** 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, 2011.

## ENERGY

**AB 109 (Nunez) Alternative Fuels.** This bill amends AB 118 (Nunez), which created new programs and funding sources to reduce air pollut-

ant emissions and promote greater use of alternative fuels and vehicles. This bill requires the Energy Commission to implement the Alternative and Renewable Fuel and Vehicle Technology Program, and specifies that funding is to be spent on programs other than renewable diesel or biodiesel related programs. Funding is not allowed for projects designed to comply with existing statutes and is to be awarded through a competitive process. This bill expands the definitions of "life-cycle assessment" and "full fuel-cycle assessment" to include additional features of biofuel production.

**AB 578 (Blakeslee) Distributed Energy Study.** This bill requires the California Energy Commission to biennially report on the impacts of distributed energy generation systems on the state's electrical grid and publish educational materials to builders on how to incorporate solar projects during construction.

**AB 811 (Levine) Distributed Energy Agreements.** Under current law, groups of property owners can contract with cities to assess themselves for the cost of a public works project that benefit the properties assessed. This urgency bill allows cities and counties to provide upfront financing to property owners for the installation of solar and other distributed generation renewable energy sources and to make energy efficiency improvements. All funded projects must be determined to be in the public interest.

The bill was signed on July 21 and became effective on that date.

**AB 1062 (Ma) Solar Pre-Check by Architect.** This bill requires the State Architect to develop uniform criteria for the pre-check approval processes of solar design plans for school facilities. Under this bill, the Department of General Services must complete its review of solar design plan applications within 45 days of receipt, and within 10 days after applications are resubmitted after being corrected at the request of the Department.

**AB 1451 (Leno) Solar Tax Benefits.** This bill renews the solar property tax exclusion through the 2015-2016 fiscal year for the value of an "active solar energy system." Current law entitles only the owner-builder to claim the tax exclusion. This bill expands the tax exclusion to allow the initial purchaser of a building to claim the exclusion when the owner-builder does not intend to occupy or use the new building. Under this bill, solar rebates reduce the base value of the portion of the purchase price attributable to that solar energy system for the purpose of calculating the tax exclusion.

**AB 1510 (Plescia) Subdivision Map Act.** Certain types of land divisions are exempt from the Subdivision Map Act (SMA), including leases and easements for wind powered electrical generation devices. This bill additionally exempts from the SMA leases and easements relating to solar energy systems and biogas projects that utilize agricultural waste or byproducts from the land where the project is located.

**AB 1763 (Blakeslee) Consumer Disclosure on Energy Usage.** This bill requires utilities to breakdown energy costs on monthly billing, disclose specified information on usage and cost, and make available online information on how customers can save money by saving energy.

**AB 1892 (Smyth) Solar Installations.** Current law provides that any covenant or restriction in any deed or other document transferring property that prohibits the installation or use of a solar energy system is void. This bill expands that prohibition to cover similar restrictions in the governing documents of common interest developments.

**AB 2165 (Karnette) Oil Exploration.** This bill authorizes the State Lands Commission to negotiate and execute on behalf of the state, a contract with the City of Long Beach and its tidelands operating contractor. The contract will provide financial incentives for the contractor to explore for and develop additional oil reserves beneath the

tidelands and submerged lands of the Wilmington oil field.

**AB 2176 (Caballero) Conservation Grants.** This bill establishes a framework for the Energy Commission to administer funds allocated from the federal Energy Independence and Security Act of 2007 to the Energy Efficiency Block Grant program for energy efficiency measures and requires that 60% of the funds be used to provide grants to small cities and counties and 40% be used to provide grants to entities under the federal act. All grants will be prioritized based on cost-effective energy efficiency.

**AB 2180 (Lieu) Solar Energy System Installation.** According to the author, this bill addresses a problem many homeowners are experiencing whereby their homeowners association (HOA) delays approving a request to install solar panels. The delay causes the homeowner to lose out on incentives and rebates that would otherwise be available. This bill requires HOAs to respond to a request from a member to install a solar energy system within sixty (60) days of the request. Failure to respond deems the request approved.

**AB 2267 (Fuentes) Distributed Energy.** This bill requires the Energy Commission to give priority to California-based technology firms, jobs, and businesses for awards under the Public Interest Energy Research, Demonstration and Development Fund. This bill will require the Public Utilities Commission (PUC) to provide an additional incentive of 20% for the installation of eligible distributed generation resources from a California supplier under the self-generation incentive program administered by the PUC.

**AB 2404 (Salas) Energy Efficiency Via Water Conservation Projects Report.** This bill requires the Public Utilities Commission (PUC) to make recommendations to the Legislature by March 31, 2010, on whether electric and gas utilities can achieve cost-effective energy efficiency improvements through water conservation projects based on the

outcomes of the PUC-mandated one-year pilot water conservation projects that were commenced by the utilities in July 2008.

**AB 2466 (Laird) Renewable Energy Credits.** This bill authorizes a local government to receive a credit on its electric bill for electricity supplied to the grid by an eligible renewable generating facility. The generating facility and the account receiving the credit must both be located within the geographical boundary of the local government.

**AB 2768 (Levine) Solar Rates.** The California Solar Initiative originally required all solar customers to be on a "time-of-use" (TOU) rate when they installed solar. Emergency legislation in 2007 delayed the mandatory TOU rates until after 2009. This bill will make "optional TOU" permanent by giving the customer the option of taking service under a TOU rate or a flat rate if there is a flat rate for which the customer qualifies.

**AB 2791 (Blakeslee) Waste Heat and Carbon Emissions Pilot Program.** This bill expands eligibility under the pay-as-you-save program of the Waste Heat and Carbon Emissions Reduction Act (established by AB 1613—Blakeslee) to include federal, state or local agencies. The program was initially limited to nonprofit organizations

**AB 2804 (Hayashi) Solar Rebates for Schools.** This bill authorizes a school district or community college district applying for a rebate under the California Solar Initiative to request an extension of up to 540 days (three 180-day extensions) of the time by which the applicant must install a qualifying solar system.

**AB 2863 (Leno) Solar Power Purchase Agreements.** This bill exempts "independent solar energy producers" from regulation as an energy producer under certain conditions. Such producers are defined as entities deploying solar systems for use by their own tenants or for use of or sale to up to two other corporations located at the property where

the solar system is located. The bill requires independent solar energy producers to provide certain customer protections and disclosures, requires all contracts for residential systems be made available to the CPUC upon request, and imposes civil liabilities for violation of such contracts.

**AB 3058 (Committee on Utilities and Commerce) Power Purchase Agreements.** This urgency bill requires, with exceptions, that the Public Utilities Commission review proposed modifications of power purchase contracts entered into by the Department of Water Resources. The review must determine if the modification is "just and reasonable" and, in effect, gives the Commission veto power over the modification. The bill also establishes public notice and comment requirements for proposed modifications. The bill was signed on September 30 and became effective on that date.

**SB 380 (Kehoe) Renewable Energy Sales.** The purpose of SB 380 is to codify the Public Utilities Commission's implementation of 2006 legislation (AB 1969--Yee). This bill requires the state's three largest utility companies to purchase on a first-come-first-served basis renewable energy produced from any customer generating not more than 1.5 megawatts of energy until the combined statewide cumulative capacity of those generation facilities equals 500 megawatts. Customers are to be paid a market price determined by the state.

**SB 1399 (Simitian) Solar Shade Control Act.** Existing law prohibits a person from allowing a tree or shrub to cast a shadow on the solar collector of another property during specified times. This bill establishes "first in time, first in right." Trees or shrubs planted prior to installation of the solar collector are now exempt from the prohibition. This bill redefines "solar collector" to include panels that are installed on the ground if installing them on the roof is not feasible. This bill also repeals the public nuisance violation provision, replacing it

with a private nuisance provision. The bill is discussed in the March 31 edition of CEI.

**SB 1754 (Kehoe) Alternative Energy Agreements.** This bill expands the authority of the California Alternative Energy and Advanced Transportation Financing Authority to allow the Authority to enter into power purchase agreements with public and private entities for the purchase and sale of alternative source energy or projects.

## FORESTRY

**AB 2859 (Gaines) Forest Management.** This bill authorizes the California Department of Forestry and Fire Protection (CAL FIRE) to go upon state and private lands to remove live vegetation directly adjacent to areas with disease or insect infestations and to remove soil that harbors or could harbor insects or pathogens that threatens timber or forest growth. This bill also exempts from requiring a Timber Harvesting Plan, certain treatment activities meeting certain conditions, such as removal of trees sixteen inches in diameter at breast height, as needed for fire or fuel breaks adjacent to communities.

## GREEN BUILDING

**SB 1473 (Calderon) Green Building.** This bill requires the California Building Standards Commission to develop and adopt green building standards when no other state agency has the authority or expertise to propose such standards. This bill requires each local government to collect a fee from any applicant for a building permit at the rate of \$4.00 per \$100,000 in property valuation to be used for carrying out the provisions of this bill.

## HAZARDOUS MATERIALS

**AB 38 (Nava) California Emergency Services Agency.** This bill authorizes the merging of the Office of Emergency Services (OES) and the Office of Homeland Security (OHS) to create the California Emergency Management Agency (CEMA) within the office of the Governor. All duties, powers, purposes, responsi-

bilities, and jurisdiction vested with the OHS and OES will now be vested with CEMA, under the supervision of the Secretary of the Department of Emergency Services and Homeland Security.

**AB 1100 (Ruskin) Portable Gas Containers.** Current law provides that no portable gas container be sold in the state that has not been approved and listed by the State Fire Marshall as meeting certain child-resistant standards. However, safety cans, which are gas containers designed to vent pressure when subjected to fire or high temperatures, cannot be both child-resistant and comply with OSHA venting requirements. This bill exempts from current regulations safety cans that meet OSHA and DOT requirements and, for cans manufactured after October 31, 2008, that are conspicuously labeled "NOT CHILDPROOF" in English and Spanish.

**AB 1879 (Feuer) Green Chemistry.** This bill answers the Governor's call last year to create a Green Chemistry Initiative. This bill requires the Department of Toxic Substance Control (DTSC) to adopt, by January 1, 2011, regulations to identify and prioritize "chemicals of concern" in consumer products. DTSC must conduct a multimedia life cycle evaluation addressing the impacts associated with emissions of air pollutants, including greenhouse gases, for review by the California Environmental Policy Council. This bill also directs DTSC, by January 1, 2011, to establish a process to evaluate the chemicals of concern and their potential alternatives to limit exposure and reduce the level of hazard posed by a chemical of concern. DTSC must also establish a Green Ribbon Science Panel, comprised of fifteen scientific disciplines, to advise DTSC on science, technical matters and green chemistry policy.

**AB 2286 (Feuer) Web-Based Electronic Reporting for CUPA Program.** Current law requires the Secretary of State to establish an information system capable of receiving data collected by CUPAs and to make all non-confidential

data available on the internet. This bill requires a web-based reporting system be established by January 1, 2010 and provides funding for its setup. The system will allow regulated businesses to provide information to local and state regulatory agencies under the CUPA program. The annual oversight surcharge for regulated businesses will be increased, for three years, by up to \$25 per year to help fund the program. All CUPAs, participating agencies, and regulated businesses must report electronically, no later than three years after the establishment of the web-based system.

**AB 2347 (Ruskin) Mercury Thermostat Collection Act of 2008.** This bill requires thermostat manufacturers that own or owned mercury-added thermostats sold in the state prior to January 1, 2006 to establish a mercury-added thermostat collection and recycling program. DTSC is directed to adopt regulations regarding the Program's implementation. Manufacturers will be required to provide collection bins to wholesalers and government agencies, when requested, and arrange for the pickup of the bins. Manufacturers will be required to provide education and outreach efforts to the public, wholesalers, and utilities on the Program and provide incentives and education to contractors. By April 1, 2010, manufacturers must submit a report to DTSC providing data collection and outreach strategies. Certain contractors and demolitionists must comply with provisions of this bill. The bill requires a list of non-compliant manufacturers be posted on the DTSC website twice yearly beginning July 1, 2009, and prohibits selling or offering for sale a non-compliant manufacturer's thermostats.

**AB 2901 (Brownley) Lead in Jewelry.** This bill makes significant additions to current lead jewelry laws including: 1) Revising the definition of "jewelry" to include charms, beads, links, pendants or other attachments to shoes or clothing that can be removed and used as

an ornament; 2) Prohibiting a person from offering for promotional purposes and from manufacturing, shipping or selling for promotional purposes jewelry that contains lead; 3) Providing for significant administrative, civil and/or criminal penalties for knowingly and intentionally manufacturing, selling, or distributing jewelry in violation of the provisions of this bill and for intentionally falsifying documents or certificates required by this bill; and 4) Authorizing a DTSC representative to enter premises to get samples and review documentation to determine compliance with this bill. This bill authorizes DTSC to adopt regulations to implement the provisions of this bill.

**SB 509 (Simitian) Toxics Information Clearinghouse.** This bill directs the DTSC to establish a web-based Toxics Information Clearinghouse to collect, maintain and distribute information on specific chemical hazard traits. This bill requires the Office of Environmental Health Hazard Assessment to evaluate and specify hazards posed by chemicals used in consumer products for the clearinghouse on or before January 1, 2011. This bill includes term definitions relating to the Green Chemistry program.

**SB 774 (Ridley-Thomas) Lead in Packaging.** In order to qualify for a Toxics in Packaging Prevention Act exemption, this bill requires that glass bottle packaging with any paint or applied ceramic decoration on the bottle not contain lead or lead compounds in excess of 0.06% by weight of the total non-volatile content of the weight of the dried paint film.

**SB 1277 (Maldonado) Synthetic Turf Impact Analysis.** Synthetic turf fields are made of a combination of polyethylene plastics and recycled tires. The presence of volatile organic chemicals from the tires, as well as bacteria that can remain on the turf, has prompted several states to evaluate potential negative impacts associated with these fields. This bill requires the California Integrated Waste Management Board

to prepare a study, by September 1, 2010, comparing the effects of synthetic and natural turf on the environment and public health and to post the study on its website

**SB 1334 (Calderon) Lead Plumbing.** This bill requires all plumbing pipes, pipe or plumbing fixtures, or flux to be certified by an independent American National Standards Institute accredited third-party for compliance with existing lead standards.

**SB 1395 (Corbett) Lead Plumbing.** This bill requires the Department of Toxic Substances Control to monitor and test lead plumbing for compliance with existing lead standards by annually testing up to 75 drinking water faucets or other fittings and fixtures from resale or wholesale locations and posting results to its website.

**SB 1668 (Migden) Standards in Biotech Industry.** This bill clarifies the authority of the State Fire Marshal to prepare and adopt regulations establishing minimum requirements to prevent fire, and to protect life and property against fire and panic at laboratory or research and development facilities storing, handling or using regulated hazardous materials.

## HAZARDOUS WASTE

**AB 1846 (Adams) Transportation of Kitchen Grease.** Existing law requires transporters of inedible kitchen grease to be licensed and pay a \$300 licensing fee. This bill exempts by 75% the licensing fee for drivers who fuel their own personal, noncommercial vehicles with restaurant kitchen grease as an alternative fuel. Drivers under this bill will not be allowed to transport more than 55 gallons of kitchen grease per load nor have more than 165 gallons of the grease in their possession or control at any one time.

## LAND USE

**SB 1285 (Corbett) Valuation of Conservation Easements.** This bill requires the Department of General Services to form a work group with

resource conservation departments to develop standards for conservation appraisals and gives the Resources Agency final authority to adopt or reject the standards. This bill requires the Department of Parks and Recreation and state conservancies to obtain an independent appraisal prior to approving the acquisition of land for \$25 million or more. Under this bill, sellers of conservation lands must attach an appraisal to their personal income tax return if they are claiming a charitable contribution of more than \$5,000.

## MISCELLANEOUS AND MULTIMEDIA

**AB 1860 (Huffman) Product Recalls.** This bill establishes the Product Recall Safety and Protection Act which requires the removal of recalled consumer products from the marketplace and prohibits the sale of recalled products. This bill imposes fines against those who sell recalled products and requires recalled products to be properly disposed of. This bill requires manufacturers to establish a notification system when recalling products and mandates that manufacturers and retailers post recall notices on their websites and in their stores. Approved retrofitting of the recalled product will be allowed under certain conditions.

**AB 3018 (Nunez) Green Collar Jobs.** This bill establishes the California Green Collar Jobs Act of 2008 and requires the creation of the Green Collar Jobs Council. The Council will be a group of intergovernmental entities that assist in developing programs and strategies to train K-12, college and other potential workers for jobs in California's green market economy

**SB 1781 (Comm. On Environmental Quality) Omnibus Bill.** This bill updates, clarifies, and makes various non-controversial changes to state programs relating to solid waste management, tire hauling, tire recycling, and ballast water management. Specifically, this bill amends provisions of the California

Beverage Container Recycling and Litter Reduction Act and the Marine Invasive Species Act. It also expands enforcement authority as it relates to tire hauler registration and broadens the scope of infractions with regard to the transportation of used tires and waste tires.

## **OIL SPILLS**

Most of the bill in this category were passed in response to the Cosco Busan spill in San Francisco Bay on November 7, 2007.

**AB 1960 (Nava) Oil Production Facilities.** Current law states that oil companies must operate in accordance with “good oilfield practice.” This bill establishes new maintenance standards, enforcement authority and penalties, and spill contingency planning for oil production facilities, to be administered by the Division of Oil, Gas, and Geothermal Resources. Further, this bill creates new crimes for failing to provide or knowingly making a false or misleading oil spill report.

**AB 2031 (Hancock) Local Emergency Responders.** This bill requires the Office of Oil Spill Prevention & Response (OSPR) Administrator to develop a training and certification program for local emergency responders that are designated as local spill response managers by a local government with jurisdiction over or directly adjacent to marine waters. The Administrator is now required to notify local agencies when a discharge occurs. The program will include authorization for a local spill response manager to train and certify volunteers.

**AB 2911 (Wolk) Oil Spill Response.** This bill expands the coverage of the Oil Spill Prevention and Response Act to include inland waters and enacts comprehensive statutes to address inland oil spills. It also designates the Oil Spill Prevention and Response Administrator as the State Incident Commander with primary authority for responding to and mitigating oil spills. Finally, the bill expands the Oiled Wildlife Care Network to include search and rescue efforts and increases civil and

criminal penalties for oil spills.

**AB 2935 (Huffman) Oil Spill Notification.** This bill requires the Department of Fish and Game to close water in the vicinity of an oil spill or where the spill is likely to spread, to the taking of all fish and shellfish within 24 hours of the spill, unless it is determined that there is no likelihood of a public health threat. This bill requires the oil spill contingency plan to include identification and prioritization of environmentally and ecologically sensitive areas and to provide for the protection of such areas. The contingency plan must include consideration of private working craft and mariners to assist in containment and cleanup efforts.

**SB 1739 (Simitian) Oil Spill Response.** This bill requires that first-responders to oil spills demonstrate that adequate resources can be deployed for such accidents by requiring scheduled training and drills and satisfactory completion of an unannounced drill to demonstrate readiness to respond.

## **PESTICIDES**

**AB 2765 (Huffman) Aerial Pesticide Application.** This bill is a response to the California Department of Food and Agriculture’s (CDFA) effort to implement a Bay Area emergency eradication program for the Light Brown Apple Moth. AB 2765 requires the Secretary of Food and Agriculture to conduct at least one public hearing (before spraying) in order to consider all alternatives to aerial application. In addition, this bill requires the Secretary to seek a human health and environmental evaluation from the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment to identify the risks of the aerial spraying.

## **SOLID WASTE AND RECYCLING**

**AB 1972 (DeSaulnier) and AB 2071 (Karnette) Plastic Bags and Containers.** Many plastic bags and containers are falsely advertised as “biodegradable” or “compostable.” AB 1972 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 American Society for Testing and Materials (ASTM) standard specifications. AB 2071 allows cities, counties, and the state to impose fines against companies that mislabel their products as such.

**AB 3025 (Lieber) Expanded Polystyrene Packaging Material.** Beginning January 1, 2012, this bill prohibits wholesalers or manufacturers from selling expanded polystyrene (EPS) loosefill packaging material, unless it contains a specified amount of recycled material. Specifically, EPS must be comprised of at least: (1) 60% recycled material on and after January 1, 2012; (2) 80% recycled material on and after January 1, 2014; and (3) 100% recycled material on and after January 1, 2017. Violations are punishable by a fine not to exceed \$1,000.

**AB 2679 (Ruskin) Waste Enforcement.** According to the California Integrated Waste Management Board (CIWMB), enforcement efforts are hindered by limitations in existing law. This bill strengthens and streamlines enforcement provisions of the California Integrated Waste Management Act by authorizing the CIWMB to take any enforcement action that a local enforcement agency (LEA) may take under the act. This bill prohibits disposing of solid waste except at a permitted facility and makes significant changes and additions to the enforcement and penalty provisions of the act. The bill requires the board or LEA, before issuing an order, to follow specified procedures regarding notification and meeting with the owner or operator to bring the facility or site into compliance. This bill also authorizes a LEA, as part of the funding of its inspection program, to engage in activities to prevent and abate illegal dumping and increase public awareness.

**SB 1016 (Wiggins) Diversion.** Since January 1, 2000, cities and counties have been required to di-

vert 50% of their solid waste from landfill disposal or transformation. This bill shifts the current system to a disposal-based one whereby cities and counties must attain 50% disposal reduction rather than 50% diversion. In other words, the bill focuses on what is sent to the landfill as opposed to the amount diverted. According to the author's website, the benefits of transitioning to a disposal reduction system include "increased timeliness and accuracy, and a streamlining of the review process by allowing jurisdictions that are in compliance to be reviewed every four years instead of every two."

**SB 1357 (Padilla) Beverage Containers.** This bill authorizes the Department of Conservation (DOC) to spend up to \$20 million from July 1, 2009 through January 1, 2012, for beverage container recycling and litter reduction programs and grants. Such programs and grants are intended to help local governments expand existing recycling programs, address litter-related problems, and encourage infrastructure improvements aimed at preventing recyclables from ending up in landfills.

**SB 1723 (Maldonado) Pesticide Recycling.** This bill requires every person who is the first to sell any agricultural, structural, industrial, or institutional-use pesticide product for use in the state that is packaged in rigid, non-refillable, high-density polyethylene containers of 55 gallons or less to establish a recycling program or demonstrate participation in a program to ensure such containers are recycled. These recycling programs are subject to an independent, third-party audit. Additionally, a document certifying that this requirement has been met must be provided to the Director of the Department of Pesticide Regulation (DPR) each year.

## **UNDERGROUND STORAGE TANKS**

**AB 2729 (Ruskin) UST Cleanup at Schools.** This bill creates a School District Account within the Underground Storage Tank Cleanup Fund and transfers \$10 million per

year for each of three years into the account to pay for claims filed by "Category D" school districts for specified petroleum UST cleanup costs. The account will be repealed in 2014 and unexpended funds will be returned to the Fund. This bill also provides that a remedial action plan will not be required if the estimated cost of the remedial action is less than \$2,000,000, an increase from the current cost requirement of less than \$1,000,000.

**SB 1161 (Lowenthal) UST Cleanup Fund Revisions.** This bill reinstates the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Fund and transfers \$10 million for each of three fiscal years starting the 2008-2009 fiscal year for the purpose of remediating harm caused by petroleum contamination of brownfield sites. This bill extends the authorization of the Underground Storage Tank Cleanup Fund to January 1, 2016 and revises the definition of UST to include components directly or indirectly connected to the tank itself.

## **WATER QUALITY**

**AB 2222 (Caballero) Groundwater Contamination.** This bill directs the State Water Resources Control Board to develop a report on groundwater contamination identifying: (1) communities that rely on groundwater as a primary source of drinking water, (2) the principle contaminants in these communities, and (3) potential solutions and funding sources to clean up or treat groundwater and provide alternative water supplies in these communities. The report must include recommendations to enhance public accessibility to information on groundwater conditions.

**AB 2954 (Lieber) Bay Restoration.** This bill establishes the San Francisco Bay Restoration Authority; a new entity that will raise funds from private parties and public agencies and use the proceeds to pay for the restoration and protection of the Bay and its shoreline.

**SB 1258 (Lowenthal) Graywater Systems.** This bill requires the De-

partment of Housing and Community Development to adopt building standards for graywater systems for indoor and outdoor use beyond the current regulations which only allow graywater use for subsurface irrigation. Under this bill, local governments will be entitled to adopt more restrictive graywater building standards.

## **WATER POLICY AND SUPPLY**

**AB 2882 (Wolk) Water Conservation Pricing.** This bill clarifies the legal requirements for implementing tiered rate structures under the Constitutional mandate for reasonable use of water, but in a manner that complies with Proposition 218. It provides an option for water suppliers to encourage water conservation, by determining a "basic use allocation" and charging more for increments of metered use above that allocation. The bill requires that the "basic use allocation" provide "a reasonable amount of water for the customer's needs and property characteristics." It also preserves local agencies' authority to impose fixed charges for fixed costs.

**SB 27 (Simitian) Sacramento-San Joaquin Delta Emergency Preparedness Act of 2008.** The intent of this bill is that local governments not forfeit existing powers or resources but work cooperatively with the Office of Emergency Services, now CEMA, and other water agencies, to coordinate state and local emergency responses in the Sacramento-San Joaquin Delta. This bill establishes the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force charged with making recommendations about the creation of an interagency unified command system organizational framework and coordinating the development of a draft emergency preparedness and response strategy for the Delta region.

**SB 1428 (Kehoe) San Diego River Conservancy.** This bill extends the life of the San Diego River Conservancy to January 1, 2020 and authorizes the Mayor of San Diego as a voting member of the Conservancy.