

Senate Environmental Quality Committee

Senator Joe Simitian, Chair

2011-2012 Legislative Update

AIR QUALITY/CLIMATE CHANGE

[SB 143 \(Rubio\)](#) requires the State Air Resources Board to determine the cost-effectiveness of various activities at reducing greenhouse gas emissions and provide credits for a cap-and-trade program for entities that invest in those activities. (NOTE: SB 143 was subsequently amended to address issues related to idle surface mines.). Status: Chapter 324, Statutes of 2012.

[SB 170 \(Pavley\)](#) allows local air pollution control districts to negotiate for a share of intellectual property or benefits resulting from grants funded by the district. Status: Chapter 586, Statutes of 2011.

[SB 211 \(Emmerson\)](#) revises tire inflation requirements specified under current California Global Warming Solutions Act of 2006 regulations. Status: Vetoed.

[SB 225 \(Simitian\)](#) allows the Treasurer's Office to make use of a type of financing specifically for heavy on-road trucks in a small business loan program. Status: Chapter 492, Statutes of 2011.

[SB 237 \(Wolk\)](#) establishes eligible uses of funds allocated to the agricultural sector from revenue generated from market-based compliance mechanisms for the reduction of emissions of greenhouse gases pursuant to the California Global Warming Solutions Act of 2006, and provides for creation of the California Agricultural Climate Benefits Advisory Committee to assist in implementation of these requirements. Status: Senate Appropriations Committee suspense file.

[SB 246 \(DeLeón\)](#) defines the term "offset" as used in a market-based mechanism for regulating greenhouse gas emissions and sets various requirements for offset protocols. Status: Senate Appropriations Committee suspense file.

[SB 357 \(Dutton\)](#) requires the State Air Resources Board to estimate the cost or savings to the state in revenues that are lost or gained resulting from diesel-fueled heavy-duty on-road or off-road motor vehicles. Status: Assembly Natural Resources Committee.

[SB 533 \(Wright\)](#) under the California Global Warming Solutions Act of 2006, requires any implementation schedule for a regulation to be made available when the State Air Resources Board (ARB) adopts the regulation; requires ARB to make a required reporting form or compliance tool available on ARB's Internet Web site at least 60 days before the date for the required form or compliance tool; and provides for training under certain conditions. (NOTE: SB 533 was subsequently amended to address an Inglewood Unified School District emergency loan.). Status: Chapter 325, Statutes of 2012.

SB 535 (DeLeón) requires the California Environmental Protection Agency to identify disadvantaged communities; requires that 25% of all funds allocated pursuant to an investment plan for the use of moneys collected through a cap-and-trade program be allocated to projects that benefit disadvantaged communities and 10 those 25% be use within disadvantaged communities; and requires the Department of Finance to include a description of how these requirements are fulfilled in an annual report. Status: Chapter 830, Statutes of 2012.

SB 570 (Rubio) repeals San Joaquin Unified Air Pollution Control District voluntary program to remove high polluter vehicles by exchanging those vehicles for donated vehicles, and requires the district to administer a voluntary program until January 1, 2014, to replace or retrofit high-emitting schoolbuses. Status: Chapter 494, Statutes of 2011.

SB 582 (Yee) authorizes a metropolitan planning organization in coordination with a local air district to pass an ordinance requiring businesses with 50 or more employees in their common jurisdiction to provide at least one of a specified list of commute benefits. Status: Vetoed.

SB 724 (Dutton) requires the State Air Resources Board, within 30 working days after receipt of an application for certification of a new, a carryover, or a partial carryover on-road or off-road vehicle, engine, or equipment family, to inform the applicant in writing either that the application is complete and accepted for filing or that the application is deficient, and identify the specific information required to make the application complete. Status: Vetoed.

SB 730 (Kehoe) establishes the Plug-In Electric Vehicle Readiness Pilot Program to be administered by the California Energy Commission and requires that the program include strategies that address objectives relating to the permitting and planning of plug-in electric vehicle residential charging. (NOTE: SB 730 was subsequently amended to address claims against the state.). Status: Chapter 5, Statutes of 2012.

SB 739 (Lowenthal) requires the Ports of Long Beach, Los Angeles, and Oakland to assess infrastructure and air quality improvement needs. Status: Chapter 427, Statutes of 2011.

SB 800 (Hancock) establishes the Voluntary Greenhouse Gas Emission Offset Program Fund. Moneys from the fund are directed to the California Conservation Corps and local conservation corps for specified projects that generate offsets under a market-based mechanism for the reduction of greenhouse gas emissions. Proceeds from sale of these offsets would then be deposited in the fund. Status: Senate Environmental Quality Committee.

SB 901 (Steinberg) revises the Enhanced Fleet Modernization Program. (NOTE: SB 901 was subsequently amended to address a taxation issue.). Status: Senate Floor.

SB 1076 (Emmerson) revises tire inflation requirements specified under current California Global Warming Solutions Act of 2006 regulations. Status: Chapter 329, Statutes of 2012.

SB 1116 (Leno) extends the period of time for a financial institution participating in the Capitol Access Loan Program to notify the California Pollution Control Financing Authority and decreases, until April 1, 2017, the minimum fee a participating business must pay from 2% to 1% of the loan principle amount. Status: Chapter 274, Statutes of 2012.

SB 1127 (Vargas) requires the South Coast Air Quality Management District to amend a rule regarding volatile organic compounds to exempt certain consumer products regulated by the Air Resources Board. Status: Senate Environmental Quality Committee (failed 2-4.).

SB 1139 (Rubio) clarifies property rights regarding below ground pore space that can be used for the storage of greenhouse gases; provides that the State Fire Marshall exercises exclusive safety regulatory and enforcement authority over intrastate carbon dioxide pipelines; requires the Air Resources Board to, on or before January 1, 2016 develop a quantification methodology for the capture and geologic sequestration of carbon dioxide including enhanced oil recovery projects seeking to demonstrate simultaneous carbon sequestration; and requires the Division of Oil, Gas, and Geothermal Resources to regulate the injection of carbon dioxide at enhanced oil recovery projects. Status: Assembly Appropriations Committee suspense file.

SB 1339 (Yee) authorizes the Metropolitan Transportation Commission in coordination with the Bay Area Air Quality Management District to pass an ordinance requiring businesses with 50 or more employees in their common jurisdiction to provide at least one of a specified list of commute benefits. Status: Chapter 871, Statutes of 2012.

SB 1455 (Kehoe) extends fees until December 31, 2023 to fund the production, distribution, and sale of alternative fuels and vehicle technologies, as well as air emissions reduction efforts through AB 118, Carl Moyer, and AB 923 programs; allocates up to \$220 million of these fee funds to construct and operate retail hydrogen stations; and suspends the Air Resources Board's regulation requiring gasoline refiners to provide hydrogen fueling stations. Status: Senate refused to concur in Assembly amendments (25-10).

SB 1507 (Fuller) requires the Air Resources Board to exempt local-haul tractors, as defined, from any regulation affecting heavy duty tractor trailers and adopted pursuant to the California Global Warming Solutions Act of 2006. Status: Senate Environmental Quality Committee (failed 1-5.).

SB 1535 (Padilla) prohibits the Air Resources Board from imposing any regulatory obligation on publicly owned water utilities under the California Global Warming Solutions Act of 2006 for imported electricity unless the utility is allocated allowances or other credits as specified. Status: Senate Environmental Quality Committee. Status: Senate Environmental Quality Committee.

SB 1572 (Pavley) appropriates a portion of the funds deposited into the Greenhouse Gas Reduction Fund during the 2012-2013 fiscal year to the Air Resources Board to finance projects at entities covered by a market-based compliance mechanism pursuant to the California Global Warming Solutions Act of 2006; appropriates a specified portion of those same funds to the Strategic Growth Council to be awarded for local climate innovation projects; and establishes the Higher Education Greenhouse Gas Emission Reduction Account to receive all moneys from the sale of allowances to the University of California or California State University as part of a market-based compliance

mechanism and makes them available, upon appropriation, to the universities (that are covered entities) for projects that reduce greenhouse gas emissions. Status: Assembly Floor.

AB 135 (Hagman) requires one appointed member of the State Air Resources Board to be a small business owner within the last five years, and sunsets January 1, 2017. Status: Vetoed.

AB 146 (Dickinson) increases the size of the State Air Resources Board from 11 to 12 members by adding a member representing one of the specified air pollution control districts or air quality management districts in the Sacramento region. Status: Chapter 522, Statutes of 2012.

AB 296 (Skinner) requires the Department of Transportation to develop a standard specification for sustainable or cool pavements that can be used to reduce the urban heat island effect. Status: Chapter 667, Statutes of 2012.

AB 462 (Lowenthal) authorizes certain air pollution control districts to use the current \$2 surcharge on motor vehicle registration fees to replace onboard natural gas tanks on schoolbuses owned by a school district that are 14 years or older and to enhance deteriorating natural gas fueling dispensers operated by a school district. Status: Chapter 216, Statutes of 2011.

AB 470 (Halderman) authorizes certain air pollution control districts to use the current \$2 surcharge on motor vehicle registration fees to retrofit emissions control equipment for existing schoolbuses in accordance with the State Air Resources Board Lower-Emission School Bus Program. Status: Chapter 174, Statutes of 2011.

AB 523 (Valadao) prohibits projects producing ethanol derived from edible corn from receiving funding under the Alternative and Renewable Fuels and Vehicle Technology Program after July 1, 2013. Status: Chapter 183, Statutes of 2012.

AB 796 (Blumenfield) establishes the Clean Energy Economy and Jobs Incentive Program, and allows manufacturers meeting specified criteria to apply for financial assistance from the program to bring products from the research and development stage to large-scale manufacturers. Status: Vetoed.

AB 1095 (Berryhill) requires creation of a hearing board within the State Air Resources Board to resolve certain disputes. (NOTE: AB 1095 was subsequently amended to address a Sacramento-San Joaquin Delta Reform Act of 2009 issue.). Status: Senate Natural Resources and Water Committee (failed 1-6.).

AB 1180 (Bradford) requires the State Air Resources Board to adopt an offset protocol, meeting specified requirements, for use in a market-based greenhouse gas emission reduction regulation. Status: Senate Environmental Quality Committee.

AB 1186 (Skinner) establishes the School Energy Efficiency and Greenhouse Gas Reduction Fund and requires the California Energy Commission to award grants through the Bright Schools program. Status: Vetoed.

[AB 1532 \(J. Perez\)](#) requires the Department of Finance to develop and submit to the Legislature an investment plan every three years for the use of the Greenhouse Gas Reduction Fund; requires revenue collected pursuant to a market-based compliance mechanism to be appropriated in the Annual Budget Act; requires the department to report annually to the Legislature on the status of projects funded; and specifies that findings issued by the Governor related to “linkage” as part of a market-base compliance mechanism are not subject to judicial review. Status: Chapter 807, Statutes of 2012.

[AB 1922 \(Lara\)](#) revises procedures for heavy-duty diesel motor vehicle fleet inspections for excessive smoke emissions. Status: Chapter 242, Statutes of 2012.

[AB 2339 \(Williams\)](#) requires the California Energy Commission to evaluate and recommend policies and implementation strategies to overcome barriers to heat pump and geothermal ground loop technologies. Status: Chapter 608, Statutes of 2012.

[AB 2529 \(Wieckowski\)](#) revises the SB 1018 (Resources Budget Trailer bill) procedures to require the California Public Utilities Commission to require all revenue received by electric utilities resulting from freely allocated allowances to be returned to all retail customers in proportion to the increase in electricity cost those customers incur as a result of a market-based compliance mechanism adopted pursuant to the California Global Warming Solutions Act of 2006. (Formerly made several changes to the Safe Drinking Water State Revolving Fund Law pertaining to implementation of the law, administering the fund, and processing applications for funding.). Status: Re-referred to the Committee on Rules pursuant to Senate Rule 29.10(c.).

[AJR 35 \(Williams\)](#) urges the President and Congress to restrict the shipment of coal exports for electricity generation to countries with less restrictive greenhouse gases emission or hazardous air emission regulations than the United States, or in the alternative, to obtain international agreements to ensure all nations adopt regulations and technology that result in emissions reductions equal to those in place in the United States. AJR 35 also urges the Governor to inform the governors of Oregon and Washington of the health risk associated with large coal export terminals on the Pacific Coast. Status: Res. Chapter 139, Statutes of 2012.

ADMINISTRATIVE PROCEDURE ACT

[SB 353 \(Blakeslee\)](#) creates the Office of Economic and Regulatory Analysis within the Department of Finance to review and approve economic analyses of proposed regulations, exempts Office of Administrative Law actions from the California Environmental Quality Act, sets other economic impact analysis requirements, and makes other APA revisions. Status: Senate Governmental Organization Committee.

[SB 366 \(Calderon\)](#) sets procedures for review of state agency regulations and enacts a streamlined permit review process. Status: Senate Governmental Organization Committee.

[SB 396 \(Huff\)](#) requires each state agency to review each regulation adopted before January 1, 2011, and report to the Legislature on certain matters relating to those regulations by January 1, 2013. Each

agency must also report on each regulation that is at least 20 years old by January 1, 2018, and at least every five years thereafter. Status: Senate Environmental Quality Committee (failed 2-4.).

SB 400 (Dutton) expands economic impact analysis requirements and requires Office of Administrative Law analysis of regulations under certain circumstances. Status: Senate Environmental Quality Committee (failed 1-4.).

SB 401 (Fuller) requires every regulation proposed by an agency on or after January 1, 2012, to sunset in five years, unless certain requirements are met within the one-year period prior to the sunset. Status: Senate Environmental Quality Committee (failed 1-4.).

SB 553 (Fuller) requires a regulation or regulation repeal having an adverse economic impact of at least \$10 million to become effective 180 days after the regulation or repeal is filed with the Secretary of State. Status: Senate Governmental Organization Committee.

SB 560 (Wright) requires an agency to submit an economic impact statement and a small business economic impact statement, requires the Office of Administrative Law to reject a proposed regulation in certain circumstances, restricts regulations relating to new or emerging technologies, and makes other APA related revisions. Status: Senate Environmental Quality Committee (failed 2-5.).

SB 591 (Gaines) requires the Office of Administrative Law to review a proposed regulation for burden and enacts the California Smart Regulation Act, requiring agencies to reduce 33% of its regulations by December 31, 2013. Status: Senate Governmental Organization Committee (failed 5-6.).

SB 617 (Calderon) revises various provisions of the Administrative Procedure Act, and requires a state agency to prepare a standardized regulatory impact analysis when adopting, amending, or repealing a major regulation proposed on or after November 1, 2013. Status: Chapter 496, Statutes of 2011.

SB 639 (Cannella) requires the California Environmental Protection Agency (including boards, departments, and offices within the Agency) and the Division of Occupational Safety and Health to prepare an economic impact analysis prior to the adoption, amendment, or repeal of a regulation. Status: Senate Environmental Quality Committee.

SB 643 (Correa) requires the initial statement of reasons to include the estimated cost of compliance and related assumptions used in determining that estimate if the proposed regulation impacts housing. Status: Assembly Appropriations Committee suspense file.

SB 688 (Wright) requires agencies to produce a cumulative statewide cost impact for affected businesses and prohibits a regulation from taking effect until January 1, next, one year following the date the regulation is filed with the Secretary of State if that estimate exceeds \$10 million. Status: Senate Environmental Quality Committee (failed 2-5.).

SB 964 (Wright) requires specified permits and waivers to comply with the regulation adoption requirements of the Administrative Procedure Act creating an exception from statutory exemption

from the Act for any general permits or waivers issued under state law, or NPDES pursuant to Section 402(p) of the federal Clean Water Act. Status: Senate Environmental Quality Committee (failed 2-5.).

SB 965 (Wright) establishes allowable ex parte communications with State Water Resources Control Board (SWRCB) and Regional Water Quality Control Board (RWQCB) members and increases public access to the SWRCB and RWQCB public processes. Status: Chapter 551, Statutes of 2012.

SB 1099 (Wright) provides for regulations to be effective January 1, April 1, July 1, or October 1, with certain exceptions, and sets requirements to post regulations on Internet websites. Status: Chapter 295, Statutes of 2012.

SB 1520 (Calderon) sets a November 1, 2013, deadline for including a standardized impact analysis for each major regulation proposed on or after November 1, 2013, and clarifies other provisions of the Act enacted by SB 617 (Calderon) Chapter 496, Statutes of 2011. Status: Chapter 766, Statutes of 2012.

AB 338 (Wagner) requires the Office of Administrative Law (OAL) to submit a disapproved regulation to the Legislature under certain conditions, and requires a regulation to be operative 60 days after being filed with the Secretary of State rather than 30 days. Status: Senate Environmental Quality Committee.

AB 1612 (Lara) requires the initial statement of reasons to include the estimated cost of compliance and related assumptions used in determining that estimate if the proposed regulation impacts housing. (NOTE: AB 1612 is similar to SB 643 (Correa) of 2011, with certain technical and clarifying amendments.). Status: Chapter 471, Statutes of 2012.

AB 2063 (Alejo) exempts the State Water Resources Control Board and regional water quality control boards from Administrative Procedures Act ex parte regulations for waste discharge requirements (WDRs) and conditional waivers of WDRs, conditions on water quality certification, and federal municipal separate sewer permits. Also constructs a different standard for ex parte communications modeled after the California Coastal Commission. Status: Senate Environmental Quality Committee (failed 2-5.).

CALIFORNIA ENVIRONMENTAL QUALITY ACT

SB 52 (Steinberg) makes various clarifying and technical amendments to CEQA administrative and judicial review procedures for an environmental leadership development project enacted by AB 900 (Buchanan) Chapter 354, Statutes of 2011. (A previous version of SB 52 appropriates \$50,000,000 to the Department of Water Resources from certain bond acts to provide financial assistance to the Sacramento Regional County Sanitation District for certain purposes.). Status: Assembly Jobs, Economic Development, and the Economy Committee (failed 3-2.).

SB 226 (Simitian) allows public agencies to comment on planning and zoning matters, as required under Planning and Zoning Law, concurrently with project scoping meetings under CEQA; prohibits

a project's greenhouse gas emissions from causing a categorical exemption to be inapplicable if the project complies with regulations adopted to implement related statewide, regional, or local plans as provided in the CEQA guidelines; exempts installation of solar photovoltaic panels on the roof of a building or at an existing parking lot, if certain conditions are met; adds streamlined CEQA procedures for certain infill and walkable communities; and authorizes the owner of a proposed solar thermal powerplant certified by the California Energy Commission to petition the Commission to review an amendment to the facility's certificate to convert the facility from solar thermal technology to photovoltaic technology without the need to file an entirely new application (certain related time limits must be met, and the Commission must prepare a supplemental environmental review document.). Status: Chapter 469, Statutes of 2011.

SB 241 (Cannella) enacts the CEQA Litigation Protection Pilot Program of 2011 to prohibit court review of a lead agency's certification of an EIR or adoption of a mitigated negative declaration, as well as a lead or responsible agency's project approval, for 125 projects that are selected by the Business, Transportation and Housing Agency over a five-year period. Status: Senate Environmental Quality Committee (failed 0-5.).

SB 292 (Padilla) establishes administrative and judicial review procedures for Farmers Field stadium project in Los Angeles. Status: Chapter 353, Statutes of 2011.

SB 469 (Vargas) requires a city or county to prepare an economic impact analysis prior to approving or disapproving a superstore retailer. Status: Vetoed.

SB 620 (Correa) exempts the alteration of a vacant retail structure from CEQA if the structure existed prior to January 1, 2009, and requires a lead agency to provide a scoping meeting notice to an entity requesting the notice if the entity is not required to receive the notice under current law. Status: Senate Environmental Quality Committee.

SB 683 (Correa) clarifies that an action or proceeding under CEQA cannot be brought unless the person has raised the grounds for noncompliance before the filing, rather than the issuance, of the notice of determination. (NOTE: SB 683 was subsequently amended to address the California Early Intervention Services Act.). Status: Senate Appropriations Committee suspense file.

SB 735 (Price) revises certain CEQA hearing, briefing schedule, administrative record, and settlement meeting time limits. Status: Senate Judiciary Committee.

SB 763 (Steinberg) authorizes the Secretary for Environmental Protection to establish programs to, among other things, recognize facilities and persons that have demonstrated a commitment to enhanced environmental performance, including at a minimum developing or initiating implementation of an environmental management system. Status: Senate Appropriations Committee suspense file.

SB 880 (Corbett) requires a notice of completion to be mailed to any person who has filed a written request for specified CEQA notices, and requires a notice of preparation to be provided to a legislator under the same conditions as for receipt of a notice of completion. (NOTE: SB 880 was

subsequently amended to address common interest development issues, and the CEQA provisions are contained in SB 972 (Simitian) Chapter 218, Statutes of 2012.). Status: Chapter 6, Statutes of 2012.

SB 972 (Simitian) requires a scoping meeting notice to be provided to any entity that has filed a written request for the notice, requires a notice of completion to be mailed to any person who has filed a written request for specified CEQA notices, and requires a notice of preparation to be provided to a legislator under the same conditions as for receipt of a notice of completion. Status: Chapter 218, Statutes of 2012.

SB 973 (Vargas) requires the Office of Planning and Research evaluate certain issues relating to events that include fireworks displays, and authorizes a lead agency to grant an exemption for a fireworks display that is held annually on a public site or at a large venue. Status: Assembly Natural Resources Committee (failed 3-1.).

SB 984 (Simitian) requires a lead agency to prepare and certify the record of proceedings concurrent with the administrative process for certain environmental documents under certain conditions, and sunsets January 1, 2016 (contingent enactment with AB 1570 (Perea).). Status: Senate Floor.

SB 1214 (Cannella) requires an action or proceeding brought under CEQA challenging a project located in a “distressed county” to be filed with the Court of Appeal with geographic jurisdiction over the project. Status: Senate Environmental Quality Committee (failed 0-5)

SB 1380 (Rubio) exempts a bicycle transportation plan from CEQA prepared for an urbanized area for restriping streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles; and sunsets January 1, 2018. Status: Assembly inactive file.

AB 209 (Ammiano) requires the CEQA comment and hearing notice to include a description of how the draft EIR or negative declaration can be provided in an electronic format. Status: Chapter 171, Statutes of 2011.

AB 320 (Hill) requires the person or persons undertaking a project, as reflected in the record of proceedings, to be identified in a notice of determination (NOD) or notice of exemption (NOE); requires a petitioner or plaintiff to name, as real party in interest, the person or persons identified in the NOD or NOE; clarifies that failure to name potential persons other than those real parties in interest is not grounds for dismissal; and makes related technical and clarifying amendments. Status: Chapter 570, Statutes of 2011.

AB 880 (V. Manuel Pérez) revises expedited environmental review procedures under CEQA for environmental mandated projects so that the installation of direct emission reduction required under the California Global Warming Solutions Act of 2006 is also subject to these expedited provisions. (NOTE: AB 880 was subsequently amended to address ecological reserves.). Status: Chapter 527, Statutes of 2012.

AB 890 (Olsen) exempts a project or activity from CEQA to repair, maintain, or make minor alterations to an existing roadway if certain conditions are met, and sunsets January 1, 2016. Status: Chapter 528, Statutes of 2012.

AB 892 (Carter) extends sunset date for certain Caltrans NEPA related requirements under the federal surface transportation project delivery pilot program. Status: Chapter 482, Statutes of 2011.

AB 900 (Buchanan) establishes CEQA administrative and judicial review procedures for an environmental leadership development project. Status: Chapter 354, Statutes of 2011.

AB 931 (Dickinson) revises the residential infill exemption by increasing the amount of allowable neighborhood-serving goods, services, or retail uses from 15% to 25% of the building square footage; authorizes a “transit proximity project” to be reviewed in accordance with certain provisions of SB 375 (Steinberg) Chapter 728, Statutes of 2008, until adoption of a sustainable communities plan (sunsets January 1, 2015), allows an “employment priority project” to also be subject to those environmental review procedures, and allows an “employment priority project” to also be subject to those environmental review procedures until adoption of a sustainable communities strategy (sunsets January 1, 2015.). Status: Senate Environmental Quality Committee (failed 1-5.).

AB 1486 (Lara) exempts the design, site acquisition, construction, operation or maintenance of certain Los Angeles Regional Interoperable Communications System (LA-RICS) equipment, and sunsets January 1, 2017. Status: Chapter 690, Statutes of 2012.

AB 1570 (Perea) contains provisions relating to certification of the record of proceedings concurrent with the administrative process for certain environmental documents under certain conditions, and sunsets January 1, 2016 (contingent enactment with SB 984 (Simitian).). Status: Senate Committee on Rules.

AB 1665 (Galgiani) exempts the closure of a railroad crossing by Public Utilities Commission order if the PUC finds the crossing presents a threat to public safety (except for a high speed rail crossing), and sunsets January 1, 2016. Status: Chapter 721, Statutes of 2012.

AB 2245 (Smyth) exempts a project consisting of the restriping of streets and highways for bicycle lanes in an urbanized area from CEQA if the project is consistent with a bicycle transportation plan, and sunsets January 1, 2018. Status: Chapter 680, Statutes of 2012.

AB 2559 (Buchanan) requires a city or county to act on ministerial pipeline project permit within 10 business days of determining the application is complete, if the pipeline project is in accordance with a pipeline integrity management program. Status: Chapter 486, Statutes of 2012.

AB 2564 (Ma) revises the CEQA exemption procedures for installation of a new pipeline or maintenance and repair of a pipeline, less than one mile in length within a street, highway, or public right-of-way, and sunsets January 1, 2018. Status: Chapter 487, Statutes of 2012.

AB 2669 (Committee on Natural Resources) authorizes the Secretary of the Natural Resources Agency to update the protocol for reviewing certified regulatory programs and revises procedures for

updating the protocol, and makes clarifying and technical amendments. Status: Chapter 548, Statutes of 2012.

HAZARDOUS WASTE/ SOLID WASTE/ PESTICIDES

SB 178 (Simitian) clarifies the role of the Green Ribbon Science Panel and expressly states the panel has the ability to conduct subgroup meetings to discuss and report on specific topics on green chemistry. Status: Assembly Environmental Safety and Toxic Materials Committee.

SB 394 (DeSaulnier) requires all California schoolsites, as defined and except as specified, to send at least one person to one of the Department of Pesticide Regulation trainings at least once every three years. Status: Senate Committee on Rules.

SB 419 (Simitian) requires plans submitted by pharmaceutical manufacturers describing what they do, if anything, to support the proper management of waste sharps to be submitted in an electronic format, and requires the manufacturer to post and maintain a copy of the plan in a readily accessible location on its Internet Web site. Status: Vetoed.

SB 431 (Emmerson) makes changes and updates to the Business and Professions Code relating to regulation of pharmacies. Status: Chapter 646, Statutes of 2011.

SB 456 (Huff) revises hazardous waste management and transportation requirements related to the door-to-door collection of household hazardous waste. Status: Chapter 602, Statutes of 2011.

SB 515 (Corbett) establishes a product stewardship program for the management of waste household batteries. Status: Senate Appropriations Committee suspense file.

SB 518 (Simitian) deletes an obsolete Beverage Container and Litter Abatement Act reporting requirement. (NOTE: SB 518 was subsequently amended to address different issues related to pupil data.). Status: Assembly Inactive File.

SB 567 (DeSaulnier) creates the Plastic Products Law under the California Integrated Waste Management Act of 1989, to prohibit a plastic product from being sold that is labeled “compostable,” “home compostable,” or “marine biodegradable” unless the plastic meets certain American Society for Testing and Materials (ASTM) standards or another standard that is subject to certain Department of Resources Recycling and Recovery requirements; and repeals current related provisions for plastic bags and food or beverage containers. Status: Chapter 594, Statutes of 2011.

SB 568 (Lowenthal) prohibits a food vendor from dispensing food in polystyrene containers after January 1, 2016, with limited exceptions. Status: Assembly Floor (failed 26-45.).

SB 589 (Lowenthal) establishes a product stewardship program for household mercury-containing lamps, including a fee on the sale of the lamp to fund the stewardship program. Status: Assembly Environmental Safety and Toxic Materials Committee.

SB 623 (Kehoe) requires the Department of Pesticide Regulation, by January 1, 2014, to determine the maximum allowable leach rate for low-leach rate antifouling marine paints; prohibits, on and after January 1, 2015, the sale of a new recreational vessel containing antifouling paint that contains copper; requires the State Water Resources Control Board, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper; and prohibits, on or after January 1, 2019, use or application of antifouling paint on recreational vessels one year after a determination by the State Water Resources Control Board that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors. (NOTE: SB 623 was subsequently amended to address health workforce projects.) Status: Chapter 450, Statutes of 2012.

SB 646 (Pavley) revises the Lead-Containing Jewelry Law to delete the provision that states that a party that is a signatory as of January 1, 2012, to the referenced consent judgment, or consent judgment enacted in a specified consolidation action that contains certain terms, is deemed to be in compliance with those provisions regulating the manufacturing, shipping, selling, or offering for sale of lead jewelry; and revises the term “jewelry.” Status: Chapter 473, Statutes of 2011.

SB 758 (Fuller) reduces the per tire fee required under the California Tire Recycling Act from \$1.75 to \$1.15. Status: Senate Environmental Quality Committee.

SB 833 (Vargas) prohibits a person from constructing or operating a solid waste landfill disposal facility located in San Diego County if that disposal facility is located within 1,000 feet of the San Luis Rey River or an aquifer that is hydrologically connected to that river, and is within 1,000 feet of a site that is considered sacred or of spiritual or cultural importance to a tribe and listed in the California Native American Heritage Commission Sacred Lands Inventory (Gregory Canyon Landfill.). Status: Vetoed.

SB 841 (Wolk) imposes restrictions on an indemnity obligation related to the failure of a local agency to obtain voter or property owner approval of a fee, levy, charge, assessment, or other exaction, if that indemnity obligation is assumed by, or imposed upon, a solid waste enterprise. Status: Chapter 713, Statutes of 2011.

SB 909 (LaMalfa) extends the sunset date for the oversight and management program for treated wood waste from June 1, 2012, until June 1, 2017. Status: Chapter 601, Statutes of 2011.

SB 915 (Calderon) requires plastic bag use to be reduced by an unspecified percent by an unspecified year; establishes a mandatory level of recycled content in plastic bags according to a specified schedule; and requires the Department of Resources Recycling and Recovery to establish a working group of stakeholders to develop strategies for increasing the recycling of plastic bags and suggestions for funding increased consumer awareness. Status: Senate Environmental Quality Committee.

SB 932 (Leno) requires a specified notice relating to radiofrequency energy emitted by a cellular telephone to be prominently displayed by the retailer of the cellular telephone in California immediately adjacent to the displayed purchase price at the physical retail location, on the retailer’s

Internet Web sites, and on the cellular telephone's exterior packaging or on a label attached to that exterior packaging. Status: Senate Inactive File.

SB 1106 (Strickland) prohibits the manufacture of reusable bags without a specified warning label and requires the Department of Resources Recycling and Recovery, in consultation with the Department of Public Health, to conduct a study to investigate the link between serious illness and use of reusable bags and conduct a statewide education and awareness campaign regarding the health risks associated with unwashed reusable bags. Status: Senate Environmental Quality Committee (failed 2-5.).

SB 1118 (Hancock) enacts the Used Mattress Recovery and Recycling Act to require mattress manufacturers to provide a plan to the Department of Resources Recycling and Recovery for collection and recycling of used mattresses, prohibit a manufacturer or retailer from selling a mattress not covered by an approved plan, require a manufacturer to annually report on mattress stewardship efforts, and set related requirements. Status: Senate Floor (failed 17-19.).

SB 1159 (Calderon) enacts the Plastic Bag Reduction and Recycling Act and requires that plastic carryout bags be prominently labeled, meeting specified labeling requirements, with 'Please Recycle This Bag.' Status: Senate Environmental Quality Committee.

SB 1219 (Wolk) extends the sunset on the at-store recycling program to Jan 1, 2020 and deletes a preemption which currently prohibits local governments from imposing fees upon stores or additional recycling requirements for plastic carryout bags. Status: Chapter 384, Statutes of 2012.

SB 1335 (Pavley) allows redevelopment agency successor agencies to retain former redevelopment agency brownfield properties for the purpose of remediating or removing hazardous waste. Status: Senate Appropriations Committee suspense file.

SB 1427 (DeLeón) requires a state agency, when accepting bids or proposals for a contract for electronic goods, to give a five percent preference to a business that would fulfill the contract with refurbished electronics. Status: Assembly Appropriations Committee suspense file.

SB 1547 (Simitian) requires the Department of Resources Recycling and Recovery to exclude other ineligible materials, in addition to those already excluded, when conducting surveys to determine comingled rates under the California Beverage Container Recycling and Litter Reduction Act. Status: Vetoed.

SJR 3 (Pavley) urges the United States Congress to enact legislation to reform the federal Toxic Substance Control Act (TSCA); makes various findings about the growing scientific evidence linking exposure to toxic chemicals to increasing rates of chronic and fatal diseases including cancer, learning and development disabilities, infertility and obesity; and makes various findings about the failings of the current regulatory structure governed by TSCA. Status: Resolution Chapter 62, Statutes of 2011.

AB 255 (Wieckowski) allows a permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a conditionally exempt small quantity generator to accept

recyclable latex paint from any generator, if the permanent household hazardous waste collection facility complies with certain requirements. Status: Chapter 213, Statutes of 2011.

AB 291 (Wieckowski) extends the increase in the fee of \$0.006 per gallon of petroleum between January 1, 2010, and December 31, 2011, until January 1, 2014, to provide funds for the cleanup of leaking underground petroleum storage tanks. Status: Chapter 569, Statutes of 2011.

AB 298 (Brownley) enacts the Single-Use Carryout Bags Law to prohibit a store from providing a single-use carryout bag, sets requirements for reusable grocery bags and reporting, and provides related requirements. Status: Senate Appropriations Committee suspense file.

AB 341 (Chesbro) makes a legislative declaration that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and requires the Department of Resources Recycling and Recovery, by January 1, 2014, to provide a report to the Legislature with strategies to achieve that policy goal and other specified information and recommendations; and establishes mandatory recycling for commercial entities and requires local jurisdictions to develop commercial recycling programs. Status: Chapter 476, Statutes of 2011.

AB 358 (Smyth) makes various changes to the underground petroleum tank cleanup program to expedite reporting and other administrative functions. Status: Chapter 571, Statutes of 2011.

AB 408 (Wieckowski) makes various changes to the Health and Safety Code concerning the operation of the Certified Unified Program Agencies (CUPAs), and allows a location that accepts recyclable latex paint to also accept oil-based paint under specified circumstances. Status: Chapter 603, Statutes of 2011.

AB 480 (Solorio) requires that, until January 1, 2018, an insurance carrier established by a solid waste facility operator to meet the closure and post-closure financial assurance obligations of that operator that meets specified requirements be eligible to provide up to 50% of the financial assurance obligation that the solid waste facility operator is required to meet in the state; and requires the Department of Resources Recycling and Recovery to submit a report regarding the captive insurance for closure and post-closure assurance. Status: Chapter 713, Statutes of 2012.

AB 525 (Gordon) requires the Department of Resources Recycling and Recovery to award grants to cities, counties, and other local government agencies for the funding of public works projects that use waste tires; makes the public works waste tire grant program inoperative on June 30, 2015; and repeals the provision authorizing this program on January 1, 2016; and establishes the Architectural Paint Stewardship Account in the Integrated Waste Management Fund and the Architectural Paint Stewardship Penalty Subaccount in the Integrated Waste Management Fund, for purposes of program implementation. Status: Chapter 573, Statutes of 2011.

AB 549 (Carter) requires, as a condition of making electronic waste recovery payments as part of the Electronic Waste Recycling Act (Act), that the covered electronic waste was generated by a person who used the covered electronic device while located in the state, and specifies that covered electronic waste generated outside of the state and later brought into the state is not eligible for payment. Also requires the Department of Resources Recycling and Recovery (DRRR) to review

payment claims associated with the Act and authorizes DRRR to examine a payment claim, audit entities receiving payments and recover any moneys improperly paid. Status: Chapter 523, Statutes of 2012.

AB 634 (Huber) establishes a program for oversight of the use of carbon monoxide to kill burrowing rodent pests. Status: Chapter 407, Statutes of 2011.

AB 681 (Wieckowski) extends the Environmental Protection Trust Fund and the training account in that fund due to be inoperative as of July 1, 2011, until July 1, 2013, and repeals the fund and the account on January 1, 2014. Status: Chapter 574, Statutes of 2011.

AB 712 (Williams) prohibits the Department of Resources Recycling and Recovery, on and after July 1, 2012, from making any payments, grants, or loans, as provided, to a local jurisdiction if the local jurisdiction has adopted or is enforcing a land use restriction that prevents the siting or operation of a certified recycling center at a supermarket site. Status: Chapter 576, Statutes of 2011.

AB 762 (Smyth) authorizes the reuse of a common container for specified medical wastes and requires the consolidated waste to be treated by either incineration at a permitted medical waste treatment facility or with an alternative technology. Status: Chapter 222, Statutes of 2011.

AB 812 (Ma) authorizes the Department of Transportation to establish specifications, by January 1, 2014, for use of reclaimed asphalt pavement of up to 40 percent for hot mix asphalt mixes; and requires the department to report, on or before March 1, 2016, on the progress toward the establishment and implementation of the specification. Status: Chapter 230, Statutes of 2012.

AB 818 (Blumenfield) enacts the Renters' Right to Recycle Act requiring a multifamily dwelling owner to arrange for recycling services under certain conditions. (NOTE: AB 818 is not effective because AB 341 (Chesbro) Chapter 476, Statutes of 2011, was enacted.). Status: Chapter 279, Statutes of 2011

AB 837 (Nestande) requires a manufacturer or supplier making an environmental marketing claim relating to the recycled content of a plastic food container product to maintain certain information and documentation supporting that claim, which must be made available to the public upon request, and sunsets January 1, 2018. Status: Chapter 525, Statutes of 2012.

AB 845 (Ma) prohibits an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin; and provides that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not limit or affect the land use authority of a city or county. Status: Chapter 526, Statutes of 2012.

AB 913 (Feuer) requires the Department of Toxic Substances Control (DTSC), as part of implementing the Hazardous Waste Source Reduction and Management Review Act of 1989, to

develop a California Green Business Program that provides for voluntary certification of businesses that adopt environmentally preferable business practices, including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste generation. DTSC must also take specified actions with regard to implementing the California Green Business Program. Status: Chapter 578, Statutes of 2011.

AB 960 (Lowenthal) defines the terms “electronic waste” and “electronic device” and would additionally require, as a condition of Department of Resources Recycling and Recovery making electronic waste recycling payments, that the recycler make certain demonstrations regarding the export of electronic devices from which that waste was derived and the export of all other electronic waste handled by the recycler; requires that the recycler has demonstrated to the Department of Toxic Substances Control that all electronic waste handled by the recycler making the claim has been managed in a specified manner; and revises requirements imposed on exportation to additionally include a person who exports electronic waste or a previously used electronic device while also adding an export intended for reuse. Status: Senate Appropriations Committee suspense file.

AB 1019 (John A. Perez) re-enacts the carpet stewardship program, administered by the Department of Resources Recycling and Recovery, that requires a carpet manufacturer or a carpet stewardship organization to adopt a plan for the purpose of increasing the amount of postconsumer carpet that is diverted from landfills and recycled into secondary products or managed in a manner that is consistent with the state’s hierarchy for waste management practice. Under the plan, an assessment is to be imposed on the carpet sold in the state for the purposes of funding implementation of the plan. (NOTE: AB 1019 was subsequently amended to address state government reorganization.). Status: Chapter 137, Statutes of 2012.

AB 1149 (Gordon) requires the Department of Resources Recycling and Recovery, in setting the amount of the market development payments for plastic through the Bottle Bill Program for both certified entities and product manufacturers, to consider certain factors and extends the authorization to annually expend up to \$10,000,000 to make these payments until January 1, 2017; and authorizes the Department to expend from the remaining moneys in the fund, until January 1, 2017, an amount for market development payments for empty plastic beverage containers, in addition to the existing authorization pursuant to specified calculations. Status: Chapter 486, Statutes of 2011.

AB 1178 (Ma) prohibits an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin and specifies that these restrictions are not an aspect of solid waste as provided under current law; and provides that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or a regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not limit or affect the land use authority of a city or county subject to the certain other provision of this bill. (NOTE: AB 845 (Ma) Chapter 526, Statutes of 2012, is similar to an earlier version of AB 1178 that was previously approved by the Committee.). Status: Senate Environmental Quality Committee

[AB 1235 \(Hernández\)](#) provides that if a redevelopment agency (RDA) has been dissolved by an act of the Legislature and its successor agency, as defined, and maintains all the rights, powers, and duties that were vested in the redevelopment agency prior to its dissolution, then certain immunities that previously applied to the redevelopment agency must apply to the successor agency for removal of hazardous substance releases from property that was within a redevelopment project of the RDA prior to its dissolution. (NOTE: AB 1235 was subsequently amended to address energy efficiency issue.). Status: Senate Committee on Rules.

[AB 1319 \(Butler\)](#) enacts the Toxin-Free Infants and Toddlers Act to prohibit, on and after July 1, 2013, the manufacture, sale, or distribution in commerce of any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion (ppb), if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption by children three years of age or younger. This prohibition would not apply to a product subject to a regulatory response by the Department of Toxic Substances Control on the date that a prescribed notice is posted regarding the department's adoption of the regulatory response. Manufacturers must use the least toxic alternative when replacing bisphenol A in containers. Status: Chapter 467, Statutes of 2011.

[AB 1359 \(Skinner\)](#) deletes the definition of "redemption rate" and requirements for the Department of Resources Recycling and Recovery to establish six month reporting periods and report the redemption rate for containers covered by the California Beverage Container Recycling and Litter Reduction Act, deletes other obsolete provisions, and makes technical changes. (NOTE: AB 1359 was subsequently amended to address other issues related to CalFresh benefits.). Status: Chapter 468, Statutes of 2012.

[AB 1442 \(Wieckowski\)](#) exempts pharmaceutical waste generators from certain hazardous waste transport requirements, and authorizes pharmaceutical waste to be transported to a medical waste treatment facility by the generator, or via common carrier if the waste generators meet certain requirements. Status: Chapter 689, Statutes of 2012.

[AB 1566 \(Wieckowski\)](#) expands the types of tanks regulated as aboveground storage tanks to include "tank in an underground area," and requires the Office of the State Fire Marshal to provide oversight to unified program agencies carrying out the Aboveground Petroleum Storage Act. Status: Chapter 532, Statutes of 2012. Status: Chapter 532, Statutes of 2012.

[AB 1615 \(Miller\)](#) requires the California Cemetery and Funeral Bureau to license and regulate alkaline hydrolysis for the disposal of deceased human bodies. Status: Senate Appropriations Committee suspense file.

[AB 1620 \(Wieckowski\)](#) exempts hazardous waste activities from Department of Toxic Substances Control treatment permits for exhaust gas, flue gas, or other vapor stream, if the activity is conducted onsite or at a facility that has obtained a hazardous waste storage permit. Status: Chapter 190, Statutes of 2012.

[AB 1647 \(Gordon\)](#) authorizes the Department of Resources Recovery and Recycling to revoke, suspend, or deny a water tire facility permit or hauler registration in certain circumstances and specifies that a hearing related to that action be an informal hearing; requires a person operating a

waste tire facility without a permit and issued a cleanup order to remove all waste tires from the facility and stop accepting additional tires; specifies the department to be reimbursed for certain follow-up inspections; adds failure to comply with a notice of violation to the violations for which the department may request the Attorney General petition for the issuance of an injunction; clarifies that the tire recycling program may include subsidies or rebates that result in the reduction of waste tires and may also include the development and implementation of incentive payment to increase demand for recycled waste tires; adds the manufacture of specified products to the list of activities that may qualify for funding; defines “tire broker” as a person that arranges for the shipment of used or waste tires; and specifies registration and reporting requirements for tire brokers. Status: Chapter 534, Statutes of 2012.

AB 1701 (Wieckowski) provides for state certification of cities and counties to oversee the cleanup of underground storage tanks (USTs) and creates a consistent certification process by the State Water Resources Control Board for the oversight of UST cleanups. Status: Chapter 536, Statutes of 2012.

AB 1715 (Smyth) provides requirements for underground storage tank closure cases by granting a relief period for owners and operators from performing further corrective actions while the case is under review, and provides for groundwater monitoring during that time to help ensure that no further damage occurs. Status: Chapter 237, Statutes of 2012.

AB 1834 (Brownley) revises the definition of ‘reusable bag’ in the At-Store Recycling Program and requires the operator of a store to make reusable bags meeting that definition available to customers after July 1, 2013. Status: Senate inactive file.

AB 1900 (Gatto) requires the development and adoption of new health and safety standards for landfill gas and other biogas sources in order for the gas to be injected into common carrier pipelines and requires the Public Utilities Commission to adopt policies and programs that promote in-state biomethane, and requires the California Energy Commission to hold public hearings to identify impediments to procuring California biomethane. Status: Chapter 602, Statutes of 2012.

AB 1933 (Gordon) reduces the importation thresholds for beverage containers under the California Beverage Container Recycling and Litter Reduction Act and requires any vehicle entering the state containing more than the specified thresholds of empty beverage containers pass through the nearest plant quarantine inspection station and meet specified reporting requirements; requires that until March 1, 2013, handling fees paid to certified recycling centers not be less than the handling fee in effect on July 1, 2011, and authorizes the Department of Resources Recycling and Recovery to adjust the methodology and values used to calculate the handling fee if the department finds they do not accurately reflect actual costs. Status: Chapter 540, Statutes of 2012.

AB 2174 (Alejo) specifies that Fertilizer Research and Education Program funds can be used for technical assistance programs for users of fertilizer materials. Status: Chapter 198, Statutes of 2012.

AB 2196 (Chesbro) specifies that biomethane contracts executed prior to March 28, 2012, count toward the procurement requirements under the Renewable Portfolio Standard (RPS) rules in place at the time the contract was executed and requires that biomethane procurement contracts executed after

March 28 meet certain specified requirements to be RPS-eligible. Status: Chapter 605, Statutes of 2012.

AB 2205 (V.M. Pérez) clarifies that the definition of wastes from the extraction, beneficiation, or processing of ores and minerals includes geothermal wastes that are spent brine solutions used to produce geothermal energy and meet certain requirements. Status: Chapter 253, Statutes of 2012.

AB 2670 (Committee on Natural Resources) requires the Department of Resources Recycling and Recovery (DRRR) to adopt regulations to phase-out diversion credit for greenwaste used as alternative daily cover (ADC) and to require large-quantity commercial generators of organic waste to source separate and subscribe to recycling for this material; requires DRRR to investigate specified materials for ADC, and adopt regulations for those materials if appropriate; and requires certain solid waste facilities to have a separate collection area for segregated greenwaste and non-hazardous wood waste. Status: Senate Environmental Quality Committee.

WATER QUALITY

SB 263 (Pavley) requires the Department of Water Resources (DWR) to make well logs publicly available for wells constructed, altered, abandoned, or destroyed on or after January 1, 2012. For wells constructed, altered, abandoned, or destroyed before January 1, 2012, the bill would make those well logs publicly available beginning January 1, 2013, unless the well owner notifies DWR that the well owner desires to keep the report confidential. Status: Vetoed.

SB 482 (Kehoe) requires the Department of Public Health to draft regulations relating to testing of waters adjacent to public beaches, as specified, and commencing January 1, 2012, requires the State Water Resources Control Board to be responsible for monitoring protocols, site locations, monitoring frequency, and prescribed testing. Until June 30, 2016, not more than \$1,800,000 of specified funds may be used, upon appropriation by the Legislature, as a funding source for this program, and certain related amendments are included. Status: Chapter 592, Statutes of 2011.

SB 577 (Gaines) exempts Bear Lake Reservoir (Alpine County) from the state prohibition on bodily contact recreation use in a reservoir used for domestic water uses and establishes standards to be met, including water treatment, monitoring, and reporting requirements. Status: Senate Environmental Quality Committee.

SB 607 (Walters) requires the State Water Resources Control Board, on or before January 1, 2013, to either amend the California Ocean Plan, or adopt separate standards, to address water quality objectives and effluent limitations that are specifically appropriate for brackish groundwater treatment system facilities that produce municipal water supplies for local use. Status: Chapter 241, Statutes of 2011.

SB 877 (Anderson) allows public water systems to use point-of-entry and point-of-use treatment with less than 2,500 service connections, rather than less than 200 connections, and permits the emergency regulations regarding these treatment methods to remain in effect until the earlier of

January 1, 2016, or the effective date of the required nonemergency regulations. Status: Senate Environmental Quality Committee.

SB 900 (Steinberg) revises conflict-of-interest requirements for regional water quality control board members by providing that a person would not be disqualified from being a member of that regional board because that person receives, or has received during the previous two years, a significant portion of his or her income directly or indirectly from a person subject to waste discharge requirements, or an applicant for waste discharge requirements, that governs discharges not within the jurisdiction of that regional board; and provides that this revised eligibility provision relating to members of a regional board must be implemented only if certain requirements are met. (NOTE: SB 900 was subsequently amended to address mortgages and deeds of trust.). Status: Chapter 87, Statutes of 2012.

SB 935 (Committee on Environmental Quality) makes technical changes to the Marine Invasive Species Act relating to ballast water. Status: Chapter 550, Statutes of 2012.

SB 962 (Anderson) allows public water systems with less than 500 service connections to install point-of use or point of entry treatment device in place of centralized water treatment; requires the emergency regulations to remain in effect until the earlier of January 1, 2016, or the effective date of the required nonemergency regulations; prohibits the Department of Public Health (DPH) from issuing a permit to a public water system to allow the use of point-of-entry treatment, unless DPH makes specified determination; requires that prior to the approval of a permit allowing installation of point-of-use or point-of-entry treatment devices, that a water system submit a capital outlay plan outlining the plan for construction of centralized treatment, as specified; requires DPH to conduct a full audit of the water system's finances and requires DPH to charge a fee to a public water system that is seeking a permit or an amendment to a permit for purposes of conducting these administrative and regulatory activities. Status: Assembly Appropriations Committee suspense file.

SB 1054 (Pavley) requires a well owner or operator to provide notice to nearby land owners, local governments and state agencies prior to undertaking certain well operations, including drilling and hydraulic fracturing. Status: Senate Floor (failed 18-15.).

SB 1063 (Gaines) exempts Bear Lake Reservoir (Alpine County) from the state prohibition on bodily contact recreation use in a reservoir used for domestic water uses and establishes standards to be met, including water treatment, monitoring, and reporting requirements. Status: Vetoed.

SB 1146 (Pavley) requires the Department of Water Resources (DWR) to make well log reports for water wells available to the public. Status: Senate Floor (failed 19-16.).

SB 1306 (Blakeslee) expands the requirement for the State Water Resources Control Board to conduct an external scientific peer review to include general permit application requirements for stormwater discharges and a conditional waiver of waste discharge requirements from irrigated lands. Status: Assembly Environmental Safety and Toxic Materials Committee (failed 4-2.).

SB 1360 (Simitian) amends the Clean Coast Act by striking the January 1, 2014, sunset dates; revising legislative intent by referencing wastes covered under the Act that are to be prohibited

(rather than only sewage and graywater); striking provisions relating to a Congressional request to authorize California to regulate sewage discharges; and adding provisions relating to recent federal actions prohibiting discharges and establishing a no discharge zone. Status: Chapter 279, Statutes of 2012.

AB 54 (Solorio) establishes new requirements for organizing and operating corporations for the domestic sale, distribution, supply and delivery of water (mutual water companies), as specified. Status: Chapter 512, Statutes of 2011.

AB 246 (Wieckowski) allows regional water control board executive officers to delegate civil prosecutions to environmental prosecutors in district attorney offices, a city attorney of a city with a population exceeding 750,000, or a city attorney in any city and county in order to petition the superior court or other appropriate court to impose, assess, and recover civil penalties and other remedies for Porter-Cologne Water Quality Control Act violations and to bring civil actions for violations of Chapter 5.5 of the Act. (NOTE: AB 246 was subsequently amended to address income and corporation tax issues.). Status: Senate Committee on Governance and Finance Committee (failed 3-5.).

AB 275 (Solorio) authorizes residential, commercial, and government landowners to install, maintain, and operate rain barrel systems and rainwater capture systems for specified purposes, provided that the systems comply with specified requirements. Status: Vetoed.

AB 403 (Alejo) appropriates \$2 million from the Waste Discharge Permit Fund to the Greater Monterey County Regional Water Management Group to develop an integrated plan addressing drinking water and wastewater needs of disadvantaged communities in the Salinas Valley whose waters have been affected by waste discharges, and sets related requirements. (NOTE: AB 403 previously addressed chromium 6 standard issue.). Status: Senate Appropriations Committee.

AB 467 (Eng) modifies the allocation of funds collected from responsible parties for groundwater contamination cleanup pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006 (Proposition 84); and authorizes the Department of Public Health to enter into an agreement with DTSC to manage funds recovered from responsible parties for groundwater cleanup projects that meet the requirements of Proposition 84. Status: Vetoed.

AB 591 (Wieckowski) requires an oil well owner or operator to disclose the constituents of a hydraulic fracturing fluid used to treat a well, as well as the source and amount of water used, and that this information be posted on the Division of Oil, Gas, and Geothermal Resources Internet Web site. Status: Senate Appropriations Committee suspense file.

AB 849 (Gatto) repeals the authority of a city, county, or other local agency to adopt building standards that prohibit entirely the use of gray water and instead authorize the adoption, under specified requirements, of standards that differ from the standards adopted by the department. Status: Chapter 577, Statutes of 2011.

[AB 938 \(Perez, V.M.\)](#) revises notice requirements under the California Safe Drinking Water Act regarding certain safe drinking water compliance matters, and allows environmental documentation costs to be considered when determining an assessment of affordability under the Safe Drinking Water State Revolving Fund Law of 1997. Status: Chapter 514, Statutes of 2011.

[AB 955 \(Huber\)](#) requires the State Water Resources Control Board, in adopting regulations or standards for the permitting and operation of specified onsite sewage treatment systems, to develop a risk-based, tiered approach; and provides that the exemption criteria to be contained in the regulations or standards may also be established by the state board in addition to the regional water quality control boards. (NOTE: AB 955 was subsequently amended to address the California Recreational Trails Committee.). Status: Vetoed.

[AB 972 \(Butler\)](#) defines “hydraulic fracturing” and related terms and requires that well operators indicate their intention to hydraulic fracture a well in the notice of intention to commence drilling to the Division of Oil, Gas, and Geothermal Resources (DOGGR), and requires DOGGR not to approve any notice of intention to commence drilling that includes hydraulic fracturing until comprehensive regulations governing hydraulic fracturing that ensure the integrity of the well and well casing are adopted. Status: Senate Appropriations Committee suspense file.

[AB 983 \(Perea\)](#) authorizes the Department of Public Health to take specified actions to improve access to financial assistance for projects serving severely disadvantaged communities, and to fund up to 100% of the project costs for small community water systems serving severely disadvantaged communities in the form of a grant, if the system cannot afford a loan. Status: Chapter 515, Statutes of 2011.

[AB 1112 \(Huffman\)](#) requires the oil spill response administrator, under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, to develop and implement a screening mechanism and monitoring program for inspecting the bunkering and lightering operations of vessels at anchor and alongside a dock (sunsets January 1, 2015); increases the oil spill prevention and administrative fee from \$0.05 per barrel of crude oil or petroleum products to \$0.065 per barrel until January 1, 2015; requires a report on the financial basis and programmatic effectiveness of the program to be prepared by January 1, 2013, and every four years thereafter; and requires the State Lands Commission to report to the Legislature by March 1, 2012, regarding certain offshore oil drilling matters (sunsets January 1, 2016.). Status: Chapter 583, Statutes of 2011.

[AB 1194 \(Block\)](#) makes various changes to the California Safe Drinking Water Act to ensure conformance with the federal Safe Drinking Water Act. Status: Chapter 516, Statutes of 2011.

[AB 1200 \(Ma\)](#) requires a local public agency that operates a combined sewer and stormwater system to implement a notification plan to inform the public in the event of a discharge that occurs on or near a recreational beach; requires the agency, upon the occurrence of a sewer discharge on or near a recreational beach, to post notice at the beach and conduct shoreline monitoring, in accordance with a schedule determined by the appropriate regional water quality control board; and requires the agency to make reasonable efforts to enter into an agreement with a nongovernmental organization for regular sampling of receiving waters affected by discharges from the combined sewer and stormwater system. (NOTE: AB 1200 was subsequently amended to address county central committee issues.). Status: Chapter 8, Statutes of 2012.

AB 1221 (Alejo) expands eligibility for funding from the State Water Pollution Cleanup and Abatement Account (CAA) by allowing a not-for-profit organization serving a disadvantaged community to receive funding from the CAA for waste cleanup, and allowing California listed tribes serving a disadvantaged community to receive funding from the CAA for waste cleanup. Status: Chapter 517, Statutes of 2011.

AB 1601 (Huffman) revises the Lempert-Keene-Seastrand Oil Spill and Response Act to add a nontank vessel fee cap with a Consumer Price Index adjustment, and sunsets the cap January 1, 2018. Status: Senate Appropriations Committee suspense file.

AB 1750 (Solorio) enacts the Rainwater Capture Act of 2012, which provides that a water rights permit from the state water board is not required for the use of rainwater collected from roofs; and authorizes a landscape contractor to enter into a prime contract for the construction of a rainwater capture system and to install exterior components of a rainwater capture system. Status: Chapter 537, Statutes of 2012.

AB 2005 (Garrick) allows large yachts (300 to 400 tons) to file certain information required under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act at later dates than currently required if certain conditions are met, and sunsets January 1, 2014. Status: Chapter 543, Statutes of 2012.

AB 2056 (Chesbro) expands the authorization for point of use treatment as a permanent solution for public water systems with up to 20 service connections by requiring the Department of Public Health to allow continued use of POU treatment beyond the 3 year maximum. Status: Senate Environmental Quality Committee (failed 2-3.).

AB 2208 (Perea) extends the sunset date, from 2014 to 2019, of the State Water Resources Control Board's authorization to collect a charge on specified loans that provide revenue to the State Water Pollution Control Revolving Fund Small Community Grant Fund. (NOTE: AB 2208 previously authorized the Department of Public Health to combine proposed studies and projects from multiple applicants, with their consent, when evaluating applications for funding.). Status: Senate Committee on Rules.

AB 2238 (Perea) broadens the types of uses and criteria considered by the California Department of Public Health (DPH) to provide emergency financial assistance from Proposition 84 via the Emergency Clean Water Grant Fund. (NOTE: AB 2238 previously required DPH to review and consider local agency formation commission studies and reports, and consult with the affected LAFCO executive officer when considering an application for Safe Drinking Water State Revolving Fund.). Status: Senate Appropriations Committee.

AB 2398 (Hueso) enacts the Water Recycling Act of 2012 and establishes a statewide goal to recycle a total of 1.5 million acre-feet of water per year by 2020 and 2.5 million acre-feet by 2030. Revises and consolidates provisions relating to recycled water. Status: Senate Committee on Natural Resources and Water.

[AB 2529 \(Wieckowski\)](#) contained several changes to the Safe Drinking Water State Revolving Fund Law pertaining to implementation of the law, administering the fund, and processing applications for funding. (NOTE: AB 2529 was subsequently amended to revise the SB 1018 (Resources Budget Trailer bill) procedures to require the California Public Utilities Commission to require all revenue received by electric utilities resulting from freely allocated allowances to be returned to all retail customers in proportion to the increase in electricity cost those customers incur as a result of a market-based compliance mechanism adopted pursuant to the California Global Warming Solutions Act of 2006.). Status: Senate Committee on Rules.

HELPFUL LINKS

If one of these bill summaries interests you, the bill's text and the Committee's analysis of the measure can be seen on the Legislature's website: www.leginfo.ca.gov.

Assembly: <http://assembly.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

Legislative Analyst's Office: <http://www.lao.ca.gov/>

Senate: <http://senate.ca.gov>