

California Legislature
Senate Committee on
Environmental Quality

BOB WIECKOWSKI
CHAIR



SENATE ENVIRONMENTAL QUALITY COMMITTEE

2015 Oversight And Informational Hearings

In 2015 the Senate Environmental Quality Committee conducted **11 oversight or informational hearings** on:

- The Department of Toxic Substances Control
- Climate Change and Adaptation
- Explosion of the Exxon Mobile facility in Torrance California
- Underground Injection of Hazardous Waste associated with oil extraction
- The California Environmental Quality Act

Department of Toxic Substances Control

In 2015, the Senate Environmental Quality Committee **conducted 3 oversight hearings** pertaining to the Department of Toxic Substances Control on permitting, enforcement and cost recovery reforms.

In recent years, the Department of Toxic Substances Control has failed to issue and enforce its permitting program in a timely manner, pursue and collect cost recovery for work done by the department and enforce the laws relating to oversight and cleanup of hazardous waste. This negligence was highlighted by an audit done several years ago.

The long-standing failures of the department have exacerbated environmental health conditions in some of California's most environmentally burdened communities.

The Brown Administration and his executive management within the department have made fixing this department a priority and are instituting reforms.

Over the last several years, the Senate Environmental Quality Committee has been conducting oversight hearings of the Department of Toxic Substances Control to ensure that the reforms are fully implemented and the department thoroughly fulfills its mandates.

Both Senators de León and Lara introduced legislation addressing some of the long-standing issues with the Department of Toxic Substances Control's permitting authority and enforcement against repeat and serious violations as exhibited by the situation with the Exide battery recycler in Vernon, California.

Additionally, the Assembly Committee on Environmental Safety and Toxic Materials authored several bills aimed at strengthening and clarifying the permitting requirements under the Health and Safety Code.

Climate Change

Mitigation: Greenhouse Gas Emissions Reductions. A centerpiece of California's climate portfolio is the California Global Warming Solutions Act of 2006, established through AB 32 (Pavley), which sets a statewide limit on GHG emissions to be achieved by 2020. Under AB 32, the state created a cap-and-trade program to help achieve the 2020 GHG emissions goal.

The Senate Environmental Quality Committee, jointly with the Senate Transportation Committee, held an oversight hearing to examine how transportation-related programs under AB 32, including cap-and-trade, are working to achieve GHG emission goals.

This year, the Senate worked to advance climate goals in California through a package of bills to spur innovation and investment in a sustainable California. Premier among these proposals, SB 350 (de León), set ambitious targets for 50% renewable energy and a doubling of energy efficiency by 2030, and was signed by the Governor.

Adaptation: In addition to mitigation, the Senate Environmental Quality Committee has begun to discuss the need for a comprehensive approach to climate change.

While we continue to work to reduce the creation of greenhouse gas emissions, our state and its environment has already begun to change due to past damage caused by greenhouse gases.

As such, it is important for the Legislature, Governor and local and regional governments to imbed a new understanding about California's environment into all aspects of government activities in order to ensure that we are adapting to this new environment and are resilient to potential catastrophic environmental events.

The Senate Environmental Quality Committee held **4 hearings on adaptation, one focused on state efforts and three regional hearings in the Bay Area, Central Valley, and Southern California** to gather a better understanding of how to best prepare for the impacts of climate change, to protect the lives and livelihoods of Californians.

The committee heard from local government representatives and non-governmental organizations and residents about public health and environmental concerns that are either caused or exacerbated by climate change including: drought, fire risk, influx of high heat days which contributes to poor air quality and increased need for high energy appliances like air conditioners, flooding, increased disease outbreaks including those caused by vectors like mosquitos.

The different regions of the state will be impacted in varying and sometimes divergent ways. However, it is clear that there is a need for centralized information and state leadership to develop solutions and tools to help local governments and communities change the decision making processes to reflect our new and changing environment due to climate change, and build strong and resilient communities.

These hearings and discussions highlighted many concerns, including the needs for improved collaboration and coordination of adaptation planning and policies across levels of governments and a centralization of resources.

As a result of the committee's statewide and regional hearings and discussions with stakeholders, Senator Wieckowski, Chair of the Senate Environmental Quality Committee, authored **Senate Bill 246** which creates a program within the Governor's Office of Planning and Research to coordinate among state, regional, and local entities and creates a central hub of information and tools to help stakeholders efficiently address adaptation.

This is a crucial first step to providing the resources and tools for comprehensive and coordinated responses needed to adapt to the very real impacts of climate change.

ExxonMobil Refinery Explosion

On March 5th the Senate Environmental Quality and Energy, Utilities and Communications Committees held a joint hearing in response to an explosion at an ExxonMobil Refinery in Torrance, California. The hearing explored what led to the explosion at the ExxonMobil Torrance refinery, and asked how adequate was the emergency response? There had been previous acknowledgement about the shortcomings of the emergency alerts and communication to the public. Therefore, there was particular focus on the effectiveness of the communications to the public during an incident and immediately following.

Department of Conservation: the Division of Oil, Gas and Geothermal Resources: Underground Injection Wells

The Division of Oil, Gas and Geothermal Resources (DOGGR) within the Department of Conservation has had primacy to run the Class II program on behalf of the US EPA since 1983. The US EPA had the program audited a few years ago, found major deficiencies in DOGGR's performance and, despite repeated assurances to the contrary and additional personnel/funding, does not appear to

have made much formal progress in improving operations. While 11 injection wells were shut-in in mid-2014, literally hundreds of injection wells continue to be investigated and remain a threat to groundwater quality (among other issues).

The Senate Natural Resources and Environmental Quality Committees conducted an oversight hearing on the Underground Injection Control Program on March 10, 2015, asking DOGGR and the State Water Resources Control Board to address regulatory questions about the extent of the problem and provide solutions to prevent and address groundwater contamination.

California Environmental Quality Act (CEQA)

The Legislature has considered multiple bills over the last several years aimed at changing CEQA – the Senate Environmental Quality Committee continues to coordinate on-going conversations with stakeholders on CEQA.

On April 15, 2015, the Senate Environmental Quality Committee conducted a hearing to review the history of CEQA from inception to present and changes that had been considered or adopted since the original adoption of the act. The committee then convened a legislative hearing where Senate Bill 122 (Jackson) was considered. SB 122 focused on three issues: concurrent preparation of administrative record, expanding the Office of Planning and Research's CEQANet database to include a variety of environmental review documents, and addressing late comments/document dumping.