

Senate Environmental Quality Committee
Senator Joe Simitian, Chair

2006 Legislative Update

AIR QUALITY

SB 760 (Lowenthal) sets fees for shipping containers processed in the ports of Long Beach and Los Angeles with revenues to be used for certain purposes. Status: Assembly Appropriations Committee.

SB 764 (Lowenthal) requires the ports of Long Beach and Los Angeles to develop an air quality baseline for the ports, based on 2001 emissions, that must be met by 2010. Status: Assembly Appropriations Committee.

SB 927 (Lowenthal) sets fees for shipping containers processed in the ports of Long Beach and Los Angeles with revenues to be used for certain purposes. Status: Vetoed.

SB 999 (Machado) revises composition of the San Joaquin Valley Unified Air Pollution Control District. Status: Failed on Assembly Floor.

SB 1368 (Perata) sets greenhouse gases emission performance standard requirements for baseload electrical generating resources. Status: Chapter 598, Statutes of 2006.

SB 1505 (Lowenthal) requires the Air Resources Board to adopt regulations relating to the amount of hydrogen fuel produced for transportation purposes that must contribute to a reduction in dependence on petroleum, reductions in greenhouse gas emissions, criteria air pollutant emissions, and toxic air contaminant emissions. Status: Chapter 877, Statutes of 2006.

SB 1601 (Lowenthal) requires lessees of certain port property to use best available control technology to reduce particulate matter and nitrous oxide emissions from certain source categories, and sets procedures for the lessee to offset any emissions increase at the terminal with a further reduction in emissions. Status: Senate Third Reading File.

AB 32 (Nunez) enacts the California Global Warming Solutions Act of 2006 to require the Air Resources Board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, and sets related requirements. Status: Chapter 488, Statutes of 2006.

AB 1012 (Nation) enacts the Foreign Oil Independence Act of 2006 requiring the Air Resources Board to adopt regulations requiring one-half of new passenger vehicles and light duty trucks sold in California to be clean alternative vehicles. Status: Vetoed.

AB 1365 (Ruskin) adds an additional state planning priority to provide for the reduction in greenhouse gas emissions of at least 7% by 2010 and 10% by 2020 based on the 1990 greenhouse gas emission levels. Status: Senate Inactive File.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (2005-06 Session)

SB 201 (Simitian) requires the Department of Fish and Game to prepare programmatic EIRs for existing and potential commercial aquaculture operations in coastal and inland areas if certain conditions are met. Status: Chapter 36, Statutes of 2006.

SB 326 (Dunn) revises conditions for when a multifamily residential housing project is to be a “permitted use” not subject to a conditional use permit on any parcel zoned for multifamily housing. Status: Chapter 598, Statutes of 2005.

SB 427 (Hollingsworth) clarifies that CEQA scoping requirements for transportation facilities apply to overpasses, onramps, and offramps; and requires a transportation planning agency or certain public agencies to also be consulted for projects that affect Caltrans facilities. Status: Assembly Natural Resources Committee.

SB 648 (Margett) requires the State Clearinghouse to distribute a CEQA document within three working days from the date of receipt, if the submittal of the document is determined to be complete, and requires the State Clearinghouse to specify the information that will be required in order to determine completeness. This bill also defines “dispute” for purposes of the Office of Planning and Research to designate a lead agency when a dispute arises (i.e., difference of opinion between agencies claiming to have, or not have, an obligation to prepare an environmental document). Status: Chapter 267, Statutes of 2005.

SB 785 (McClintock) requires a petitioner, within 15 days of filing an action under CEQA, “in which an entity is not a natural person is the petitioner”, to file a Certification of Interested Persons with the court that lists all persons, association of persons, firms, partnerships, corporations, including the parent and any subsidiary corporations, and any other entity other than the petitioner known by the petitioner to have either a financial interest in the subject matter of the controversy or in the petitioner, or any other kind of interest that could be substantially affected by the outcome of the action or proceeding. This requirement would not apply to a government entity. Status: Returned to Secretary of Senate pursuant to Joint Rule 56.

SB 832 (Perata) revised the infill exemption by increasing the acreage limit from 3 to 10 acres and the unit limit from 100 to 300 units, if the site is located in a city with a population of more than 200,000 persons and the city council determines the acreage and units by council resolution. This bill was subsequently amended to strike the CEQA provision and instead address certain punitive damages issues. Status: Vetoed.

SB 926 (Florez) requires an EIR to be prepared for a solid waste facility before a local initiative is placed on the ballot that proposes to amend a general plan or zoning ordinance for the project. Status: Assembly Rules Committee.

SB 948 (Murray) requires a lead agency to prepare a “short form environmental impact report” for a project subject if the lead agency has determined that the project meets specified criteria. Status: Returned to Secretary of Senate pursuant to Joint Rule 56.

SB 974 (Environmental Quality Committee) repeals the CEQA exemption for project funding by the Rural Economic Development Infrastructure Panel. Status: Chapter 370, Statutes of 2006.

SB 1171 (Hollingsworth) declares legislative intent relating to CEQA and private employment. Status: Senate Rules Committee.

SB 1172 (Hollingsworth) makes technical amendments to the “EIR” definition. Status: Senate Rules Committee.

SB 1191 (Hollingsworth) makes various amendments to CEQA by providing for a short form EIR; providing standards for determining whether a project may have a significant effect on the environment; specifying the baseline environmental setting under certain conditions; revising notice, timelines, and definitions; limiting issues to consider in determining whether a project may have a significant effect on the environment; limiting the length of an EIR; revising provisions relating to challenges; and making other related amendments. Status: Senate Environmental Quality Committee.

SB 1215 (Cox) makes a technical amendment to the “environment” definition. Status: Senate Rules Committee.

SB 1216 (Cox) makes a technical amendment to the “EIR” definition. Status: Senate Rules Committee.

SB 1395 (Ducheny) requires a lead agency to notify Native American tribes regarding certain matters, including the naming of a single point of contact for exchange of information and comments, if the lead agency determines a project is exempt pursuant to certain exemptions. Status: Vetoed.

SB 1494 (McClintock) authorizes the California Transportation Commission to designate certain transportation projects as “top priority projects,” exempt those projects from CEQA, and use design-build and design-sequencing procedures for the projects. Status: Senate Transportation and Housing Committee.

SB 1627 (Kehoe) requires a wireless collocation facility to be a permitted use not subject to a city or county discretionary permit if certain conditions are met. Status: Chapter 676, Statutes of 2006.

SB 1705 (Ashburn) authorizes a lead agency to adopt a negative declaration or mitigated negative declaration for a project to upgrade, replace, or modify “energy infrastructure” that meets certain conditions. Status: Senate Environmental Quality Committee.

SB 1792 (Margett) makes a technical amendment to provisions relating to public review periods for environmental documents. Status: Senate Rules Committee.

SB 1798 (Perata) revises “infill site” definition. Status: Assembly Inactive File.

SB 1800 (Ducheny) revises various provisions of Planning and Zoning Law, requires adoption of a housing opportunity plan (HOP), limits the ability to condition or deny a residential project that is consistent with the HOP, and requires such a project to also be exempt from CEQA if an EIR has been prepared for the HOP. Status: Senate Transportation and Housing Committee.

SB 1814 (Torlakson) authorizes a master EIR to be prepared by a school district for district projects that comply with certain school facilities requirements. Status: Chapter 882, Statutes of 2006.

AB 1039 (Nunez) exempts certain levee, highway, and bridge seismic retrofit projects from CEQA; provides for a master EIR for a Caltrans plan relating to certain Highway 99 segments; and provides that the state consents to the jurisdiction of federal courts pursuant to a federal surface transportation project delivery pilot program. These provisions include various sunset dates. Status: Chapter 31, Statutes of 2006.

AB 1170 (Canciamilla) revises the Bay Area Rapid Transit District seismic retrofit exemption for specified facilities if certain conditions are met (sunsets January 1, 2011). Status: Chapter 536, Statutes of 2005.

AB 1341 (Environmental Safety and Toxic Materials Committee) requires an applicant for financing by the California Educational Facilities Authority, Health Facilities Financing Authority, or California Pollution Control Financing Authority to provide documentation that the project has complied with CEQA before the authority approves the issuance of bonds for the project. Status: Chapter 714, Statutes of 2006.

AB 1387 (Jones) provides that a city or county is not required to comply with certain findings requirements for impacts of certain projects on traffic at intersections, or on streets, highways, or freeways under certain conditions. Status: Chapter 715, Statutes of 2006.

AB 1464 (McCarthy) revises State Clearinghouse procedures for distribution of environmental documents. These provisions, with amendments, were subsequently amended into SB 648 (Margett). Status: Senate Environmental Quality Committee.

AB 1899 (Wolk) requires a city or county that determines a project meets certain conditions to address certain flood related matters. Status: Senate Rules Committee.

AB 2026 (Aghazarian) exempts Board of Reclamation and local actions for routine maintenance of levees from CEQA. Status: Failed passage in Assembly Natural Resources Committee (3-5).

AB 2029 (Villines) revises procedures relating to a “state of emergency” and provides that this bill is not intended to establish an exemption from environmental quality laws. Status: Assembly Natural Resources Committee.

AB 2252 (Strickland) prohibits a public agency from requiring a project applicant to prepare and complete a second or additional EIR if the project complies with certain requirements. Status: Assembly Local Government Committee.

AB 2464 (Saldana) prohibits an agency in the city of San Diego from approving or denying the conversion of rental units to condominiums until certain studies are complete, under certain conditions, including a study of environmental impacts modeled on CEQA procedures (this bill amends the Subdivision Map Act). Status: Assembly Local Government Committee.

AB 2518 (Houston) expands exemption for financial assistance or insurance for development and construction of low or moderate income residential housing. Status: Failed passage in Assembly Natural Resources Committee (3-5).

AB 2825 (Ruskin) revises requirements that must be met for projects involving the purchase of a schoolsite or construction of a new school by a school district so that a proposed facility near the site that might emit hazardous emissions is identified. Also makes other related clarifying and technical amendments. Status: Vetoed.

AB 2900 (Plescia) exempts certain actions relating to a California natural landmark, created by this bill, from CEQA. Status: Chapter 827, Statutes of 2006.

AB 2933 (Houston) makes a technical amendment relating to the preparation of an EIR. Status: Introduced.

AB 3031 (Houston) exempts certain Alameda County seismic retrofit projects from CEQA. Status: Assembly Appropriations Committee.

AB 3032 (Houston) provides legislative intent relating to housing and infrastructure development, including certain provisions relating to CEQA. Status: Introduced.

HAZARDOUS WASTE/SOLID WASTE

SB 369 (Simitian) extends the sunset date on local government rubberized asphalt concrete grant program from 2007 to 2011, revises eligibility requirements for the program, and makes related amendments. Status: Chapter 300, Statutes of 2006.

SB 420 (Simitian) revises requirements for the State Procurement Officer to contract for items that use recycled materials in paving projects. Status: Chapter 392, Statutes of 2006.

SB 928 (Perata and Lowenthal) makes technical amendments to the California Integrated Waste Management Act of 1989. Status: Senate Unfinished Business.

SB 1379 (Perata) establishes the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals in Californians. Status: Chapter 599, Statutes of 2006.

SB 1478 (Speier) enacts the California Community Right to Know Act of 2006 requiring the owner or operator of certain facilities to submit a toxic chemical release form to Cal-EPA for each toxic chemical manufactured, processed, or otherwise used in quantities that exceed the threshold quantity during the previous year for that facility; defines the term “threshold quantity;” sets penalties for violating the Act; and makes related requirements. Status: Assembly Third Reading.

SB 1835 (Florez) prohibits a local enforcement agency from proposing or issuing, and the California Integrated Waste Management Board from concurring in, a solid waste facilities permit for a solid waste facility approved by local initiative unless certain requirements are met. Status: Vetoed.

AB 17 (Koretz) requires the California Integrated Waste Management Board to develop an action plan to assist state and local governments in handling universal waste. Status: Senate Appropriations Committee.

AB 289 (Chan) authorizes a state agency to request a chemical manufacturer to provide the agency with certain information regarding the chemical, and sets related requirements. Status: Chapter 699, Statutes of 2006.

AB 1337 (Ruskin) requires the California Integrated Waste Management Board to adopt green building standards for construction or renovation of state buildings. Status: Vetoed.

AB 1940 (Koretz) requires the State Coastal Commission to take actions deemed appropriate to address marine debris and to convene a multiagency task force regarding related matters, and requires the State Water Resources Control Board and regional water quality control boards to implement measures for control of plastic pellet, powder, and fragment discharges from point and nonpoint sources. Status: Senate Appropriations Committee.

AB 1992 (Canciamilla) revises various penalties for dumping materials into sanitary systems, on property, and on water bodies. Status: Chapter 416, Statutes of 2006.

AB 2206 (Montanez) establishes various requirements to facilitate reduction, reuse, and recycling at multifamily dwellings. Status: Vetoed.

AB 2211 (Karnette) revises certain grant and loan provisions under the California Integrated Waste Management Act of 1989 for solid waste site cleanup, and authorizes a partial grant for an activity to remove or abate solid waste disposed into a municipal storm sewer. Status: Chapter 762, Statutes of 2006.

AB 2296 (Montenez) revises landfill closure and postclosure requirements. Status: Chapter 504, Statutes of 2006.

AB 2449 (Levine) sets requirements for stores to establish recycling programs for plastic carryout bags, prohibits a public agency from adopting and implementing certain plastic carryout bag requirements, authorizes public agencies to impose penalties for violation of the bill's requirements, and sunsets January 1, 2013. Status: Chapter 845, Statutes of 2006.

AB 2825 (Ruskin) revises school site acquisition requirements under the Leroy F. Greene School Facilities Act of 1988 and CEQA to address proposed facilities that may be anticipated to emit hazardous air emissions or handle certain waste, and makes technical amendments to current requirements. Status: Vetoed.

AB 2928 (Laird) sets requirements for voluntary residential green building guidelines. Status: Senate Third Reading.

AB 3056 (Natural Resources Committee) makes various amendments to the California Beverage Container Recycling and Litter Reduction Act. Status: Chapter 907, Statutes of 2006

WATER QUALITY

SB 497 (Simitian) revises various provisions of the Marine Invasive Species Act. Status: Chapter 292, Statutes of 2006.

SB 646 (Kuehl) revises procedures relating to waste discharge requirement waivers. Status: Assembly Inactive File.

SB 729 (Lowenthal) revises the Porter-Cologne Water Quality Control Act requirements by authorizing the State Water Resources Control Board to carry out certain regional water control board responsibilities under certain conditions, and sets requirements relating to reporting rates of compliance with the Act and enforcement actions. Status: Chapter 293, Statutes of 2006.

AB 371 (Goldberg) enacts the Water Recycling Act of 2006. Status: Chapter 541, Statutes of 2006.

AB 1953 (Chan) revises procedures relating to lead free pipes or plumbing fixtures, including the definition of "lead free." Status: Chapter 853, Statutes of 2006.

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://www.assembly.ca.gov>

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

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

Senate: <http://www.sen.ca.gov/>