

Senate Environmental Quality Committee
Senator Joe Simitian, Chair

2007 Legislative Update

AIR QUALITY/CLIMATE CHANGE

SB 23 (Cogdill) requires the San Joaquin Valley Unified Air Pollution Control District to develop and administer a voluntary program to remove high polluter vehicles within the district through an exchange program. Status: Chapter 634, Statutes of 2007.

SB 974 (Lowenthal) sets fees on owners of shipping containers moving in the ports of Long Beach, Los Angeles, and Oakland with revenues to be used for certain purposes. Status: Assembly Inactive File.

AB 35 (Ruskin) requires a state agency that commences construction of a state building, or renovation to a building owned by the state, to design, construct, and operate that state building to meet the United States Green Building Council's Leadership in Energy and Environmental Design gold rating. Status: Vetoed.

AB 109 (Nunez) specifies certain reporting requirements relating to the California Global Warming Solutions Act of 2006. Status: Senate Inactive File.

AB 118 (Nunez) increases various fees and transfers certain funds to finance the Alternative and Renewable Fuel and Vehicle Technology Program and the Air Quality Improvement Program created by this bill. Status: Chapter 750, Statutes of 2007.

AB 700 (Lieu) requires Santa Monica to report on recommendations by January 1, 2009, to reduce air quality impacts caused by air traffic relating to the Santa Monica Airport. Status: Senate Appropriations Committee suspense file.

AB 888 (Lieu) requires a new commercial building to be designed, constructed, and operated to meet applicable standards of the United States Green Building Council's Leadership in Energy and Environmental Design gold rating or equivalent. Status: Vetoed.

AB 994 (Parra) requires state agencies to give preferences to lumber and other solid wood products that are harvested from forests within California. Status: Senate Environmental Quality Committee.

AB 1058 (Laird) requires green building standards adopted by the Building Standards Commission to ensure that California homes constructed under the standards are substantially equivalent to, or exceed, homes constructed using recognized existing identified green building guidelines that meet certain requirements. Status: Vetoed.

AB 1119 (Fuller) requires the Air Resource Board to consider the number of manufacturers capable of providing verified devices to ensure adequate competition among manufacturers and lower prices for devices in developing eligibility criteria for emission control devices under the Carl Moyer Memorial Air Quality Standards Attainment Program. Status: Senate Environmental Quality Committee.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

SB 97 (Dutton) requires OPR to develop amendments to the CEQA guidelines by July 1, 2009, to assist public agencies in the mitigation of greenhouse gas (GHG) emissions or the effects of GHGs as required under CEQA, including the effects associated with transportation and energy consumption, and requires the Resources Agency to certify and adopt those guidelines by January 1, 2010. Also provides that the failure to analyze adequately the effects of GHGs in documents required under CEQA is not a cause of action under CEQA if: a) the emissions are required to be reduced pursuant to regulations adopted by the ARB under the California Global Warming Solutions Act of 2006, and b) the documents are for a transportation infrastructure project approved for funding under the Proposition 1-B or a flood control project funded under Proposition 1E. Status: Chapter 185, Statutes of 2007.

SB 303 (Ducheny) revises various general plan housing element requirements, requires designation of land in the land use element to accommodate 10-year housing need, and prohibits open space element from constraining accommodation of regional housing need allocation. Status: Assembly Local Government Committee.

SB 341 (Lowenthal) revises procedures for Enterprise Zone Act applicants to comply with CEQA if preliminary applications are filed on or after October 1, 2007. Status: Chapter 643, Statutes of 2007.

SB 375 (Steinberg) requires a regional transportation plan in certain regions to include a sustainable communities strategy to reduce greenhouse gas emissions, and limits CEQA analysis of projects located in a jurisdiction that has amended its land use, housing, and open space elements to be consistent with the sustainable communities strategy. Status: Assembly Appropriations Committee suspense file.

SB 427 (Harman) authorizes a lead agency to prepare a “short form environmental impact report” for a project if the lead agency has determined that the project meets specified criteria. Status: Senate Environmental Quality Committee.

SB 781 (Correa) requires the Secretary of the Resources Agency to annually report on the types and effectiveness of a representative sample of mitigation measures adopted by local and state agencies. Status: Senate Environmental Quality Committee.

SB 878 (Cox) requires Department of Corrections and Rehabilitation, under the Penal Code, to mitigate local impacts of prison construction projects, and to provide full

reimbursement for all direct services provided by local agencies to the department.
Status: Senate Appropriations Committee suspense file.

SB 947 (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 1046 (Environmental Quality Committee) clarifies procedures relating to CEQA Department of Fish and Game filing fees, requires notice of completion to identify project location by latitude and longitude, and strikes sunset on Canyon Lake Reservoir (Riverside County) bodily contact prohibition exemption. Status: Chapter 253, Statutes of 2007.

AB 1055 (Blakeslee) authorizes Caltrans to coordinate with certain entities to implement mitigation measures on a regional basis for projects covered under a master environmental impact report for improvements to Highway 99 funded under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Status: Chapter 503, Statutes of 2007.

AB 1749 (Dymally) provides that the requirement for an applicant to demonstrate compliance with CEQA prior to the California Educational Facilities Authority acting to approve funding does not apply to a certain project that received an agreement for underwriting services prior to enactment of this CEQA requirement (enacted by AB 1341 (Environmental Safety and Toxic Materials Committee) Chapter 714, Statutes of 2006). Status: Chapter 424, Statutes of 2007.

HAZARDOUS WASTE/SOLID WASTE

SB 429 (Ducheny) requires certain agencies to notify an affected city or county building, planning, or engineering department of a remedial action, removal action, closure, corrective action, or other type of environmental cleanup action, and requires that property to be subject to a land use control if not suitable for unrestricted use. The city or county department can refuse to issue a development permit under certain circumstances. Related requirements are provided. Status: Senate Environmental Quality Committee.

SB 735 (Wiggins) requires Caltrans to track the type of recycled and virgin materials used for street and highway construction and repair projects. Status: Vetoed.

SB 842 (Scott) revises “gasification” definition in California Integrated Waste Management Act of 1989. Status: Senate Environmental Quality Committee.

SB 899 (Simitian) enacts the Toxic Free Oceans Act of 2007 to prohibit a person from manufacturing, processing, or distributing plastic packaging containing toxic materials. Status: Assembly Environmental Safety and Toxic Materials Committee.

SB 966 (Simitian) requires the California Integrated Waste Management Board to develop model programs for collection and disposal of pharmaceutical drug waste and make the programs available to eligible participants. Requirements for the program are specified and programs in compliance with the bill's requirements must be deemed to comply with state law for handling, management, and disposal of drug waste. Status: Chapter 542, Statutes of 2007.

SB 990 (Kuehl) authorizes the Department of Toxic Substances Control to require a responsible party to take certain actions necessary to protect public health and safety, and the environment, at the Santa Susana Field Laboratory site (Ventura County). The transfer of any land occupied by the Laboratory is prohibited unless the land has undergone complete remediation pursuant to certain standards. Status: Chapter 729, Statutes of 2007.

SB 1016 (Wiggins) allows biennial reporting, rather than annual reporting, by a city or county to the California Integrated Waste Management Board regarding certain matters if the city or county has diverted more than 50% of solid waste from landfill disposal. Legislative intent is provided regarding adjustments to diversion measurements and accounting of disposal. Status: Assembly Natural Resources Committee.

SB 1020 (Padilla) requires the California Integrated Waste Management Board to adopt polices, programs, and incentives to ensure that 60% of solid waste generated in the state is source reduced, recycled, or composted by December 21, 2012, and 75% by January 1, 2020. Status: Senate Appropriations Committee suspense file.

SB 1021 (Padilla) authorizes up to \$15 million to be expended under the California Beverage Container Recycling and Litter Reduction Act from January 1, 2008, to January 1, 2009, to place separated beverage container recycling receptacles in multifamily housing. Status: Chapter 724, Statutes of 2007.

AB 484 (Nava) prohibits a Caltrans contractor from disposing asphalt concrete or Portland cement concrete in a solid waste landfill, with certain exceptions. Status: Vetoed.

AB 546 (Brownley) requires retailers selling a covered electronic device to provide a customer with the California Integrated Waste Management Board website that describes where and how to return, recycle, and dispose of a device. Status: Vetoed.

AB 548 (Levine) requires a multifamily dwelling owner to arrange for recycling services consistent with state or local law. Status: Vetoed.

AB 706 (Leno) enacts the Crystal Golden-Jefferson Furniture Safety and Fire Prevention Act requiring the Bureau of Home Furnishings and Thermal Insulation to modify standards for certain bedding products, and requires the Office of Environmental Health

Hazard Assessment to review risk assessments of chemicals used to meet fire retardance standards and to report on certain related matters. Status: Senate Floor (failed passage).

AB 712 (De Leon) requires tipping fee to be increased by \$0.50 per ton from April 1, 2009, to January 1, 2016, to fund landfill operator eligible costs relating to off-road solid waste, composting, and recycling vehicles, and for related research costs. Status: Senate Appropriations Committee suspense file.

AB 833 (Ruskin) enacts the California Toxic Release Inventory Program Act of 2007 requiring the Department of Toxic Substances Control to develop a program requiring a facility to submit a toxic chemical release form to the department if not required under federal regulations, and contains related requirements. Status: Chapter 616, Statutes of 2007.

AB 1108 (Ma) prohibits the manufacture, sale, or distribution of certain toys and child care products containing types of phthalates in certain concentrations, requires manufacturers to use the least toxic alternative when replacing phthalates in their products, and prohibits manufacturers from replacing phthalates with certain carcinogens and reproductive toxicants. Status: Chapter 672, Statutes of 2007.

AB 1109 (Huffman) enacts the California Lighting Efficiency and Toxics Reduction Act prohibiting a person from manufacturing for sale in California on and after January 1, 2010, certain general purpose lights containing levels of hazardous substances prohibited by the European Union pursuant to certain requirements. The California Energy Commission must also adopt minimum energy efficiency standards for all general purpose lights to reduce average statewide electrical energy consumption by certain levels. Status: Chapter 534, Statutes of 2007.

AB 1130 (Laird) requires uniform program agencies to implement the Aboveground Petroleum Storage Act, and makes related amendments. Status: Chapter 626, Statutes of 2007.

AB 1183 (Hancock) revises Cortese list requirements, including requirements for information to be posted on Internet websites. Status: Senate Inactive File.

AB 1195 (Torrico) revises various used oil requirements. Status: Senate Appropriations Committee suspense file.

AB 1220 (Laird) revises procedures, primarily relating to fees, financial security, borrowing, and repayment of funds, under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. Status: Chapter 373, Statutes of 2007.

AB 1473 (Feuer) requires the California Integrated Waste Management Board to adopt emergency regulations authorizing a local enforcement agency to issue a temporary solid waste facilities permit for a solid waste transfer or processing station or a composting facility if a solid waste facilities permit is required but has not been obtained. This

provision is inoperative July 1, 2010, and sunsets January 1, 2011. Status: Chapter 547, Statutes of 2007.

WATER QUALITY

SB 55 (Florez) requires publicly owned treatment works to certify that sewage sludge meets certain requirements and standards, and prohibits treatment or land application of sewage sludge under certain conditions. Status: Senate Appropriations Committee suspense file.

SB 965 (Lowenthal) establishes the California Physical Oceanographic Real-Time System (CalPORTS) and related requirements to improve the efficiency and access to critical environmental information affecting safe navigation. Status: Senate Appropriations Committee suspense file.

SB 1001 (Perata) authorizes the State Water Resources Control Board to order commencing of withdrawal proceedings regarding a regional water quality control board's program authority, revises composition of RWQCBs, increases compensation of RWQCB members, and revises conflict of interest provisions for SWRCB and RWQCB members. Status: Vetoed.

SB 1029 (Ducheny) authorizes the Department of Public Health to adopt rules and regulations promulgated under the federal Safe Drinking Water Act, other than those that establish maximum contaminant levels for primary and secondary drinking water standards, under certain circumstances. Also requires the Department of Finance to take no longer than 90 days to complete documentation regarding a Department of Public Health rule or regulation regarding maximum contaminant levels for primary or secondary drinking water standards, subject to certain requirements. Status: Chapter 725, Statutes of 2007.

AB 258 (Krekorian) requires the State Water Resources Control Board and regional water quality control boards to implement a program for controlling preproduction plastics discharges, and includes related requirements. Status: Chapter 735, Statutes of 2007.

AB 739 (Laird) requires the Department of Water Resources to develop selection and evaluation guidelines to implement a stormwater flood management grant program financed by the Disaster Preparedness and Flood Prevention Bond Act of 2006, and provides related requirements. Status: Chapter 610, Statutes of 2007.

AB 740 (Laird) revises the Marine Invasive Species Act to cover vessel hull fouling and requires the State Lands Commission to adopt related regulations by January 1, 2012. Status: Chapter 370, Statutes of 2007.

AB 783 (Arambula) requires the Department of Public Health to award funds for small community water system improvements and expansions based on certain priorities. Status: Chapter 614, Statutes of 2007.

AB 1010 (Hernandez) extends sunset date for San Gabriel Water Quality Authority Act from July 1, 2010, to July 1, 2017, and adds certain reporting requirements. Status: Chapter 404, Statutes of 2007.

AB 1338 (Huffman) enacts the California Coastal Protection Act of 2007 requiring a nonpoint source pollution prevention element in local coastal programs. Status: Senate Natural Resources Committee.

AB 1481 (De La Torre) requires the State Water Resources Control Board to adopt a general permit for landscape irrigation uses of recycled water and sets procedures for an applicant to be covered for use of recycled water for that purpose. Status: Chapter 535, Statutes of 2007.

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/>