

**Senate Environmental Quality Committee**  
**Senator Joe Simitian, Chair**

**2008 Legislative Update**

**AIR QUALITY/CLIMATE CHANGE**

**SB 155** prohibits the State Air Resources Board from requiring a gasoline dispensing facility meeting certain requirements from undertaking an Enhanced Vapor Recovery Phase II upgrade until April 1, 2011. Status: Chapter 702, Statutes of 2008.

**SB 974 (Lowenthal)** requires the ports of Long Beach, Los Angeles, and Oakland to collect a user fee at a rate of \$30 per twenty-foot equivalent unit, from owners of container cargo moving through those ports, with revenues to be used for certain purposes. Status: Vetoed.

**SB 1473 (Calderon)** requires the California Building Standards Commission to adopt, approve, codify, update, and publish green building standards for occupancies if no state agency has authority or expertise to propose green building standards applicable to a particular occupancy. Also requires each city and county to collect a fee to be transmitted to the commission for deposit in a new Building Standards Administration Special Revolving Fund to be available to the commission and certain entities for carrying out certain building standards requirements with emphasis placed on green building standards matters. Legislative intent is provided that this bill cannot affect the ability of a city or county to adopt changes to the California Building Standards Code, including green building standards. Status: Chapter 719, Statutes of 2008.

**SB 1662 (Cox)** allows one stationary source in the El Dorado County Air Quality Management District to offset reductions credited to a stationary source in the Sacramento Air Quality Management District if both stationary sources are in the Sacramento metro federal nonattainment area and an environmental impact report is prepared that includes analysis and mitigation for environmental impacts. Status: Chapter 725, Statutes of 2008.

**SB 1760 (Perata)** creates the Climate Action Team (CAT) consisting of certain representatives to be responsible for coordinating the state's overall climate policy and having certain responsibilities, and requires certain state agencies to prepare and submit information in a standardized format to the CAT. Status: Vetoed.

**SB 1762 (Perata)** requests the University of California Regents to establish the California Climate Change Institute; revises climate change research projects under the Public Interest Research, Development, and Demonstration Program; and authorizes fees to finance certain related programs. Status: Vetoed.

**AB 109 (Nunez)** revises and clarifies the Alternative and Renewable Fuel and Vehicle Technology Program and the Air Quality Improvement Program created under AB 118 Chapter 750, Statutes of 2007. Status: Chapter 313, Statutes of 2008.

**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.

**AB 1062 (Ma)** requires Division of the State Architect to develop uniform criteria for precheck approval processes for school facility solar design plans by January 1, 2010. Status: Chapter 653, Statutes of 2008.

**AB 2093 (Jones)** requires climate change to be considered in the general plan to achieve greenhouse gas emission reductions of the California Global Warming Solutions Act of 2006. Status: Senate Local Government Committee (failed passage 2-3).

**AB 2432 (Laird)** requires the Energy Commission, under the Public Research, Development, and Demonstration Program, to provide investment in research, development, and demonstration activities to mitigate and adapt to climate change impacts and reduce greenhouse gas emissions. Status: In Assembly for concurrence in Senate amendments.

**AB 2522 (Arambula)** authorizes the San Joaquin Valley Unified Air Pollution Control District to increase a motor vehicle fee for programs to achieve surplus emission reductions, under certain conditions. Status: Chapter 677, Statutes of 2008.

**AB 2939 (Hancock)** authorizes a city, county, or city and county to impose more restrictive building standards than the California Green Building Standards Code if certain findings are made. Status: Vetoed.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**SB 68 (Kuehl)** provides that any recipient of an approval must be as identified by the public agency in its notice of determination (NOD) or notice of exemption (NOE); requires a petition or complaint to be subject to dismissal on the motion of any party interested in the proceeding if the petitioner or plaintiff fails to serve any recipient of an approval identified in the public agency's NOD or NOE, subject to certain limitations; and provides that failure to name potential persons other than those real parties in interest as identified by the public agency in its NOD or NOE, is not grounds for dismissal. Status: Vetoed.

**SB 303 (Ducheny)** requires certain "planning scenarios" in transportation planning agency transportation plans and requires general plan housing elements to reflect the transportation plans. Status: Assembly Appropriations Committee.

**SB 375 (Steinberg)** requires a regional transportation plan in certain regions to adopt a sustainable communities strategy to reduce greenhouse gas emissions from automobiles and light trucks; revises certain general plan housing element requirements, including requirements for rezoning certain sites to meet certain housing needs and time periods for reviewing and revising housing elements; and limits CEQA analysis for a sustainable communities project, and residential or mixed-use residential projects meeting certain requirements. Status: Chapter 728, Statutes of 2008.

**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: Chapter 707, Statutes of 2008.

**AB 1017 (Ma)** sets deadlines for an elected decisionmaking body to hear and act on appeals of CEQA determinations by a nonelected decisionmaking body. Status: Vetoed.

**SB 1165 (Kuehl)** requires written communication to the lead agency or consultants under CEQA to be retained by the lead agency; requires the lead agency to retain administrative drafts circulated to the project applicant; and requires a lead agency to treat a prior environmental impact report (EIR) as an uncertified draft if it is based on an EIR certified more than five years ago, to circulate the prior EIR for public review and comment, and to recertify the prior EIR, except under certain conditions. Status: Senate Floor (refused passage 17-18).

**SB 1210 (Dutton)** authorizes a lead agency to prepare a short form environmental impact report under certain conditions. Status: Senate Environmental Quality Committee (failed passage 2-5).

**SB 1500 (Kehoe)** provides for review of certain projects in state responsibility areas by the State Fire Marshall through amendments to Planning and Zoning Law, the Subdivision Map Act, and CEQA. Status: Assembly Inactive File.

**SB 1673 (Dutton)** authorizes the Department of General Services to dispose of certain state surplus property, and provides a related CEQA exemption. Status: Senate Environmental Quality Committee.

**AB 2026 (Villines)** authorizes the Department of General Services to dispose of certain state surplus property, and provides related CEQA exemption. Status: Chapter 761, Statutes of 2008.

**AB 2230 (La Malfa)** exempts public agency projects and projects that the lead agency determines have no effect on fish and wildlife from Department of Fish and Game filing fees for reviewing environmental documents. Status: Assembly Natural Resources Committee (failed passage 3-6).

**AB 2243 (Carter)** revises certain CEQA requirements for school district reorganizations. Status: Vetoed.

**AB 2512 (Adams)** requires the Southern California Association of Governments to submit a report by January 1, 2010, on potential legislation to streamline the environmental review process pursuant to CEQA and the National Environmental Policy Act. Status: Assembly Natural Resources Committee.

**AB 2720 (Levine)** clarifies provisions relating to environmental impact reports and negative declarations for projects involving the purchase of a schoolsite or construction of a new school, and defines certain terms for certain projects within ¼ mile of a school. Status: Chapter 148, Statutes of 2008.

**AB 2760 (Leno)** requires preparation of an environmental impact report (EIR), or an addendum or supplement to an existing EIR for the aerial application of a pesticide in an urban area for eradication of the light brown apple moth. Status: Senate Appropriations Committee.

### **HAZARDOUS WASTE/SOLID WASTE**

**SB 456 (Simitian)** prohibits a person from manufacturing, processing, or distributing a product containing diacetyl on and after June 1, 2008, with certain exceptions. Status: Assembly Inactive File.

**SB 509 (Simitian)** requires the Department of Toxic Substances Control to establish a Toxics Information Clearinghouse, and requires the Office of Environmental Health Hazard Assessment to evaluate and specify certain information to be included in the clearinghouse. Status: Chapter 560, Statutes of 2008.

**SB 1016 (Wiggins)** revises the California Integrated Waste Management Act of 1989 to include determinations of per capita disposal rates, revises review schedules, revises information to be included in annual reports, and makes related amendments. Status: Chapter 343, Statutes of 2008.

**SB 1020 (Padilla)** requires the California Integrated Waste Management Board to adopt policies, 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: Assembly Appropriations Committee.

**SB 1161 (Lowenthal)** revises the Barry Keen Underground Storage Tank Cleanup Trust Fund Act of 1989 by amending the definition of “underground storage tank” to include certain connecting components; extends the Act’s sunset from January 1, 2011, to January 1, 2016; establishes the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Fund and transfers \$10 million to the fund for fiscal years 2008-09 to 2010-11; and makes related amendments. Status: Chapter 616, Statutes of 2008.

**SB 1180 (Runner)** authorizes the Santa Monica Mountains Conservancy to revise the Rim of the Valley Trail Corridor in the vicinity of Santa Clarita, including Whitney Canyon, Elsmere Canyon, and adjacent watersheds. Also repeals a requirement that the Corridor cannot affect permitting of an Elsmere Canyon solid waste facility as identified in the final Los Angeles County Countywide Siting Element. Status: Vetoed.

**SB 1230 (Maldonado)** prohibits the use, sale, manufacture, or distribution for sale of any cleaning agent containing more than .5% phosphorus by weight, with certain exceptions. Status: Vetoed.

**SB 1277 (Maldonado)** requires the California Integrated Waste Management Board to prepare and provide to the Legislature a study comparing the effects of synthetic turf and natural turf on the environment and public health. Status: Chapter 398, Statutes of 2008.

**SB 1313 (Corbett)** prohibits the manufacture, sale, or distribution of any food contact substance containing perfluorinated compounds in concentrations exceeding 10 parts per billion, and prohibits manufacturers from replacing perfluorinated compounds with certain carcinogens and reproductive toxins. Status: Vetoed.

**SB 1357 (Padilla)** authorizes the Department of Conservation to expend up to \$20 million from July 1, 2009, to January 1, 2012, under the California Beverage Container Recycling and Litter Reduction Act for certain recycling and litter reduction programs, and revises procedures for calculating processing fees. Status: Chapter 697, Statutes of 2008.

**SB 1468 (Oropeza)** revises procedures for a school district to acquire a schoolsite near a freeway or busy traffic corridor. Status: Senate Appropriations Committee.

**SB 1575 (Florez)** creates the Consumer Product Recall Protection and Enforcement Act to prohibit a person from manufacturing, producing, selling, offering for sale or distribution in the state any consumer product subject to a recall, and sets related penalties. Status: Senate Appropriations Committee.

**SB 1625 (Corbett)** expands the California Beverage Container Recycling and Litter Reduction Act to cover certain types of additional containers, renames the Act, and makes numerous other revisions to the Act. Status: Assembly Rules Committee.

**SB 1713 (Migden)** enacts the Toxin-Free Toddlers and Babies Act to prohibit the manufacture, sale, or distribution in commerce of any bottle, cup, or other container that contains bisphenol A at a level above 0.1 parts per billion if the container is to be filled with any liquid, food, or beverage primarily for consumption by infants or children 3 years of age or younger, with certain exceptions. Status: Assembly Floor (refused passage 31-36).

**SB 1723 (Maldonado)** requires a person who first sells a pesticide product for use in the state that is packaged in rigid, nonrefillable, high-density polyethylene (HDPE)

containers of 55 gallons or less to establish a recycling program or demonstrate participation in a recycling program to ensure the containers are recycled. Status: Chapter 533, Statutes of 2008.

**SB 1781 (Committee on Environmental Quality)** makes various amendments to the California Beverage Container Recycling and Litter Reduction Act, California Integrated Waste Management Act of 1989, and Marine Invasive Species Act. Status: Chapter 696, Statutes of 2008.

**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.

**AB 822 (Levine)** requires a multifamily dwelling owner to arrange for recycling services consistent with state or local law (similar to AB 548 (Levine) of 2007 which was vetoed). Status: Senate Inactive File.

**AB 844 (Berryhill)** revises reporting procedures for junk dealers and recyclers, requires certain seller identifying information (e.g., photograph or video, thumbprint) for nonferrous material, revises penalties, and prohibits local governments from adopting an ordinance relating to nonferrous material except under certain conditions. Status: Chapter 731, Statutes of 2008.

**AB 904 (Feuer)** enacts the Plastic and Marine Debris Reduction, Recycling, and Composting Act to prohibit a takeout food provider from distributing single-use food service packaging to a consumer unless the packaging is compostable or recyclable. Status: Senate Appropriations Committee.

**AB 977 (Ma)** repeals provisions of the Food and Agricultural Code providing that pest control operations, agricultural chemicals, livestock remedies, and commercial feeds are a matter of statewide concern to the exclusion of all local regulations. Status: Senate Environmental Quality Committee.

**AB 1195 (Torricon)** revises various used oil requirements. Status: Senate Appropriations Committee.

**AB 1778 (Ma)** prohibits a junk dealer or recycler from providing payment for newspaper and California Redemption Value (CRV) containers unless the payment is made by check and certain identifying information is obtained, if certain conditions apply. Status: Chapter 773, Statutes of 2008.

**AB 1846 (Adams)** exempts transporters of inedible kitchen grease from a portion of a Department of Food and Agriculture fee if the grease is for personal noncommercial use as an alternative fuel, and certain conditions are met. Status: Chapter 321, Statutes of 2008.

**AB 1879 (Feuer)** requires the Department of Toxic Substances Control to adopt regulations by January 1, 2011, establishing a process for chemicals or chemical ingredients in products to be identified and prioritized for consideration as chemicals of concern. Status: Chapter 559, Statutes of 2008.

**AB 2058 (Levine)** prohibits a store on and after July 1, 2011, from providing plastic carryout bags to customers unless a certain diversion rate is achieved. If the diversion rate is not reached, then the store must charge not less than \$0.25 per plastic carryout bag. Status: Senate Appropriations Committee.

**AB 2347 (Ruskin)** enacts the Mercury Thermostat Collection Act of 2008, requiring manufacturers of mercury-added thermostats sold in this state before January 1, 2006, to establish and maintain a collection, transportation, recycling, and disposal program for out-of-service mercury-added thermostats. Status: Chapter 572, Statutes of 2008.

**AB 2415 (Fuentes)** requires the California Integrated Waste Management Board to obtain local enforcement agency approval of each jurisdiction in which a solid waste facility is located before issuing or revising a permit for the facility. Status: Assembly Natural Resources Committee.

**AB 2679 (Ruskin)** revises certain terms under the California Integrated Waste Management Act of 1989, requires the California Integrated Waste Management Board (CIWMB) to periodically inspect solid waste facilities to determine if the enforcement agency is enforcing state minimum standards, authorizes the CIWMB to take any appropriate enforcement action under certain conditions, requires the CIWMB to provide guidance and assistance to enforcement agencies on certain matters, and revises certain penalty provisions under the Act. Status: Chapter 500, Statutes of 2008.

**AB 2695 (Niello)** defines “illegal dumping” under the California Integrated Waste Management Act of 1989, provides that the Act does not limit the power of a city, county, or district to impose and enforce conditions or restrictions on illegal dumping, authorizes an enforcement agency to include public awareness activities, and authorizes certain civil penalties. Status: Senate Appropriations Committee.

**AB 2730 (Leno)** revises requirements relating to a “nonprofit convenience zone recycler” under the California Beverage Container Recycling and Litter Reduction Act. Status: Chapter 251, Statutes of 2008.

**AB 2765 (Huffman)** requires the Secretary of Food and Agriculture or county agricultural commissioner to conduct at least one public hearing before the aerial application of a pesticide in an urban area to consider alternatives to aerial application. Also requires the secretary or commissioner to seek an evaluation of human health and environmental risks by the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment, and revises certain notice requirements. Status: Chapter 574, Statutes of 2008.

## WATER QUALITY

**SB 1176 (Perata)** authorizes the State Water Resources Control Board to order commencing of withdrawal proceedings regarding a regional water quality control board's (RWQCB's) program authority; revises composition of RWQCBs; increases compensation of RWQCB members; revises conflict of interest provisions for SWRCB and RWQCB members; requires RWQCBs to submit workplans associated with annual budgets; requires RWQCBs to ensure that water quality control plans include time schedules by September 1, 2009, and to annually update those schedules; and makes related amendments. Status: Senate Appropriations Committee.

**SB 1258 (Lowenthal)** requires the Department of Housing and Community Development (HCD) to adopt building standards for the graywater systems for indoor and outdoor uses, terminates the authority of the Department of Water Resources to adopt graywater standards for residential buildings upon approval of the HCD standards by the California Building Standards Commission, and authorizes a city or county to adopt building standards prohibiting graywater use of building standards more restrictive than the state adopted standards. Status: Chapter 172, Statutes of 2008.

**SB 1334 (Calderon)** requires plumbing materials to be certified for compliance with certain lead requirements by an independent third party, and specifies that the State Department of Public Health retains its authority in implementing current requirements. Status: Chapter 580, Statutes of 2008.

**SB 1391 (Padilla)** requires the State Water Resources Control Board to adopt a statewide recycled water policy by January 1, 2009, and to make recommendations. Status: Vetoed.

**SB 1395 (Corbett)** establishes Department of Toxic Substances Control (DTSC) lead plumbing monitoring and compliance testing procedures, and requires DTSC to annually post testing and evaluation results on its Internet website and to transmit the results in an annual report to the State Department of Public Health. Status: Chapter 581, Statutes of 2008.

**SB 1520 (Kehoe)** requires the State Water Resources Control Board to assume jurisdiction and resources of the San Diego RWQCB to complete adoption and implementation of a final order for sediment quality objectives and a program of implementation for a certain cleanup and abatement order if the San Diego RWQCB fails to adopt the final order. Status: Assembly Appropriations Committee.

**SB 1574 (Florez)** allows an underground storage tank that stores biodiesel blend on or before July 1, 2008, to be in compliance with underground storage tank requirements if the tank meets certain requirements. Status: Vetoed.



**AB 1946 (Nava)** authorizes a RWQCB, under the Porter-Cologne Water Quality Act, to delegate to its executive officer the authority to apply for judicial enforcement to the Attorney General, a district attorney, a city attorney in a city with a population exceeding 750,000, or a city attorney for a city and county. Also authorizes the district attorney or city attorney to bring civil actions under the Act, and makes related changes. Status: Vetoed.

**AB 2270 (Laird)** authorizes any local agency that maintains a community sewer system to control residential salinity inputs, including from water softeners, if the RWQCB makes a finding that control of residential salinity input will contribute to the achievement of water quality objectives. Also amends certain provisions relating to recycled water. Status: Vetoed.

**AB 2356 (Arambula)** authorizes the State Water Resources Control Board to assess an annual charge in connection with financial assistance made under the revolving loan program in lieu of interest that would otherwise be charged, with proceeds to be deposited in a new State Water Pollution Control Revolving Fund Small Community Grant Fund for eligible small community grant projects, and makes related amendments. Status: Chapter 609, Statutes of 2008.

**AB 2729 (Ruskin)** under the Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, creates the School District Account in the Underground Storage Tank Cleanup Fund, and transfers \$10 million from the fund to the account in fiscal years 2009-10 to 2011-12 to pay claims by school districts under certain conditions. Also provides that a remedial action plan is not required under the Carpenter-Presley-Tanner Hazardous Substance Account Act if the removal action is less than \$2 million, rather than \$1 million, under certain circumstances. Status: Chapter 644, Statutes of 2008.

**AB 2986 (Leno)** requires the State Water Resources Control Board to annually issue a letter grade for each sewer system in the state subject to waste discharge requirements commencing January 1, 2011. Status: Vetoed.

### **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](http://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/>