

Senate Environmental Quality Committee
Senator Joe Simitian, Chair

2009 Legislative Update

AIR QUALITY/CLIMATE CHANGE

SB 31 (Pavley) requires revenues collected by compliance mechanisms under the Global Warming Solutions Act of 2006 to be deposited in the Air Pollution Fund for certain purposes. Status: Senate Inactive File (failed passage 16-19).

SB 104 (Oropeza) adds nitrogen trifluoride to the greenhouse gas definition under the Global Warming Solutions Act of 2006. Status: Chapter 331, Statutes of 2009.

SB 128 (Padilla) creates the California Climate Change Institute with certain responsibilities. Status: Senate Appropriations Committee suspense file.

SB 144 (Pavley) requires the Department of Forestry and Fire Protection to develop options and incentives for private forest management in accordance with criteria established pursuant to the Global Warming Solutions Act of 2009, and makes related amendments. Status: Assembly Natural Resources Committee.

SB 295 (Dutton) requires additional State Air Resources Board peer review study regarding the California Global Warming Solutions Act of 2006, followed by Legislative Analyst's Office review. Status: Senate Environmental Quality Committee (failed passage 3-4).

SB 382 (Florez) prohibits burning of agriculture waste within the jurisdiction of the San Joaquin Valley Unified APCD when the operation of a wood burning device is also prohibited. Status: Vetoed.

SB 554 (Hollingsworth) prohibits an APCD or AQMD from adopting or implementing any rule or regulation restricting or prohibiting the installation or operation of any wood-burning fireplace, wood-burning heater, or wood-burning stove in any new or existing residential structure. Status: Senate Environmental Quality Committee (hearing canceled at author's request).

SB 721 (Steinberg) creates the Climate Change Research, Mitigation, Adaptation, and Economic Leadership Act of 2009, and establishes the Climate Action Team with certain responsibilities. Status: Senate Appropriations Committee suspense file.

SB 722 (Steinberg) sets requirements for greenhouse gas reduction representations (similar to an early version of SB 1762 (Perata) of 2008 that was subsequently amended). Status: Assembly Inactive File.

AB 19 (Ruskin) enacts Carbon Labeling Act of 2009. Status: Senate Appropriations Committee suspense file.

AB 1033 (Nielsen) revises the Global Warming Solutions Act of 2006 to require additional economic impact analyses and prohibit greenhouse gas emission reduction regulations under certain conditions. Status: Assembly Natural Resources Committee.

AB 1085 (Mendoza) requires the State Air Resources Board to make information available to the public if the ARB relies on that information for any regulation proposed for adoption, and provides legislative intent that this requirement is not intended to supersede the Public Records Act. Status: Chapter 384, Statutes of 2009.

AB 1186 (Blumenfield) revises parking cash-out requirements to require a lessor to notify a lessee of parking costs as a line item in the lease. Status: Vetoed.

AB 1404 (De Leon) sets requirements for compliance offsets (a market based mechanism being developed under the Global Warming Solutions Act of 2006). Status: Vetoed.

AB 1405 (De Leon) creates a Community Benefits Fund under the California Global Warming Solutions Act, to fund certain projects in disadvantaged communities. Status: Senate Inactive File.

AB 1452 (Skinner) requires the State Air Resources Board to develop and adopt limitations by January 1, 2011, on greenhouse gas emissions resulting from the production of all cement sold in the state. Status: Assembly Appropriations Committee suspense file.

AB 1530 (Skinner) requires the State Air Resources Board to adopt protocols for the evaluation, quantification, and verification of any greenhouse gas emission reduction measure that relies on electrical energy efficiency to ensure that the reductions comply with the requirements of the ARB to adopt greenhouse gas emission limits and emission reduction measures. Status: Senate Environmental Quality Committee.

AIR QUALITY/SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

SB 388 (Calderon) requires the SCAQMD executive officer to credit emission credits to electrical generating facilities, relying on the tracking system used prior to adoption of Rule 1315, and in addition making use of emission credits resulting from emission reductions and shutdowns from minor sources since 1990 (similar to the process used by SCAQMD under Rule 1315 that is the subject of litigation relating to CEQA). Status: Senate unfinished business.

SB 450 (Lowenthal) authorizes the SCAQMD to issue permits for certain businesses and essential public services, relying on the emission reduction credit tracking system used prior to district Rule 1315. Status: Assembly Third Reading File.

SB 579 (Lowenthal) authorizes the SCAQMD to issue permits for certain businesses, except for an electrical generation facility, and essential public services, relying on the emission reduction credit tracking system used prior to district Rule 1315. Status: Assembly Desk (awaiting referral to Rules Committee).

SB 696 (Wright) authorizes the SCAQMD to issue permits for certain businesses, except for an electrical generation facility, and essential public services, relying on the emission reduction credit tracking system used prior to Rule 1315. Status: Assembly Desk (awaiting referral to Rules Committee).

SB 827 (Wright) authorizes the SCAQMD to issue permits for certain businesses and essential public services, relying on the emission reduction credit tracking system used prior to Rule 1315, and in addition making use of emission credits resulting from emission reductions and shutdowns from minor sources since 1990 (similar to the process used by SCAQMD under Rule 1315 that is the subject of litigation). Status: Chapter 206, Statutes of 2009.

AB 1318 (V.M. Perez) requires the SCAQMD executive officer to credit emission credits to an electrical generating facility meeting certain requirements (*i.e.*, Sentinel powerplant near Palm Springs) relying on the tracking system used prior to adoption of Rule 1315, and in addition making use of emission credits resulting from emission reductions and shutdowns from minor sources since 1990 (similar to the process used by SCAQMD under Rule 1315 that is the subject of litigation relating to CEQA). Status: Chapter 285, Statutes of 2009.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

SB 408 (Padilla) exempts a Leadership in Environmental and Energy Design (LEED) platinum or higher certified project from CEQA. Status: Senate Environmental Quality Committee.

SB 476 (Correa) prohibits a person from maintaining an action or proceeding unless that person objected to the approval of the project orally or in writing during the public comment period or prior to the close of the public hearing on the project before the filing of the notice of determination, rather than before issuance of the notice of determination. Status: Assembly Natural Resources Committee.

SB 505 (Kehoe) requires amendments to the CEQA guidelines relating to fire hazard impacts in state responsibility areas and very high fire hazard severity zones, and makes various amendments under Planning and Zoning Law relating to fire hazards. Status: Vetoed.

SB 605 (Ashburn) revises current CEQA pipeline exemption procedures by also exempting installation of a new biogas pipeline located in Fresno, Kern, Kings, or Tulare County. Status: Chapter 599, Statutes of 2009.

SB 686 (DeSaulnier) clarifies provisions of CEQA relating to review of requests to add or delete categorical exemptions. Status: Assembly Natural Resources Committee.

AB 8XX (Nestande) establishes ad hoc infrastructure permit review panel to assist in permitting process for certain transportation projects, sets permitting agency deadlines for deeming an application complete and acting on those projects, exempts certain other transportation projects from CEQA, and exempts the disposition of state surplus lands from certain provisions of CEQA under certain circumstances. Status: Chapter 6, Second Extraordinary Session, Statutes of 2009.

AB 45 (Blakeslee) enacts small wind energy system siting requirements for counties that must be met if a county has not adopted an ordinance by January 1, 2011. Status: Chapter 404, Statutes of 2009.

AB 81XXX (Hall) exempts various matters relating to a stadium complex in the City of Industry from CEQA and general plan content and consistency requirements, if certain conditions are met. Status: Chapter 30, Third Extraordinary Session, Statutes of 2009.

AB 499 (Hill) authorizes a court to dismiss a petition or complaint if the petitioner or plaintiff fails to serve a recipient of approval as identified in the NOD or NOE. The court must issue an order providing additional time for, and specify the manner of, service of the recipient of approval if the petitioner or plaintiff demonstrates to the court's satisfaction that a good faith effort to effect service to the recipient of approval has been made. Also makes related amendments. Status: Senate Inactive File.

AB 696 (Hagman) authorizes a project applicant and lead agency, at the time of application, to opt to resolve disputes through an arbitrator in lieu of filing an action before a court. Status: Assembly Natural Resources Committee (failed 3-6).

AB 1272 (Hill) requires emergency medical services trauma center planning requirements to address air transport (previously provided that helicopter landing pad noise impacts do not need to be considered under CEQA). Status: Senate Health Committee.

HAZARDOUS WASTE/SOLID WASTE

SB 22 (Simitian) authorizes the Office of Environmental Health Hazard Assessment to recommend procedures for expediting the review and identification of hazard traits, including pending and proposed actions by other states, the federal government, and other nations. Status: Senate Environmental Quality Committee.

SB 25 (Padilla) revises the California Integrated Waste Management Act of 1988 by increasing required diversion rates effective January 1, 2015, and January 1, 2020;

defining “illegal dumping” and authorizing creation of an illegal dumping prevention program; increasing disposal facility operator fees; requiring cities and counties with a population of 200,000 or more to adopt a commercial recycling ordinance; and making related technical and clarifying amendments. Status: Assembly Natural Resources Committee.

SB 26 (Simitian) requires the California State Board of Pharmacy to develop policies and programs to manage pharmaceutical wastes, authorizes a pharmacy to accept the return of home-generated pharmaceutical and sharps waste, and contains related requirements. Status: Senate Appropriations Committee suspense file.

SB 63 (Strickland) abolishes the California Integrated Waste Management Board (CIWMB), creates the Department of Resources Recycling and Recovery within the Natural Resources Agency, transfers CIWMB responsibilities to the new Department, creates a Division of Recycling within the new department, and transfers California Beverage Container Recycling and Litter Reduction Act responsibilities from the Department of Conservation to the new department. Status: Chapter 21, Statutes of 2009.

SB 143 (Cedillo) extends the sunset date of the California Land Reuse and Revitalization Act of 2004 from January 1, 2010, to January 1, 2017, and makes related amendments. Status: Chapter 167, Statutes of 2009.

SB 402 (Wolk) makes various revisions to the California Beverage Container Recycling and Litter Reduction Act, including revised definitions and procedures relating to redemption payments and recycling centers. Status: Vetoed.

SB 486 (Simitian) requires a pharmaceutical manufacturer that sells or distributes a medication intended to be self-injected at home through the use of a needle to submit a plan to the California Integrated Waste Management Board describing how the manufacturer supports the safe collection and proper disposal of the devices. Status: Chapter 591, Statutes of 2009.

SB 546 (Lowenthal) revises definitions, fees, oil facility certification, and related requirements under the California Oil Recycling Enhancement Act. Status: Chapter 353, Statutes of 2009.

SB 797 (Pavley) enacts the Toxin-Free Infants and Toddlers Act that on and after January 1, 2011, would prohibit certain containers that contain bisphenol A or are lined with bisphenol A. Status: Assembly Inactive File.

AB 147 (Saldana) requires an electronic device manufacturer, at the request of the Department of Toxic Substances Control (based on certain conditions) to submit documentation showing that the electronic device is not prohibited from sale. Status: Vetoed.

AB 274 (Portantino) authorizes a solid waste disposal facility operator required to meet financial assurance requirements to participate in the Solid Waste Postclosure and Corrective Action Trust Fund created by this bill, and requires a per ton disposal fee to be paid if landfill operators representing 50% of the total annual waste tonnage in 2010 participate in the program. Status: Chapter 318, Statutes of 2009.

AB 283 (Chesbro) establishes extended producer responsibility requirements. Status: Assembly Natural Resources Committee.

AB 473 (Blumenfield) 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, and AB 822 (Levine) of 2009 which remained on the Senate Inactive File). Status: Vetoed.

AB 478 (Chesbro) requires the California Integrated Waste Management Board to adopt rules and regulations regarding recycling and solid waste to reduce greenhouse gas emissions. Status: Senate Appropriations Committee.

AB 479 (Chesbro) requires a jurisdiction to implement a commercial recycling program, requires the California Integrated Waste Management Board to review a jurisdiction's compliance with this requirement, and contains related requirements. Status: Senate Appropriations Committee suspense file.

AB 856 (Caballero) establishes and revises various requirements relating to organic input material and fertilizing material. Status: Chapter 257, Statutes of 2009.

AB 903 (Chesbro) requires a compostable plastic bag manufacturer to ensure that the bag is readily and easily identifiable from other plastic bags (previous version of this bill required state agencies to annually report to the California Integrated Waste Management Board regarding solid waste reduction and the management of electronic wastes for the previous year). Status: Senate Appropriations Committee suspense file.

AB 925 (Saldana) prohibits a retailer from selling or offering for sale a single-use beverage container with a cap unless the cap is tethered to the container to prevent separation or the cap includes an opening from which the beverage can be consumed while the cap is screwed onto the container. Status: Senate inactive file.

AB 1069 (Monning) requires the Department of Food and Agriculture telephone hotline for public reports on adverse health consequences resulting from pesticide application for invasive pests to be a toll free number and staffed by public health personnel familiar with the pesticide being applied, and requires the telephone number on certain pesticide application notices to also be a toll free number. Status: Vetoed.

AB 1329 (Brownley) delays the operative date of amendments made by SB 63 (Strickland) Chapter 21, Statutes of 2009, by one year. Status: Senate Third Reading file.

AB 1343 (Huffman) creates an architectural paint recovery program requiring paint manufacturers to develop and implement a program to transport, collect, and process postconsumer paint. Status: Senate Appropriations Committee suspense file.

AB 1489 (Smyth) increases the methamphetamine level for determining when property contaminated by methamphetamine is safe for human occupancy. Status: Chapter 539, Statutes of 2009.

WATER QUALITY

SB 283 (DeSaulnier) extends the date for the Department of Water Resources to adopt regulations for design standards to safely plumb buildings with both potable and recycled water systems, and makes related amendments. Status: Chapter 178, Statutes of 2009.

SB 614 (Simitian) SB 614 clarifies certain provisions of the Clean Coast Act, while extending the sunset date on various provisions of the Act. Status: Chapter 194, Statutes of 2009.

SB 790 (Pavley) authorizes local governments to develop stormwater resource plans meeting certain requirements and authorizes grants for projects that implement low-impact development that will contribute to water quality improvement. Status: Chapter 620, Statutes of 2009.

SB 832 (Environmental Quality Committee) revises procedures relating to the California Pollution Control Financing Authority Act, State Lands Commission, California Integrated Waste Management Act of 1989, and State Water Pollution Control Revolving Fund Small Community Grant Fund. Status: Chapter 643, Statutes of 2009.

AB 80 (Blakeslee) revises water treatment requirements for Nacimiento Reservoir (where bodily contact is allowed) and the Paso Robles treatment facility. Status: Assembly inactive file.

AB 301 (Fuentes) requires water bottling license applicants to provide information to the Department of Public Health relating to the volume and source of the water and requires DPH to make this information available to the public. Status: Senate Appropriations Committee suspense file.

AB 305 (Nava) adds and revises penalties relating to hazardous materials release response plans and inventories, as well as for failure to report an oil spill or making a false or misleading report on an oil spill occurring in waters of the state. Status: Chapter 429, Statutes of 2009.

AB 580 (Huber) requires onsite sewage treatment systems to be classified by the State Water Resources Control Board into regulatory tiers based on the demonstrated risk each system poses to the public health and environment, and revises other requirements relating to these systems. Status: Senate Environmental Quality Committee.

AB 890 (John A. Perez) requires public water systems serving Maywood to conduct, publish, and submit a study on Maywood's water by December 31, 2010, addressing manganese impacts on the quality of Maywood's water; requires Maywood to conduct a public hearing on study results; requires public water systems to respond to comments made at the hearing and post the study and comments on the public water systems' websites; and requires all notifications sent to Maywood ratepayers to also be sent to occupants and posted on the public water systems' websites. Status: Chapter 259, Statutes of 2009.

AB 914 (Logue) authorizes the State Water Resources Control Board to consider the impact of penalties on individual ratepayers when considering whether a publicly-owned treatment works compliance project should be authorized in lieu of assessing a mandatory minimum penalty for waste discharge penalties. Status: Vetoed.

AB 1041 (Audra Strickland) prohibits a city or county from regulating private water systems with four or fewer service connections. Status: Assembly Environmental Safety and Toxic Materials Committee.

AB 1079 (V. Manuel Perez) requires the California-Mexico Border Relations Council, upon execution of an agreement with Calexico for the purpose of providing funding, to develop a strategic plan to guide implementation of the New River Improvement Project, and creates the New River Improvement Project Account in the California Border Environmental and Public Health Protection Fund to fund activities relating to the New River. Status: Chapter 382, Statutes of 2009.

AB 1100 (Duvall) authorizes an operator of a facility producing "potable reuse demonstration water" to be bottled and distributed for educational purposes and to promote water recycling without complying with certain requirements. Status: Senate Environmental Quality Committee (failed 3-3).

AB 1366 (Feuer) authorizes any local agency owning or operating a community sewer system or water recycling facility in certain areas to control salinity inputs from residential self-generating water softeners to protect water quality, if certain conditions are met. Status: Chapter 527, Statutes of 2009.

AB 1438 (Conway) allows the Department of Public Health (DPH) to establish a wellhead protection account within the Safe Drinking Water State Revolving Fund, and includes fire flow as part of the water demand in the definition of "reasonable amount of growth" for purposes of DPH establishing a priority list of proposed projects in funding project upgrades. Status: Chapter 531, Statutes of 2009.

AB 1540 (Assembly Health Committee) makes various amendments to the California Safe Water Drinking Act and other provisions of law. Status: Chapter 298, Statutes of 2009.

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/>