

Senate Environmental Quality Committee

2005 Legislative Update

AIR QUALITY

SB 497 (Simitian) requires every advertisement or notice for bids on state-funded contracts to include requirements regarding the use of specified diesel equipment used in the performance of those contracts. Status: Senate Appropriations Committee.

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 Transportation Committee.

SB 761 (Lowenthal) requires marine terminals to operate in a manner that limits truck turn times. Status: Failed passage in Senate Transportation and Housing Committee.

SB 763 (Lowenthal) provides priority berthing for ships using low sulfur fuel. Status: Senate Transportation and Housing 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 2008. Status: Assembly Transportation Committee.

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

AB 32 (Pavley) enacts the California Climate Act of 2006 to require the Secretary of the California Environmental Protection Agency to set a cap on greenhouse gas emissions and to develop an enforcement mechanism reducing emissions to that level. This bill also sets related requirements. Status: Senate Environmental Quality Committee.

AB 841 (Arambula) requires the San Joaquin Valley Unified Air Pollution Control District to install one or more monitors for monitoring airborne fine particles smaller than 2.5 microns in diameter in the western region of Fresno County in areas that are primarily low-income and underserved. Status: Chapter 569, Statutes of 2005.

AB 1221 (Jones) revises composition of the State Air Resources Board by adding a representative from the Sacramento region that meets certain requirements, as well as adding a representative with training and experience on the effects of greenhouse gases and other emissions on climate change. Status: Vetoed.

AB 1222 (Jones) establishes locomotive Remote Sensing Pilot Program. Status: Chapter 574, Statutes of 2005.

AB 1229 (Nation) requires the State Air Resources Board to require additional emissions data on the label for new motor vehicles, including a specified global warming index. Status: Chapter 575, Statutes of 2005.

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

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) exempts the expansion of an existing overpass, onramp, or offramp from CEQA if it is built within an easement or right-of-way controlled by a state or local transportation agency or by a city or county. Status: Senate Environmental Quality 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: Senate Environmental Quality Committee.

SB 832 (Perata) revises 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. Status: Assembly Inactive File.

SB 948 (Murray) requires a lead agency to prepare a “short form environmental impact report” for a project subject to CEQA if the lead agency has determined that the project meets specified criteria. Status: Senate Environmental Quality Committee.

SB 974 (Environmental Quality Committee) repeals the CEQA exemption for project funding by the Rural Economic Development Infrastructure Panel. Status: Assembly Natural Resources Committee.

***AB 375 (Cogdill)** exempts certain telecommunications facilities from CEQA. Status: Assembly Natural Resources Committee.

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

***AB 1387 (Jones)** allows a public agency to not make findings regarding traffic impacts for infill project under certain conditions. Status: Assembly Natural Resources Committee.

AB 1433 (Emmerson) exempts certain revenue bond financing and “limited project approval” from CEQA, and provides that this does not exempt any project financed with the bonds from any law, ordinance, rule, or regulation otherwise pertaining to approval, authorization, design, acquisition, or construction of the project, including CEQA. Status: Senate Environmental Quality Committee.

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.

HAZARDOUS WASTE/SOLID WASTE

SB 420 (Simitian) requires the source reduction and recycling plan to provide for the diversion of 75% of solid waste, on and after January 1, 2015. Status: Senate Environmental Quality Committee.

SB 536 (Bowen) creates the Illegal Drug Lab Cleanup Account. Status: Chapter 587, Statutes of 2005.

SB 928 (Perata and Lowenthal) requires the source reduction and recycling plan to provide for the diversion of an unspecified percentage of solid waste, on and after January 1, 2011, and makes related technical amendments. Status: Assembly Natural Resources Committee.

AB 338 (Levine) requires Caltrans to use certain percentages of “asphalt containing crumb rubber” for state highway or repair projects using asphalt as a construction material under certain conditions. Status: Chapter 709, Statutes of 2005.

AB 399 (Montanez) establishes various requirements to facilitate reduction, reuse, and recycling at multifamily dwellings. Status: Vetoed.

AB 1078 (Keene) enacts the Methamphetamine Contaminated Property Cleanup Act of 2005. Status: Chapter 570, Statutes of 2005.

AB 1125 (Pavley) enacts the Rechargeable Battery Recycling Act. Status: Chapter 572, Statutes of 2005.

WATER QUALITY

SB 120 (Florez) requires a publicly owned treatment works (POTW) to submit a certification to the regional water quality control board that any sewage sludge transferred from the facility for disposal or further processing meets the requirements and standards for any pollutants listed in the waste discharge requirements for the POTW issued by the regional board, and adds related requirements. Status: Senate Environmental Quality Committee.

SB 646 (Kuehl) revises procedures relating to waste discharge requirement waivers. Status: Re-fused passage on Assembly Floor.

SB 729 (Lowenthal) revises various Porter-Cologne Water Quality Control Act requirements. Status: Senate Environmental Quality Committee.

SB 926 (Florez) provides that the Porter-Cologne Water Quality Control Act does not prohibit the Kern County Board of Supervisors, upon a majority vote, from adopting an ordinance regulating or prohibiting the land application of sewage sludge in unincorporated areas of Kern County, with certain exceptions. Status: Assembly Local Government Committee.

SB 1067 (Kehoe) requires the Office of Environmental Health Hazard Assessment, by January 1, 2007, to adopt a public health goal for total trihalomethanes and by January 1, 2008, for total haloacetic acids. This bill also requires the department to adopt regulations ensuring that any public water system that has levels of total trihalomethanes or total haloacetic acids that posing a potential risk to public health notifies its customers of the public health risks. Status: Vetoed.

AB 371 (Goldberg) enacts the Water Recycling Act of 2005. Status: Senate Inactive File.

AB 574 (Wolk) authorizes use of recycled concrete materials under certain conditions. Status: Chapter 693, Statutes of 2005.

AB 672 (Klehs) requires a public agency that owns a water supply reservoir with a capacity of 3,500 acre-feet or more, to adopt a recreational plan for the reservoir, with certain exceptions. This bill also includes certain requirements relating to recreational uses at reservoirs. Status: Vetoed.

MISCELLANEOUS

SB 771 (Simitian) enacts the California Clean Coast Act that applies prohibitions of various releases from cruise ships to all oceangoing vessels. This bill also consolidates the various requirements under the Act. Status: Chapter 588, Statutes of 2005.

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 Self Government: <http://www.ca-ilg.org>

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

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