

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

**2010 Legislative Update**

**AIR QUALITY/CLIMATE CHANGE**

**SB 959 (Ducheny)** establishes various requirements for an Office of Permit Assistance within the Office of Planning and Research. Status: Vetoed.

**SB 1006 (Pavley)** revises eligible activities and grantees for loans or grants provided by the Strategic Growth Council. Status: Chapter 632, Statutes of 2010.

**SB 1033 (Wright)** requires any market based compliance mechanism adopted by the State Air Resources Board under the California Global Warming Solutions Act to sell or distribute an allowance only to a regulated entity subject to the greenhouse gas emissions limit, and authorizes a regulated entity to sell or trade allowances only to another regulated entity. Status: Assembly Natural Resources Committee.

**SB 1120 (Dutton)** prohibits the State Air Resources Board from implementing a market-based compliance mechanism that includes a cap and trade program unless the program is part of a legally enforceable regional or federal program. Status: Senate Environmental Quality Committee (failed 2-4).

**SB 1194 (Hollingsworth)** prohibits an air pollution control district or air quality management district from prohibiting the installation of a wood-burning fireplace, heater, or stove in a new or existing residential structure. Status: Senate Environmental Quality Committee (failed 2-4).

**SB 1224 (Wright)** revises air pollution control district and air quality management district nuisance procedures to allow a district to adopt a rule or regulation that ensures district staff and resources are not used to investigate complaints determined to be repeated and unsubstantiated (sunsets January 1, 2014). Status: Chapter 1224, Statutes of 2010.

**SB 1241 (Wolk)** requires the Secretary of Food and Agriculture to establish and convene the California Agricultural Climate Benefits Advisory Committee to advise the State Air Resources Board on agricultural activities that reduce global warming impacts (sunsets January 1, 2014). Status: Senate Appropriations Committee Suspense File.

**SB 1328 (Lowenthal)** requires the State Air Resources Board to consider certain conditions if adopting or amending regulations to reduce motor vehicle cabin temperature in order to reduce greenhouse gas emissions. Status: Chapter 648, Statutes of 2010.

**SB 1340 (Kehoe)** specifies various incentives to encourage the installation of residential plug-in vehicle charging systems. Status: Chapter 649, Statutes of 2010.

**SB 1402 (Dutton)** requires the State Air Resources Board to prepare and submit to the Legislature and the Governor a report summarizing the motor vehicle pollution administrative penalties imposed for calendar year 2011, and annually thereafter, and requires them to publish a penalty policy for motor vehicle pollution laws that is based on certain criteria. Status: Chapter 413, Statutes of 2010.

**SB 1433 (Leno)** requires the State Air Resources Board, on March 1, 2011, and annually thereafter, to adjust certain maximum civil and criminal penalties for inflation, and to publish the inflation-adjusted maximum penalties on its Internet Web site. Status: Vetoed.

**SB 1477 (Simitian)** makes various revisions to the California Pollution Control Financing Authority Act, including changes to the definitions of “project” and “pollution control facility.” Status: Chapter 414, Statutes of 2010.

**AB 684 (Blumenfield)** authorizes the California Alternative Energy and Advanced Transportation Financing Authority to establish the Clean Energy and Fuels Manufacturing Financial Assistance Program for eligible project applications relating to bond financing, loans, loan loss reserve, or risk-sharing guarantees. Status: Senate Environmental Quality Committee.

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

**AB 1504 (Skinner)** requires the Board of Forestry and Fire Protection to ensure that its rules and regulations governing the harvesting of commercial forest species consider the capacity of forest resources to sequester carbon dioxide emissions that meet or exceed the state’s greenhouse gas reduction requirements for the forest sector. Status: Chapter 534, Statutes of 2010.

**AB 1863 (Gaines)** extends January 1, 2011, sunset relating to health facility diesel-powered backup generator requirements to January 1, 2016. Status: Chapter 164, Statutes of 2010.

**AB 2037 (V.M. Perez)** prohibits a load-serving entity or local publicly owned electric utility from entering into a long-term financial commitment for a new electrical generation facility constructed in California, or in a shared pollution area, that does not meet best available control technology. Status: Chapter 422, Statutes of 2010.

**AB 2328 (Niello)** requires at least one State Air Resources Board member to be a current or past owner of a small business. Status: Senate Appropriations Committee (failed 4-5, 3-5).

**AB 2329 (Ruskin)** creates the Climate Action Team and sets requirements for a California Climate Vulnerability and Adaption Plan. Status: Senate Floor (failed 17-16).

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**SB X8 42 (Correa)** enacts the CEQA Litigation Protection Pilot Program to prohibit court review of a lead agency's certification of an EIR or adoption of a mitigated negative declaration, as well as a lead or responsible agency's project approval, for 125 projects that are selected by the Business, Transportation and Housing Agency over a five-year period. Status: Senate Environmental Quality Committee.

**SB 8X 56 (Hollingsworth)** exempts from CEQA projects funded in whole or in part under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006; projects funded under the Disaster Preparedness and Flood Prevention Bond Act of 2006; and three specified projects. Status: Senate Environmental Quality Committee (hearing canceled at request of author).

**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 976 (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, a city, or a county. Status: Senate Environmental Quality Committee (failed 2-4).

**SB 1010 (Correa)** enacts the CEQA Litigation Protection Pilot Program to prohibit court review of a lead agency's certification of an EIR or adoption of a mitigated negative declaration, as well as a lead or responsible agency's project approval, for 125 projects that are selected by the Business, Transportation and Housing Agency over a five-year period. Status: Senate Environmental Quality Committee (failed 2-4).

**SB 1207 (Kehoe)** requires OPR to revise the CEQA guidelines initial study requirements to address fire hazard impacts, and makes various amendments under Planning and Zoning Law relating to fire hazards. Status: Vetoed.

**SB 1293 (Hollingsworth)** requires OPR to revise the CEQA guidelines initial study requirements to address vegetation management projects to reduce fire hazards. Status: Assembly Natural Resources Committee.

**SB 1456 (Simitian)** authorizes mediation to resolve CEQA disputes to avoid litigation while ensuring that mediation after an action is filed does not affect the timing of any

judicial proceeding; establishes a process for an expedited schedule to resolve cases while allowing any party to request imposition of a penalty for frivolous litigation; ensures more accountability for an organization challenging a project that is formed after project approval; and sets procedures for tiering environmental documents (sunsets January 1, 2016). Status: Chapter 496, Statutes of 2010.

**SB 1464 (Simitian)** authorizes certain general plan comment procedures to be conducted concurrently with a CEQA scoping meeting. Status: Assembly Desk.

**AB X8 37 (Calderon)** enacts the CEQA Litigation Protection Pilot Program to prohibit court review of a lead agency's certification of an EIR or adoption of a mitigated negative declaration, as well as a lead or responsible agency's project approval, for 125 projects that are selected by the Business, Transportation and Housing Agency over a five-year period. Status: Assembly Desk.

**AB 231 (Huber)** authorizes a lead agency to incorporate by reference a finding of overriding consideration if a tiered EIR is used for a later project and certain conditions are met. Status: Chapter 432, Statutes of 2010.

**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: Vetoed.

**AB 1012 (V.M. Perez)** would not require an EIR to analyze, or mitigate, where feasible, the environmental effect for an eligible renewable energy resource, until January 1, 2014, including greenhouse gas emissions, not found to be significant under CEQA, and makes other amendments relating to renewable energy projects. Status: Senate Floor (failed 20-14).

**AB 1272 (Hill)** sets procedures for an emergency medical services agency to provide information for uses that permit the construction or operation of a heliport or helipad on a general acute care hospital property. Status: Senate Rules Committee.

**AB 1581 (Torres)** exempts alteration of a vacant retail structure of not more than 120,000 square feet from CEQA under certain conditions, and revises CEQA scoping meeting notice requirements. Status: Senate Inactive File.

**AB 1704 (Jeffries)** exempts installation of a new pipeline of less than 8 miles for distribution of recycled water within a paved street, highway or right of way from CEQA. Status: Assembly Natural Resources Committee (failed passage 3-6).

**AB 1747 (Galgiani)** requires a lead agency to determine whether impacts may have a significant effect on the environment, including but not limited to a significant effect on

air quality, if a proposed residential, retail, or commercial development project would preclude or substantially and directly impede the present or potential future use of lands for mineral extraction in an area classified by the State Geologist as containing mineral deposits of statewide or regional significance. Status: Senate Rules Committee.

**AB 1805 (Calderon)** enacts the CEQA Litigation Protection Pilot Program to prohibit court review of a lead agency's certification of an EIR or adoption of a mitigated negative declaration, as well as a lead or responsible agency's project approval, for 125 projects that are selected by the Business, Transportation and Housing Agency over a five-year period. Status: Assembly Natural Resources Committee.

**AB 1846 (V.M. Perez)** revises the expedited environmental review procedures under CEQA for environmental mandated projects so that the installation of pollution control equipment required under the California Global Warming Solutions Act is also subject to these expedited provisions. Status: Chapter 195, Statutes of 2010.

**AB 2165 (Knight)** exempts activities or approvals for the initial construction of the High Desert Health System Multi-Service Ambulatory Care Center project from CEQA. Status: Assembly Natural Resources Committee.

**AB 2313 (Buchanan)** authorizes a lead agency to use a threshold of significance for greenhouse gas emissions for a residential or mixed use residential project adopted by the air pollution control district or air quality management district within which the project is located, under certain conditions. Status: Senate Environmental Quality Committee.

**AB 2565 (Ammiano)** authorizes public agencies to charge and collect a fee from the public for a copy of a CEQA environmental document, and to provide the environmental document in an electronic format as provided under the Public Records Act. Status: Chapter 210, Statutes of 2010.

**AB 2655 (Eng)** enacts the Advance Infrastructure Mitigation Program Act. Status: Assembly Appropriations Committee.

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

**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 a material containing a certain level of bisphenol A. Status: Senate Floor (failed on concurrence in Assembly amendments 19-18).

**SB 928 (Simitian)** requires a manufacturer of a cleaning or maintenance product to disclose the product's ingredients on the manufacturer's Web site. Status: Assembly Appropriations Committee suspense file.

**SB 929 (Pavley)** commencing January 1, 2012, prohibits a person from manufacturing, shipping, or selling children's jewelry that contains cadmium at any level above 300 parts per million. Status: Chapter 313, Statutes of 2010.

**SB 1052 (Oropeza)** requires the Department of General Services, in collaboration with the Department of Resources Recycling and Recovery and the Department of Toxic Substances Control, to identify methods that state agencies are required to use to properly handle, recycle, and dispose of electronic waste, and to assist state agencies to comply with applicable federal, state, and local laws and regulations governing the management of hazardous waste. Status: Senate Appropriations Committee suspense file.

**SB 1100 (Corbett)** requires a producer or household battery stewardship organization created by one or more producers of household batteries to submit a household battery stewardship plan to the Department of Resources Recycling and Recovery containing certain elements, including product goals and a collection rate for household batteries subject to the plan. Also prohibits a producer, wholesaler, or retailer from selling household batteries unless the plan for that battery is deemed complete by the department. Status: Assembly Rules Committee.

**SB 1157 (DeSaulnier)** requires school sites to adopt an integrated pest management program as established, administered, and enforced by the Department of Pesticide Regulation; and requires that the rate of the assessment on registered pesticide products be augmented to reimburse DPR, local agencies, and school districts for the cost of adopting integrated pest management programs at school sites. Status: Vetoed.

**SB 1212 (Leno)** requires the specific absorption rate (SAR) limit and level of a cellular telephone device to be included on the Internet Web site of a phone service provider and manufacturer, on the exterior packaging, and in the instruction manuals of cellular telephone devices that are sold in the State of California. Status: Senate Floor (failed 16-14)

**SB 1291 (Leno)** requires the Department of Toxic Substances Control to include, as a chemical under consideration, any chemical that is used, or is proposed to be used, as a flame retardant, in accordance with the review process under the current chemical of concern regulations. Status: Senate Floor (failed 20-13).

**SB 1326 (Oropeza)** requires a public entity that submits an application for a grant from the Local Government Waste Tire Cleanup and Amnesty Event Grant Program administered by the Department of Resource Recycling and Recovery to ask the local community conservation corps if it wishes to assist with cleanup or amnesty events in the event that the public entity receives a program grant. Status: Assembly Natural Resources Committee.

**SB 1454 (DeSaulnier)** repeals requirements relating to labeling of a plastic bag or plastic and food beverage container as “compostable” or “marine degradable” and sets

requirements relating to labeling of a plastic product in that manner. Status: Assembly Appropriations Committee suspense file.

**AB 222 (Adams)** repeals the term "gasification;" defines "solid waste facility" to include a biorefinery that processes solid waste; revises and recasts the definition of "transformation" to exclude from that definition, among other things, anaerobic digestion, and to include in that definition solid waste conversion at a biorefinery, as defined; and revises the definition of "solid waste" to remove "gasification" from that definition. Status: (the above contents of bill were changed to another subject matter on Senate Floor and chaptered).

**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 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 1004 (Portantino)** extends for six months the deadlines for establishment and operation of the State Solid Waste Postclosure and Corrective Action Trust Fund, which is available for expenditure for corrective action and postclosure activities. Status: Chapter 417, Statutes of 2010.

**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: Chapter 420, Statutes of 2010.

**AB 1930 (De La Torre)** prohibits a person from manufacturing, selling, offering for sale, or offering for promotional purposes in this state, glass beads containing more than a specified amount of arsenic or lead, if those glass beads will be used with certain types of blasting equipment; and requires each container or bag of glass beads sold for surface preparation to be labeled in a specified manner (sunsets January 1, 2015). Status: Chapter 368, Statutes of 2010.

**AB 1963 (Nava)** requires any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy their responsibilities for medical supervision of their employees who regularly handle pesticides pursuant to specified regulations, or to respond to alleged exposure to cholinesterase inhibitors or known

exposure to the inhibitors that resulted in illness, to electronically report specified information in its possession on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of Environmental Health Hazard Assessment and the State Department of Public Health. DPR and the OEHHA, in consultation with DPH, must also prepare a report and post that report on their Internet Websites. Status: Chapter 369, Statutes of 2010.

**AB 1998 (Brownley)** bans the sale of single-use carryout bags at many retail establishments and requires the sale of reusable carryout bags. Status: Senate Floor (failed 14-21).

**AB 2122 (Mendoza)** requires that a regulation adopted or amended pertaining to continuing education requirements establish minimum course requirements related to pesticides and pest management, and requires the Director of the Department of Pesticide Regulation to approve courses that include certain subjects in the context of pesticides and pest management. Status: Chapter 375, Statutes of 2010.

**AB 2137 (Chesbro)** requires that "label" and "labeling" do not include a certified laboratory analysis, as defined, showing the nutrient contents of compost, cocompost, or mulch, if the laboratory analysis documentation contains a specified statement and other information. Status: Senate Inactive File.

**AB 2398 (Perez)** requires a manufacturer of carpet sold in this state, individually or through a carpet stewardship organization, to submit a carpet stewardship plan to the Department of Resource Recycling and Recovery; requires a carpet stewardship assessment to be added to the purchase price of carpet sold in the state by a manufacturer to a California retailer or wholesaler or otherwise sold for use in the state; and requires each retailer and wholesaler to add the assessment to the purchase price of all carpet sold in the state. Status: Chapter 681, Statutes of 2010.

### **WATER QUALITY**

**SB 918 (Pavley)** requires the Department of Public Health to: 1) adopt uniform water recycling criteria for indirect potable use for groundwater recharge by December 31, 2013; 2) adopt uniform water recycling criteria for surface water augmentation by December 31, 2016; 3) investigate and report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse by December 31, 2016; and 4) in consultation with the State Water Resources Control Board, to annually report in the budget on progress being made toward adoption of water recycling criteria. This bill also authorizes the expenditure for implementation of the bill from the Waste Discharge Permit Fund pursuant to an agreement with the State Water Resources Control Board. Status: Chapter 700, Statutes of 2010.



**SB 1107 (Kehoe)** requires the State Water Resources Control Board to adopt requirements for a manifest system to track the transportation of interceptor and trap grease. Status: Assembly Agriculture Committee.

**SB 1138 (Cedillo)** establishes the Rendering Industry Advisory Board composed of 9 persons appointed by the Secretary of Food and Agriculture (7 licensed under certain related regulatory provisions and 2 public members) and specifies the duties and responsibilities of the board. Status: Assembly Appropriations Committee suspense file.

**SB 1173 (Wolk)** prohibits, conditionally, the use of raw water for nonpotable use if recycled water is available; and defines “raw water” as untreated surface water or groundwater but excludes remediated groundwater or rainwater. Status: Vetoed.

**SB 1284 (Ducheny)** provides that a failure to file a discharge monitoring report is not a serious waste discharge violation if the discharger submits a specified statement to the state water resources control board or the regional water quality control board; requires, until January 1, 2014, with respect to certain violations involving the failure to file a discharge monitoring report, the mandatory minimum penalty of \$3,000 to be assessed only for each required report that is not timely filed, and not for each 30-day period following the deadline for submitting the report; and extends the time limit under which dischargers must come into compliance with a permit requirement from five years to 10 years. Status: Chapter 645, Statutes of 2010.

**AB 234 (Huffman)** requires the oil spill response administrator to adopt regulations relating to prebooming oil transfers, increases certain oil spill related fees, and requires the State Lands Commission to make recommendations regarding certain offshore oil drilling matters. Status: Vetoed.

**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: Vetoed.

**AB 1824 (Monning)** prohibits the use and sale of a chemical that is detrimental to a sewage disposal system and authorizes the Department of Toxic Substances Control to adopt regulations that identify additional chemicals determined to be detrimental to a sewage disposal system. Status: Vetoed.

**AB 2202 (V.M Perez)** requires that any bonds funds, if approved by the voters and appropriated for the New River, be consistent with the strategic plan developed by the California-Mexico Border Relations Council; and requires the Secretary for Environmental Protection to oversee the expenditure of bond funds that are appropriated for water quality and public health projects on the New River. Status: Vetoed.

**AB 2256 (Huffman)** prohibits a person from packaging or labeling a consumer product for distribution or sale in California if that product is contained in a package, or has an affixed label, that states that the product is flushable, sewer and septic safe, or other like

term or phrase unless the product meets specified criteria; and requires a person who has packaged or labeled such a consumer product for distribution or sale in California to maintain, in written form, documentation of the testing substantiating the validity of the claim. Status: Senate Environmental Quality Committee.

**AB 2283 (Miller)** defines "alkaline hydrolysis," and changes the definition of cremation to include alkaline hydrolysis; requires a written acknowledgment from the person authorized to control the remains to be disposed of through alkaline hydrolysis; and requires the Cemetery and Funeral Bureau to adopt regulations for the safe operation of alkaline hydrolysis chambers. Status: Senate Environmental Quality Committee.

**AB 2515 (V.M. Perez)** requires the State Department of Public Health to develop emergency regulations governing use of point-of-entry and point-of-use treatment by public water systems in lieu of centralized treatment (which remain in effect until January 1, 2014, or the effective date of nonemergency regulations), and award grants for this treatment until January 1, 2014. Status: Chapter 601, Statutes of 2010.

**AB 2595 (Huffman)** requires a county agricultural commissioner to withhold the issuance of an operator identification number for pesticide use if, pursuant to a notice transmitted by the State Water Resources Control Board or a California regional water quality control board, an operator of the property is found to be in violation of certain water quality requirements after the exhaustion of all administrative proceedings and appeals. Status: Senate Inactive File.

**AB 2669 (V.M. Perez)** revises certain public water system notice requirements. Status: Senate Inactive File.

### **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/>