SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 45		
Author:	Allen		
Version:	3/5/2019	**Hearing Date:**	4/3/2019
Urgency:	Yes	**Fiscal:**	Yes
Consultant:	David Ernest García		

SUBJECT: Wildfire, Drought, and Flood Protection Bond Act of 2020

DIGEST: This bill requires, in an unspecified election, a General Obligation Bond to be put before the voters in the amount of $4.3 billion, with financial provisions as specified, for the purposes of funding projects that (1) restore areas impacted by wildfire, flood, drought, or other natural disasters resulting from climate change; (2) reduce wildfire risk; (3) create healthy forests and watersheds; (4) reduce climate impacts on urban areas and vulnerable populations; (5) protect water supply and water quality; (6) protect rivers, lakes, and streams; (7) are multibenefit flood management projects; (8) protect fish and wildlife and natural resources from climate impacts; (9) improve climate resilience of agricultural lands; (10) protect coastal lands, waters, natural resources, and wildlife; (11) improve regional climate resilience; and (12) enhance workforce development.

ANALYSIS:

Existing law:

1) Requires, except under certain circumstances, a two-thirds vote of the Legislature, and a majority vote of the people at an election, before the state may issue a general obligation bond. (California Constitution §1 et seq.)

2) Prescribes the state's responsibilities regarding the issuance and sale of general obligation bonds. (Government Code (GOV) §16720 et seq.)

3) Provides—pursuant to SB 5 (De León, Chapter 852, Statutes of 2017), which was approved by the voters in the form of Proposition 68, known as the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018—a general obligation bond of $4 billion for resources-focused projects.

This bill:

1) Makes findings and declarations, and defines terms for the purposes of the bill.

2) Requires, in an unspecified election, a general obligation bond to be put before the voters in the amount of $4.3 billion, with financial provisions, as specified.

3) Allocates the revenues of the bond as follows:

   a) $200 million for restoring areas impacted by wildfire, flood, drought, or other natural disasters resulting from climate change, as specified.

   b) One billion for reducing wildfire risk, as specified.

   c) $600 million for creating healthy forests and watersheds, as specified.

   d) $300 million for reducing climate impacts on urban areas and vulnerable populations, as specified.

   e) $600 million for protecting water supply and water quality, as specified.

   f) $300 million for protecting rivers, lakes, and streams, as specified.

   g) $300 million for multibenefit flood management projects, as specified.

   h) $300 million for protecting fish and wildlife and natural resources from climate impacts, as specified.

   i) $200 million for improving climate resilience of agricultural lands, as specified.

   j) $300 million for protecting coastal lands, waters, natural resources, and wildlife, as specified.

   k) $150 million for improving regional climate resilience, as specified.

   l) $50 million for enhancing workforce development, as specified.

Background

1) *Proposition 68 and Proposition 3.* California voters have been asked to weigh in on at least two propositions that intended to fund resource-focused projects. Their ballot summaries follow:

   a) *Proposition 3.* Authorizes $8.877 billion in state general obligation bonds for various infrastructure projects. Fiscal Impact: Increased state costs to repay bonds averaging $430 million per year over 40 years. Local government savings for water-related projects, likely averaging a couple hundred million dollars annually over the next few decades.

      Proposition 3 failed.

   b) *Proposition 68.* Authorizes $4 billion in general obligation bonds for: parks, natural resources protection, climate adaptation, water quality and supply, and flood protection. Fiscal Impact: Increased state bond repayment costs averaging $200 million annually over 40 years. Local government savings for natural resources-related projects, likely averaging several tens of millions of dollars annually over the next few decades.

      Proposition 68 passed.

Comments

1) *Purpose of Bill.* According to the author, "SB 45 will provide the necessary investment to help our state become more resilient to climate change. If passed by the voters, this bond will provide funding for concrete on-the-ground measures that will help reduce the severity, frequency, and impacts of climate-related natural disasters including fires, drought, flood and mudslides. According to California's 4th Climate Assessment, the cost of climate change for California alone could be more than $113 billion annually by 2050.

   "The wildfire season is becoming longer and more intense each year due to hotter temperatures and wide scale tree death resulting from prolonged drought. In fact, between 2010-2017 an estimated 129 million trees died, leaving behind massive amounts of highly combustible fuel. This phenomenon has led to the worst fires on record. Over the 13 months starting in October of 2017 the state endured four massive fires that caused 118 deaths, burned 700,000 acres, and destroyed 27,000 properties. In California, frequent coastal flooding exacerbated by sea-level rise is expected to threaten nearly half a million people, $100 billion in property, and 3500 miles of roads within the

next 80 years. The number of hazardous sites, like wastewater plants, which are susceptible to 100-year flood events is expected to increase by nearly 2.5 times over a similar period, drastically increasing the risk of pollutant disasters if adaptation measures are not taken. Droughts are an expected feature of California's arid climate, but the four-year period between fall 2011 and fall 2015, which correlated with the hottest two years on record in 2014 and 2015, was the driest since record keeping began in 1895. The winter of 2017 provided only a brief respite before historic rainfall lows again in the winter of 2018.

"SB 45 proposes a general obligation bond to inject much needed revenue to address these impacts. The measure proposes to fund projects to reduce fire risk and restore already damaged areas; restore and protect impacted wetlands, watersheds, waterways, coastal resources, and fish and wildlife populations; reduce impacts in local communities and on vulnerable populations; and improve the resiliency of the state's water supplies and agricultural lands."

2) *Work in progress.* As noted by the Senate Natural Resources and Water Committee, SB 45 is very much a work in progress. Given that this two-thirds vote bill will require conversations with leadership in both houses and the administration, staff is not recommending a complete series of substantive amendments because doing so would be premature.

   The Committee may wish to ask the author to continue the ongoing working relationship with staff as the bill progresses, and to bring the bill back to committee if necessary.

3) *Climate change and infectious and vector-borne diseases and public health impacts*. Climate change can lead to public health impacts by facilitating disease spread and exacerbating chronic health conditions. Already, California has seen an increase in the length of the growing season and pollen production amounts of ragweed, a common cause of severe seasonal allergies.

   Increased temperatures can promote bacterial contamination in foods and lead to increases in harmful algal blooms that have been tied to skin, gastrointestinal, respiratory, and neurological signs and symptoms.

   Reductions in the number and sizes of recreational bodies of water due to decreased rainfall can further lead to increased concentration of pollutants and bacterial contaminants from more users in fewer and smaller areas.

   There is concern about the spread of vector-borne diseases, as the distribution

of vectors (e.g. ticks, mosquitoes) carrying pathogens spread into new habitats as regional climates change. Droughts, which will increase with climate change, can also favor mosquito breeding because streams that would normally be flowing become a series of stagnant pools in which mosquitoes breed. For example, previous research has shown that human outbreaks of the mosquito-transmitted Saint Louis encephalitis are correlated with periods of several days when the temperature exceeds 30°C (95°F), as has been the case in previous California epidemics (Githeko et al. 2000).

In addition to expanding habitats, hot temperatures also facilitate the spread of West Nile Virus (WNV) by speeding up both the replication of the virus and the development of the mosquito that carries it. Mosquitoes digest blood meals more rapidly at higher temperatures, leading them to feed more often.

The author may wish to consider incorporating projects that address these concerns as eligible for funding in chapter 5 of the bill.

4) *Regional efforts on climate adaptation.* SB 45 contains provisions requiring the Strategic Growth Council (SGC) to collaborate with state conservancies, regional climate collaboratives, and public agencies from each region of the state to determine appropriate geographic boundaries for regional and subregional strategies. Additionally, SB 45 requires those regional strategies to include an assessment of climate vulnerabilities and risks and identification of environmental, economic, and social climate vulnerabilities, including impacts to vulnerable populations. SGC is not the appropriate body to do that work, however.

SGC was established in 2008 by SB 732 (Steinberg, Chapter 729, Statutes of 2008) and is responsible for coordinating a variety of state programs and activities related to sustainable communities and the environment. SGC is comprised of ten members: the Director of the Office of Planning and Research (OPR), The Secretary of the Natural Resources Agency, the Secretary of Environmental Protection Agency, the Secretary of Transportation, the Secretary of Health and Human Services, the Secretary of Business, Consumer Services, and Housing, the Secretary of Department of Food and Agriculture, and three public members (one each being appointed by the Speaker of the Assembly, the Senate Committee on Rules, and the Governor).

OPR, on the other hand, serves the governor and the administration as staff for long-range planning, research, policy development and legislative analysis. The office formulates plans regarding land use, climate change, urban expansion, infrastructure development and resource protection while acting as

a liaison to local governments, small businesses and the military.

In 2015, the Legislature passed, and the Governor signed, SB 246 (Wieckowski, Chapter 606, Statutes of 2015), which established a framework for adaptation coordination among state agencies by creating the Integrated Climate Adaptation and Resiliency Program within OPR to bring together state, regional, and local entities. The bill also created a clearinghouse of information and tools to help stakeholders efficiently address adaptation.

Additionally, SB 246 formed a Technical Advisory Council (TAC) to provide scientific and technical expertise, and regional and local perspectives, to assist state agencies. The advisory council consists of 17 non state-affiliated and five agency-affiliated scientific and technical experts.

The Senate Natural Resources and Water Committee noted that chapter 12 of SB 45 needed "more meat on the bones." That proverbial meat could come from the work already being done at OPR under SB 246.

Finally, it must be noted that SB 45 is vague about exactly who is going to be putting together the regional strategies. While it may be appropriate for each region to be a part of putting together their own regional strategy, the state must have a role in overseeing and approving final regional strategies.

Given that OPR is the more appropriate entity to perform the aforementioned work, the author should work with the administration to incorporate OPR into SB 45 before the bill passes off the Senate Floor. Additionally, the author should work with the administration to determine the best way for the scientific, technical, state, regional, and local experts on the TAC to provide guidance to SGC when it awards grants pursuant to this bond.

5) *Water sources.* Regarding water supply, chapter 6 of SB 45 specifies that "preference shall be given to projects that provide treatment for contamination or access to an alternative drinking water source or sources for small community water systems or state small water systems in disadvantaged communities whose drinking water source is impaired by chemical, including nitrate contaminants, and other health hazards identified by the water board."

It is unclear whether "in disadvantaged communities" is meant to modify both small community water systems and state small water systems, or just the latter. The next sentence, however, specifies, "Eligible recipients are public water systems or public agencies that serve disadvantaged communities." This second sentence makes "in disadvantaged communities" in the first sentence

unnecessary.

A technical and clarifying amendment is needed to strike "in disadvantaged communities" from the first sentence.

Additionally, the first sentence leaves open the option that funding from the bond may be used for projects that used bottled or hauled water as an "alternative drinking water source or sources."

The Committee may wish to amend SB 45 to clarify that only "viable long-term" alternative sources of water are eligible for funding.

6) *Natural disasters.* SB 45 contains funding to "restore areas impacted by wildfire, flood, drought, or other natural disasters **resulting from climate change**." (Emphasis added.) While science can now conclusively attribute some individual extreme events to climate change, is it appropriate for the state to fund restoration projects from a flood that science can attribute to climate change, but not a wildfire started by sparking electric transmission lines?

Moreover, what would happen if, in the immediate aftermath of a natural disaster, scientists are unable to attribute the event to climate change? Or if scientists are only able to make that connection months to years after the event occurred?

The Senate Natural Resources and Water Committee required an amendment addressing this concern as a condition of securing passage (see the next comment), but only did so in section 80220.

The Committee may wish to consider striking the requirement that climate change be the cause of a natural disaster in order to fund restoration projects from section 80208 as well.

The author has stated that the intent of the bill is only to fund restoration projects from natural disasters that *could* be made worse by climate change without requiring proof that climate change caused the natural disaster or made it worse. As written, however, restoration projects from any natural disaster, including earthquakes, could be funded.

As the bill moves forward, the author may wish to consider amending the bill to ensure that the contents of the chapter accurately reflect the author's intent.

7) *Amendments from the Natural Resources and Water Committee.* The Senate Natural Resources and Water Committee required amendments to SB 45 in order for the bill to secure passage. Due to the constraints of legislative deadlines, that Committee agreed to allow the author to take their amendments in the Senate Environmental Quality Committee. These amendments are:

AMENDMENT 1
In section 80202, add a definition of "wildland urban interface." This will be drafted by staff prior to the Environmental Quality Committee hearing. [Note: this amendment was not provided at the time of the publication of this analysis and will be taken in the Senate Appropriations Committee.] Also make technical change to the definition of "conservation actions on private lands" by deleting "adaptative" and "of protection."

AMENDMENT 2
In Sec. 80202(e) delete "vital."

AMENDMENT 3
In section 80220, delete "resulting from climate change" and add, after "infrastructure to" "enhance public safety and"

AMENDMENT 4
In section 80232 add after "of": "the regional fire and forest capacity program" and add a new (c) that states: "Grants to fire safe councils and resource conservation districts for development and implementation of community wildfire protection plans that promote and create incentives for structural and community retrofit projects, defensible space, and other projects to improve fire resilience."

AMENDMENT 5
For sections 80232 and 80240 add a provision that the grants must result in durable benefits such as this: "Grants made for the purpose of fire risk reduction shall be secured with management plans, conservation easements, or other agreements that ensure that the benefits of the proposed project persist longer than the debt incurred pursuant to this division. Granting agencies shall incorporate a preference for projects that maintain permanent benefits."

Also in 80232, delete "and implementation of regional priority plans to improve forest health and fire resiliency."

Also in 80232 (a) add "that are near communities" after "areas".

AMENDMENT 6
Delete "Forest Carbon Plan" from Sec. 80240 and clarify that the reference to Section 717 is within the Public Resources Code.

In 80240(b), add at end: "Funds from this subdivision expended on Central Valley floodplain restoration shall be dedicated to the implementation of multibenefit flood management projects that reduce risks to public safety and provide improvements to wildlife habitat."

AMENDMENT 7
In 80280 (a), add "inland and" before "coastal."

Also, add new (h): " Projects to assist in implementation of approved sustainable groundwater management plans."

AMENDMENT 8
In 80290(a), add at end: "including projects to benefit fall run Chinook salmon."

In 80290(c) change the phrase to read: "the construction or repair of corridors or the removal of barriers."

In 80290(j), add "improve agricultural diversion efficiency and" before "eliminate", delete "requirements", after "Services" add "2014 Central Valley Salmon and Steelhead,", and delete everything after "Plan." [Note: the description of this amendment is not accurate to the bill in print. Instead, the subdivision will be amended to read: Multibenefit projects that improve agricultural diversion efficiency and eliminate entrainment of migratory fish species consistent with the Bay-Delta Water Quality Control Plan and the National Marine Fisheries Service's 2014 Central Valley Salmon and Steelhead Recovery Plan.]

AMENDMENT 9
In 80301 (a)(1), delete everything after "lands."

In (b), add "and rangeland" after "farmland."

8) *Author amendments*. The author would like to include the following amendments:

   a) *Section 80232 (b).* Other projects that reduce wildfire risk to populated areas, protect habitat, ~~wildfire,~~ *wildlife,* or watershed resources, and

increase wildfire resilience through enhancing the long-term ecological health of natural systems.

b) *Section 80250 (b).* Establishment of cooling centers, *clean air centers,* hydration stations, and facilities to safeguard vulnerable populations from extreme heat events *and other disasters*.

c) *Section 80270 (f).* Projects that restore anadromous fish access to historic spawning grounds by implementing passage improvements ~~at~~ *to resolve* migration barriers ~~through mechanisms approved by state and federal wildlife agencies~~ *related to the Central Valley rim dams consistent with the Natural Resources Agency's California Water Action Plan and the 2014 Central Valley Salmon and Steelhead Recovery Plan.*

TRIPLE REFERRAL:

This measure was heard in the Senate Natural Resources and Water Committee on March 26, 2019, and passed out of committee with a vote of 7-1. If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Governance and Finance Committee.

SOURCE: Author

SUPPORT:

1 Individual
Bear Yuba Land Trust
California Farmer Justice Collaborative
California Outdoor Recreation Partnership (CORP)
California Park & Recreation Society
California State Parks Foundation
Clean Water Action
Community Nature Connection
Community Water Center
Defenders of Wildlife
Ducks Unlimited
East Bay Regional Park District
Eastern Sierra Land Trust
Escondido Creek Conservancy
Friends of the LA River
Leadership Council for Justice and Accountability

Los Angeles Neighborhood Land Trust
Mammoth Lakes Trails and Public Access Foundation
Marin County Board of Supervisors
Midpeninsula Regional Open Space District
Outdoor Afro
Outdoor Industry Association (OIA)
Pacific Forest Trust
Placer Land Trust
Rural Communities Assistance Corporation (RCAC)
Santa Clara Valley Open Space Authority
Santa Cruz County Flood Control and Water Conservation District- Zone 7
Save the Bay
Save the Redwoods League
Self-Help Enterprises
Sierra Business Council
Sierra Foothill Conservancy
Sierra Nevada Alliance
Sonoma County Regional Parks
Tahoe City Public Utility District
Tahoe Mountain Sports
The Trust for Public Land
Truckee Donner Land Trust
Watershed Conservation Authority
Westfield State University

OPPOSITION:

None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 68		
Author:	Galgiani		
Version:	1/9/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Hazardous waste: treated wood waste

DIGEST: This bill requires wholesalers and retailers of treated wood to post information near the point of display indicating the Internet Website at which the list of approved landfills that accept treated wood waste (TWW) can be found.

ANALYSIS:

Existing law:

1) Under the Hazardous Waste Control Act (HWCA), provides for the registration, licensure and permitting of hazardous waste generators, transporters and storage, transfer and disposal facilities. The HWCA requires DTSC to implement and enforce the HWCA.

2) Defines "treated wood" as wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act.

3) Requires TWW to be disposed of in either a Class I hazardous waste landfill, or in a composite-lined portion of a solid waste landfill unit that meets specified requirements.

4) Requires each wholesaler and retailer of treated wood and treated wood-like products to conspicuously post specified warning information at or near the point of display or customer selection of treated wood and treated wood-like products used for fencing, decking, retaining walls, landscaping, outdoor structures, and similar uses.

5) Requires the DTSC to adopt regulations, as specified, establishing alternative management standards (AMS) for TWW.

6) Sunsets the TWW requirements on December 31, 2020.

This bill:

1) Requires wholesalers and retailers of treated wood and treated wood-like products to post information near the point of display indicating the Internet Website at which the list of approved landfills that accept treated wood waste (TWW) can be found.

Background

1) *What is Treated Wood and Why is it Hazardous Waste?* Wood treated with a chemical preservative for protection against pests and environmental conditions is called treated wood. Typically, treated wood is used where ground or water contact is likely. Examples include fence posts, sill plates, landscape timbers, pilings, guardrails and decking. The intended use of a particular treated wood product is a key factor in determining the type of chemical preservatives to be used for wood treatment. The preservative can include one or more of the following constituents known to be toxic or carcinogenic: arsenic, chromium, copper, pentachlorophenol, or creosote. Harmful exposure to these chemicals may result from touching, inhaling or ingesting TWW particulate (e.g., sawdust and smoke).

   When the treated wood has reached the end of its usefulness, it is regarded as treated wood waste or TWW. If TWW is not properly disposed of, the chemicals it contains can contaminate surface water and groundwater. This poses a risk to human health and the environment.

2) *California's TWW Program.* In 2004, statute was enacted (Matthews, Chapter 597, Statutes of 2004) that modified the regulation of treated wood waste. The law was intended to resolve a longstanding concern with the management of treated wood waste. Up to that time, most treated wood waste was unregulated, largely due to a variety of prior decisions made by DTSC that had granted variances from hazardous waste management requirements to allow its disposal in solid waste landfills.

   The statute included a set of interim management standards that governed the management and disposal of treated wood waste. DTSC was required to adopt regulations to establish an alternative regulatory structure for the management and disposal of treated wood waste that replaced the statutory requirements. DTSC adopted regulations for the management of treated wood waste on July 1, 2007. These regulations were structured very similarly to the universal waste (i.e., hazardous wastes that are widely produced by households and many

different types of businesses) regulations, except that the treated wood waste standards contained additional tracking and reporting requirements which are not included in the universal waste requirements.

In 2015, SB 162 (Galgiani, Chapter 351, Statues of 2015) required DTSC to conduct a comprehensive evaluation of treated wood waste handlers, their compliance with the requirements, and the effectiveness of the standards. The Department received $370,000 in the 2016-17 Budget for the study, which was due to the Legislature on July 1, 2018. DTSC has yet to issue the report.

Comments

1) *Purpose of Bill.* "Treated wood is a commonly used material in construction and infrastructure, so its safe and proper removal is an essential part of preserving California's environment for future generations. To that end, SB 68 helps ensure a greener California by adding language to Section 25150.7 of the Health and Safety Code that is required to be posted on the Department of Toxic Substance Control (DTSC) website to include a current and updated list of approved landfills that accept treated wood waste. This change helps the public access in addition to informing policymakers if there are regional gaps in access to disposal."

Related/Prior Legislation
SB 162 (Galgiani, Chapter 351, Statutes of 2015) extended the sunset date that allows treated wood waste (TWW) to be disposed of in a Class II or III landfill so long as alternative management standards, established by the Department of Toxic Substances Control (DTSC) are maintained to January 1, 2020. The bill also required DTSC to submit a report to the Legislature on the compliance and implementation of the TWW law.

SOURCE: Author

SUPPORT:

Allweather Wood, LLC
American Forest & Paper Association
BB&S Treated Lumber of New England
BNSF Railway Company
Brooks Manufacturing Co
CalChamber
California Cascade
California Forestry Association
California Short Line Railroad Association

Chemical Industry Council of California
Creosote Council III, Inc.
Gemini Forest Products
Genesee & Wyoming Railroad Services, Inc.
Hexion, Inc.
JH Baxter
Koppers Performance Chemicals
Koppers, Inc.
Lonza Wood Protection
Manke Lumber Company
McFarland Cascade Holdings, Inc.
Nisus Corporation
North American Wood Pole Council
Osmose Utilities Services, Inc.
Pacific States Treating
Princeton Wood Preservers Ltd.
Railway Tie Association
Republic Services
Rural County Representatives of California
Sierra Pacific Industries
Southern Pressure Treaters Association
Thunderbolt Wood Treating
Treated Wood Council
Union Pacific Railroad
Viance, LLC
West Coast Lumber & Building Material Association
Western Wood Preservers Institute
Wheeler Lumber LLC

OPPOSITION:

None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 166		
Author:	Wiener		
Version:	3/21/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Process water treatment systems: breweries and wineries: water quality criteria

ANALYSIS:

Existing law:

1) Establishes the Water Recycling Act of 1991, creating a statewide goal to recycle a total of 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010.

2) Makes findings regarding the State Water Resources Control Board's (SWRCB) updated water recycling goals adopted by resolution, which update the above goals to 1.5 million acre feet per year in exceedance of 2002 levels by 2020 and by at least 2.5 million acre feet per year by 2030.

3) Requires the SWRCB to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health.

4) States that no person shall recycle water or use recycled water for any purpose for which recycling criteria have been established until water recycling requirements have been established or a regional water quality control board determines that no requirements are necessary.

5) Makes legislative findings that the use of potable domestic water (drinking water) for nonpotable uses, including, but not limited to, cemeteries, golf courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the California Constitution if recycled water is available which meets certain conditions.

6) Declares that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface

and underground water supplies and to assist in meeting the future water requirements of the state.

7) Declares that it is the intent of the Legislature that the state undertake all possible steps to encourage the development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.

This bill:

1) Requires the SWRCB to convene a study group by December 1, 2021, to advise the Legislature on policies regarding onsite process water reuse in breweries and wineries.

2) Stipulates that the study group include representatives of the SWRCB, Division of Drinking Water, Department of Public Health, Food and Drug Branch, brewery and winery industries, consumer groups, local or regional water districts and scientists.

3) Requires the group to hold at least five public meetings in different regions of the state.

4) Stipulates that the chair of the study group be elected by the membership and be compensated by the SWRCB.

Background

1) *Recycled water.* Water recycling is reusing treated wastewater for direct beneficial or controlled purposes, such as for agricultural and landscape irrigation, industrial processes, toilet flushing, and replenishing groundwater basins. According to the US EPA, recycled water can satisfy most water demands, as long as it is adequately treated to ensure water quality appropriate for the use. In addition to providing a dependable, locally controlled water supply, water recycling can provide environmental benefits. By providing an additional source of water, water recycling can decrease the diversion of water from sensitive ecosystems. Other benefits include decreasing wastewater discharges and reducing and preventing pollution.

2) *State water recycling policy.* The SWRCB recently updated its water recycling goals to 1.5 million acre feet per year in exceedance of 2002 levels by 2020 and by at least 2.5 million acre feet per year by 2030. State law recognizes that

the use of recycled water for indirect potable reuse is critical to achieving the SWRCB's goals for increased use of recycled water for the state. State law also declares that the achievement of the state's goals depends on the timely development of uniform statewide recycling criteria for indirect and direct potable water reuse. State law states that although there has been much scientific research on public health issues associated with indirect potable reuse through groundwater recharge, there are a number of significant unanswered questions regarding indirect potable reuse through surface water augmentation and direct potable reuse.

3) *Existing state standards for water recycling.* SB 918 (Pavley, Chapter 700, Statutes of 2010) revised the state's approach to regulating recycled water by requiring The Department of Public Health (DPH) to establish uniform statewide recycling criteria for each use of recycled water where the use involves the protection of public health. In 2014, all authority and responsibility for the state's drinking water programs were transferred from DPH to SWRCB, including the recycled water program.

   SB 918 requires SWRCB (formerly required DPH) to take action on three uses of recycled water. First, it required the SWRCB, by December 31, 2013, to adopt uniform recycled water criteria for indirect potable reuse for groundwater recharge. The SWRCB has developed uniform regulations authorizing the use of highly treated wastewater for groundwater recharge, if specified requirements are met, including a requirement that the treated wastewater must have a residence time in the ground of at least two months, before reaching drinking water intake pumps. These regulations went into effect on June 18, 2014. Second, SB 918 requires the SWRCB to develop and adopt uniform water recycling criteria for surface water augmentation, which were adopted in December, 2016.

   Finally, SB 918, and later SB 322 (Hueso, Chapter 637, Statutes of 2013), require SWRCB, by December 31, 2016, to investigate and report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse. Statute requires SWRCB to examine specific information, including the availability and reliability of recycled water treatment technologies necessary to ensure the protection of public health; barriers and treatment processes that may be appropriate at wastewater and water treatment facilities; available information on health effects; mechanisms that should be employed to protect public health if problems are found in recycled water that is being served to the public as a potable water supply; and, monitoring needed to ensure protection of public health. SWRCB released the required report on direct potable reuse of recycled water in December, 2016. SWRCB found that

direct potable reuse is feasible but that additional research and study is needed. The SWRCB is charged with developing regulations for Direct Potable Reuse for Raw Water Augmentation by 2023 and there is no current requirement or timeline for the State Water Board to develop Direct Potable Reuse regulations.

Waste Discharge Requirements (WDR) for Winery Process Water Treatment Systems. The SWRCB is currently developing General Waste Discharge Requirements (WDR) for Winery Process Water Treatment Systems. This WDR would provide a streamlined method to address winery process water discharged to land, including for irrigation. The order would not cover winery process water reuse within a winemaking or winery facility, which is the type of use that would be addressed by SB166. Some wine industry stakeholders have indicated that because wineries have high irrigation needs, they may be more likely to reuse all process water for irrigation rather than inside the facility. The outcome of the WDR process will provide clarity on what the requirements are for winery process water discharge to land. Based on the administrative draft, it does not appear that the WDR will provide standards or requirements for process water reuse for end uses in the facility such as tank rinses or for use in the product.

Comments

1) *Purpose of Bill.* According to the author, SB 166 requires "the State Water Board to convene a working group to examine the possibilities of greater process water reuse onsite in breweries and wineries. Although drought conditions no longer apply in much of the state, chronic water shortages will persist, and research has shown that breweries and wineries can cut their water use by half or more with appropriate reuse of process water. This bill will ensure that a working group involving industry, scientists, consumer advocates and the relevant agencies is able to create recommendations that the Legislature can use to expand the water conservation options available to stakeholders moving forward."

2) *Waste Discharge Requirements for Winery Process Water Treatment Systems.* The SWRCB is currently developing General Waste Discharge Requirements (WDR) for Winery Process Water Treatment Systems. This WDR would provide a streamlined method to address winery process water discharged to land, including for irrigation. The order would not cover winery process water reuse within a winemaking or winery facility, which is the type of use that would be addressed by SB166. Some wine industry stakeholders have indicated that because wineries have high irrigation needs, they may be more

likely to reuse all process water for irrigation rather than inside the facility. The outcome of the WDR process will provide clarity on what the requirements are for winery process water discharge to land. Based on the administrative draft, it does *not* appear that the WDR will provide standards or requirements for process water reuse for end uses in the facility (e.g., tank rinses or for use in the product), the type of uses SB 166 is proposing the working group consider.

Related/Prior Legislation

SB 966 (Wiener, Chapter 890, Statutes of 2018) requires the SWRCB to develop standards for onsite nonpotable water treatment and reuse and authorizes local jurisdictions to adopt programs to permit onsite nonpotable water treatment and reuse using those standards.

AB 574 (Quirk, Chapter 528, Statutes of 2017) requires the SWRCB to, on or before December 31, 2023, adopt uniform water recycling criteria for potable reuse through raw water augmentation.

SB 918 (Pavley, Chapter 700, Statutes of 2010) requires the DPH to establish standards for various types of water recycling.

SOURCE: San Francisco Public Utilities Commission

SUPPORT:

None received

OPPOSITION:

None received

-- END --

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 205		
Author:	Hertzberg		
Version:	3/21/2019	**Hearing Date:**	4/3/0019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Genevieve M. Wong		

SUBJECT: Business licenses: stormwater discharge compliance

DIGEST: Requires businesses to demonstrate compliance with stormwater discharge permits when applying for, or renewing, a business license with a city or county.

ANALYSIS:

Existing federal law under the Clean Water Act (CWA) (22 U.S.C. Sec. 1251 et seq.):

1) Establishes the structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

2) Makes it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained.

3) Establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate point source discharges of pollutants into US waters. An NPDES permit sets specific discharge limits for point sources discharging pollutants into US waters and establishes monitoring and reporting requirements as well as special conditions. Point sources are discrete conveyances such as pipes or man-made ditches. (Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters.)

4) Authorizes states to implement and enforce the NPDES permit program as long as the state's provisions are as stringent as the federal requirements.

    a) In California, the State Water Resources Control Board (SWRCB) is the delegate agency responsible for the NPDES permit program.

Existing state law, under the Porter-Cologne Water Quality Control Act (Porter-Cologne):

1) Establishes the SWRCB and regional water quality control boards (regional boards) to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.

2) Requires SWRCB to develop minimum standard monitoring requirements for municipalities subject to a stormwater permit and industries that are subject to the General Permit for Stormwater Discharges Associated with Industrial Activities Excluding Construction Activities.

This bill:

1) Requires a business in an industry regulated by the NPDES permit program to demonstrate compliance by providing the following information to either a city or county, under penalty of perjury, when applying either for its initial business license or renewing its business license:

   a) The name and location of facilities operated by the person of that business.

   b) The Standard Industrial Classification (SIC) Code for the business, which is assigned to businesses subject to the NPDES permit program.

   c) Any of the following:
      i) The stormwater permit number, known as the Waste Discharger Identification number (WDID), issued for the facility by SWRCB.
      ii) The WDID application number issued for the facility by SWRCB.
      iii) The "notice of nonapplicability identification number" (NONA) issued for the facility by SWRCB.
      iv) The "no exposure" certification issued for the facility by SWRCB.

2) Requires the city or county, before issuing or renewing the business license, to confirm that the WDID, WDID application number, NONA, or no exposure certification is valid, active, and corresponds to the requesting business.

   a) Authorizes cities and counties to develop a provisional license procedure that permits a business, when applying for a license renewal, 3 months to

demonstrate compliance with the NPDES permit program, as specified by the bill.

3) Rèquires the city or county to transfer the compliance information to SWRCB.

4) Requires SWRCB to post, and update annually, on its internet website a list of all SIC codes subject to a General Permit for Stormwater Discharges Associated with Industrial Activities Excluding Construction Activities.

Background

1) *Protecting Water Quality in California.* Porter-Cologne, enacted in 1969, established SWRCB, along with nine regional boards, and gave those agencies primary responsibility for the coordination and control of water quality. SWRCB establishes statewide policy. The regional boards formulate and adopt water quality control plans and issue permits governing the discharge of waste.

   Porter-Cologne requires any person discharging, or proposing to discharge, waste that could affect the quality of state waters to file a report with the appropriate regional board. The regional board then prescribes requirements as to the nature of the discharge, implementing any applicable water quality control plans.

   CWA, enacted in 1972, established the NPDES permit system. CWA is a comprehensive water quality statute designed to restore and maintain the chemical, physical, and biological integrity of the nation's waters. CWA prohibits pollutant discharges unless they comply with: (1) a permit; (2) established effluent limitations or standards; or (3) established national standards of performance.

   CWA allows any state to adopt and enforce its own water quality standards and limitations, so long as those standards and limitations are not less stringent than those in effect under CWA.

2) *Regulation of stormwater discharge.* Stormwater is defined by the US EPA as the runoff generated when precipitation from rain and snowmelt flows over land of impervious surfaces such as paved streets, parking lots, and building rooftops, without percolating into the ground. Water runoff from cities, highways, industrial facilities, and construction sites can carry pollutants, such as oil, pesticides, herbicides, sediment, trash, bacteria, and metals, that harm water quality and impair the beneficial uses of California waters. The SWRCB

and US EPA regulate the runoff and treatment of stormwater in industrial, municipal, and residential areas of California. In most cases, stormwater flows directly to water bodies through sewer systems, contributing to a major source of pollution to rivers, lakes, and the ocean. Most stormwater discharges are considered point sources and require coverage by an NPDES permit.

SWRCB and regional boards are responsible for regulating stormwater discharges under CWA and the NPDES permit program. SWRCB also manages an online database to allow permittees to electronically submit permit compliance data, and allows the public to view reports and information on water quality control efforts with stormwater.

3) *Industrial Stormwater Discharges*. The Statewide General Permit for Stormwater Discharges Associated with Industrial Activities, commonly referred to as the Industrial General Permit (IGP), implements the federally required stormwater regulations in the state for stormwater associated with industrial activities discharging to waters of the US. The IGP requires industry owners to implement the best technology available to reduce pollutants in their stormwater discharges and to develop and monitor a stormwater pollution prevention plan in accordance with the IGP.

   Categories of industrial activities (facilities) whose discharges are regulated by an IGP include, among others, landfills that receive or have received industrial waste; facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, and automobile junkyards; facilities with vehicle maintenance shops and equipment cleaning operations; and certain facilities used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage sludge.

4) *Municipal stormwater*. The Municipal Stormwater Permitting Program regulates stormwater discharges from municipal separate stormwater systems (MS4s). MS4s are systems owned and operated by a public agency with jurisdiction over disposal of waste and designed or used for collecting or conveying stormwater. Municipalities must operate MS4s in accordance with a permit issued by SWRCB.

5) *Why Is Stormwater Pollution A Problem?* Stormwater pollution is a major environmental and public health issue. It leads to unsanitary living environments, unhealthy surface waters, such as lakes, creeks and rivers, unhealthy ocean and beach conditions, and street and neighborhood flooding during the rainy season. It's created when trash, cigarette butts, animal waste, pesticides, motor oil, and other contaminants left on the ground are washed or

thrown directly into storm drains. This toxic soup mixes with millions of gallons of rainwater and flows untreated into local creeks, rivers, and the ocean - polluting our waterways, as well as degrading neighborhoods and other natural resources.

6) *Health Impacts.* Stormwater pollution increases serious health risks to people swimming or fishing in the Santa Monica or San Pedro Bay, especially within 400 yards of storm drain outlets.

   A study conducted by the Santa Monica Bay Restoration Project found that stormwater pollution in the ocean leads to increased risk of viral infections, ear aches, sinus problems, fever, flu, skin rashes and viral diseases such as hepatitis for those swimming in the ocean close to storm drain outfalls, especially following a rainstorm when litter and contaminants are flushed into the storm drain system.

Comments

1) *Purpose of Bill.* According to the author, "The Stormwater Improvement Act will diminish water pollution and improve the health and quality of California's lakes, bays, wetlands, and estuaries by requiring industrial facilities to demonstrate compliance with a water quality permit when applying for their business license or renewal."

2) *Enforcement of the NPDES permit program.* SB 205 does not affect the ability of SWRCB and the regional boards to enforce the NPDES permit program. SWRCB and the regional boards would still be authorized, in addition to imposing civil liability administratively, to require a person in violation of the NPDES permit program to take specific actions to remediate the discharge of waste.

3) *An unknown universe.* An IGP is issued by SWRCB and enforced by the regional boards. IGPs are issued based on who actually files with SWRCB, thus making it difficult to verify whether every facility that should have an IGP actually has one. Currently, this is determined through inspections. According to the author's fact sheet, there are an estimated 6,000 industrial facilities in Los Angeles County that have not filed with SWRCB for an IGP, and only 5 inspectors to cover that area. Hopefully, this is due to the business owner's ignorance of the NPDES permit program. Further, the amount of stormwater pollutants improperly discharged by a business in any given jurisdiction can affect a municipality's ability to comply with their own MS4 permit. Therefore, by capturing those businesses that should be subject to an IGP, SB

205 will provide municipalities with necessary information to ensure their own compliance and provide SWRCB, regional boards, and local jurisdictions better data on stormwater pollution in the state.

4) *Varying local practices*. Some concerns have been raised about the impact SB 205 would have on local jurisdictions. For local jurisdictions that use a ministerial process to approve business licenses, SB 205, it is argued would force them to change their practices and would add costs. However, a city or county may recoup these costs by levying a charge or fee. Additionally, some counties do not issue business licenses. Therefore, businesses in these counties would not be required demonstrate compliance with the NPDES permit program; creating uneven application across different jurisdictions.

5) *Three months to comply.* A business that is subject to the NPDES permit program may not be aware of the program's requirements, and therefore operating, albeit unintentionally, illegally. Requiring already-existing businesses to demonstrate compliance with the NPDES permit program upon license renewal helps to ensure that businesses that are required to have an IGP obtain one. If a business owner does not have an IGP, instead of forcing the business to immediately cease operation and if the local jurisdiction chooses to enact such procedures, the business could be given a provisional license and up to 3 months to provide the required information to the issuing local jurisdiction. Committee staff would like to note that the business would be able to continue operating; potentially discharging waste in exceedance of what would otherwise be permitted under an IGP and polluting waters of the state. However, the benefit of capturing these businesses that would not otherwise obtain in IGP and continue to discharge pollutants if not for this bill outweighs the 3 months it may take for them to properly obtain the permit.

DOUBLE REFERRAL:

This measure was heard in the Senate Governance and Finance Committee on March 20, 2019, and passed out of committee with a vote of 7 – 0.

Related/Prior Legislation

SB 2538 (Rubio, 2018) would have required SWRCB to establish financial capability assessment guidelines for MS4 permittees that are adequate and consistent when considering the costs to local jurisdictions. SB 2538 was vetoed by the Governor.

SB 541 (Allen, Chapter 811, Statutes of 2017) requires the SWRCB, in consultation with the regional water quality control boards, and the Division of the State Architect within the Department of General Services, to recommend best design and use practices for stormwater and dry weather runoff capture practices that can be applied to new, reconstructed, or altered public schools, including school grounds.

SOURCE: Author

SUPPORT:

American Rivers
California Coastal Protection Network
California Coastkeeper Alliance
California Metals Coalition
Center for Biological Diversity
Coachella Valley Waterkeeper
Foothill Conservancy
Heal the Bay
Humboldt Baykeeper
Inland Empire Waterkeeper
Los Angeles Waterkeeper
Monterey Coastkeeper
Natural Resources Defense Council
Orange County Coastkeeper
Planning and Conservation League
Russian Riverkeeper
San Diego Coastkeeper
Santa Barbara Channelkeeper
Save the Bay
Surfrider Foundation
The Otter Project
Wholly H2O
Yuba River Waterkeeper

OPPOSITION:

None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 216		
Author:	Galgiani		
Version:	3/20/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	David Ernest García		

SUBJECT: Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange

DIGEST: This bill specifies that a heavy-duty truck exchange is an eligible project for funding under the Carl Moyer Memorial Qir Quality Standards Attainment Program, as specified, and requires the Air Resources Board to hold a workshop, as well as develop a comprehensive and streamlined plan, to help air districts implement the heavy-duty truck exchange.

ANALYSIS:

Existing law:

1) Establishes the Air Resources Board (ARB) as the air pollution control agency in California and requires ARB, among other things, to control emissions from a wide array of mobile sources and coordinate, encourage, and review the efforts of all levels of government as they affect air quality. (Health and Safety Code (HSC) §39500 et seq.)

2) Establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), to be administered by ARB, to fund the incremental cost of eligible projects that reduce emissions of air pollutants from vehicular sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. (HSC §44275 et seq.)

3) Establishes local air districts to, among other things, control emissions from stationary sources. (HSC §40000 et seq.)

4) Authorizes a local air district that has been designated as in nonattainment by the state to levy a fee of up to $2 on motor vehicles registered within the air district. Provides that a district may only levy this fee if the district board adopts a resolution providing for both the fee and a corresponding program for

the reduction of air pollution from motor vehicles. (HSC §44223)

5) Authorizes a local air district that has been designated as in nonattainment by the state to increase the fee to a maximum of $6 on motor vehicles under specified conditions including adopting a resolution that the funds will be used for the reduction of air pollution from motor vehicles pursuant to the California Clean Air Act. (HSC §44225)

6) Requires those local air districts, upon approval by the local district board, to use the revenue from that fee to implement specified programs that the district determines "remediate air pollution harms created by motor vehicles on which the surcharge is imposed." (HSC §44229)

This bill:

1) Makes findings and declarations.

2) Specifies, in addition to current law, that an eligible project for Carl Moyer Program funding is one that:

   a) Encourages owners of fleets to partner with each other in an application.

   b) Allows, when two or more fleets partner in an application, for the scrapping requirements to be met with the most-polluting vehicle eligible in any of the participating fleets.

   c) Ensure consistency with the other requirements for Carl Moyer Program funding.

   d) Requires a vehicle to remain in the state for the project life of the vehicle.

3) Requires ARB to hold a workshop on the requirements of this bill and to develop a comprehensive and streamlined plan to help air districts implement the requirements of this bill.

4) Sunsets the provisions of the bill on January 1, 2025.

Background

1) *Regulatory jurisdiction.* State law assigns ARB with primary responsibility for control of mobile-source air pollution, including adoption of rules for reducing vehicle emissions and the specification of vehicular fuel composition.

Stationary sources of air pollution, such as factories and refineries, are under the jurisdiction of local air districts (e.g., South Coast Air Quality Management District, San Joaquin Valley Air Pollution Control District). ARB and the local air districts share jurisdiction over emissions of toxics from stationary sources.

2) *Carl Moyer Program/AB 923: A brief history.* AB 1571 (Villaraigosa, Chapter 923, Statutes of 1999), established the Carl Moyer Program through which ARB provides grants to offset the incremental costs of purchasing or retrofitting engines in order to reduce specified air emissions.

   AB 923 (Firebaugh, Chapter 707, Statutes of 2004) authorized an increase in the surcharge local air districts may levy on motor vehicle registrations within their jurisdictions from $4 to $6, expanded the types of emissions covered by the Carl Moyer Program to include emissions of particulate matter and reactive organic gases from defined covered sources in the state, prohibited projects funded with Carl Moyer Program moneys to be used as credits under emission banking or trading programs, revised how Carl Moyer Program funds are distributed to local air districts, authorized ARB to update and adopt regulations to implement the bill, and increased the California Tire Fee by $0.75 to fund programs under ARB and local air districts to mitigate or remediate air pollution caused by tires.

   AB 8 (Perea, Chapter 401, Statutes of 2013), included a provision extending the fees to fund the Carl Moyer Program until January 1, 2024. AB 8 also required ARB to convene a workgroup to evaluate the program. ARB and the local air districts convened two public meetings of the workgroup, in June and October 2014, to solicit input from stakeholders. ARB and the local air districts then worked together to develop statutory language to implement the program improvements identified by the workgroup.

3) *Carl Moyer Program: Overview.* ARB administers the Carl Moyer Program, which provides grants through the state's 35 local air quality management and air pollution control districts (local air districts) for deployment of engines, equipment, and emission-reduction technologies that are cleaner than required by current laws or regulations. According to ARB, the Carl Moyer Program provides about $60 million for projects each year statewide. The program pays up to 85% of the cost to repower engines and up to 100% to purchase an ARB-verified retrofit device. Maximum grant amounts vary for purchase of new vehicles and equipment.

   a) *Statewide Carl Moyer Program.* Moneys for the statewide Carl Moyer Program come from the tire sale charge, as well as fines and penalties from

the Air Pollution Control Fund. These are General Fund moneys; these are not special trust moneys. Special trust moneys are regulatory fees or administrative fees and must have a nexus as to how they are being spent. Because these are General Fund moneys, they may be used for any purpose as appropriated by the Legislature.

b) *Local Carl Moyer Programs.* Funding sources for local Carl Moyer Programs are the motor vehicle registration fee (up to $6). The motor vehicle registration fee is a regulatory fee and has a special trust nexus attached to it. These moneys can only be spent for limited regulatory purposes affecting motor vehicle air pollution.

Comments

1) *Purpose of Bill.* According to the author, "the Central Valley has long been known as an area with the worst air pollution in the state, and while we continue to work to address this issue with great programs like the Carl Moyer program – there is still a significant amount of work to be done. California has spent billions of dollars getting clean cars and trucks on our roads yet air pollution is still a state wide problem, from San Diego to Redding, ranking in the top ten most impacted by air pollution in the U.S. On that list the Central Valley is disproportionately well represented on that list so more needs to be done and we should be providing every option available. This bill does not mandate every air quality management district to implement this program – but allows for each district to determine what best works for their region. Without an aggressive all hands on deck approach, we will not be able to meet California's clean air goals. SB 216 is another tool in the tool box."

2) *Could this help get more dirty vehicles off the road?* As noted in the background, Carol Moyer Program moneys may only be spent in certain ways. The California Constitution, state statues, and case law all restrict the lawful use of Carol Moyer Program moneys, including the requirement that moneys may only be spent to purchase vehicles that are cleaner than required by current laws or regulations. Recent amendments to SB 216 clarify the author's intent that when two or more fleets partner in an application, the scrapping requirements of the Carl Moyer Program may be met with the most-polluting vehicle *eligible* in any of the participating fleets.

Given that larger and/or more wealthy fleet owners may be able to purchase, with some incentive funding, a new vehicle that is cleaner than required by current laws or regulations and then transfer one of their older vehicles that is still cleaner than required by current laws or regulations to a smaller and/or

less wealthy fleet owner so they may replace and even dirtier vehicle, the Committee may wish to consider supporting this bill.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Transportation Committee.

SOURCE: California Natural Gas Vehicle Coalition

SUPPORT:

Agility
Amp Americas
Atlas Disposal
Bioenergy Association of California
BREATHE California of Los Angeles County
California Trucking Association
Clean Energy
CR&R
GAIN Clean Fuels
Move LA
ReFuel Energy Partners
RUAN Transportation Management Systems
Rural County Representatives of California
TruStar Energy CNG
United Farm Workers
US Biogas

OPPOSITION:

None received

-- END --

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 317		
Author:	Caballero		
Version:	2/15/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Eric Walters		

SUBJECT: Hazardous waste: waste facilities: prohibited chemicals

DIGEST: Bans the sale and use of recreational vehicle (RV) chemical toilet deodorizers containing any of 14 designated biocidal chemicals. These chemicals may, when mixed with solid waste and disposed of into septic systems found at RV parks or campgrounds, cause septic tank failure.

ANALYSIS:

Existing law:

1) Prohibits the use of non-biodegradable, halocarbon, and aromatic hydrocarbon chemicals in chemical toilets, recreational vehicles, or the waste facility of vessels under the Hazardous Waste Control Law. (Health and Safety Code (HSC) §25210)

2) Under the Safer Consumer Products program (HSC §25252 et seq.), as part of the Green Chemistry Initiative, tasks the Department of Toxic Substances Control (DTSC) with:

   a) Identifying hazardous chemical-product combinations with high potential for unhealthy exposure to specific populations.

   b) Issuing, based on manufacturer-completed alternatives analyses, regulations to ensure manufacturers substitute hazardous chemicals with safer alternatives.

This bill:

1) Prohibits the sale, distribution, and use of products containing any of 14 designated chemicals for use in recreational vehicle (RV) waste holding tanks or campground chemical toilets.

2) Tasks the State Water Resources Control Board (SWRCB), to the extent that funding is made available, to investigate methods to detect and quantify the hereby prohibited chemicals in septic systems, onsite wastewater treatment systems, or subsurface disposal systems.

3) Requires the owner or operator of a recreational vehicle park or campground to post signs informing users of the ban.

Background

1) *Septic systems rely on living microorganisms.* On-site waste management systems, such as septic tanks, use physical settling and microbial degradation to treat solid waste. The naturally occurring bacteria in the tank decompose the organic material and break down some of the sludge. The treated wastewater effluent from the tank drains into perforated underground tubes (known as the drainfield). As long as settling and bacterial treatment of the solid waste proceeds normally, septic systems emit safe water into the soil and only need infrequent sludge removal.

   When biocidal chemicals, such as those denoted in SB 317, disrupt the bacterial ecosystem in a septic tank, the bacteria are unable to decompose solid waste. If septic tank sludge accumulates more rapidly, unsafe solid waste and pathogens may escape the tank and drainfield and infiltrate nearby water sources. Once this is detected, the owner must take costly steps to remove excess sludge and restore the bacterial ecosystem in the septic tank.

2) *Bacteria- and enzyme-based products are already available.* SB 317 bans the use of deodorizing products containing specified chemicals. Many of the companies that offer these products also have bacteria- and/or enzyme-based deodorizers, which can be added to the waste holding tank on RVs. When an RV disposes their waste in a septic tank—as they may at a campground or home system—these bacteria- or enzyme-based deodorizers will not disrupt the septic tank.

3) *Proposed prohibited chemicals reflect existing recommendations.* The 14 chemicals specified in SB 317 have been designated as potentially biocidal from one of two different sources.

   a) Bronopol, dowicil, formaldehyde, glutaraldehyde, paraformaldehyde, and para-dichlorobenzene were identified by the University of Arizona, and DTSC suggested avoiding their use in a 2009 chemical toilet product

advisory.

b) Formalin, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, and perchloroethylene have been listed to be avoided in use with septic systems by the US Environmental Protection Agency in a 1999 alert for RV, boat, and mobile home owners and park operators about safe wastewater disposal.

Comments

1) *Purpose of Bill.* According to the author, "Certain chemical deodorants used in RV wastewater tanks can contaminate ground water when hooked up to septic systems at RV Parks, as well as cause septic tank system failures. In an effort to keep groundwater clean for these rural communities, and because there are safe alternatives available, SB 317 bans the sale and use of certain toxic chemicals as well as requires RV parks to inform their customers of the ban with signage requirements. By restricting these products from use in RVs, not only is groundwater protected, but the worry and burden on small business owners, as well as the surrounding community, is relieved."

2) *Waste deodorizers unlikely to be considered under Safer Consumer Products.* A similar bill to SB 317, AB 1824 (Monning, 2010), was vetoed by Governor Schwarzenegger on the grounds that the issue would be better addressed by the recently-enacted Green Chemistry Initiative. The Green Chemistry Initiative includes the Safer Consumer Products (SCP) program, which intends to create safer substitutes for hazardous ingredients in consumer products sold in California. In practice, the SCP program has prioritized chemicals found in products with high potential for human exposure, such as hazardous chemicals in sleeping mats or insulating foam.

   Although the products affected by SB 317 are readily available for purchase and do contain hazardous chemicals, it is unlikely consumers will come into direct contact with them. Given the track record of products targeted by the SCP program, SB 317 seems like a more appropriate avenue to enact this ban.

3) *Protecting RV park water supplies and proprietors.* Prohibiting Californians from purchasing or using products that include these 14 chemicals will help reduce the risk of their introduction to septic systems at RV parks and campgrounds.

   Given the availability of non-disruptive alternative products and existing advisories against these chemicals' use, the committee may wish to consider

supporting this measure to prevent interference with California's septic systems and associated businesses and waterways.

Related/Prior Legislation

AB 1824 (Monning, 2010) would have similarly banned 6 of the 14 chemicals listed in SB 317. AB 1824 was vetoed by Governor Schwarzenegger.

SOURCE: The California Association of RV Parks and Campgrounds

SUPPORT: The California Association of RV Parks and Campgrounds

OPPOSITION: None on file

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 332		
Author:	Hertzberg and Wiener		
Version:	2/19/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Wastewater treatment: recycled water

DIGEST: Requires wastewater treatment facilities and affiliated water suppliers that discharge through ocean outfall to reduce the overall volume of the facility's annual flow by at least 50% by January 1, 2030, and by at least 95% by January 1, 2040 and imposes a penalty of $2,000 per acre-foot of water above the required reduction for failure to comply.

ANALYSIS:

Existing law:

1) Establishes the Water Recycling Act of 1991, creating a statewide goal to recycle a total of 700,000 acre-feet of water per year by the year 2000 and 1,000,000 acre-feet of water per year by the year 2010.

2) Makes findings regarding the State Water Resources Control Board's (SWRCB) updated water recycling goals adopted by resolution, which update the above goals to 1.5 million acre feet per year in exceedance of 2002 levels by 2020 and by at least 2.5 million acre feet per year by 2030.

3) Requires the SWRCB to establish uniform statewide recycling criteria for each varying type of use of recycled water where the use involves the protection of public health.

4) States that no person shall recycle water or use recycled water for any purpose for which recycling criteria have been established until water recycling requirements have been established or a regional water quality control board determines that no requirements are necessary.

5) Makes legislative findings that the use of potable domestic water (drinking water) for nonpotable uses, including, but not limited to, cemeteries, golf

courses, parks, highway landscaped areas, and industrial and irrigation uses, is a waste or an unreasonable use of the water within the California Constitution if recycled water is available which meets certain conditions.

6) Declares that the people of the state have a primary interest in the development of facilities to recycle water containing waste to supplement existing surface and underground water supplies and to assist in meeting the future water requirements of the state.

7) Declares that it is the intent of the Legislature that the state undertake all possible steps to encourage the development of water recycling facilities so that recycled water may be made available to help meet the growing water requirements of the state.

This bill:

1) Makes legislative findings that it is a waste and an unreasonable use of water within the California Constitution to discharge treated wastewater from ocean outfalls, except in compliance with this bill.

2) Defines "ocean outfall" as a point source at the point where raw, partially treated, or treated wastewater may be discharged from a wastewater treatment facility or associated collection system to saline waters, including ocean, bays or estuaries.

3) Requires wastewater treatment facilities that discharge through ocean outfall and affiliated water suppliers to reduce the overall volume of the facility's annual flow by at least 50% by January 1, 2030, and by at least 95% by January 1, 2040. Imposes a penalty of $2,000 per acre-foot of water above the required reduction for failure to comply.

4) Requires holders of National Pollutant Discharge Elimination System (NPDES) permits to submit a plan to the SWRCB by July 1, 2022, that includes:
    a) Identification of all land acquisition and facilities necessary to provide treatment, transport, and reuse of treated wastewater;
    b) Identification and projection of all wastewater reductions due to implementation of conservation and efficiency measures in the facilities service area;
    c) An analysis of the costs to meet the requirements of this plan;
    d) A financing plan for meeting the requirements of the bill; and
    e) Schedule for the completion of all necessary actions.

5) Requires such NPDES permit holders, by January 2024, and every January 1 every five years after, to submit a report to the SWRCB summarizing the actions accomplished to date and remaining actions. Imposes a penalty of up to $10,000 on permit holders for failure to submit the above referenced plan and/or subsequent report. Further specifies that such permit holders are ineligible for state loan or grant until the delinquent report has been submitted.

6) Requires the SWRCB, by July 1, 2025, and by July 1 every five years after, to submit a report to the Governor and the Legislature on the implementation of this bill.

Background

1) *Recycled water.* Water recycling is reusing treated wastewater for direct beneficial or controlled purposes, such as for agricultural and landscape irrigation, industrial processes, toilet flushing, and replenishing groundwater basins. According to the US EPA, recycled water can satisfy most water demands, as long as it is adequately treated to ensure water quality appropriate for the use. In addition to providing a dependable, locally controlled water supply, water recycling can provide environmental benefits. By providing an additional source of water, water recycling can decrease the diversion of water from sensitive ecosystems. Other benefits include decreasing wastewater discharges and reducing and preventing pollution.

2) *State water recycling policy.* On February 21, 2019, SWRCB adopted a resolution increasing the state's water recycling goals to at least 1.5 million acre feet per year by 2020 and by at least 2.5 million acre feet per year by 2030. The most recent wastewater recycling survey showed that California had reused 714,000 acre feet of municipal recycled water in 2015. State law recognizes that the use of recycled water for indirect potable reuse is critical to achieving the SWRCB's goals for increased use of recycled water for the state. State law also declares that the achievement of the state's goals depends on the timely development of uniform statewide recycling criteria for indirect and direct potable water reuse.

3) *Existing state standards for water recycling.* SB 918 (Pavley, Chapter 700, Statutes of 2010) revised the state's approach to regulating recycled water by requiring The Department of Public Health (DPH) to establish uniform statewide recycling criteria for each use of recycled water where the use

involves the protection of public health. In 2014, all authority and responsibility for the state's drinking water programs were transferred from DPH to SWRCB, including the recycled water program.

SB 918 requires SWRCB (formerly required DPH) to take action on three uses of recycled water. First, it required the SWRCB, by December 31, 2013, to adopt uniform recycled water criteria for indirect potable reuse for groundwater recharge. The SWRCB has developed uniform regulations authorizing the use of highly treated wastewater for groundwater recharge, if specified requirements are met, including a requirement that the treated wastewater must have a residence time in the ground of at least two months, before reaching drinking water intake pumps. These regulations went into effect on June 18, 2014. Second, SB 918 required the SWRCB to develop and adopt uniform water recycling criteria for surface water augmentation. These regulations were adopted in early 2018.

Finally, SB 918, and later SB 322 (Hueso, Chapter 637, Statutes of 2013), required SWRCB, by December 31, 2016, to investigate and report to the Legislature on the feasibility of developing uniform water recycling criteria for direct potable reuse. Statute required SWRCB to examine specific information, including the availability and reliability of recycled water treatment technologies necessary to ensure the protection of public health; barriers and treatment processes that may be appropriate at wastewater and water treatment facilities; available information on health effects; mechanisms that should be employed to protect public health if problems are found in recycled water that is being served to the public as a potable water supply; and, monitoring needed to ensure protection of public health. SWRCB released the required report on direct potable reuse of recycled water in December, 2016. SWRCB found that direct potable reuse is feasible but that additional research and study was necessary before treated drinking water augmentation could be considered.

In 2017, AB 574 (Quirk) charged SWRCB with developing regulations for direct potable reuse by December 31, 2023. However, as noted above, there is still no current requirement or timeline for SWRCB to develop treated drinking water augmentation regulations.

The SWRCB recently adopted revisions to its Recycled Water Policy that, for the first time, require wastewater treatment plants and recycled water producers to report the volume of wastewater treated and discharged, specify level of treatment, and identify the volume of recycled water produced. The policy

requires annual reporting of monthly volume of treated wastewater discharged to the environment, which will be used to estimate the amount of wastewater that may be available to recycle.

National Pollutant Discharge Elimination System (NPDES): As authorized by the federal Clean Water Act (CWA), the NPDES Permit Program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Examples of pollutants include, but are not limited to, rock, sand, dirt, and agricultural, industrial, and municipal waste.

The NPDES Program is a federal program which has been delegated to the State of California for implementation through SWRCB and the nine Regional Water Quality Control Boards. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States.

Comments

1) *Purpose of Bill.* According to the author, "SB 332 sets a new course for California's water future by declaring the discharge of treated wastewater into ocean outfalls as waste and unreasonable use of water. It will also set bold but necessary goals for the recycling and re-use of treated wastewater.

   "California's wastewater has historically been treated solely as waste – used once, treated, and then disposed of through offshore dumping. As a result, approximately 400 billion gallons of treated water are wastefully discharged into the ocean or California estuaries annually. California's 'pump and dump' approach to water management is increasingly at odds with the state's hydrologic reality. As climate change creates hotter, drier conditions and reduces the storage capacity of the Sierra snowpack, the need to prevent water waste is more critical than ever. Climate realities have proven that California can no longer rely on a water transfer infrastructure to meet the needs of a growing population. In order to adapt to growing water scarcity and climate extremes, California must develop a long-term, locally managed water conservation mindset."

2) *Reasonable Targets and Timeframes*? This bill sets forth the target of reducing treated wastewater discharges from facilities into the ocean by 50% in 2030 and 95% by 2040. Setting ambitious goals can be a driver of innovation and technology in order to achieve environmental and public health benefits. In

this case, the bill's mandated target is designed to provide greater supplies of clean, safe drinking water to all Californians in wet or dry years and to have the ability to have surplus water to store in groundwater aquifers and surface storage reservoirs.

According to SWRCB data, the 65 wastewater treatment facilities subject to the provisions of this bill release approximately 1,174 million gallons per day of treated wastewater into the ocean, bays and estuaries. To comply with the bill's provisions, facilities would, collectively, have to divert 587 million gallons per day of wastewater (approx. 650,000 acre-feet annually) to other beneficial uses or reduce inflow through water conservation and efficiency by 2030, and 1,115 million gallons per day (approx. 1,250,000 acre-feet annually) by 2040, in addition to what's already being recycled.

Proponents argue that the bill gives wastewater and water agencies flexibility in how to reduce their ocean discharge. Compliance, they maintain, can be achieved through a combination of solutions, including low-cost conservation and efficiency measures. Wastewater facilities, however, maintain that such measures are not adequate to manage such a vast quantity of water and that every facility subject to the bill would necessarily need to implement large-scale potable reuse projects, estimated to cost more than $20 billion, for which a regulatory framework does not currently exist (i.e., raw water augmentation regulations not due until 2023).

Supporters counter that facilities can begin now to plan and design the distribution system to distribute recycle water to groundwater basins, reservoirs, and water treatment facilities and note that even without the raw augmentation regulation in place, SWRCB has the authority to approve projects on a case by case basis. This approach was taken by the Orange County Groundwater Replenishment System – now the world's largest water purification system for indirect potable use.

Accounting for Early Recycling Efforts. There have been concerns raised that the bill's baseline definition (i.e., average annual wastewater discharge baseline volume) that would determine a facility's diversion requirement penalizes early recycling efforts/investments made by some facilities that predate the baseline determination. For example, since the Orange County Groundwater Replenishment System, referenced above, began in January 2008 (prior to the baseline accounting period in the bill), neither the Orange County Water District nor the Orange County Sanitation District, who spearheaded these

recycling efforts, would be able to count these early efforts towards their diversion requirement.

Assorted Other Challenges. Wastewater treatment facility stakeholders have identified a number of other significant challenges to achieving the bill's targets, including: a potential lack of adequate storage for large quantities of recycled water; potential insufficient year round demand for additional large quantities of recycled water; complex institutional relationships and legal authorities among water and wastewater agencies; high energy use; and other technical concerns posed by the need to manage large quantities of brine as a byproduct of large-scale advanced treatment for potable reuse; the need to scale new advanced treatment facilities to accommodate peak wet weather flows; and public and business acceptance of large new potable recycled water programs.

Encouraging and facilitating the greater use of recycled water is supported by the California Constitution, existing state statutes and regulations. The bold new water recycling targets mandated in this bill will not be easily achievable and could come with significant costs. The underlying policy question is whether this level of additional water recycling warrants the increased costs and how these costs should be prioritized with other urgent drinking water projects given finite resources.

SB 332 is a work in progress and, as such, staff is not recommending a complete series of substantive amendments because doing so would be premature.

Should the Committee decide to move this bill forward, it may wish to consider directing the author to work with Committee staff and stakeholders to address a number of issues raised in the analysis and by stakeholders, including: developing more achievable/workable discharge reduction targets and timeframes, acknowledging the importance of the state adopting the raw water augmentation standards in 2023; providing recognition of early adopters of recycled water; clarifying that NPDES permittees will still be able to discharge a sufficient volume to dispose of brine and meet permit water quality limits; and clarifying that the bill would not require the treatment and reuse of all wet weather flows.

Double Referral:

If this measure is approved by the Environmental Quality Committee, the motion must include the action to refer the bill to the Senate Judiciary Committee.

Related/Prior Legislation

SB 606 (Hertzberg, Chapter 14, Statutes of 2018) requires SWRCB and the Department of Water Resources (DWR) to adopt water efficiency regulations, outlines requirements for water suppliers, specifies penalties for violations, and makes technical, conforming changes.

AB 574 (Quirk, Chapter 528, Statutes of 2017) required the SWRCB to adopt uniform water recycling criteria for direct potable reuse by December 31, 2023.

SB 918 (Pavley, Chapter 700, Statutes of 2010) requires the Department of Public Health (the responsibility for recycled water has since been shifted to SWRCB) to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge by December 31, 2013; to develop and adopt uniform water recycling criteria for surface water augmentation by December 31, 2016; and, to investigate and report on the feasibility of developing uniform water recycling criteria for direct potable reuse.

SOURCE: Natural Resources Defense Council (Sponsor)
California Coastkeeper Alliance (Co-Sponsor)

SUPPORT:

Ceres
Clean Water Action
Coachella Valley Waterkeeper
Environmental Water Caucus
Friends of the River
Humboldt Baykeeper
Inland Empire Waterkeeper
Los Angeles Waterkeeper
Monterey Coastkeeper
Orange County Coastkeeper
Planning and Conservation League
Residents for Responsible Desalination

Russian Riverkeeper
San Diego Coastkeeper
Santa Barbara Channelkeeper
Sierra Club California
Southern California Watershed Alliance
The Otter Project
Yuba River Waterkeeper

OPPOSITION:

Association of California Water Agencies
California Association of Sanitation Agencies
California Municipal Utilities Association
California Special Districts Association
Carpinteria Sanitary District
City of Camarillo
Crockett Community Services District
Dublin San Ramon Services District
Las Gallinas Valley Sanitary District
Leucadia Wastewater District
Napa Sanitation District
North Main Water District
Olivenhain Municipal Water District
Rodeo Sanitary District
Stege Sanitary District
Union Sanitary District
Vallecitos Water District
WaterReuse California

ARGUMENTS IN SUPPORT: According to the Natural Resources Defense Council and California Coastkeeper Alliance, "California has well-established state policies that promote water conservation, efficiency, capturing stormwater and the recycling of sanitary effluent. In 2009, with its Recycled Water Policy, the State Water Board made it a statewide goal to recycle 1.5 MAF of wastewater by 2020 and 2.5 MAF by 2030. Unfortunately, California is not on track to meet these goals. Current policies have largely been pursued as independent objectives rather than as part of an integrated statewide strategy to increase the beneficial use of our developed supplies of water by reducing the ocean discharge of sanitary effluent. In December of 2018, the State Water Board adopted its revised Recycled Water Policy with the goal to recycle all dry-weather ocean wastewater discharges statewide.

"SB 332 supports the goals of this Recycled Water Policy by setting aggressive, yet attainable water-saving goals. Specifically, SB 332 sets achievable milestones for wastewater facilities to reduce ocean wastewater discharges by 50 percent by 2030 and 95 percent by 2040. This bill ultimately helps provide a local, resilient water supply that is cheaper and less energy intensive than many other supply options, such as imported water or ocean desalination.

"Reusing treated wastewater also has the potential to help increase flows in our rivers and streams. By bolstering local water supply in coastal regions, we can facilitate retaining and returning flows to the state's rivers, which is essential to restoring the Delta, as well as the state's once-thriving populations of salmon and steelhead. Reusing water in coastal communities can ensure that less water is pumped from the Delta, dammed in reservoirs, and diverted from our rivers.

"Cities are already taking the lead and moving in this direction. Last month, the City of Los Angeles announced a bold plan to recycle 100 percent of wastewater currently being discharged to the ocean through the Hyperion Wastewater Treatment Plant – the largest treatment plan west of the Mississippi River – by 2035. This is a major step to expand water recycling and reduce reliance on imported water."

ARGUMENTS IN OPPOSITION: According to the California Association of Sanitation Agencies, the California Special Districts Association, the California Municipal Utilities Association, and the Association of California Water Agencies, "The provisions proposed in SB 332 could significantly disrupt existing efforts to promote recycled water production and use, as well as innovative reuse projects currently being planned and implemented.

"California has a significant number of wastewater ocean and bay dischargers, and they vary dramatically in terms of treatment capacity, discharge, and the amount of recycling that occurs. Each watershed, region, treatment facility, and outfall is different, and the capability to beneficially reuse wastewater varies widely as well. Reliable and feasible end uses for recycled water are not always available and depend on factors other than simply the discharger's technical ability to supply recycled water.

"For this reason, a mandate on every ocean and bay discharger in the state is simply unworkable. In many circumstances, regional demand may not exist to reuse 95 percent of an agency's ocean discharge. In addition, recharge and reuse

options may be unavailable or infeasible for a variety of reasons, such as geographical or legal constraints in the watershed. Furthermore, distribution can require complex arrangements between water recyclers and water purveyors, brine management may present significant issues in some areas, and public acceptance of beneficial reuse of wastewater remains an obstacle. These challenges exist and require a regional approach to the management of recycled water supplies.

"There are numerous technical realities in the wastewater treatment and management processes that have not been considered in SB 332. The bill lacks consideration of major operational issues surrounding brine management, wet weather influent management, existing regulatory constraints relative to minimum flows, and other real and substantive conflicts with how wastewater agencies function in their communities. These technical issues are vast, far reaching, and vary based on the regional watershed and individual permitting levels."

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 351		
Author:	Hurtado		
Version:	3/25/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	David Ernest García		

SUBJECT: Climate change: Transformative Climate Communities Program

DIGEST: This bill would require the Strategic Growth Council to consider applications for projects in unincorporated disadvantaged communities under the Transformative Climate Communities Program.

ANALYSIS:

Existing law:

1) Establishes the Strategic Growth Council (SGC) to encourage the development of sustainable communities and, among other things, administer the Transformative Climate Communities (TCC) Program. (Public Resources Code (PRC) §75121 et seq.)

2) Establishes the Transformative Climate Communities Program, to be administered by the SGC, to fund the development and implementation of neighborhood-level transformative climate community plans that include multiple, coordinated greenhouse gas (GHG) emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities. (PRC §75240 et seq.)

This bill:

Would require SGC to consider applications for projects in unincorporated disadvantaged communities under the Transformative Climate Communities Program.

Background

1) *The Strategic Growth Council (SGC).* The SGC was established in 2008 by SB 732 (Steinberg, Chapter 729, Statutes of 2008) and is responsible for coordinating a variety of state programs and activities related to sustainable

communities and the environment. The Council is comprised of ten members:

a) The Director of the Office of Planning and Research (OPR),
b) The Secretary of the Natural Resources Agency (CNRA),
c) The Secretary of Environmental Protection Agency (CalEPA),
d) The Secretary of Transportation,
e) The Secretary of Health and Human Services,
f) The Secretary of Business, Consumer Services, and Housing,
g) The Secretary of Department of Food and Agriculture,
h) Three public members, one each being appointed by the Speaker of the Assembly, the Senate Committee on Rules, and the Governor.

2) *Transformative Climate Communities (TCC) Program.* AB 2722 (Burke, Chapter 371, Statutes of 2016) among other things, established the TCC Program, to be administered by the SGC, to award competitive grants to eligible entities for the development and implementation of neighborhood-level transformative climate community plans. These plans include GHG emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities. In its first year, and through a competitive process, SGC awarded grants to three recipients in three locations: including $66.5 million to the City of Fresno, $33 million to the Watts neighborhood of Los Angeles, and $33 million to the City of Ontario. Round two will award $46 million in competitive funding.

   In the "Final Guidelines: 2018 Transformative Climate Communities Program" document published on July 31, 2018, the Implementation Grant Program requirements include the following eligibility requirement: "Eligible Applicants may include, but are not limited to: community-based organizations, local governments, nonprofit organizations, philanthropic organizations and foundations, faith-based organizations, coalitions or associations of nonprofit organizations, community development finance institutions, community development corporations, joint powers authorities, and/or tribal governments."

   Additionally, SGC requires: "The Collaborative Stakeholder Structure must include a local or regional public agency as a Lead Applicant or Co-applicant. If the Lead Applicant is a public agency, they must include a formal resolution that includes an authorization to apply for and accept a TCC Implementation Grant if selected for an award, and authority to execute all related documents. If the public agency is a Co-applicant, then the Applicant must provide a letter of support from the public agency."

Finally, SGC requires that "applicants must define a contiguous Project Area that is no larger than approximately five-square miles and is within the boundary of a single incorporated city."

Comments

1) *Purpose of Bill.* According to the author, "SB 351 ensures disadvantaged unincorporated communities (DUCs) are eligible to receive implementation funding from the Transformative Climate Communities (TCC) program in some of the communities most vulnerable to climate change. The effects of climate change have negative consequences around the world and many of these impacts are felt acutely by the most vulnerable communities in our state. Although DUCs have been eligible to receive funding to develop TCC plans through the Strategic Growth Council's program, they have not been eligible to implement those plans. SB 351 makes it abundantly clear that DUCs are eligible to receive implementation funding from the TCC program. DUCs represent a community of Californians who often fall short of receiving their fair share of critical resources and often remain unable to contribute to our state's ambitious climate goals. SB 351 is another step to provide the opportunity and the tools to help DUCs become more resilient to climate change."

2) *Unincorporated disadvantaged community eligibility.* While many of the grant opportunities in the TCC Program are open to unincorporated communities, as noted in the background, unincorporated disadvantaged communities are not eligible areas for project funding under a TCC Implementation Grant because the project area must be "a contiguous [area] that is no larger than approximately five-square miles and is within the boundary of a single incorporated city."

   SB 351 seeks to ensure that this requirement changes so that unincorporated areas are also eligible for TCC Implementation Grants.

SOURCE: The County of San Bernardino

SUPPORT: California Environmental Justice Alliance
California Institute of Rural Studies
Center for Community Action and Environmental Justice
Center for Sustainable Neighborhoods
Community Water Center
Faith in the Valley
Leadership Counsel for Justice and Accountability

Public Interest Law Project
Self Help Enterprises
Sierra Business Council

OPPOSITION: None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 392		
Author:	Allen		
Version:	2/20/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Eric Walters		

SUBJECT: Hazardous materials: green chemistry: consumer products

DIGEST: This bill proposes a number of updates to California's green chemistry program, in line with perceived shortcomings from its first ten years with regards to the speed of the program to filling existing data gaps.

ANALYSIS:

Existing law:

1) Under AB 1879 (Feuer, Chapter 559, Statutes of 2008): (Health and Safety Code (HSC) §25252 et seq.)

   a) Establishes the Safer Consumer Products (SCP) Program under the state Department of Toxic Substances Control (DTSC), whereby the department is required to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in products that may be considered a "chemical of concern," in accordance with a review process.

   b) Grants DTSC authority to establish and promulgate regulations which:

      i) Include an interagency consultative process that includes public participation.
      ii) Include a prioritization and identification process that includes a consideration of specified factors (e.g., chemical volume, exposure potential, potential effects on sensitive subpopulations).
      iii) Develop criteria for evaluating chemicals and alternatives, as specified.

   c) Appoints a Green Ribbon Science Panel (GRSP) of experts in several relevant disciplines to advise the department on "scientific and technical matters."

d) Directs DTSC to adopt regulations which reference and use, to the maximum extent feasible, available information from other nations, governments, and authoritative bodies, so as to minimize costs and maximize benefits for the state's economy.

e) Authorizes a person providing information pursuant to this article to identify a portion of the information submitted to the DTSC as a trade secret, with procedures and details, as specified.

2) Under SB 509 (Simitian, Chapter 560, Statutes of 2008): (HSC §25251)

Requires DTSC to establish a Toxics Information Clearinghouse (TIC) for the collection, maintenance, and distribution of specific chemical hazard traits and environmental and toxicological end-point data. The Office of Environmental Health Hazard Assessment (OEHHA) was required, by January 1, 2011, to evaluate and specify the hazard traits and environmental and toxicological end-points and any other relevant data that are to be included in the clearinghouse.

3) Under AB 289 (Chan, Chapter 699, Statutes of 2006): (HSC §57018 et seq.)

a) Permits the California Environmental Protection Agency (CalEPA) to coordinate requests from the state Air Resources Board, DTSC, Integrated Waste Management Board, OEHHA, the State Water Resources Control Board, and the EPA to chemical manufacturers.

b) Allows the above agencies to inquire from manufacturers regarding their chemicals':

i) Analytical test methods for detection.
ii) Concentration in humans as compared to concentration in the product, and their concentration in an alcohol and water mixture.
iii) Fate and transport in the environment.

c) Does not include enforcement provisions for the above requests.

This bill:

1) Updates definitions related to green chemistry.

2) Removes references to the TIC.

3) States that it is the policy goal of the state to ensure the safety of consumer products sold in California through timely administrative and legislative action on consumer products and chemicals of concern in those products, particularly those products that may have disproportionate impacts on vulnerable populations.

4) Permits DTSC to, following a public comment period, proceed directly to issuing a regulatory response based on existing alternative analyses (AAs) issued by either (1) a government agency; (2) credible institution with expertise and without financial conflicts of interest; or (3) published in peer-reviewed scientific literature.

5) Requires DTSC to address, should they proceed directly to issuing a regulatory response:

   a) Public health and environmental protection (i.e. the speed with which the regulation will address adverse impacts, chemicals of concern in replacements, end-users ability to act upon the response, and ecological impacts on sensitive resources or populations).
   b) Private economic interests of responsible entities (i.e. existing federal or California regulatory requirements, costs to responsible entities as compared to other responses, and practicality of compliance to regulation).
   c) Government interest in efficiency and cost containment (i.e. the management and clean-up costs by the product's continued sale, DTSC's administrative burden in regulating, and the ease of enforcement).

6) Removes informal dispute resolution and subsequent administrative appeal procedures as long as DTSC provides public notice of the proposed regulation and provides opportunity for public comment prior to adoption.

7) Clarifies and strengthens enforcement of DTSC's ability to request data on a priority product:

   a) From product manufacturers, as it pertains to: (1) Ingredient, concentration, and functional use; (2) Use of the product by sensitive populations; and (3) Sales of the product.
   b) From the chemical manufacturer, should the product manufacturer be unable to provide such data.
   c) With the authority to collect fines up to $70,000 per day from noncompliant entities.

8) Revises the existing list of authoritative sources used to define candidate chemicals to include (1) fragrance allergens included by the European Union in Annex III of the Regulation (EC) 1223/2009; (2) asthmagens for which the American Conference of Governmental Industrial Hygienists has established threshold limit values for asthma; (3) chemicals identified under the California Environmental Contaminant Biomonitoring Program, and (4) endocrine disrupting chemicals identified by OEHHA.

9) Requires DTSC to, in their three-year work plan development:

   a) Include information DTSC currently has regarding their chemicals of concern.
   b) Identify additional information DTSC must acquire through internal testing or data call-in.
   c) Plan for how they will collect the above data in a timely manner.
   d) Provide timelines for, with at least 5 product (sub-) categories, collecting all necessary data and proceeding through all stages of the Safer Consumer Product (SCP) program framework.
   e) Will be held to a five-year timeline for the above.
   f) Must, in determining what additional data is needed, consider the likely substitutions that could serve the same function in the product as the to-be-regulated chemical.

10) Removes the TIC, while maintaining the hazard trait and environmental/ toxicological end-point data that exists there currently.

Background

1) *Principles of green chemistry.* Green chemistry is the design of chemical products and processes that reduce or eliminate the generation of hazardous substances. It is protective of consumers' health and the environment, and creates new business opportunities for the development and use of products that perform vital functions without undue health impacts.

2) *Public Health Institute Report.* In October of 2018, the Public Health Institute released a report, "California's Green Chemistry Initiative at Age 10: An Evaluation of its Progress and Promise", evaluating the Green Chemistry program in California. The report noted that while the Green Chemistry program is an innovative program with the potential to drive the market for safer chemicals and products, and has many of the attributes of a successful chemicals policy, it has failed to achieve its full potential in several ways. According to the report, "the pace of implementation of the SCP program has

been slow and DTSC has unclear authority to collect necessary information on chemicals in products. California's overall efforts and investment have not been sufficient to foster robust research and development of safer product chemistry. The SCP's Candidate Chemical List needs to be updated over time to capture chemicals with Hazard Traits consistent with breast cancer-causing chemicals and other potential health threats. And, the Toxics Information Clearinghouse currently provides no useful information but could be repurposed for more effective use.

3) *Establishing the initial regulations was deliberative.* When California's Green Chemistry program was enacted, no other state had a comparable comprehensive chemicals policy in place. By setting the precedent, California was tasked with creating a new program based on rigorous science to evaluate tens of thousands of chemicals in tens of thousands of consumer product applications – all from scratch. DTSC had to develop ideas, collect reliable information, and implement new approaches, all without a dedicated funding source to support the program, and within existing resources.

   The regulations establishing the SCP program were made operative on October 1, 2013. In the time between the passing of AB 1879 and SB 509 in 2008 and that date, DTSC worked to develop those regulations, and have only since then been able to execute the SCP framework as it applies to chemicals of concern. Since the regulations went into effect, some of the SCP progress DTSC has accomplished includes issuing two priority product work plans, adopting 3 priority product-chemical combinations, proposing 4 more, and releasing an alternatives analysis guideline.

Comments

1) *Purpose of Bill.* According to the author, "SB 392 updates the Green Chemistry Program in line with some of the recommendations from a recent independent report by Dr. Gina Solomon and the Public Health Institute. SB 509 and AB 1879, passed in 2008, envisioned a program that used the best available science to identify and find alternatives for toxic ingredients in consumer products; the updates proposed in SB 392 help realize that goal.

   "The hallmark of the Green Chemistry Program is the four-step Safer Consumer Products (SCP) framework administered by the Department of Toxic Substances Control (DTSC). As designed, the SCP program lists hazardous chemicals, identifies products that may contain those chemicals, calls upon manufacturers to find alternatives, and then issues a regulatory response. In the ten years since AB 1879 passed, DTSC has built the regulatory

framework for the SCP process, but has not yet executed it for any listed chemicals.

"The Public Health Institute report made a number of recommendations to ensure an appropriate and timely regulatory response for dangerous product-chemical combinations. SB 392 makes several changes to the Green Chemistry Program to address these recommendations. This bill grants DTSC much-needed data call-in authority, which will enable them to acquire chemical ingredient data without collecting it in-house. SB 392 accelerates the SCP process by holding DTSC to five-year work plan timelines, streamlining the informal resolution process while retaining public comment, and creating a fast-track for chemicals where existing studies already support regulatory responses. Additionally, SB 392 adds several new authoritative lists of candidate hazardous chemicals. Moreover, after interviewees in the Public Health Institute report claimed nearly unanimously that the Toxics Information Clearinghouse had not been useful, SB 392 repeals the mandate for DTSC to maintain the clearinghouse."

2) *Expanding data call-in authority.* The data call-in authority granted by AB 289 predated the SCP program, and lacks enforcement mechanisms. The current authorities DTSC have are not able to provide the extent of information or level of transparency needed to accomplish the SCP program goals. There have been reports that DTSC tests products in-house to determine their compositions. If manufacturers share their ingredient lists with DTSC upon request, the department would not have to use state resources to determine what chemicals the product contains. In order to accomplish the SCP goals of protecting sensitive populations, requiring any existing data on use by sensitive population and sales is a reasonable request.

3) *Using existing alternative analyses.* SB 392 permits DTSC to use alternative analyses (AAs) from other sources which is in line with AB 1879, which states, "In adopting regulations pursuant to this section, the department shall reference and use, to the maximum extent feasible, available information from other nations, governments, and authoritative bodies that have undertaken similar chemical prioritization processes, so as to leverage the work and costs already incurred by those entities and to minimize costs and maximize benefits for the state's economy." While using existing AAs can save resources, it is essential to ensure the reports are of sufficiently high quality.

There are three types of sources SB 392 permits using existing AAs from: (1) a government agency; (2) a credible institution with relevant expertise and without financial conflicts of interest; or (3) in a published peer-reviewed scientific journal.

The Organization for Economic Cooperation and Development published "Current Landscape of Alternatives Assessment Practice: A Meta-Review" in 2013. This document covers 24 different advisories performing AAs under different regulatory frameworks, and is a useful resource to consider what existing governmental, academic, and industry standards would result in suitable AAs to be considered under SB 392.

The provision allowing existing AAs to be used in SB 392 states that the AA used, regardless of source, must still address any relevant factors listed in the California Code of Regulations §69506. These factors include topics like the speed at which the response can address adverse effects, existing federal and/or California regulations, practical capacity of responsible entities to comply with the regulation, and the cost to the responsible entity of the proposed regulatory response relative to the cost of other possible responses. Given that these factors and more must be addressed, there appears to be a sufficiently high standard of quality for any existing AA used by DTSC to proceed immediately to regulatory response.

4) *Accelerating regulatory action.* SB 392 makes attempts, based on the Public Health Institute's recent Green Chemistry Initiative report, to decrease the time from listing of a priority product to an eventual regulatory response. The bill attempts to accomplish this by removing the informal dispute resolution and administrative appeal processes regarding product listing decisions, and through imposing 5-year work plan timelines on DTSC. While public comment periods will still exist for each regulatory decision, these windows will become more essential for stakeholders to have their voices heard.

Taken as a whole, SB 392 applies many of the recommendations from the recent report on the progress of the Green Chemistry Initiative to increase the speed of and fill data gaps in the program. Given the need to protect California's consumers from unnecessary hazardous chemicals, the committee may wish to consider supporting this measure.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Judiciary Committee.

SOURCE: Author

SUPPORT:

American Sustainable Business Council
Black Women for Wellness
BlueGreen Alliance
Breast Cancer Prevention Partners
California Environmental Justice Alliance
California Health Coalition Advocacy
California League of Conservation Voters
Center on Race, Poverty and the Environment
Clean Production Action
Clean Water Action
Coalition for Clean Air
Educate.Advocate.
Environmental Working Group
Health Care Without Harm
Healthy Nail Salon Collaborative
Natural Resources Defense Council
Nontoxic Certified
Physicians for Social Responsibility - Los Angeles Chapter
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Plastic Pollution Coalition
Safer Made Ventures
Safer States
Seventh Generation Advisors
Sheet Metal Occupational Health Institute Trust
Sierra Club California
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education (COARE)
United Steelworkers District 12
Upstream
Women's Voices for the Earth

OPPOSITION:

Alkylphenols & Ethoxylates Research Council
American Chemistry Council
American Cleaning Institute
California Chamber of Commerce

California League of Food Producers
California Manufacturers & Technology Association
California Paint Council
California Retailers Association
Chemical Industry Council of California
Consumer Healthcare Products Association
Fragrance Creators Association
Grocery Manufacturers Association
Household & Commercial Products Association
Industrial Environmental Association
Juvenile Products Manufacturers Association
Motor & Equipment Manufacturers Association
Plumbing Manufacturers International
The Carpet and Rug Institute
The Toy Association

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 400		
Author:	Umberg		
Version:	2/20/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Eric Walters		

SUBJECT: Reduction of greenhouse gases emissions: mobility options

DIGEST: This bill expands the allowable modes of transportation for which Clean Cars 4 All "mobility option" vouchers may be used to include bike sharing and electric bicycles, in addition to previously permitted public transit and car sharing uses.

ANALYSIS:

Existing law:

1) Establishes the Clean Cars 4 All Program, a voluntary car scrap and replacement program administered by the state board to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option. (Chapter 636, Statutes of 2017)

2) Authorizes ARB to permit the use of market-based compliance mechanisms, to comply with greenhouse gas (GHG) reduction regulations, once specified conditions are met. ARB has adopted a cap-and-trade regulation that applies to large industrial facilities and electricity generators emitting more than 25,000 metric tons of carbon dioxide equivalent per year, as well as distributors of fuels, including gasoline, diesel and natural gas.

This bill:

Expands the allowable modes of transportation for which Clean Cars 4 All "mobility option" vouchers may be used to include bike sharing and electric bicycles.

Background

1) *Cap-and-Trade.* The original cap-and-trade program was recommended by the state Air Resources Board (ARB) as a central approach to flexibly and

iteratively reduce emissions over time. Pursuant to legal authority under AB 32 (Núñez and Pavley, Chapter 488, Statutes of 2006), ARB adopted cap-and-trade regulations and those regulations were approved on December 13, 2011.

Since November 2012, ARB has conducted eight California-only, thirteen joint California-Québec, two joint California-Québec-Ontario, and then another three joint California-Québec cap-and-trade auctions (Ontario withdrew from the joint cap-and-trade program after a change in their political leadership). To date, approximately $9.5 billion has been generated by the cap-and-trade auctions and deposited into the greenhouse gas reduction fund (GGRF) (revenue from the last auction has not yet been deposited into the GGRF).

2) *Using Cap-and-Trade revenue to aid disadvantaged communities*. The Clean Cars 4 All program focuses on providing incentives through California Climate Investments (CCI) to lower-income California drivers to scrap their older, high-polluting car and replace it with a zero- or near-zero emission replacement. The program's guiding legislation (AB 630, Cooper, 2017) aims to focus the benefits of the program to low-income and disadvantaged communities and has a heavy emphasis on consumer protections, education of the new technologies, and coordination with other clean transportation programs.

   California Climate Investments is a statewide initiative that puts billions of Cap-and-Trade dollars to work reducing greenhouse gas emissions, strengthening the economy and improving public health and the environment—particularly in disadvantaged communities. In the latest annual report, issued March 15, 2018, CCI reported $720 million in funding across California for programs to reduce GHG emissions, including the Clean Cars 4 All program.

Comments

1) *Purpose of Bill.* According to the author, "Under existing law, the Clean Cars 4 All program only allows individuals to retire their old polluting vehicle in exchange for incentives towards the purchase of a new or used hybrid, plug-in hybrid, or battery electric car. Alternatively, individuals can opt for a 'mobility option' voucher in the form of local transit passes or car-sharing programs. However, these incentive programs are based in communities with poor transit options and the demand for these alternative options are non-existent within the program. Access to electric bicycles and bicycle sharing programs currently are not eligible mobility options, which is a missed opportunity to support healthy, clean transportation options for communities of concern that face barriers to

purchasing these alternatives due to cost."

2) *More options for retiring and replacing old vehicles*. The stated goal of AB 630 was to remove more high polluting vehicles from the roads, improve air quality in disadvantaged communities, and help low-income individuals move into cleaner new or used vehicles. By also compensating participants up to $4,500 for "Alternative Transportation Mobility Options", AB 630 also enabled Californians to replace their car with other transportation options.

   Given the role these bicycle-based transportation modes can play in expanding Californians' low-emission mobility options in cities, the committee may wish to consider supporting this measure to incentivize drivers of high polluting vehicles to use greener alternatives.

Related/Prior Legislation

AB 630 (Cooper, Chapter 636, Statutes of 2017) established the Clean Cars 4 All program, providing drivers of high polluting vehicles financial incentives and support to switch to lower-emission vehicles or other modes of transportation.

SB 535 (De Leon, Chapter 830, Statutes of 2012) allowed participants in or near disadvantaged communities to receive an even higher incentive with the EFMP Plus-Up program, funded through the Greenhouse Gas Reduction Fund.

AB 118 (Nuñez, Chapter 750, Statutes of 2007) enacted the Enhanced Fleet Modernization Program (EFMP) to provide compensation for the retirement and replacement of passenger vehicles and light-duty and medium-duty trucks that are high polluters.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Transportation Committee.

SOURCE: Author

SUPPORT: California Bicycle Coalition

OPPOSITION: None on file

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 413		
Author:	Rubio		
Version:	2/20/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: San Gabriel Water Quality Authority

DIGEST: This bill would require the San Gabriel Basin Water Quality Authority (SGBWQA) to annually update and incorporate a status report on activities related to its basinwide groundwater quality management and remediation plan to the State Water Resources Control Board and the Los Angeles Regional Water Quality Control Board.

ANALYSIS:

Existing law:

1) Establishes the SGBWQA, until July 1, 2030, and authorizes it to plan, finance, and implement groundwater remediation activities. Specifies that the board of SGBWQA be composed of members, as specified, with 4-year terms and procedures for elections and filling board vacancies.

2) Requires SGBWQA to develop and adopt a basinwide groundwater quality management and remediation plan as specified and submit, by March 31, 2008, and every 6 months thereafter, a status report on its activities undertaken pursuant to the plan.

This bill:

1) Requires the SGBWQA to update its basinwide groundwater quality management and remediation plan (Plan) annually and incorporate a status report on activities undertaken by the authority pursuant to the Plan. Specifies that the Plan be delivered to SWRCB and the Los Angeles Regional Water Quality Control Board within 30 days of the Plan's adoption.

2) Deletes a provision requiring SGBWQA to submit a status report pursuant to the Plan every 6 months to the SWRCB and the Los Angeles Regional Water Quality Control Board.

3) Makes various process changes related to filling SGBWQA board vacancies and conducting regular board elections for member and alternate seats.

Background

1) The San Gabriel Basin Water Quality Authority Act (WQA) was established by the Legislature on February 11, 1993, to develop, finance, and implement groundwater treatment programs in the San Gabriel Basin. The WQA is under the direction and leadership of a 7-member board. The board is comprised of one member from each of the overlying municipal water districts, one from a city with prescriptive water pumping rights and one from a city without prescriptive water pumping rights, and two members representing water producers in the San Gabriel Basin.

   The mission of the SGBWQA is to coordinate, plan, and implement groundwater quality management programs to efficiently remediate groundwater contamination, address the problem of the migration of contaminated groundwater within the San Gabriel Basin, protect and promote the beneficial use of groundwater supplies, and assist in preventing future contamination.

   Since its inception, the WQA's sponsored projects have been responsible for removing nearly 45 tons of contaminants from the San Gabriel Valley groundwater basin and more than 50 percent of the total contaminants removed from the basin since the contamination was discovered in 1979. WQA assessments to accomplish cleanup of the San Gabriel Basin have averaged $7.25 per household per year.

Comments

1) *Purpose of Bill.* According to the author, "Recently, cities in my district have changed the schedule of their city council elections to occur in even-numbered years. This creates a problem if a candidate simultaneously running for city council and the San Gabriel Basin Water Quality Authority wins the SGBWQA election but loses the city council seat. SB 413 staggers the SGBWQA board election schedule to reduce the need to hold a special election, which SGBWQA staff estimate costs approximately $20,000 per election cycle. SB 413 would further reduce costs and increase the efficiency of the SGBWQA by consolidating two duplicative reporting requirements into a single annual report. All of the information currently required in the two existing reports would be retained in the new annual report. The SGBWQA board discussed these changes at a public workshop and hearing and

unanimously adopted a position supporting them after hearing no dissenting opinions from the public."

2) *Technical Amendments*. Two technical amendments are needed: 1) to incorporate a number of elements currently required in the bi-annual status report to now be included in the annual report to SWRCB and the Los Angeles Regional Water Quality Control Board which were inadvertently left out the bill; and 2) to clarify that the board is the entity that acts to fill board vacancies.

DOUBLE REFERRAL:

This measure was heard in the Senate Governance and Finance Committee on March 27, 2019, and passed out of committee with a vote of 7-0.

SOURCE: San Gabriel Basin Water Quality Authority

SUPPORT:

Association of California Water Agencies
City of Covina
City of Puente
Regional Chamber of Commerce San Gabriel Valley
San Gabriel Valley Economic Partnership
San Gabriel Valley Municipal Water District
San Gabriel Valley Water Association
San Gabriel Valley Water Company
Three Valleys Municipal Water District
Upper San Gabriel Valley Municipal Water District

OPPOSITION:

None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 414		
Author:	Caballero		
Version:	2/20/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Small System Water Authority Act of 2019

DIGEST: This bill would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems.

ANALYSIS:

Existing law, under the California Safe Drinking Water Act:

1) Requires the State Water Resources Control Board (SWRCB) to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies.

2) Requires SWRCB to ensure that all public water systems are operated in compliance with the act.

3) Authorizes SWRCB, where a public water system or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water, to order consolidation with a receiving water system. Provides that the consolidation may be physical or operational.

4) Authorizes SWRCB to contract with an administrator to provide administrative and managerial services to a designated public water system, as defined, to assist with the provision of an adequate and affordable supply of safe drinking water.

5) Prohibits, in the case of an ordered consolidation, fees or charges imposed on a customer of a subsumed water system from exceeding the cost of consolidating

the water system with a receiving system or the extension of service to the area.

6) Requires SWRCB to make financial assistance available to an administrator for a designated public water system, as appropriate and to the extent that funding is available.

7) Authorizes an administrator to expend available moneys for capital infrastructure improvements; set and collect user water rates and fees; and, expend available moneys for operation and maintenance costs of the designated public water system.

8) Requires SWRCB to work with the administrator and the communities served by the designated public water system to develop adequate technical, managerial, and financial capacity to deliver safe drinking water so that the services of the administrator are no longer necessary.

This bill:

1) Creates the Small System Water Authority Act of 2019, which authorizes the creation of small system water authorities (Authority) that will have powers to absorb, improve, and competently operate noncompliant public water systems.

2) Requires the SWRCB to send a notice to cure to all public water systems that have less than 3,000 service connections or that serve less than 10,000 people that are not in compliance with drinking water standards for the period from July 1, 2018, through December 31, 2019. If the system does not return to compliance in a timely manner, requires the water system to prepare and submit a plan to the SWRCB to permanently remedy the violation, no later than January 1, 2025.

3) Requires the SWRCB, if it rejects the plan, to notify the county local agency formation commission (LAFCO) that chronically noncompliant systems within the county will be dissolved and consolidated into an Authority, after a specified period of time, if certain findings are made by the SWRCB.

4) Stipulates that California Public Utilities Commission (CPUC) regulated water providers be dissolved through the CPUC process, and private non-CPUC regulated entities and mutual water companies be dissolved and receive compensation through a distressed business valuation process, if there is remaining value on the system. Allows water systems that are in compliance be

provided the opportunity to voluntarily dissolve and consolidate into an Authority without a finding of chronic noncompliance.

5) Stipulates that the SWRCB appoint an Administrator for each Authority or multiple Authorities in counties that have five or more chronically noncompliant systems. In regions that have less than five systems; unless the Administrator has determined that less than five systems can viably form an Authority, stipulates the SWRCB shall use any existing tools and authorities, including traditional consolidation or application of existing resources, as appropriate.

6) Requires the Authorities be formed at the county or sub-county level and will either have contiguous or noncontiguous boundaries. Stipulates that each administrator submit a conceptual formation plan to the SWRCB. Stipulates that a Final Plan for Service be approved through a local public hearing process, at the LAFCO.

7) Requires new Authorities be formed as independent special districts, provided with new internal and external financing opportunities, increased transparency including an elected Board of Directors, and will be scaled to a size to develop, coordinate, or contract through regional agreements, the necessary infrastructure to treat contamination issues.

Background

1) The Legislative Analyst's Office provides a succinct background on the general topic of Safe and Affordable Drinking Water in their Analysis of the 2018-19 Governor's Budget, as follows:

"Federal, State, and Local Entities Regulate Drinking Water. The federal Safe and Affordable Drinking Water Act (SDWA) was enacted in 1974 to protect public health by regulating drinking water. California has enacted its own safe drinking water act to implement the federal law and establish state standards. The U.S. EPA enforces the federal SDWA at the national level. However, most states, including California, have been granted "primacy" by the U.S. EPA, giving them authority to implement and enforce the federal SDWA at the state level.

"Maximum contaminant levels (MCLs) are health-based drinking water standards that public water systems are required to meet. MCLs take into account the health risk, detectability, treatability, and costs of treatment associated with a pollutant. Agencies responsible for regulating water quality

enforce these standards.

"The California State Water Resources Control Board's (State Water Board) Division of Drinking Water (DDW) regulates public water systems that provide water for human consumption and have 15 or more service connections, or regularly serve at least 25 individuals daily at least 60 days out of the year. (A "service connection" is usually the point of access between a water system's service pipe and a user's piping.) The state does not regulate water systems with less than 15 connections; county health officers oversee them. At the local level, 30 of the 58 county environmental health departments in California have been delegated primacy—known as Local Primacy Agencies (LPAs)—by the State Water Board to regulate systems with between 15 and 200 connections within their jurisdiction. For investor-owned water utilities under the jurisdiction of California Public Utilities Commission (CPUC), the DDW or LPAs share water quality regulatory authority with CPUC.

"The DDW regulates approximately 7,500 water systems. About one-third of these systems have between 15 and 200 service connections. The number of smaller systems—specifically, those with 14 or fewer connections— is unknown but estimated to be in the thousands.

"Multiple Causes of Unsafe Drinking Water. The causes of unsafe drinking water can generally be separated into two categories (1) contamination caused by human action and (2) naturally occurring contaminants. In some areas, there are both human caused and natural contaminants in the drinking water.

"Three of the most commonly detected pollutants in contaminated water are arsenic, perchlorate, and nitrates. While arsenic is naturally occurring, perchlorate contamination is generally a result of military and industrial uses. High concentrations of nitrate in groundwater are primarily caused by human activities, including fertilizer application (synthetic and manure), animal operations, industrial sources (wastewater treatment and food processing facilities), and septic systems. Agricultural fertilizers and animal wastes applied to cropland are by far the largest regional sources of nitrate in groundwater, although other sources can be important in certain areas.

"Unsafe Drinking Water a Statewide Problem. The State Water Board has identified a total of 331 water systems that it or LPAs regulate that are in violation of water quality standards. These water systems serve an estimated 500,000 people throughout the state. The number of water systems with 14 or fewer connections that are currently in violation of water quality standards is unknown, but estimated to be in the thousands by the State Water Board. Of

the 331 systems identified by the State Water Board, 68 have violations associated with nitrates (and in some cases, additional contaminants). In some of these water systems, unsafe contamination levels persist over time because the local agency cannot generate sufficient revenue from its customer base to implement, operate, or maintain the improvements necessary to address the problem. The challenge in these systems is often a product of a combination of factors, including the high costs of the investments required, low income of the customers, and the small number of customers across whom the costs would need to be spread."

2) *Consolidation of Public Water Systems*. SB 88 (Budget Committee, Chapter 27 Statutes of 2015) authorizes SWRCB to require water systems that are serving disadvantaged communities with unreliable and unsafe drinking water to consolidate with or receive service from public water systems with safe, reliable, and adequate drinking water. SB 552 (Wolk, Chapter 773, Statutes of 2016) authorizes the SWRCB to identify public water systems that are consistently unable to provide an adequate and affordable supply of safe drinking water and, once funding is available, to then contract with a competent administrator to provide managerial and technical expertise to that system.

   Consolidating public water systems and extending service from existing public water systems to communities and areas, which currently rely on under-performing or failing small water systems, as well as private wells, reduces costs and improves reliability. Consolidating or extending service from a public water system to a community otherwise served by unreliable systems or unregulated private wells advances the goal of a reliable, accessible supply of safe drinking water for all California residents.

   The SWRCB currently posts information on its website about ordered consolidations. It also tracks and has information on voluntary consolidations. Currently, 60 consolidations are being funded by SWRCB. Fifteen mandatory consolidations are currently proceeding, although 5 of those have decided to pursue voluntary consolidation. Only one mandatory consolidation has been completed so far. In 2017-18, there were 90 voluntary physical consolidations and 6 voluntary managerial consolidations. Physical consolidations are for systems that are close enough to be connected by new pipelines. In managerial or operational consolidation, the systems remain physically separate, but are managed by the same entity.

Comments

1) *Purpose of Bill.* According to the author, the "State Water Resources Control Board (State Board) has identified 264 (as of February 6, 2019) water systems statewide that chronically serve contaminated drinking water that is in violation of state and federal primary drinking water quality laws or cannot provide reliable water service due to unsound infrastructure or because they lack the local financial, managerial, and technical resources to do so. The vast majority of these systems are small, rural systems that typically serve less than 10,000 people. A sustainable solution is necessary to address this drastic health and safety crisis.

   "SB 414 proposes to merge noncompliant water systems into a single larger and more robust public water system that can take advantage of improved economies of scale, streamlined managerial functions, enhanced financial capacity, and is structured to advance public transparency and accountability of both the process and the newly formed system.

   "The laws that have been passed to-date address various elements of the water accessibility issue, including voluntary and forced consolidations, supplying resources and technical support, and limiting the development of new unsustainable water systems. While these efforts have created a portfolio of options to address the critical issue of water accessibility in California, immediate and lasting changes to the underlying governance structure of chronically noncompliant small systems is still needed to protect public health and safety.

   "SB 414 does not preclude voluntary or mandated consolidations, instead this bill seeks to complement existing consolidation laws. However, traditional consolidations are complex to execute and each consolidation must rely on a larger host agency to facilitate the consolidation. SB 414 establishes a roadmap for the consolidation of multiple systems and does not rely on a larger host agency – which is important as many of these systems are located in rural communities that may not be adjacent to a larger potential host system."

2) *New Tool in the Toolbox.* SB 414 builds off of the SWRCB's existing consolidation process by allowing several systems to be brought under the consolidation umbrella without a host agency – unlike traditional consolidations. This is important because many areas do not have a viable larger host agency able to facilitate the consolidations.

The bill provides a two-step process where the SWRCB is required to take action related to non-compliant water systems, but it leaves it to the SWRCB's discretion as far as what tool to use. SB 414 stipulates that the SWRCB provide a notice to cure to any systems not meeting specified drinking water standards and these systems are given 6 months to come back with a plan for compliance. If there is no plan or the SWRCB rejects the plan, the SWRCB is directed to cause the formation of an Authority if certain findings are met, including that "there is no reasonable alternative that would protect the public drinking water supplies of the public water system other than for there to be the formation of an authority to serve the customers of the water system."

3) *Point in time Compliance.* In 2017, the SWRCB launched its Human Right to Water Portal, a new website for the public to find information related to efforts to assure that every Californian has access to safe, clean and affordable drinking water. The site includes an interactive map that shows the locations of public water systems that are currently out of compliance with federal standards for contaminants.

   While this bill only applies to systems that were identified to be out of compliance with state or federal primary drinking water standards between July 1, 2018, through December 31, 2019, the sponsor explains that this date range was selected to capture water systems identified on the SWRCB's Human Right to Water Portal. By targeting this date range, the sponsor argues that it provides the SWRCB with tools to rectify the issues of the systems that it has identified are the problem. Essentially, the sponsor argues, SB 414 provides the tools to address this legacy issue. Further, the sponsor points out that while the bill is designed to address the nearly 300 systems on the Portal, SB 414 does not preclude water systems in the future from joining the authority using the SWRCB's existing authority and/or the LAFCO process. This could include systems that may be on the verge of non-compliance, or potentially state small water systems or residents served by individual wells.

4) *Amendments from the Governance and Finance Committee.* The Senate Governance and Finance Committee required amendments to SB 414 in order for the bill to secure passage. Due to the constraints of legislative deadlines, that Committee agreed to allow the author to take their amendments in the Senate Environmental Quality Committee. These amendments require SWRCB to evaluate each failing system and pursue the best solution for the residents of that county—weighing its existing authority against the new powers and process established by SB 414.

DOUBLE REFERRAL:

This measure was heard in the Senate Governance and Finance Committee on March 27, 2019, and passed out of committee with a vote 7-0.

Related/Prior Legislation

SB 669 (Caballero) creates a Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the SWRCB. The bill would require the SWRCB to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards. This bill is currently pending before Senate Environmental Quality Committee.

Governor's 2019-20 Trailer Bill would establish the Safe and Affordable Drinking Water program to increase access to safe drinking water for Californians. The program would provide certain local water agencies with grants, loans, contracts, or services to help support their operations and maintenance costs. This funding would be supported by new charges proposed by the Governor on water system ratepayers, fertilizer sales, and certain agricultural entities. This bill is currently pending before the Senate Budget and Fiscal Review Committee.

SB 2050 (Caballero, 2018) would have created the Small System Water Authority Act of 2018, which authorizes the creation of a small system water authority (Authority) that will have powers to absorb, improve, and competently operate noncompliant public water systems. This bill was vetoed by the Governor.

SB 623 (Monning, 2017). Creates the Safe and Affordable Drinking Water Fund, administered by the SWRCB, to assist communities and individual domestic well users to address contaminants in drinking water that exceed safe drinking water standards. This bill was held in the Assembly Rules Committee.

SB 88 (Chapter 27, Statutes of 2015) allows the SWRCB to require certain water systems that consistently fail to provide safe drinking water to consolidate with, or receive an extension of service from, another public water system.

SB 685 (Eng, Chapter 524, Statutes of 2012) establishes in law a state policy that all residents of the state have a right to clean, affordable, and accessible water for human consumption, and directs relevant state agencies to implement the policy.

SOURCE: California Municipal Utilities Association
Eastern Municipal Water District

SUPPORT:

Calleguas Municipal Water District
Las Virgenes Municipal Water District
Orange County Water District
Southern California Water Coalition

OPPOSITION:

None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 519		
Author:	Bradford		
Version:	3/25/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Hazardous substances: underground storage tanks

DIGEST: This bill authorizes the State Water Resources Control Board (SWRCB) to expend moneys in the Site Cleanup Subaccount of the Underground Storage Tank (UST) Cleanup Fund to water replenishment districts for the costs to identify and/or remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination.

ANALYSIS:

Existing law:

1) Requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management program, known as the unified program.

2) Requires every county to apply to the secretary to be certified to implement the unified program, and authorizes a city or local agency that meets specified requirements to apply to be certified to implement the unified program. As a certified unified program agency, or CUPA.

3) Provides for the formation, organization, and functioning of water replenishment districts for the purposes of replenishing the groundwater supplies within the district to store, transport, recapture, recycle, purify, treat, or manage the control water for beneficial uses.

4) Establishes the UST Cleanup Fund and authorizes the SWRCB to expend moneys in the fund for certain purposes, including for transfer to the Site Cleanup Subaccount, upon appropriation by the Legislature. Specifies that funds may be used for grants to the SWRCB, a regional water quality control board, or a local agency for the reasonable and necessary costs of actions to

remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination at a location.

5) Defines "local agency" to mean a unified program or a city or county certified by the board.

6) Defines an underground storage tank (UST) as any one or combination of tanks, including pipes connected thereto, that is used for the storage of hazardous substances and that is substantially or totally beneath the surface of the ground.

This bill:

1) Authorizes the SWRCB to additionally expend moneys in the Site Cleanup Subaccount of the UST Cleanup Fund to water replenishment districts (WRD) for reasonable and necessary expenditures to:

   a) identify the source of surface or groundwater contamination; and

   b) remediate the harm or threat of harm to human health, safety, and the environment caused by existing or threatened surface or groundwater contamination, under the direction of the board, a regional board, a local agency, or another appropritate regulatory agency with authority for cleanup oversight.

Background

The Barry Keene UST Cleanup Fund Act of 1989 was established to protect public health and safety and the environment from releases of petroleum and other hazardous substances from USTs and to reimburse petroleum UST owners for costs associated with the cleanup of leaking petroleum USTs. The UST Program is limited to only petroleum-type sites where petroleum was stored in USTs.

The Site Cleanup Subaccount Program, established in 2014 by SB 445 (Hill, 2014), is a funding program that allows SWRCB to issue grants for projects that address the harm or threat of harm to human health, safety, and/or the environment from polluted surface water and/or groundwater. The evaluation process includes consideration of the degree of threat, whether the site is located in a small or disadvantaged community, the cost and benefits of the cleanup, and the financial resources of the responsible parties.

The Site Cleanup Subaccount Program, as compared to the UST Cleanup Fund, has a much wider range of type of sites and pollutants (largely solvents) associated with industrial and commercial uses. The SWRCB regulates and oversees the investigation and cleanup of 'non-federally owned' sites where recent or historical unauthorized releases of pollutants to the environment, including soil, groundwater, surface water, and sediment, have occurred. Sites in the program are varied and may include pesticide and fertilizer facilities, rail yards, ports, equipment supply facilities, metals facilities, industrial manufacturing and maintenance sites, dry cleaners, bulk transfer facilities, refineries, and some brownfields.

Water replenishment districts are charged with protecting and preserving the groundwater supplies within their district for beneficial uses and may take any action within the district to remove contaminants from the groundwater supplies, determine the existence, extent, and location of contaminants in the groundwater supplies of the district, and perform or obtain engineering, hydrologic, and scientific studies for any of the foregoing purposes. However, under current law, WDRs are not eligible to receive grants from the Site Cleanup Subaccount.

Comments

1) *Purpose of Bill.* According to the author, "SB 519 allows the State Water Resources Control Board (SWRCB) to distribute funds from the Site Cleanup Subaccount Program (SCAP) to water replenishment districts when they are considered the best option for remediating groundwater contamination. The problem is existing law does not allow water replenishment districts to receive funds from this subaccount despite the fact that these grants fund surface or groundwater projects.

   "Water replenishment districts are well positioned to immediately prevent harm to public health, safety and the environment because their primary purpose is to store, purify, treat, and manage groundwater reservoirs. Furthermore, water replenishment districts are equipped to handle cases where there is a threat to groundwater because groundwater basins and aquifers are their only priority. Access to the funds in this subaccount are vital to making sure water replenishment districts have the means to address water contamination directly.

   "SB 519 will streamline the remediation process and help ensure that water replenishment districts can be considered and awarded this crucial funding related to groundwater cleanup when they are determined the right people for the job."

Related/Prior Legislation

SB 445 (Hill, Chapter 547, Statutes of 2014) extends the current SWRCB program for the clean-up of USTs from 2016 to 2026 and established the Site Cleanup Subaccount.

SOURCE: Water Replenishment District of Southern California

SUPPORT:

Association of California Water Agencies
River in Action

OPPOSITION:

None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 526		
Author:	Allen		
Version:	2/21/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	David Ernest García		

SUBJECT: Regional transportation plans: greenhouse gas emissions: State Mobility Action Plan for Healthy Communities

DIGEST: This bill, among other things, establishes an interagency working group for the purpose of developing and implementing a State Mobility Action Plan for Healthy Communities to ensure that regional growth and development is designed and implemented in a manner that will help achieve the state's environmental, equity, climate, health, and housing goals, as specified.

ANALYSIS:

Existing federal law:

1) Requires any urbanized area with a population greater than 50,000 to establish a metropolitan planning organization (MPO) that, among other things, is responsible to ensure that regional transportation planning is cohesive across local jurisdictions. (23 U.S.C. §§134–135).

Existing state law:

1) Requires, under the California Global Warming Solutions Act of 2006 (also known as AB 32), ARB to (1) determine the 1990 statewide greenhouse gas (GHG) emissions level and approve a statewide GHG emissions limit that is equivalent to that level to be achieved by 2020; and (2) ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by December 31, 2030 (i.e., SB 32). (HSC §38500 et seq.)

2) Requires transportation planning agencies to prepare and adopt regional plans that, with specifications, achieve a coordinated and balanced regional transportation system. (Government Code (GOV) §65080 et seq.)

3) Requires, as a part of the regional transportation plan, a sustainable communities strategy (SCS), with specifications, to be prepared by each MPO. (GOV §65080)

4) Establishes a process for, and requires, ARB to provide regional transportation planning agencies with GHG emissions reductions targets that must be included in their SCS. (GOV §65080)

This bill:

1) Makes findings and declarations, as well as technical and clarifying amendments.

2) Requires the Department of Transportation, as a part of developing guidelines for implementation of the State Transportation Improvement Program (STIP), for projects located within the jurisdiction of an MPO that ARB has determined is not on track to meet its GHG emission reduction targets, to assign a lower priority to a project for incorporation into the STIP if the project increases Vehicle Miles Traveled (VMT) and GHG emissions compared to a project that reduces VMT and GHG emissions.

3) Requires, as a part of the report prepared by ARB on each MPOs progress toward meeting their GHG emission reduction goals, each MPO to submit data to ARB that delineates how transportation funds have been spent in relation to the SCS and describes whether that spending has lead to an increase or decrease in VMT and further requires ARB to adopt a regulation that requires MPOs to provide that data, as specified.

4) Requires ARB to notify the California Transportation Commission (CTC) about which regions are not meeting their GHG emission reduction targets, as specified.

5) Requires an SCS to include near- and long-term steps that can help a region attain their GHG emission reduction targets, as specified.

6) Establishes an interagency working group, to be administered by the Strategic Growth Council (SGC), with the following membership:

   a) The members of SGC.
   b) The Secretary for Environmental Protection (CalEPA).
   c) The Secretary of the Natural Resources Agency.
   d) The Secretary of Transportation.
   e) The Secretary of the Department of Housing and Community Development.
   f) The Chair of ARB.
   g) The Chair of the California Transportation Commission.

h) The Director of the Office of Planning and Research.
i) The Director of the State Department of Public Health.
j) The Executive Director of SGC.
k) Four representatives from regional and local governments (two chosen each by the ARB Chair and the CTC).

7) Requires the interagency working group to develop and implement a State Mobility Action Plan for Healthy Communities (SMAPHC) to ensure that regional growth and development is designed and implemented in a manner that will help achieve the state's environmental, equity, climate, health, and housing goals.

8) Requires the interagency working group to identify actions in the SMAPHC needed to achieve the reductions in VMT necessary to meet specified GHG emission reduction targets. Further requires these actions to be able to:

a) Overcome identified obstacles to aligning state transportation funds with climate, health, equity, and conservation goals.

b) Plan and implement development in specified communities that meets regional GHG emission reduction goals.

c) Provide increased and equitable travel options that supports infill development and offers economic development, access to jobs and other opportunities, and access to affordable housing, as specified.

d) Promote innovative mobility options that fosters greater livability, access to destinations, and compact infill development rather than accelerating sprawl, as specified.

e) Protect disadvantaged communities, renters, low-income people, and other vulnerable populations from displacement.

f) Identify responsible parties at the state, regional, and local levels to implement reductions in VMT and GHG emissions.

g) Identify any obstacles, including, but not limited to, data gaps at the regional and local level that inhibit monitoring the progress toward and compliance with specified GHG emission reduction goals.

h) Requires the interagency working group to establish definitive timelines and an investment strategy to meet VMT and GHG emission reduction

goals, as specified.

9) Requires the interagency working group to solicit input from stakeholders and hold at least four public workshops in geographically diverse locations throughout the state in developing the SMAPHC.

10) Requires the SMAPHC to be completed by December 31, 2020, and be submitted to the Legislature, as specified.

11) Requires, by September 1, 2024 and every four years thereafter, the interagency working group to update the SMAPHC based on ARB's assessment of regional progress toward specified GHG emission reduction goals, as specified.

Background

1) *GHG Emissions Goals*. AB 32 (Núñez and Pavley, Chapter 488, Statutes of 2006), also known as the California Global Warming Solutions Act of 2006, requires ARB to determine the 1990 statewide GHG emissions level and approve a statewide GHG emissions limit that is equivalent to that level, to be achieved by 2020, and to adopt GHG emissions reductions measures by regulation.

   In 2015, Governor Brown issued Executive Order B-30-15, which set a target of reducing statewide GHG emissions to 80% below 1990 levels by 2050, and an interim statewide GHG emissions reduction target of 40% below 1990 levels by 2030.

   SB 32 (Pavley, Chapter 249, Statutes of 2016) codified the 2030 GHG emissions reductions target in the Governor's Executive Order.

2) *SB 375 (Steinberg, Chapter 728, Statutes of 2008)*. SB 375 (Steinberg, Chapter 728, Statutes of 2008), also known as The Sustainable Communities and Climate Protection Act of 2008, requires ARB to set regional targets for GHG emissions reductions from passenger vehicle use.

   In 2010, ARB established these targets for 2020 and 2035 for each region covered by one of the state's MPOs. ARB will periodically review and update the targets, as needed.

   SB 375 also requires each of California's MPOs to prepare an SCS as part of its regional transportation plan (RTP).

The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. ARB must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate APS to meet the targets.

ARB estimates that the 2020 and 2035 targets of the SB 375 program represent reductions of greenhouse gas emission from passenger vehicles and light trucks of over three million metric tons of carbon dioxide per year in 2020 and 15 million metric tons of carbon dioxide per year in 2035.

3) *State Transportation Improvement Program (STIP).* The STIP is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources. STIP programming generally occurs every two years. The programming cycle begins with the release of a proposed fund estimate in July of odd-numbered years, followed by California Transportation Commission (CTC) adoption of the fund estimate in August (odd years). The fund estimate serves to identify the amount of new funds available for the programming of transportation projects. Once the fund estimate is adopted, Caltrans and the regional planning agencies prepare transportation improvement plans for submittal by December 15th (odd years).

   Caltrans prepares the Interregional Transportation Improvement Plan (ITIP) and regional agencies prepare Regional Transportation Improvement Plans (RTIPs). Public hearings are held in January (even years) in both northern and southern California. The STIP is adopted by the CTC by April (even years).

   Local agencies, who are land-use planning agencies, work through their Regional Transportation Planning Agency (RTPA), County Transportation Commission, or MPO, as appropriate, to nominate projects for inclusion in the STIP.

4) *Vehicle Miles Traveled (VMT).* According to ARB, California must reduce VMT, among other things, in order to meet the SB 32 target. Additionally, research has demonstrated that strategies that reduce VMT also provide numerous cobenefits, including improved public health outcomes, household cost savings, reduced energy and water consumption, reduced consumption of

natural and working lands, and increased access to economic opportunity, as well as the many benefits of cleaner air due to reduced pollution from vehicles.

Measures to reduce VMT are already being implemented or are underway. California's MPOs are developing their second generation of Sustainable Communities Strategies, describing alignments in land use and transportation planning to reduce the need for light duty vehicle travel, under SB 375 (Steinberg, Chapter 728, Statutes of 2008). The California Transportation Commission is piloting a road charge program that would assess fees for road maintenance based on the number of miles driven, pursuant to SB 1077 (DeSaulnier, Chapter 835, Statutes, of 2014). The Governor's Office of Planning and Research has developed updates to the California Environmental Quality Act Guidelines that govern the analysis of project-level transportation impacts, pursuant to SB 743 (Steinberg, Chapter 386, Statutes of 2013).

On January 3, 2019, the updated Guidelines went into effect. Beginning on July 1, 2020, projects will no longer be analyzed on a "level of service" methodology, which analyzes traffic congestion and tends to promote increased vehicle and fuel use. Instead, a new methodology will be used that focuses on a project's effect on VMT as part of the project's environmental review, and, if the impact is significant, mitigate those impacts through VMT-reducing measures.

Comments

1) *Purpose of Bill.* According to the author, "according to the State Air Resources Board (CARB) California will not achieve the necessary greenhouse gas (GHG) emission reductions to meet mandates for 2030 and beyond without significant changes to how communities and transportation systems are planned, funded, and built. In a recent report titled "2018 Progress Report: California's Sustainable Communities and Climate Protection Act," CARB found that emissions from the transportation sector continue to rise despite increases in fuel efficiency and decreases in the carbon content of fuel. SB 526 implements recommendations from this report and seeks to better align state transportation funding with climate goals.

   "In 2017, the Legislature passed SB 150 asking CARB to assess the progress made toward meeting emissions reduction targets assigned to Metropolitan Planning Organizations (MPOs) as part of SB 375 from 2008. In November 2018, the CARB released their "Progress Report" outlining the limited headway made on transportation and land use choices and listing several challenges at the state, regional, and local level that hinder progress. The

Progress Report made clear that we must do more to reduce vehicle miles traveled and the resulting GHG, traffic, air quality, and equity concerns. Based on the recommendations in CARB's report, SB 526 establishes the Mobility Action Plan (MAP) for Healthy Communities, a taskforce charged with identifying strategies to reduce VMT and GHG. The measure also requires the MPOs to include an Action Plan within their Regional Transportation Plan that outlines how they will implement their Sustainable Communities Strategy and also creates a process to collect the necessary data to ensure that CARB has adequate information to evaluate regional plans and determine whether transportation investments made within those plans result in increased or decreased vehicle miles traveled. If by 2026, CARB finds that a region is still not making progress toward achieving regional targets, the bill would also update the guidelines for the state transportation improvement plan to ensure that higher priority would be given to projects that reduce vehicle miles traveled and GHG emissions in jurisdictions that are found to be failing to meet its 2035 targets."

2) *Some things to fix.* In establishing the interagency working group, SB 526 prescribes the membership to include the members of the SGC, then redundantly adds the following members of the SGC to the interagency working group: Director of Office of Planning and Research, Secretary of the Natural Resources Agency, Secretary of Environmental Protection Agency, and Secretary of Transportation. Additionally, SB 526 requires the Secretary of the Department of Housing and Community Development to be in the interagency working group, but no such position exists; the head of that department has the title of Director.

   The author must correct these drafting errors as the bill moves forward.

3) *The myth of being overly prescriptive.* Although not put into official position letters submitted to this Committee, several stakeholders have put forward the idea that this measure forces regions to meet their GHG emission reduction targets by reducing VMT. That is inaccurate.

   Rather, SB 526 acknowledges each region's ability to meet their GHG emission reduction targets however they see fit. It is only when a region fails or is on track to fail to meet its legal obligations to reduce GHG emissions that the prescriptive measure in SB 526 comes into effect. Notably, that prescriptive measure has nothing to do with the SMAPHC developed by the interagency working group; the prescriptive measure simply requires the Department of Transportation to assign a lower priority to a project for incorporation into the STIP if the project increases VMT and GHG emissions compared to a project

that reduces VMT and GHG emissions.

Indeed, the SMAPHC, which is focused on reducing VMT in order to reduce GHG emissions, has no actual force on regions in California. This is because SB 526 contains no requirement that an MPO, or any other entity, actually implements any of the findings or recommendations in the SMAPHC.

Related/Prior Legislation

SB 150 (Allen, Chapter 646, Statutes of 2017) requires ARB to monitor a region's progress in achieving the GHG emissions reductions targets in their Sustainable Communities Strategies.

TRIPLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Transportation Committee. If this measure is approved by the Senate Transportation Committee, the do pass motion must include the action to re-refer the bill to the Senate Housing Committee.

SOURCE: American Lung Association
Natural Resources Defense Council
TransForm

SUPPORT:

350 Bay Area Action
ActiveSGV
Alliance of Nurses for Healthy Environments
American Lung Association in California
Asthma Coalition of Los Angeles County
California Bicycle Coalition
California Interfaith Power & Light
California Thoracic Society
California Walks
Catholic Charities, Diocese of Stockton
Center for Climate Change and Health
Center for Climate Change and Public Health Institute
Center for Community Action and Environmental Justice
Central California Asthma Collaborative
ClimatePlan

Coalition for Clean Air
Environmental Health Coalition
Family Allergy Asthma Clinic (Fresno)
Friends Committee of Legislation in California
Kern County Asthma Coalition
Kern County Medical Society
Leadership Council for Justice and Accountability
Maternal and Child Health Access (Los Angeles)
Natural Resources Defense Council
Planning & Conservation League
PolicyLink
Regional Asthma Management and Prevention (RAMP)
Safe Routes to School National Partnership, California
San Francisco Bay Area Chapter Physicians for Social Responsibility
Seamless Bay Area
TransForm

OPPOSITION: None received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 552		
Author:	Archuleta		
Version:	2/22/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	Gabrielle Meindl		

SUBJECT: Hazardous waste: transportation: manifests

DIGEST: This bills deletes the January 1, 2020 sunset date thereby allowing household hazardous waste (HHW) gathered by a door-to-door HHW collection program to continue to be transported using a consolidated manifest and to be taken to a HHW collection facility or a hazardous waste facility.

ANALYSIS:

Existing law:

1) Authorizes a registered hazardous waste transporter operating a door-to-door HHW collection program to use a specified manifesting procedure for transporting HHW, if the transporter complies with certain operating and reporting requirements.

2) Requires a transporter that uses the specified manifesting procedure to submit quarterly reports to the Department of Toxic Substances Control (DTSC) and requires those reports be made available to the public.

This bill:

Deletes the January 1, 2020 repeal date, thereby extending the allowance for HHW gathered by a door-to-door HHW collection program to continue to be transported using a consolidated manifest and to be taken to a HHW collection facility or a hazardous waste facility indefinitely.

Background

1) *HHW Management and Collection.* HHW is hazardous waste commonly generated by households and includes such items as batteries, pesticides, electronics, fluorescent lamps, used oil, solvents, and cleaners. If these products are handled or disposed of incorrectly, they can pose a threat to the

health and safety and the environment. When these products are discarded, they become "household hazardous waste." In California, it is illegal to dispose of HHW in the trash, down the drain, or by abandonment. HHW needs to be disposed of through a HHW program. There are many different approaches to the collection and management of HHW, all are permitted by DTSC and most are operated by local jurisdictions. Some private operators operate programs under contract with local jurisdictions, including curbside and door-to-door collection.

Comments

1) *Purpose of Bill.* According to the author, "In 2011, the Legislature passed, and the Governor signed SB 456 (Huff), which allows hazardous transporters, such as Waste Management, to pick up HHW and have it taken to multiple types of permitted facilities to be disposed of, stored or recycled.

   "Until January 1, 2020, Waste Management (WM) and other registered hazardous waste transporters, are allowed to pick up and track HHW by utilizing a Uniform Hazardous Waste Manifest (shipping document that travels with hazardous waste from the point of generation, to the final treatment, storage, and disposal facility). By allowing WM to keep a consolidated manifest on HHW they are able provide a service to Californians that ensures HHW gets properly disposed of and remains out of the waste stream. It also relinquishes the burden of the consumer from having to register as an HHW generator. Transporters are required to submit quarterly reports on manifests to DTSC, which are made available to the public."

2) *Convenience of Door-to-door Collection.* Door-to-door household hazardous waste programs have proven to have the highest public participation and consequently the highest level of diversion of hazardous waste substances from landfills. They are convenient for residents and extend service to traditionally underserved demographics such as the elderly and homebound residents or people who cannot drive to household hazardous waste collection sites. This program, allows residents to safely, easily, and responsibly dispose of all their items without having to leave their home. According to DTSC, there have not been any issues of concern with the program.

Related/Prior Legislation

SB 456 (Huff, Chapter 602, Statutes of 2011) allows household hazardous waste (HHW) gathered by a door-to-door HHW collection program to be transported

using a consolidated manifest and to be taken to a HHW collection facility or a hazardous waste facility until January 1, 2020.

SOURCE: Waste Management Inc.

SUPPORT:

Californians Against Waste

OPPOSITION:

None Received

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SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Allen, Chair
2019 - 2020 Regular

Bill No:	SB 682		
Author:	Allen		
Version:	2/22/2019	**Hearing Date:**	4/3/2019
Urgency:	No	**Fiscal:**	Yes
Consultant:	David Ernest García		

SUBJECT: Climate change: radiative forcing management climate accounting protocol

DIGEST: This bill requires the Air Resources Board (ARB) to adopt a climate accounting protocol to evaluate the potential of proposed climate mitigation and restoration actions, specifically with regard to "radiative forcing," as specified.

ANALYSIS:

Existing law:

1) Establishes ARB as the air pollution control agency in California. (Health and Safety Code (HSC) §39500 et seq.)

2) Requires, under the California Global Warming Solutions Act of 2006 (also known as AB 32), ARB to (1) determine the 1990 statewide greenhouse gas (GHG) emissions level and approve a statewide GHG emissions limit that is equivalent to that level to be achieved by 2020; and (2) ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by December 31, 2030 (i.e., SB 32). (HSC §38500 et seq.)

This bill:

1) Makes findings and declarations.

2) Requires ARB, on or before January 1, 2021, to adopt a climate accounting protocol to evaluate the potential of proposed climate mitigation and restoration actions to reduce radiative forcing and excess heat in the atmosphere to reduce global and regional mean temperatures benefitting all Californians.

3) Allows ARB, in adopting the protocol, to use "Radiative Forcing Management - Guidance for the quantification and reporting of radiative forcing-based climate footprints and mitigation efforts" issued by the International

Organization for Standardization in a manner that is relevant and beneficial for California.

4) Requires ARB to adopt rules and regulations, in an open public process, to identify technologically feasible and cost-effective mitigation and restoration actions to reduce radiative forcing and to stabilize California's climate.

Background

1) *Implementing AB 32: The California Global Warming Solutions Act of 2006.* In 2006, AB 32 (Núñez and Pavley, Chapter 488, Statutes of 2006) was signed into law, which requires ARB to determine the 1990 statewide GHG emission level and achieve a reduction in GHG emissions to that level by 2020. In addition to calling on ARB to inventory GHGs in California (including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) and approve the aforementioned statewide GHG emissions limit.

   AB 32 also requires ARB to (1) implement regulations that achieve the maximum technologically feasible and cost-effective reduction of GHG emissions; (2) identify and adopt regulations for discrete early-action measures; and (3) prepare and approve a scoping plan, to be updated at least once every five years, to achieve the maximum technologically feasible and cost-effective reduction of GHG emissions. Due to a variety of factors, most importantly being the great recession that started in 2008, California achieved the goals of AB 32 in advance of the 2020 deadline.

   In 2016, the Legislature approved, and the Governor signed, SB 32 (Pavley, Chapter 249, Statutes of 2016), which requires ARB to ensure that statewide GHG emissions are reduced to at least 40% below the 1990 level by December 31, 2030. This new goal is known as the SB 32 target.

   The following year, AB 398 (E. Garcia, Chapter 135, Statutes of 2017) was enacted to extend the authority of ARB to implement a cap-and-trade program to reduce GHG emissions throughout the state. AB 398 specified a variety of requirements for the post-2020 cap-and-trade program, most notable are (1) requiring the banking of allowances from the current cap-and-trade program into the post-2020 program; (2) requiring ARB to evaluate and address concerns related to overallocation of available allowances in the program for

years 2021 to 2030; and (3) the adoption of a price ceiling in the program, at which point an unlimited number of allowances must be made available for purchase.

2) *Radiative forcing.* The Intergovernmental Panel on Climate Change (IPCC) is an intergovernmental body of the United Nations that provides the world with an objective, scientific view of climate change. The IPCC also provides assessments of the natural, political, and economic impacts and risks of climate change, and possible response options.

   The IPCC defines radiative forcing as "a measure of the influence a factor has in altering the balance of incoming and outgoing energy in the Earth-atmosphere system and is an index of the importance of the factor as a potential climate change mechanism."

   In slightly more common parlance, radiative forcing is the scientific term given to the phenomenon that the Earth's atmosphere absorbs a different amount of energy from the sun than is reflected back into outer space. An example of something that affects radiative forcing are surfaces that reflect solar energy back into outer space, such as the polar ice caps. As polar ice caps melt due to climate change, however, they will reflect less energy back into outer space and more of that energy will be absorbed by the darker, less reflective surface of the underlying oceans.

   It is well-known and accepted scientific fact that the anthropogenic release of GHGs into the atmosphere has caused global warming, making GHGs another example of radiative forcing agents.

3) *Global Warming Potential (GWP).* GWP is a time-integrated and relative measurement of radiative forcing. In other words, GWP is a measurement of how much heat any given amount of a GHG traps in the atmosphere compared to a similar amount of carbon dioxide, whose GWP is standardized to 1. GWP is typically calculated over a specific time interval, commonly 20, 100, or 500 years.

   ARB uses GWPs calculated by the IPCC that are considered over a 100-yr timeframe. It is important to note that GWPs are updated periodically. The following table summarizes the GWPs ARB uses for their emissions inventory and shows how scientific advancement can change the GWPs calculated for any given GHG. To see this, compare the GWPs published in the Second

Assessment Report (SAR GWP) to the more recently calculated GWPs published in the Fourth Assessment Report (AR4 GWP):

GAS NAME	LIFETIME (YEARS)	SAR GWP	AR4 GWP
Carbon Dioxide	30-95	1	1
Methane	12	21	25
Nitrous Oxide	114	310	298
Tetrafluoromethane (PFC-14)	50,000	6,500	7,390
Octafluoropropane (PFC-218)	2,600	7,000	8,830
Octafluorocyclobutane (PFC-318)	3,200	8,700	10,300
Hexafluoroethane (PFC-116)	10,000	9,200	12,200
Nitrogen Trifluoride	740	N/A	17,200
Sulphur Hexafluoride	3200	23,900	22,800

4) *Short-Lived Climate Pollutant (SLCP) Strategy.* GHGs such as carbon dioxide work to warm the earth by trapping solar radiation in the earth's atmosphere. Depending on the molecule, these pollutants can vary greatly in their ability to trap heat, which is termed their global warming potential, and the length of time they remain in the atmosphere. Carbon dioxide remains in the atmosphere for centuries, which makes it one of the most critical GHGs to reduce in order to limit long-term climate change. However, climate pollutants including methane, tropospheric ozone, hydrofluorocarbons (HFCs), and soot (black carbon), are relatively short-lived (anywhere from a few days to a few decades), but when measured in terms of how they heat the atmosphere, their effect can be tens, hundreds, or even thousands of times greater than that of carbon dioxide. These are SLCPs.

Because SLCPs remain in the atmosphere for a relatively short period of time, but have a much higher GWP than carbon dioxide, efforts aimed at reducing their emissions in their near term would result in more immediate climate, air quality, and public health benefits, rather than a strategy focused solely on carbon dioxide. According to ARB's website, "while the climate impacts of CO2 reductions take decades or more to materialize, cutting emissions of SLCPs can immediately slow global warming and reduce the impacts of climate change." Recent research estimates that SLCPs are responsible for about 40% of global warming to date and that actions to reduce SLCP emissions could cut the amount of warming that would occur over the next few decades by half.

SB 605 (Lara and Pavley, Chapter 523, Statutes of 2014) directed ARB to develop a comprehensive SLCP strategy by January 1, 2016. In developing the

SLCP strategy, ARB was required to complete an inventory of sources and emissions of SLCPs in the state based on available data, identify research needs to address data gaps and existing and potential new control measures to reduce emissions. ARB approved the SLCP strategy in March 2017, which set statewide 2030 emission reduction targets for methane, hydrofluorocarbons, and anthropogenic black carbon.

Comments

1) *Purpose of Bill.* According to the author, "SB 682 updates the Air Resources Board's (ARB's) accounting methods for atmospheric heat, which are essential for effectively evaluating climate policies. In order to combat climate change, California must not only reduce emissions but also consider climate stabilization. This bill utilizes the latest science from the Intergovernmental Panel on Climate Change (IPCC) to ensure we can quantify what approaches work.

   "The current tool for measuring atmospheric impacts, the Global Warming Potential (GWP) metric, continues to be useful for looking at gasses' impacts over decades and centuries. SB 682 directs ARB to additionally consider new measurements to better evaluate short-lived gasses, aerosols, land-use changes, and other regional facts influencing atmosphere heat. These factors all affect an area's radiative forcing (RF), or its capacity to retain or reflect heat.

   "To combat global climate change, California must consider all options available for climate stabilization and mitigation. The new RF protocols enabled by SB 682 ensure California will have the best available accounting methods to develop successful climate policy."

2) *SLCP Strategy.* As noted in the background, SB 605 (Lara and Pavley, Chapter 523, Statutes of 2014) directed ARB to develop a comprehensive SLCP strategy that included an inventory of sources and emissions of SLCPs in the state based on available data. Additionally, ARB was required to identify research needs to address data gaps, as well as existing and potential new control measures to reduce emissions. The SLCP strategy set statewide 2030 emission reduction targets for methane, HFCs, and anthropogenic black carbon.

   SB 682 appears to try to accomplish the same goals as the SLCP strategy, but uses a different approach.

   As this bill moves forward, the author may wish to consult with ARB about

whether the existing SLCP strategy or the strategy in SB 682 is the best approach for the state to take when implementing policies that mitigate the threats from SLCPs.

DOUBLE REFERRAL:

If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Natural Resources and Water Committee.

SOURCE: US Technical Advisory Group to ISO Technical Committee 207, Subcommittee 7, Working Group 13

SUPPORT: 8 Individuals

OPPOSITION: None received

ARGUMENTS IN SUPPORT: According to Robert W. Howarth, Ph.D., David R. Atkinson, Professor of Ecology and Environmental Biology at Cornell University:

> "It is quite possible to substantially reduce emissions of methane from oil and gas production, which is now an even greater problem due to increased reliance on hydraulic fracturing. California depends on fracked oil and gas for much of its energy needs, a large portion of which is imported. The approach referenced in the proposed legislation language will fully value the mitigation of methane emissions from these sources, providing greater incentive to undertake and reward such action, in proportion to its impact on the climate (note that methane is more than 100-times more potent than carbon dioxide from an actual radiative forcing standpoint on an annual basis, far higher than is recognized under the existing regulatory framework). By adding this accounting approach to California's current climate pollutant monitoring and accounting system, California will help focus attention not only on the near-term threat posed by methane, but also on the wider range of opportunities to ameliorate this threat, both within and beyond state boundaries."

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