

# **ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS**

## **2009-10 LEGISLATIVE SUMMARY**

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November 4, 2010

**2009-2010 REGULAR LEGISLATIVE SESSION  
ASSEMBLY COMMITTEE ON  
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS**

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# Introduction

During the 2009- 2010 Regular Legislative Session, 91 measures were referred to the Assembly Committee on Environmental Safety and Toxic Materials. This report contains summaries of the bills referred to, and considered by, the Committee during the 2009-2010 Regular Legislative Session. Bills that were passed by the Legislature and became law are followed by the chapter number and year enacted. For bills that did not become law, the last location of the bill in the legislative process is shown. Bills that were referred to, but not heard by, the Committee are not included.

Bills are listed categorically based on the jurisdiction of the Committee. Some bills could have been placed in several subject categories; an effort was made to place each bill in the most appropriate category.

The jurisdiction of the Environmental Safety and Toxic Materials Committee includes the following:

- Department of Pesticide Regulation
- Drinking water regulation, toxic contamination of water
- Emergency response relating to hazardous materials
- Hazardous waste regulation and remediation
- Pesticides: processed food and public health
- Proposition 65
- Regulation of consumer products containing toxic substances under the Sherman Food, Drug and Cosmetics Law
- Toxic air contaminants and indoor air quality
- Toxic substances and hazardous materials
- Underground storage tank regulation and cleanup

A list of acronyms for departments, agencies, and terms of art used in the summary follows this Introduction, as does a list of the investigative and oversight hearings conducted during the 2009-2010 Regular Legislative Session.

Additional information on these measures may be obtained online at [www.leginfo.ca.gov](http://www.leginfo.ca.gov), or by calling the Assembly Environmental Safety and Toxic Materials Committee at (916) 319-3965.

## Acronyms Used in the Legislative Summary

The following acronyms and shortened titles are used in the Legislative Summary:

ARB	California Air Resources Board
CalEPA	California Environmental Protection Agency
CDFA	California Department of Food and Agriculture
CEC	California Energy Commission
CIWMB	California Integrated Waste Management Board
CUPA	Certified Unified Program Agency
DOC	Department of Conservation
DOGGR	Division of Oil, Gas, and Geothermal Resources
DPH	Department of Public Health
DPR	Department of Pesticide Regulation
DRRR	Department of Resources Recycling and Recovery
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
ESTM	Assembly Environmental Safety and Toxic Materials Committee
HCD	Department of Housing and Community Development
OEHHA	Office of Environmental Health Hazard Assessment
PPB	Parts Per Billion
RWQCB	Regional Water Quality Control Board
SLC	State Lands Commission
SWRCB	State Water Resources Control Board
UC	University of California
UST	Underground Storage Tank
USEPA	United States Environmental Protection Agency

# Investigative and Oversight Hearings

## **2009 California Green Chemistry Initiative Oversight**

*February 24, 2009, State Capitol, Sacramento*

The Assembly Committee on Environmental Safety and Toxic Materials, along with the Assembly Committee on Health, held a joint oversight hearing to review the policies and actions California agencies are taking to require safer alternatives to toxic chemicals and to reduce the production of toxic waste in California. The hearing focused on the implementation of AB 1879 and SB 509 from the 2007-2008 Regular Legislative Session and the role that these bills play in the development of the comprehensive California Green Chemistry Initiative.

## **State Priorities for Federal Economic Stimulus Funding**

*March 17, 2009, State Capitol, Sacramento*

The Assembly Committee on Environmental Safety and Toxic Materials, along with the Assembly Committee on Water, Parks and Wildlife, conducted a joint informational hearing to examine the opportunities presented in the federal economic stimulus package for California to receive assistance in addressing its urgent water and environmental needs. The hearing also explored how these funds could best be targeted to address California's existing state priorities.

## **Marine Debris: Impacts and Strategies for Reduction**

*November 17, 2009, Santa Monica Public Library, Santa Monica*

The Assembly Committee on Environmental Safety and Toxic Materials, along with the Assembly Committee on Natural Resources, conducted a joint informational hearing on Marine Debris: Impacts and Strategies for Reduction. The Committees examined the policies and actions that California agencies are taking to reduce the environmental and public health hazards, habitat damage, and public cost that trash and other marine debris imposes on California's coastal resources.

## **2010 California Green Chemistry Initiative Oversight**

*March 17, 2010, State Capitol, Sacramento*

The Assembly Committee on Environmental Safety and Toxic Materials held the second hearing in the series of oversight hearings on the State's implementation of the Green Chemistry statutes, as provided in AB 1879 and SB 509 from the

2007-2008 Regular Legislative Session. This hearing focused on the progress agencies had made to date on fulfilling statutory requirements, with special emphasis on progress on developing the required regulations. The Committee examined Disc's conceptual process flowchart that established the framework for the regulatory process.

**Public Health Impacts and Environmental Regulation of Oil Drilling and Oil Production**

*April 30, 2010, Hermosa Beach City Council Chambers, Hermosa Beach*

The Assembly Committee on Environmental Safety and Toxic Materials conducted an oversight hearing on public health and environmental protections needed to adequately regulate oil drilling and production in California. At the hearing the Committee reviewed the policies and actions of California State and local agencies to reduce the environmental hazards, habitat damage and public health impacts of oil drilling and production in California's coastal zone.

**Public Health Impacts and Environmental Regulation of Oil Drilling and Production in the Baldwin Park/ Inglewood Oil Fields**

*May 14, 2010, City Hall, Culver City*

The Assembly Committee on Environmental Safety and Toxic Materials conducted an investigative hearing on the oil drilling operations in the Baldwin Hills area of Los Angeles by Plains Exploration and Production Company and on the associated risks to Los Angeles area residents. The Committee examined how State and local agencies with regulatory responsibilities assess the public health and environmental hazards associated with oil drilling and production related to the Baldwin Hills/ Inglewood oil fields; whether, in the case of oil production facilities in heavily urbanized areas, there are special risks to local communities; whether the current regulatory system sufficiently evaluates and mitigates the level of risk in these urban settings; and whether regulatory agencies have the technical expertise and resources to ensure public health and environmental protection from toxic air and other oil-production emissions.

**2010 California Green Chemistry Initiative Oversight**

*August 3, 2010, State Capitol, Sacramento*

The Assembly Committee on Environmental Safety and Toxic Materials, along with the Assembly Committee on Health and the Assembly Committee on Natural Resources, held the third oversight hearing on the State's implementation of the Green Chemistry statutes, as provided in AB 1879 and SB 509 from the 2007 - 2008 Regular Legislative Session. This third hearing in the series focused on the

processes and standards contained in DTSC's informal draft regulations, Safer Consumer Product Alternatives, as released June 23, 2010.

**Long Term and Legacy Environmental Hazards from Coastal Oil Drilling and Production**

*September 30, 2010, Goleta City Council Chambers, Goleta*

The Assembly Committee on Environmental Safety and Toxic Materials conducted an oversight hearing to review the policies and actions that California State and local agencies are taking and should take to reduce and remediate the environmental hazards, habitat damage and public health impacts of oil drilling and production in California's coastal zone. The Committee examined a range of legacy environmental issues, including the status of aging offshore oil platforms and undersea pipeline systems in the Santa Barbara Channel area; the ability of small or mid-sized oil companies to maintain adequate reserves and other resources to respond to emergency situations and to clean-up production facilities; the ability of the State to require dedicated financial guarantees to cover local liabilities and losses in the event of an explosion, release, spill or other major accidental release; the Department of Conservation's actions on legacy sealed wells along the seabed and in near-shore tidelands waters; and, how the California State Lands Commission and the Department of Conservation manage orphaned oil-works on State tidelands, recreational beaches and coastal headlands.

# Legislative Summary

## **CHEMICALS POLICY: CHEMICALS IN PRODUCTS; REGULATION OF TOXICS IN CONSUMER PRODUCTS; PROPOSITION 65; TOXIC SUBSTANCES AND HAZARDOUS MATERIALS**

### **AB 256, Bill Berryhill, Hazardous materials: farms: business plans and inventories.**

This bill exempted farmers with small amounts of hazardous materials on the farm from the requirement to implement an emergency plan to respond to a release or threatened release of these materials.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

### **AB 305, Nava, Hazardous materials: statute of limitations: penalties.**

This bill extends the statute of limitations for violations of Hazardous Material Release Response Plans and authorizes the imposition of a jail sentence for the violation of oil spill prevention reporting requirements.

Final Status: Signed into law, Chapter 429, Statutes of 2009.

### **AB 1107, Blakeslee, Environmental protection: California Environmental Protection Agency: rules: economic analysis.**

This bill required an economic cost-benefit analysis of regulations proposed by the departments, boards and offices of the California Environmental Protection Agency.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

### **AB 1131, Feuer, Hazardous materials: green chemistry and accidental releases.**

This bill expanded the Department of Toxic Substances Control's (DTSC) pollution prevention program by requiring DTSC to establish a program for life

cycle toxics reduction. This bill transferred the State's business and area plan program and the accidental release prevention program from the California Emergency Management Agency to DTSC.

Final Status: Held in the Assembly Appropriations Committee.

**AB 1173, Huffman, Hazardous materials: fluorescent lamps: recycling.**

This bill prohibited a manufacturer from using funds from energy distribution charges for the purchase and distribution of compact fluorescent lights (CFLs), unless the CFLs meet specified standards, including low levels of mercury, and the manufacturer has implemented a fluorescent lamp recycling program. This bill required a retailer who receives funds from energy distribution charges for a fluorescent lamp program to provide in-store collection opportunities for recycling fluorescent lamps. The bill prohibited, after January 1, 2011, the sale of new general purpose lighting fixtures that contain preheat ballasts for the operation of preheat linear fluorescent lamps.

Final Status: Vetoed by the Governor.

**AB 1467, Bass, Natural resources: oil and gas operations: monitoring program.**

This bill required the State Oil and Gas Supervisor to mandate a drilling operator to implement a monitoring program designed to detect releases to the soil and water, including both groundwater and surface water, for aboveground oil production tanks and facilities.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 1507, Lieu, Motor vehicle greenhouse gas emission reduction projects.**

As passed by the ESTM Committee, this bill modified the Chrome Plating and Metal Finishing Pollution Prevention Grant Program.

This bill was amended in the Senate to instead require the California Air Resources Board to revise project guidelines for a project that reduces greenhouse gas emissions to allow funds from specified programs and funding sources to be used for a project also funded under the Carl Moyer Memorial Air Quality Standards Attainment Program or the Goods Movement Emission Reduction Program, without those additional public funds being factored into the

criteria emission reduction cost-effectiveness calculations under either of those programs.

Final Status: Signed into law, Chapter 571, Statutes of 2010.

**AB 1824, Monning, Hazardous materials: recreational vehicle.**

This bill prohibited a person from using a chemical that is detrimental to a sewage disposal system in a chemical toilet, a recreational vehicle, or a waste facility of a vessel. This bill also prohibited a person from selling a chemical that is detrimental to a sewage disposal system in a container that indicates that the chemical could be used in a chemical toilet or a waste facility of a recreational vehicle or vessel.

Final Status: Vetoed by the Governor.

**AB 1930, De La Torre, Hazardous waste: glass beads.**

This bill prohibits the manufacture, sale, offering for sale or offering for promotional purposes of glass beads containing arsenic or lead above a specified level if those beads will be used with blasting equipment.

Final Status: Signed into law, Chapter 368, Statutes of 2010.

**AB 2139, Chesbro, Solid waste: product stewardship.**

This bill enacted the California Product Stewardship Act that required the Department of Resources Recycling and Recovery (DRRR) to administer a program to develop product stewardship protocols to foster "cradle-to-cradle" producer responsibility for products. This bill established criteria for "covered products" and required DRRR to recommend to the Legislature specific products that should be included in the program by January 1, 2012. This bill further required the producers or product stewardship organizations to create a product stewardship plan within one year of the Legislature's approval of a covered product.

Final Status: Held on the Assembly Floor.

**AB 2176, Blumenfield, Hazardous waste: lighting products.**

This bill created the California Lighting Toxics Reduction and Jobs in Recycling Act, which established a producer responsibility program for mercury-containing lamps and a fee program for inefficient lamps.

Final Status: Held in the Assembly Appropriations Committee.

**AB 2379, Feuer, Environmental protection: hazardous waste source reduction.**

This bill expands the number of priority categories of hazardous waste generators that the Department of Toxic Substances Control (DTSC) must select for participation in the DTSC's cooperative source reduction technical assistance and outreach program.

Final Status: Signed into law, Chapter 386, Statutes of 2010.

**AB 2562, Fuentes, Hazardous material: landfill gas.**

This bill eliminated the requirement for landfill gas, which is sold to a gas corporation, to meet Public Utilities Commission (PUC) safety standards for vinyl chloride contamination.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 2583, Hall, Water treatment: hazardous materials.**

This bill required the California Emergency Management Agency to adopt regulations to require water system operators to consider the use of, and under specified circumstances required the use of "safer technologies."

Final Status: Held in the Assembly Appropriations Committee.

**SB 22, Simitian, Hazardous materials: toxic substances.**

This bill authorized the Office of Environmental Health Hazard Assessment to expedite the review and identification of hazard traits for the California Toxics Information Clearinghouse, including pending and proposed actions by other states, the federal government, and other nations, to limit hazardous materials in products.

Final Status: Held in the Assembly Appropriations Committee.

**SB 317, Simitian, Fire Alarm Device Collection Act of 2009.**

This bill required manufacturers of smoke alarms to include, on the alarm and in the packaging, information for the consumer regarding where and how to return, recycle, or dispose of the alarm.

Final Status: Held in the Assembly Appropriations Committee.

**SB 346, Kehoe, Simitian, Hazardous materials: motor vehicle brake friction materials.**

This bill limits the use of copper in motor vehicle brake pads to no more than 5% by weight on or after January 1, 2021, and no more than .5% by weight on or after January 2025.

Final Status: Signed into law, Chapter 307, Statutes of 2010.

**SB 757, Pavley, Lead wheel weights.**

This bill prohibits a person from manufacturing, selling, or installing a wheel weight that contains more than 0.1 percent lead by weight and enacts specified civil and administrative penalties for violations of the prohibition.

Final Status: Signed into law, Chapter 614, Statutes of 2009.

**SB 772, Leno, Home furnishings: fire retardancy: juvenile products.**

This bill exempted strollers, infant carriers, bassinets, and nursing pillows from fire retardant requirements and regulations unless the Bureau of Home Furnishings and Thermal Insulation determines that a serious fire hazard exists, and those products are regulated by federal law.

Final Status: Held in the Assembly Appropriations Committee.

**SB 797, Pavley, Liu, Product safety: bisphenol A.**

This bill prohibited the sale, manufacture or distribution of a bottle or cup or a liquid, food or beverage in a can, jar or plastic bottle that contains bisphenol A if the item is primarily intended for children three years of age or younger. This bill

repealed this prohibition if the Department of Toxic Substances Control adopts a regulatory response, pursuant to current Green Chemistry law, regarding the use of bisphenol A.

Final Status: Held on the Assembly Floor.

**SB 928, Simitian, Consumer products: content information.**

This bill prohibited a manufacturer, effective July 1, 2011, from manufacturing, selling or distributing a cleaning or a maintenance product in California unless the manufacturer discloses each product ingredient on the manufacturer's Web site.

Final Status: Held in the Assembly Appropriations Committee.

**SB 929, Pavley, Hazardous materials: children's jewelry: heavy metals.**

This bill prohibits, commencing on January 1, 2012, a person from manufacturing, shipping, or selling children's jewelry that contains cadmium at any level above 300 parts per million.

Final Status: Signed into law, Chapter 313, Statutes of 2010.

**SB 1365, Corbett, Public safety: consumer products.**

This bill updates California's toy safety statutes to reference the most current versions of federal law and regulations.

Final Status: Signed into law, Chapter 331, Statutes of 2010.

## **HAZARDOUS WASTE: REGULATION AND REMEDIATION; EMERGENCY RESPONSE; ELECTRONIC WASTE; UNIVERSAL WASTE**

### **AB 25, Committee on Environmental Safety and Toxic Materials, Hazardous waste transportation: consolidated manifest.**

This bill allowed, on a one-time basis, for a used oil transporter to receive a load of used oil from a generator whose Department of Toxic Substance Control identification (ID) number has been suspended due to non-submittal of their annual ID number fees.

Final Status: Vetoed by the Governor.

### **AB 147, Saldana, Hazardous waste: electronic waste.**

This bill required manufacturers and producers of electronic devices to submit information about the hazardous characteristics of the device to the Department of Toxic Substances Control.

Final Status: Vetoed by the Governor.

### **AB 536, Arambula, Hazardous waste: financial assurances.**

This bill permitted the owners of hazardous waste facilities to use a specific method of financial assurance to demonstrate their ability to meet their post closure obligations.

Final Status: Held Assembly Environmental Safety and Toxic Materials Committee.

### **AB 903, Chesbro, Solid waste: compostable plastic bags.**

As approved by the ESTM Committee, this bill required each State agency, as part of its annual report to the California Integrated Waste Management Board (IWMB) summarizing the agency's progress in reducing solid waste, to also include information about the agency's disposal reduction of electronic waste (e-waste).

This bill was amended in the Senate to instead require manufacturers of compostable plastic bags to ensure that those bags are readily identifiable by consumers and required manufacturers to submit reports to the State showing

that their bags meet specified certifications. This bill gives the IWMB the authority to audit manufacturers to ensure compliance with reporting requirements.

Final Status: Held in Senate Appropriations Committee.

**AB 1147, Arambula, Medical waste: containment and storage.**

This bill allowed the California Department of Public Health to approve alternatives to existing medical waste requirements for storage of medical waste based on a request by a medical waste treatment facility or large medical waste generator.

Final Status: Held in Assembly Environmental Safety and Toxic Materials.

**AB 1280, Villines, Child abuse sentencing: child becoming comatose or suffering paralysis.**

As approved by the ESTM Committee, this bill exempted from the requirements of the Electronics Waste Recycling Act a video display device that is contained within a freezer, induction cook top or range, beverage maker, or food steamer.

This bill was amended in the Senate to instead provide that any person who, having care or custody of a child under eight years of age, assaults the child with force that to a reasonable person would be likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature, shall be sentenced to state prison for 15-years-to-life.

Final Status: Signed into law, Chapter 300, Statutes of 2009.

**AB 1329, Brownley, Chesbro, Waste management.**

As approved by the ESTM Committee, this bill prohibited a retail establishment from selling, distributing, or importing a rigid or flexible polyvinyl chloride packaging container.

This bill was amended in the Senate to instead delay the implementation of Chapter 21 of the Statutes of 2009, which abolished the California Integrated Waste Management Board and transfers its functions to the new Department of Resources Recycling and Recovery, until January 1, 2011.

Final Status: Held on the Senate Floor.

**AB 2388, Miller, Hazardous waste: identification number.**

This bill required the Department of Toxic Substances Control to provide a method for the immediate reactivation, by means of a wireless communication device, of a suspended identification number of a hazardous waste generator.

Final Status: Held in the Assembly Appropriations Committee.

**AB 2611, Ma, Recycling: electronic waste.**

This bill changed the size requirement for electronic products subject to electronic waste fees by changing the definition of a "covered electronic device" from a product with a screen size of 4 inches, measured diagonally, to a product with a screen size of 9 square inches or more.

Final Status: Held in the Assembly Natural Resources Committee.

**SB 26, Simitian, Hazardous waste: household hazardous waste collection facility: small quantity generators.**

This bill prohibited a household hazardous waste collection facility that is authorized by the Department of Toxic Substances Control to accept hazardous waste from accepting more than 1000 kilograms of recyclable latex paint.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**SB 231, Lowenthal, Hazardous waste: generator fees.**

This bill authorized the Department of Toxic Substance Control to annually adjust the Hazardous Waste Generator Fee.

Final Status: Held on the Assembly Floor.

**SB 486, Simitian, Medical waste: sharps waste.**

This bill requires a pharmaceutical manufacturer that sells or distributes a medication that is self-injected at home through the use of a hypodermic needle, pen needle, intravenous needle, or any other similar devices to submit to the Integrated Waste Management Board, or its successor agency, a plan that

describes how the manufacturer supports the safe collection and destruction of home-generated sharps waste.

Final Status: Signed into law, Chapter 591, Statutes of 2009.

**SB 524, Cogdill, Fresno County Transportation funds.**

As approved by the ESTM Committee, this bill required the Secretary for Environmental Protection to establish a working group to consider the current regulation of auto shredder waste and potential changes to that regulation.

This bill was amended on the Assembly Floor to instead exempt the County of Fresno from maintenance of effort funding requirements for Proposition 42 transportation funding from the 2009-10, and prior year, budget acts.

Final Status: Signed into law, Chapter 716, Statutes of 2010.

**SB 1100, Corbett, Product stewardship: household batteries.**

This bill required producers of household batteries to institute programs to manage used household batteries by September 30, 2011, and to set up and finance programs to take back used batteries and recycle or properly dispose of them. This bill also required the Department of Resources Recycling and Recovery to review and approve the producers' plans.

Final Status: Vetoed by the Governor.

## **PESTICIDES: PESTICIDES AND PUBLIC HEALTH; DEPARTMENT OF PESTICIDE REGULATION**

### **AB 21, Krekorian, Renewable energy resources.**

As passed by the ESTM Committee, this bill required the Department of Pesticide Regulation to review a report by the United Nations Technology and Economic Assessment Panel on alternatives and emission control technologies for methyl bromide and to submit comments to the Legislature.

This bill was amended in the Senate to instead provide that retail sellers of electricity must procure at least 20% of their retail load from renewable sources by 2013, 25% by 2016, and 33% by 2020.

Final Status: Vetoed by the Governor.

### **AB 1721, Swanson, Pesticides: safe school zones.**

This bill prohibited the application of restricted-use pesticides for the purposes of production agriculture or a State pest eradication or control program within one-half mile of a school and prohibited the application of non-restricted use pesticides for the same purposes within one-quarter mile of a school.

Final Status: Held in the Assembly Agriculture Committee.

### **AB 1963, Nava, Pesticide poisoning.**

This bill requires clinical laboratories that perform cholinesterase testing for the purpose of determining workers' pesticide exposure under the medical supervision program to electronically report test results to the Department of Pesticide Regulation (DPR). This bill also requires DPR, along with the Office of Environmental Health Hazard Assessment and the Department of Public Health, to prepare and submit to the Legislature a report on the effectiveness of the medical supervision program.

Final Status: Signed into law, Chapter 369, Statutes of 2010.

### **AB 2122, Mendoza, Pesticides: regulations: continuing education.**

This bill requires continuing education (CE) requirements for any pesticide application or license to include specific minimum course requirements and

requires the Director of the Department of Pesticide Regulation to act within 15 business days to approve or reject CE courses.

Final Status: Signed into law, Chapter 375, Statutes of 2010.

**AB 2595, Huffman, Irrigated agriculture: pesticide use: operator identification number: water quality: waste discharge requirements.**

This bill prohibited County Agricultural Commissioners from issuing an operator identification number for the use of agricultural pesticides if the operator fails to comply with specified water quality regulations.

Final Status: Held on the Senate Floor.

**HR 23, Monning, Relative to pesticides.**

This resolution requests that the United States Environmental Protection Agency act to protect public health and the environment by requiring the disclosure of inert ingredients in pesticide products.

Final Status: Adopted.

**SB 1157, DeSaulnier, Education: Healthy Schools Act of 2010.**

This bill required all school sites to adopt an integrated pest management (IPM) program for the use of pesticides on school grounds. This bill also required the rate of the mill assessment on pesticide sales to be augmented at a rate adequate to reimburse the Department of Pesticide Regulation for the cost of administering and enforcing IPM program requirements and for reimbursing local agencies and school districts for the costs of implementing IPM programs at school sites.

Final Status: Vetoed by the Governor.

## **SITE CLEANUP: UNDERGROUND STORAGE TANK REGULATION; BROWNFIELDS; REMEDICATION OF CONTAMINATED PROPERTIES**

### **AB 96, Ruskin, Gasoline: underground storage tanks.**

This bill provides \$8 million for grants and loans to assist gas station operators in meeting the Enhanced Vapor Recovery regulations adopted by the Air Resources Board.

Final Status: Signed into law, Chapter 69, Statutes of 2009.

### **AB 738, Committee on Environmental Safety and Toxic Materials, Hazardous Materials: brownfield cleanup: loan or grant program.**

This bill authorized the Department of Toxic Substances Control to administer a loan and grant program initially capitalized by federal funds received under the Small Business Liability Relief and Brownfields Revitalization Act of 2001.

Final Status: Held in the Assembly Appropriations Committee.

### **AB 1188, Ruskin, Hazardous materials: underground storage tanks.**

As approved by the ESTM Committee, this bill revised a variety of programs funded by the Toxic Substances Control Account used by the Department of Toxic Substances Control.

This bill was amended in the Senate to instead make several modifications to the Underground Storage Tank Cleanup Act of 1989, including the temporary increase of a petroleum storage fee, the priority of allocations made from the School District Account, reimbursement to claimants to cover "carry over costs," and other changes.

Final Status: Signed into law, Chapter 649, Statutes of 2009.

### **AB 1489, Smyth, Hazardous materials: methamphetamine laboratories.**

This bill codifies the health-based clean-up standard for methamphetamine that was developed by the Department of Toxic Substances Control (DTSC) and the Office of Environmental Health Hazard Assessment (OEHHA). The bill changed the clean-up level for methamphetamine lab clean-up from .1 micrograms per 100 square centimeters (0.1 µg/100 cm<sup>2</sup>) to 1.5 micrograms per 100 square centimeters (1.5 µg/100 cm<sup>2</sup>), and allowed DTSC, in consultation with the

OEHHA, to adopt stricter clean-up standards if they find it is necessary to protect the public health.

Final Status: Signed into law, Chapter 539, Statutes of 2009.

**AB 1674, Saldana, Hazardous substances: storage tanks.**

The bill provides exemptions for specified underground petroleum storage tanks (UST) from current construction and monitoring requirements and provides an exemption from the UST construction and monitoring requirements for USTs located in a below-grade structure and connected to an emergency generator tank system.

Final Status: Signed into law, Chapter 535, Statutes of 2010.

**AB 2224, Ruskin, Hazardous substances: underground storage tanks.**

This bill required CalEPA to implement a process for local agencies to annually verify the accuracy of the underground petroleum storage tank registration numbers issued by the State Board of Equalization.

Final Status: Held in the Senate Environmental Quality Committee.

**SB 143, Cedillo, Hazardous materials: California Land Reuse and Revitalization Act of 2004.**

This bill extends the date of repeal for the California Land Reuse and Revitalization Act of 2004 from January 1, 2010 to January 1, 2017, and makes a corresponding change to a provision that provides for continued immunity after the repeal of the California Land Reuse and Revitalization Act.

Final Status: Signed into law, Chapter 167, Statutes of 2009.

**SB 1477, Committee on Environmental Quality, California Pollution Control Financing Authority.**

This bill makes technical and clarifying changes to the financial and administrative provisions of the governing statutes for the California Pollution Control Financing Authority, including changes to the definitions of "project," and "pollution control facility."

Final Status: Signed into law, Chapter 414, Statutes of 2010.

**WATER QUALITY: DRINKING WATER REGULATION; TOXIC CONTAMINATION OF WATER; SURFACE WATER AND GROUNDWATER PROTECTION; MARINE WATER QUALITY**

**AB 248, Bonnie Lowenthal, Public resources: ballast water management.**

This bill requires the person in charge of a vessel to maintain and submit to the California State Lands Commission information relating to the vessel's ballast water treatment system.

Final Status: Signed into law, Chapter 317, Statutes of 2009.

**AB 268, Gaines, Onsite sewage treatment systems.**

This bill repealed current requirements for the State Water Resources Control Board to adopt regulations and standards for the safe operation of onsite waste treatment systems.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 301, Fuentes, Vended water.**

This bill required applicants for a license as a water-bottling plant or as a private water source to provide information on the volume and source of the water to the California Department of Public Health (DPH) and required DPH to annually make this information available to the public.

Final Status: Vetoed by the Governor.

**AB 580, Galgiani, Air Quality Improvement Program: rebates.**

As approved by the ESTM Committee, this bill required State Water Resources Control Board regulations for onsite sewage treatment systems to include regulatory tiers based on the demonstrated risk posed by each system to public health and to the environment.

This bill was amended in the Senate to instead require Clean Vehicle Project rebates to be made available from existing program funds for the purchase of eligible medium- or heavy-duty commercial vehicles from a California manufacturer in an amount 40% greater than the rebates made available for the

purchase of eligible medium- or heavy-duty commercial vehicles not from a California manufacturer.

Final Status: Held in the Senate Environmental Quality Committee.

**AB 629, Krekorian, School facilities: water.**

This bill required a school district, by January 1, 2012, to conduct a one-time analysis of the level of lead in water in schools that were constructed before January 1, 1993.

Final Status: Held in the Assembly Appropriations Committee.

**AB 737, Chesbro, Solid waste: diversion.**

As approved by the ESTM Committee, this bill required public water systems, when they were otherwise required to notify or report to users about potential public health risks related to the systems' drinking water, to also post those notices and reports on their Internet Web sites.

This bill was amended on the Senate floor to instead establish requirements for commercial recycling; to require the Department of Resources Recovery and Recycling (DRRR) to report to the Legislature, by January 1, 2013, on the current diversion rate and potential strategies to increase the diversion rate to 75 percent; and, to require DRRR to report information on the costs of the strategies identified in the report. As amended, this bill also required certain businesses to arrange for recycling services and required local governments to implement a commercial recycling program.

Final Status: Vetoed by the Governor.

**AB 752, Caballero, Safe Drinking Water and Water Supply Reliability Act of 2010.**

As approved by the ESTM Committee, this bill defined a severely disadvantaged community as a community with a median household income of less than 60 percent of the statewide median household income for the purposes of the provisions governing the expenditure of monies in the State Water Pollution Control Revolving Fund Small Community Grant Fund.

This bill was amended in the Senate to instead enact the Safe Drinking Water and Water Supply Reliability Act of 2010, which, had it been approved by the voters, would have authorized the issuance of bonds in the amount of

\$12,250,000,000 to finance a safe drinking water and water supply reliability program. As amended, this bill provided for the submission of the bond act to the voters at the November 2, 2010, statewide general election.

Final Status: Held in the Senate Natural Resources and Water Committee.

**AB 890, John A. Perez, City of Maywood: drinking water.**

This bill requires the public water systems serving the City of Maywood to conduct a study addressing the impacts of manganese on the City of Maywood's water quality; requires the city to conduct a public hearing about the results of the study; and requires the public water systems to respond in writing to public comment received at the hearing. This bill also requires the study and comments to be posted on the public water systems' Internet Web sites.

Final Status: Signed into law, Chapter 259, Statutes of 2009.

**AB 913, Logue, Mandatory minimum civil penalties.**

This bill set a 12-month time limit for the imposition of the mandatory minimum penalty of \$3,000 for violations of waste discharge requirements.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 914, Logue, Mandatory minimum civil penalties: publicly owned treatment works.**

This bill provided that in the case where mandatory minimum penalties for Water Code violations at publicly owned treatment works are imposed by the State Water Resources Control Board or the Regional Water Quality Control Board, those penalty amounts may be applied to the correction of the violations if the boards find an economic hardship based on the impact of the penalties on individual ratepayers.

Final Status: Vetoed by the Governor.

**AB 916, Logue, Onsite sewage treatment systems: recommended standards.**

This bill required the State Water Resources Control Board to establish recommended standards for onsite waste treatment systems rather than establish enforceable regulations.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 1041, Audra Strickland, Drinking water: private wells: county regulation.**

This bill prohibited a city, county, or city and county from regulating a private water system with four or fewer service connections.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 1078, Feuer, Los Angeles County Metropolitan Transportation Authority: transactions and use tax.**

As approved by the ESTM Committee, this bill made nonsubstantive corrections to the Health and Safety Code sections relating to AB 1879 (Feuer and Huffman) Chapter 559, Statutes of 2008, and SB 509 (Simitian), Chapter 560, Statutes of 2008.

The bill was amended in the Senate to instead require the Los Angeles County Metropolitan Transportation Authority to notify Los Angeles County members of the Legislature one year in advance of any delay in the availability of Measure R funds or project schedules, rather than require one-year notice for any change.

Final Status: Signed into law, Chapter 568, Statues of 2010.

**AB 1079, V. Manuel Perez, Environment: California-Mexico border.**

This bill establishes the New River Improvement Project (NRIP) to study, monitor, remediate, and enhance New River water quality in the County of Imperial; directs the California-Mexico Border Relations Council to develop a strategic plan to guide the implementation of the NRIP; and, establishes the NRIP Account to receive funds for the clean-up of the New River.

Final Status: Signed into law, Chapter 382, Statues of 2009.

**AB 1100, Duvall, Potable reuse demonstration water.**

This bill authorized the bottling of potable reuse demonstration water (PRDW) for educational purposes and to promote water recycling, and established bottling, labeling, handling, quality and treatment requirements for bottled PRDW.

Final Status: Held in the Senate Environmental Quality Committee.

**AB 1438, Conway, Safe Drinking Water State Revolving Fund.**

This bill revises the requirements of the Safe Drinking Water State Revolving Fund, including eliminating the \$1 million maximum amount of a grant award for single projects and instead setting specific statutory caps for different types of grants.

Final Status: Signed into law, Chapter 531, Statutes of 2009.

**AB 1540, Committee on Health, Public Health.**

This bill makes various technical changes related to health care service plans, public health, and Medi-Cal, including conforming existing state law to the federal Safe Drinking Water Act.

Final Status: Signed into law, Chapter 298, Statutes of 2009.

**AB 1728, Gilmore, Mandatory minimum civil penalties: automatic composite sampler.**

The bill allowed publicly owned treatment works to use an automatic composite water sample in lieu of individual grab samples for monitoring discharge water quality.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 1978, Harkey, California regional water quality control boards: ex parte communications.**

This bill revised the ex parte communication requirements for the California Regional Water Quality Control Boards.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 2202, V. Manuel Perez, Safe, Clean and Reliable Drinking Water Supply Act of 2012: New River Improvement Project: strategic plan.**

This bill required the Secretary for the Environmental Protection Agency to oversee the expenditure of bond funds appropriated for water quality and public health projects on the New River pursuant to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (Act), had it been approved by the voters at the November 6, 2012 statewide general election, and provided that it is the intent of the Legislature that any funds appropriated pursuant to the Act must be consistent with the strategic plan to guide the implementation of the New River Improvement Project.

Final Status: Vetoed by the Governor.

**AB 2407, Harkey, California regional water quality control boards: boundaries.**

This bill modified the boundaries of the Santa Ana and San Diego Regional Water Quality Control Boards (RWQCB) to move that portion of the San Diego RWQCB area that is in Orange County into the Santa Ana RWQCB jurisdiction.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

**AB 2507, Audra Strickland, Hauled drinking water.**

This bill allowed property owners, after applying to the county and having the county make specified findings, to use hauled water when no other water source is available for a single-family dwelling; required the applicant for the use of hauled water to meet various requirements; and exempted properties approved to use hauled water from the California Environmental Quality Act.

Final Status: Held in the Assembly Rules Committee.

**AB 2515, V. Manuel Perez, Public water systems: point-of-use treatment.**

This bill provides an expedited process for the Department of Public Health (DPH) to establish criteria for the use of point-of-use (POU) water treatment devices and authorizes DPH to award grants for point-of-entry and POU

treatment systems, provided that the water system serves a severely disadvantaged community and that the grant meets other existing requirements.

Final Status: Signed into law, Chapter 601, Statutes of 2010.

**AB 2669, V. Manuel Perez, Public water systems.**

As approved by the ESTM Committee, this bill appropriated \$2,000,000 of Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) bond funds to the Department of Water Resources for allocation to Riverside County for an integrated water quality and wastewater treatment program plan to address drinking water and wastewater needs of disadvantaged communities in the unincorporated areas of Riverside County.

This bill was amended in the Senate to instead add “environmental documentation” to the costs of a single project that the Department of Public Health is required to determine by an assessment of affordability under the California Safe Drinking Water Act. This bill also specified language requirements for public water system notices.

Final Status: Held on the Senate Floor.

**AJR 24, Bonnie Lowenthal, Marine pollution: air pollution.**

This resolution requests that the International Maritime Organization adopt the North American Emission Control Area, which will require ocean-going vessels to use low-emission fuels off the United States and Canadian coasts.

Final Status: Held in the Senate Environmental Quality Committee.

**HR 10, Salas, Drinking Water Week.**

This resolution proclaims May 3 - 9 as Drinking Water Week and makes legislative findings related to water.

Final Status: Adopted.

**HR 11, Ruskin, Drinking water treated with chlorine and chloramine.**

This resolution makes legislative findings related to the use of chloramine as a drinking water disinfectant and requests that the Department of Public Health

study the possible human health impacts of exposure to chloramines in drinking water.

Final Status: Adopted.

**SB 310, Ducheny, Water quality: stormwater and other runoff.**

This bill allows local government agencies that have permits for stormwater systems to voluntarily create a watershed improvement plan to improve stormwater management. This bill also allows participating agencies to assess fees on activities that generate stormwater pollution to pay for the implementation of plans approved by the Regional Water Quality Control Board.

Final Status: Signed into law, Chapter 577, Statutes of 2009.

**SB 518, Lowenthal, Building standards: graywater.**

This bill requires the California Building Standards Commission to adopt non-residential building standards for graywater systems for indoor and outdoor use.

Final Status: Signed into law, Chapter 622, Statutes of 2010.

**SB 614, Simitian, Vessels.**

This bill extends, from January 1, 2010, to January 1, 2014, the sunset dates of the California Clean Coast Act and makes technical revisions to that Act.

Final Status: Signed into law, Chapter 194, Statutes of 2009.

**SB 790, Pavley, Resources: water quality: stormwater resource plans.**

This bill authorizes grants for projects designed to implement or promote low-impact development that will contribute to the improvement of water quality or reduce stormwater runoff and for projects designed to implement specified stormwater management plans. This bill also authorizes a city, county, or special district to develop, jointly or individually, stormwater management plans that meet certain requirements.

Final Status: Signed into law, Chapter 620, Statutes of 2009.

**SB 918, Pavley, Water recycling.**

This bill requires the California Department of Public Health to establish standards for various types of water recycling, including indirect potable use, surface water augmentation and direct potable reuse.

Final Status: Signed into law, Chapter 700, Statutes of 2010.

**SB 1107, Kehoe, Water quality: interceptor and trap grease.**

This bill required the State Water Resources Control Board, on or before January 1, 2012, to develop, adopt, and implement regulations that include specified requirements for a manifest system to track the transportation of interceptor and trap grease.

Final Status: Held in the Assembly Agriculture Committee.

**SB 1173, Wolk, Recycled water.**

This bill prohibited the use of raw water for non-potable uses when recycled water is available and appropriate.

Final Status: Vetoed by the Governor.

**SB 1284, Ducheny, Water quality: mandatory minimum civil penalties.**

This bill exempts certain Water Code violations of waste discharge reporting requirements from existing mandatory minimum penalties. This bill also extends the time limit under which dischargers must comply with a permit requirement from five years to 10 years.

Final Status: Signed into law, Chapter 645, Statutes of 2010.

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