

California and Federal Environmental Legislative and Regulatory Update 2008/2009

SARBS
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BEYOND COMPLIANCE

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2008/2009 Environmental Legislative Topics

- Air Quality and Climate Change
- Energy
- Hazardous Waste/Hazardous Materials
- Water Quality and Water Supply
- Land Use
- Solid Waste
- Sustainability



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Disclaimer

- This presentation is intended for informational purposes only
- Before acting on legislation addressed in this presentation, the implications of the law should be independently evaluated considering the unique factual circumstances of the potentially affected facility, party, or entity.
- Not a lobbyist!



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Accessing Legislative Text

- www.leginfo.ca.gov



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The Bill Number is “Year-specific”

- Legislative Proposal: SB 14 (Roberti)
- The Hazardous Waste Source Reduction and Management Review Act of 1989



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California Air Quality and Global Climate Change



Retreating Glaciers

1928

2004

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California Climate Impacts (over the past 100 years)

0.7 °F higher temperatures

~7 inch sea level rise

12% decrease in fraction of runoff between April and July

Snowmelt and spring blooms advanced 2 days/decade since 1955

CalEPA-CEMHA, "Environmental Protection Indicators for California" (2002). www.oehha.ca.gov/calmediapic/Epicreport.html

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Projected Global Warming Impact on California, 2070-2099 (as compared with 1961-1990)

Warming Range (°F)	Impacts
Higher Warming Range (8 - 10.5 °F)	3 - 4 times as many heat wave days 22 - 30 inches of sea level rise 90% loss in Sierra snowpack 20% increase in energy demand
Medium Warming Range (5.5 - 8 °F)	2.5 - 4 times as many heat wave days 14 - 22 inches of sea level rise 70 - 80% loss in Sierra snowpack 30% decrease in forest yields (pine) 55% increased risk of large forest fires 10% increase in energy demand
Lower Warming Range (3 - 5.5 °F)	2 - 2.5 times as many heat wave days 6 - 14 inches of sea level rise 30 - 60% loss in Sierra snowpack 7 - 14% decrease in forest yields (pine) 10 - 35% increased risk of large forest fires 3 - 6% increase in energy demand

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Our Changing Climate: Assessing the Risks to California (2008) www.climatechange.ca.gov

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Decrease in Sierra Nevada Snowpack

% of remaining snowpack relative to 1961 - 1990

Lower Warming Range (3 - 5.5 °F)

Medium Warming Range (5.5 - 8 °F)

Higher Warming Range (8 - 10.5 °F)

Increasing GHG Emissions

April 1 snow water equivalent (inches)

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Sea Level Rise of 1 Meter

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Impacts to Bay Area Air Ports

SFO

Oakland Airport

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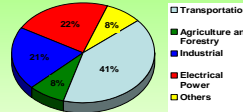
Lake Tahoe Waters Warm and Birds Respond to Climate Change

- Increase in water temperature has been observed since 1978
 - Surface water has increased by nearly 5 degrees
 - Impacting the entire ecosystem around the Lake
 - Temperature rise favors invasive plants and fish
 - Bass & carp increasingly common
 - Clarity of Lake is impacted
- Birds are moving North:
 - 305 North American species are wintering 35 miles farther north than 40 years ago

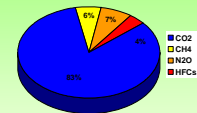


California Greenhouse Gas Emissions

GHG EMISSION SOURCES [MMT CO₂ eq]



GHG EMISSIONS BY TYPE



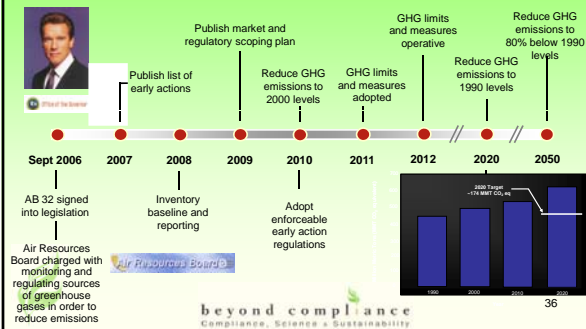
CEC, "Inventory of California Greenhouse Gas Emissions and Sinks: 1990-2004" (2006), www.climatechange.ca.gov/policies/greenhouse_gas_inventory/index.html



CO₂, N₂O CO₂, CH₄, N₂O CO₂ CO₂ HFCs

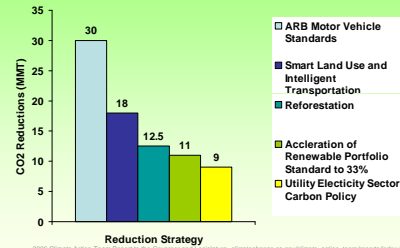


California Global Warming Solutions Act of 2006 (AB 32)



Major Greenhouse Gas Reduction Strategies

Annual Reductions in CO₂ (million of tons) by 2020



2006 Climate Action Team Report: www.climatechange.ca.gov/climate_action_team/reports/index.html



CA Mandatory Greenhouse Gas (GHG) Emissions Reporting


- Approx. 800 facilities will have to report by 2009
 - Any facility emitting > 25,000 tons of CO₂ per year
 - Exempt: Hospitals, primary and secondary schools, portable equipment, permitted backup/emergency generators, and nuclear, hydroelectric, wind, or solar generators
- Affecting Industries:
 - Electric retail providers
 - Cement plants
 - Petroleum refineries
 - Hydrogen production facilities >25,000 tons of CO₂
 - Electric generating facilities and Cogeneration facilities
 - >1 megawatt and ≥ 2,500 tons of CO₂



Federal Mandatory GHG Reporting

- March 10, 2009 - EPA proposed rule for mandatory reporting for 13,000 facilities responsible for 85 to 90 percent of the country's GHG emissions:
 - Required when emissions ≥ 25,000 metric tons a year
 - Tracking carbon dioxide, methane, nitrous oxide and other climate change gases
 - First year of reporting in 2011 for 2010 emissions
- Key Businesses Affected
 - Utilities, power plants
 - Oil and chemical refineries
 - Cement, iron, steel and glass makers
 - Pulp and paper manufacturers
 - Automotive sector
 - Live stock operations (< 50 meet the threshold)
 - *Exempting small manufacturers and most agriculture
- Facilities may verify their own emissions data, EPA may consider 3rd party verification in the future as climate policy evolves






AB 32 Plan Formally Adopted by the ARB BC42

- On December 11, 2008, the ARB formally approved the plan to implement AB32, California's landmark bill to reduce global warming
- Contains the main strategies California will use to reduce the GHGs that cause climate change
- At the heart of the plan is a cap and trade system, which will cover 85% of GHG emitting sources

- 60% of total emission reductions will result from 6 "core" regulatory measures within 31 rules
 - Fuel efficiency standards for new vehicles
 - Low carbon fuel standard
 - Reducing vehicle miles traveled
 - Increasing energy efficiency
 - Renewable resource development
 - High global warming potential measures




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AB 32 Water Quality Scoping Measures

- Background:**
 - 2005 report titled "California's Water-Energy Relationship," CEC concluded that water-related energy use consumes:
 - 19% of the state's electricity
 - 30% of the state's natural gas
 - 88 billion gallons of diesel fuel each year.
- Objective:**
 - Continue water efficiency programs
 - Use cleaner energy sources to move/treat water
- Strategies:**
 - Reduce need for energy through use and system efficiency improvements & water recycling (3 measures)
 - Reuse urban runoff and increase use of renewable energy sources (2 measures)




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AB 32 Water Quality Scoping Measures

- Funding:**
 - ARB recommends charging water users to fund investment to reduce GHGs through:
 - Water efficiency
 - Energy efficiency
 - Public goods charge could generate \$100 million to \$500 million annually




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Early Action Measures

- ARB regulatory requirements**
 - "Discrete early action measures"** (can adopt by 1/1/10, begin implementation before 2012)
 - Low Carbon Fuel Standard
 - Landfill Methane Capture
 - Reductions from Mobile AC
 - Semiconductor Reduction
 - SF6 Reductions
 - High GWP Consumer Products
 - Heavy-Duty Measure
 - Tire Pressure Program
 - Shore Power




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Early Action Measures

- ARB regulatory requirements**
 - "early action measures"** (can adopt and begin implementation before 2012) – 35 additional measures
 - ARB projects that discrete/early action measures will reduce emissions by at least 42 MMTCO_{2e}




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Early Action Measures

- ARB assumes **other existing ARB regulations** will reduce emissions by at least 30 MMTCO_{2e} (includes AB 1493 auto standards)
- Other agencies' regulatory requirements:**
 - ARB assumes these will achieve at least 68 MMTCO_{2e}, including:
 - Energy efficiency in buildings, solar hot water, increase combined heat and power (26.4)
 - Renewables portfolio standard – 33% by 2020 (21.2)



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Slide 43

BC42 Should replace slide 41 of master
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Early Action Measures

- Total savings projected from all ARB and non-ARB measures leaves about 35 MMTCO₂e to be achieved from “other” measures, including “market-based compliance mechanism”
- [note: same document attributes 400 MMTCO₂e to these sources, which suggests 9% reductions through cap-and-trade]



Low Carbon Fuel Standard Adopted - Second Look at Indirect Costs

- The ARB adopted the first low carbon fuel standard (LCFS) in the country and possibly the world
 - The LCFS requires a net 10% reduction in the carbon intensity of all fuels used in California
- Ethanol and other biofuel proponents objected to the life cycle analysis that attempted to calculate all direct and indirect costs from the fuel
 - In the case of ethanol and other biofuels, staff of the ARB took into account the indirect costs of land conversions necessary to produce the feed
 - The Board instructed staff to review the indirect costs issue and report back



Bay Area Businesses Must Pay Fee for Emissions

- BAAQMD levies fee = 4.4 ¢ per ton of carbon dioxide emitted.
- First time in the country that any government body will charge industries directly for emissions that contribute to climate change.
- The 850 facilities that are affected range from large petroleum refineries and cement plants to small gasoline stations and industrial bakeries.
 - Shell oil refinery in Martinez would have to pay almost \$200,000 based on 2005 emissions of 4.4 million metric tons. The largest gas station might be charged \$1/year.



SB 375 (Steinberg) – Transportation, Land Use Planning & CEQA

- **Objective:** Align planning for housing, land use, transportation, & GHG emissions for the 17 MPOs
- Assigning each MPO a GHG emission reduction target
- Requires each region to adopt regional growth strategies to achieve targets
- MPOs will assign housing needs to cities/counties under housing element that is consistent with the growth strategy to ensure regional transportation spending plans are consistent with strategy
- Growth strategy to be implemented by rezoning to accommodate housing needs
- Facilitates infill development by granting CEQA relief to housing developments consistent with growth strategy



SB 375 (Steinberg) – Transportation, Land Use Planning & CEQA (cont.)

- ARB must provide each region (with Metropolitan planning organization) with GHG emission reduction targets (by 9/30/10) for autos (2020) & light trucks (2035)
- Development of regional transportation plan (RTP) to include a Sustainable Communities Strategy to achieve GHG emission reductions:
 - Seeking balanced regional transportation system including:
 - Mass transportation,
 - Highway
 - Railroad
 - Maritime,
 - Bicycle
 - Pedestrian
 - Goods movement
 - Aviation facilities & services
- CA Transportation Commission (CTC) must maintain guidelines for travel demand models that forecast potential outcomes of transportation & land use policy options and account for:
 - Relationship between land use density & household vehicle ownership & VMT
 - Impact of enhanced transit service levels on household vehicles ownership & VMT
 - Changes in travel & land development likely to result from highway or passenger rail expansion
 - Mode splitting that allocates trips between auto, transit, carpool, & bicycle & pedestrian trips



SB 375 (Steinberg) – Transportation, Land Use Planning & CEQA (cont.)

- Local government must revise housing elements every 8 years (instead of every 5) in conjunction with regional transportation plan and rezone to accommodate regional housing needs assessment
- Relaxes CEQA requirement for housing developments that are consistent with a Sustainable Communities Strategy and Alternative Planning Strategy
 - A “Transit Priority Project” may be reviewed via a “Sustainable Communities Environmental Assessment” if:
 - It incorporated all feasible mitigation measures & performance standards required by prior EIRS



Final Plan for Western Climate Initiative Cap and Trade Program ISSUED

- A group of seven Western states and four Canadian provinces released a plan for a comprehensive, multi-sector carbon emissions cap and trade program
- The program recommended design principles for a regional market that would help reduce emissions to 15% below 2005 levels by 2020
 - First trading program to cap emissions from all major sources of GHG gases.
- The scope of the program was applauded by environmentalists



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Tough Rules on Emissions and Mileage Announced by Obama

- Obama announced tough new rules for auto emissions and mileage standards
 - Embraced rules that California has sought to enact for years over objections of the auto industry and Bush admin.
- The rules will begin to take effect in 2012.
 - The fuel efficiency standards will be as tough as the California program, while imposing the first ever limits on GHG gases
- U.S. Cars and light trucks will have to obtain 35.5 mpg by 2016



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Revised Fuel Standards (Part I)

- AB 1493 (2002-Pavley) Receives US EPA Waiver on September 8, 2008 for its 2010 and later model year heavy-duty vehicle and engine on-board diagnostic (OBD) requirements.
- Energy Independence Act & Security Act:
 - Originally CAFÉ Goal of 35 MPG by 2020
 - Obama Rules:
 - 39 mpg by 2016 for cars
 - 30 mpg by 2016 for SUVs
 - Beginning 2012 model year, mpg increases 5% per year



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Massachusetts v. EPA

- US Supreme Court decision (April 2, 2007)
- 12 states and several cities brought suit against the USEPA to force the agency to regulate CO₂ as a GHG pollutant.
- Petitioner's argument:
 1. § 202(a)(1) of the CAA requires USEPA to set emission standards for "**any air pollutant**" from motor vehicles or motor vehicle engines "*which...cause[s], or contribute[s] to, air pollution which may reasonably be anticipated to endanger public health or welfare.*"
 2. EPA does have authority over global warming and GHGs because of the **broad wording** of the statute
 3. EPA's decision not to regulate GHGs **exceeded the scope** of its discretion under the law.



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EPA to Regulate Heat-Trapping Gases

- April 18, 2009 the US EPA formally declared carbon dioxide and five other GHGs to be pollutants that endanger public health and welfare under the Clean Air Act
 - A 2007 Supreme Court Case, Massachusetts v. EPA, ordered the EPA to determine if heat-trapping gases harm the environment or public health
 - Political and industry opposition frustrated the EPA process until Obama called on the EPA to review and issue a scientific determination
 - The "endangerment finding" initiated a 60 day comment period
 - EPA emissions regulations are expected after the comment period
 - Some legislators are fearful of an expensive and cumbersome set of EPA regulations, driving up energy costs and killing jobs
 - Congress is writing wide-ranging energy and climate legislation that may alter, combine with, or override the EPA's regulations
- Environmental advocates applaud while industry prepares its challenge



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Federal Climate Bill May Take Some Time

- The Chairman of the Senate Energy Committee predicted that Congress will not act until 2010 on a comprehensive climate bill
 - This prediction is despite Obama's declaration to move swiftly on climate change
 - The economic crisis, the transition to a new administration, and the complexity of a proposed carbon market will prevent action in 2009
- Obama could regulate GHG emissions w/out Congress
 - Can give California permission to regulate GHGs from motor vehicles or could order regulations be issued under the CAA



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2009 Stimulus Package

- \$45 billion in tax breaks and new spending to promote renewable energy and energy efficiency:
 - \$10 billion to modernize electricity grid and install “smart” meters in homes
 - \$20 billion in tax incentives for wind, solar, hydro and other renewable energies
 - \$13 billion to weatherize one million homes and make federal buildings more efficient
 - \$7,500 tax credits for the purchase of plug-in hybrid vehicles



2009 Stimulus Package

- \$4 billion for wastewater infrastructure
- \$2 billion for drinking water infrastructure
- \$7 billion for environmental cleanups
 - \$5.1 billion to address nuclear contamination
 - \$600 million for EPA superfund sites
- \$300 million for grants to reduce air pollution from diesel engines
- \$200 million to cleanup underground storage tanks
- \$100 million to brownfields grants program



Federal Spending

- Highlights of Obama’s spending plan for 2010:
 - EPA to receive \$10.5 billion, tripling the current budget
 - California’s cap-and-trade program could become national model
 - High-speed rails allocated \$5 billion nation wide in budget and \$8 billion in stimulus package



San Joaquin Air District “Indirect Source” Fee Found Legal

- Fresno County Superior Court ruled that SJV Air District’s “indirect source” rule was legally adopted.
- Rule applies to new residential projects with 50 units or more and new commercial projects meeting various size thresholds.
 - Must pay mitigation fee based on the extra traffic generated by the development as calculated by a model used by the District.
 - Proceeds from fund used to fund projects that reduce emissions elsewhere within District.
 - Fees can be reduced if elements incorporated into design that reduce vehicle trips to and from project or reduce total project emissions in some other manner.
- Other local air districts are rumored to be considering similar indirect source rules



The 2008/2009 California Budget

- \$43 billion deficit
- Political compromise weakened some environmental regulations:
 - In-Use, Off-Road Diesel Vehicles
 - Extending period for initial, increasing credits provided for retiring vehicles or curtailing use
 - CEQA exemption for 8 highway projects and state real property sold “as is”
 - Permit expediting for other transportation projects



Landmark Rules to Clean up Big Rigs Passed by the ARB

- On December 12, 2008 the ARB formally accepted critical regulations requiring the update and replacement of diesel and other heavy duty vehicles
 - Will affect over 400,000 vehicles
- Makes changes to quiet criticism
 - Requires trucks to install diesel particulate traps beginning January 1, 2011 with virtually all vehicles equipped by 2014
 - A one time engine upgrade to the equivalent of a 2010 model year beginning in 2012 with all upgrades completed by 2022
- One billion dollars in loan and grant programs will be available to help truckers and business owners comply



Slide 143

BC40 Should replace slide 210 on the master
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ARB Anti-Idling Regulation

- **Effective January 1, 2008: Idling for more than five (5) minutes is prohibited within California's borders.**
- Applies to all diesel-fueled commercial vehicles that operate within the state with a gross vehicular weight rating of greater than 10,000 pounds
- Fines start at \$300 and can be as much as \$1000 per day. Violators may also face criminal charges
- Some exceptions: stuck in traffic, when necessary for inspecting/servicing, cannot move due to weather or mechanical failure, queuing beyond 100 feet from residential area, operating a power take-off device.
- See: www.arb.ca.gov/noidle



California Energy Legislation



Renewable Energy Standard Set by Governor

- An Executive Order signed by the governor will ↑ the State's Renewable Energy Standard to 33% renewable power by 2020
 - It is also designed to streamline California's renewable energy project approval process
- Implementation measures:
 - 1) Expand the state's renewable energy portfolio standard (RPS) to 33% by 2020
 - 2) Codify the new higher standards and require all utilities, public and private to meet the target
 - 3) Spread implementation costs across all ratepayers
 - 4) Expand eligibility for California's RPS program to renewable energy from other western states
 - 5) Reform the renewable energy market
 - 6) Create a one stop permitting process with the goal of reducing application time for specific projects in half



AB 2404 (Salas) Water Conservation Projects Report Required by PUC

- PUC must recommend whether electric and gas utilities could achieve cost-effective energy efficiency improvements via water conservation projects, based on the outcome of pilot programs previously approved by PUC.
 - Report due to Legislature due by 3-31-10
- A December 2007 order required pilot water conservation programs within the energy utilities' energy efficiency programs.
 - PUC directed the utilities to contribute \$6.4 million from their unspent energy efficiency fund to implement the pilot projects
 - The one-year pilot projects commenced July 1, 2008.
- In a 2005 report titled "California's Water-Energy Relationship," State Energy Resources Conservation and Development Commission concluded that water-related energy use consumes:
 - 19% of the state's electricity
 - 30% of the state's natural gas
 - 88 billion gallons of diesel fuel each year.



Energy Efficiency Laws and Light Bulb Recycling

- Implemented by CA Energy Commission and the DTSC the law will lead to a major transformation in residential and commercial lighting efficiency and disposal:
 - By Jan. 1, 2010 no one can manufacture or sell in CA any general purpose lights that contain European Union banned substance levels
 - By Dec. 31, 2008, the CA Energy Commission is required to adopt minimum energy standards for all general purpose lights
 - By Sept. 1, 2008 DTSC is required to make recommendations to the legislature on the most cost-efficient and convenient method for the consumer to recycle end-of-life lights
- Feb. 2009: Obama ordered the Energy Department to draft Federal efficiency standards for appliances and light bulbs
 - Saving \$67 billion over next 30 years



AB 2791 (Blakeslee) Waste Heat and Carbon Emissions Reduction Act

- Expands eligibility under pay-as-you-save program of Waste Heat and Carbon Emissions Reduction Act (WHCERA) to include *federal, state or local agencies* (in addition to nonprofits)
- WHCERA obligates IOU utilities to purchase power generated from combined heat and power systems (with a generating capacity of up to 20 MW) that meets specified emissions and efficiency standards.
- Pilot program allows eligible combined heat and power system customers to finance up-front costs to purchase and install combined heat and power systems



EPA Guide for Utilities to Reduce Energy Usage, Increase Savings

- February 1, 2008: EPA released: *Ensuring a Sustainable Future: An Energy Management Guidebook for Wastewater and Water Utilities*
- Guide is part of the EPA Office of Water strategy to promote sustainable management among utilities, providing a step-by-step guide to use energy efficiently, save money, and reduce GHG emissions
- Plan-do-check-act process that includes tracking monthly and annual energy usage, identifying and prioritizing energy operations that can increase efficiency targets, establishing energy efficiency targets, etc.
- http://www.epa.gov/waterinfrastructure/bettermanagement_energy.html



California Hazardous Waste Legislation



RCRA Creates “Continuing Obligation of Compliance”

- January 4, 2008: U.S. District Court for the Eastern District of Tennessee held that UST-related violations can be pursued for actions that occurred more than five years ago under RCRA in spite of five-year statute of limitation because of a “continuing obligation of compliance.”
- Court found that because of the ongoing compliance requirements of RCRA, a property owner’s failure to report existence of USTs and failure to monitor releases from those tanks constituted a series of separate, discreet violations until tanks properly closed.
- Court’s finding keep in line with the overarching goal of RCRA to protect human health and the environment and prevents rewarding attempts at concealing violations.



California Hazardous Materials Legislation



AB 38 (Nava) California Emergency Management Agency Created

- Concerns that current structure is inefficient in protecting against disasters:
 - Spending federal grant funding has been slow
 - Local agencies often unclear which agency to work with
- Merges Office of Emergency Services (OES) and the Office of Homeland Security (OHS) to create the California Emergency Management Agency (CEMA) which is:
 - responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities.
 - vested with the duties, powers, purposes, responsibilities, and jurisdiction vested with the OHS and OES.
 - under the supervision of the Secretary of the Department of Emergency Services and Homeland Security, appointed by the governor.



AB 1879 (Feuer) Consumer Product Chemicals of Concern


- DTSC must adopt regulations to establish a process, by 1-1-11:
 - to identify which chemicals or chemical ingredients in products may be identified and prioritized for consideration as chemicals of concern (COC) considering:
 - Volume of the chemical in commerce in the state
 - Potential for exposure in consumer products
 - Potential effects on sensitive subpopulations
 - by which COCs in products, and their potential alternatives, are evaluated to determine how best to limit exposure or to reduce the level of hazards posed.
- When developing regulations DTSC must:
 - Develop criteria to evaluate chemicals and alternatives
 - Prepare multimedia life cycle evaluation (consumer product oriented)
 - Use available information from other nations and governments
- DTSC must establish a Green Ribbon Science Panel to advise DTSC and CA Environmental Policy Council
 - 15 scientific disciplines must be represented on the panel
- Establishes procedure to protect trade secrets.



SB 509 (Simitian)

Toxics Information Clearinghouse

- DTSC must establish a Toxics Information Clearinghouse
 - Decentralized, web-based system to collect, maintain and distribute specific chemical hazard traits and environmental and toxicological end-point data.
 - On or before 1-1-11, OEHHA must evaluate and specify hazard traits and environmental and toxicological end-point for the clearinghouse.
- Defines terms for the Green Chemistry Program including “consumer products:”
 - “product or part of the product that is used, brought, or leased for use by a person for any purposes.”
 - Consumer products definition does not include dental restorative materials, certain dangerous drugs and medical devices, food, related packaging and pesticides, and mercury-containing lights.
 - Mercury-containing lights exempted from definition until 12-31-11.



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Underground Storage Tank Regulations






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Biodiesel Storage in Underground Storage Tanks

- Advisory issued by State Water Board concludes the following:
 - Regulatory agencies should assume that even 100% biodiesel is a hazardous substance and therefore should be regulated unless particular batch has been analyzed.
 - There is no de minimis exemption from UST regulations for storing 100% biodiesel.
 - Switching from petroleum diesel to a biodiesel blend is considered a *change of a stored substance* for purposes of informing local regulatory agencies of change in original information supplied.
 - Owners or operators of a UST must demonstrate material compatibility prior to storing biodiesel or biodiesel blends.



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Oil Spill Response Package

- Response to November 7, 2007 Cosco Busan cargo ship collision with Bay Bridge
- Initial response hampered by:
 - Underreporting of spill volume, weather conditions, poor communications, & lack of ready resources
- 54,000 gallons of bunker fuel spilled into San Francisco Bay




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AB 2935 (Huffman)--Oil Spill Notification / Sensitive Areas

- **Objective:**
 - Strengthens oil spill contingency plans to protect environmentally & ecologically sensitive areas.
 - Establishes procedures for fishery closures following an oil spill
- The Director of DFG, within 24 hours of notification of a spill or discharge, where any fishing or aquaculture may take or is taking place, must close the waters to the taking of all fish & shellfish in vicinity of spill or where the spill is likely to spread.
 - Not required if within 24 hours of the notification, the OES (now CEMA) finds that there is no or not a likelihood of a public health threat.
 - An assessment 48 hour after notification will occur to determine if closure should remain or be lifted.
 - Tests of fish and shellfish shall occur no more than 7 days from notification to determine levels of contamination.
- Environmentally and ecologically sensitive areas element of marine oil spill contingency planning section of CA oil spill contingency plan expanded to include:
 - Identification & prioritization of environmentally & ecologically sensitive areas
 - Protection plan in the event of an oil spill in those areas
 - Locations of available response equipment and personnel to deploy the equipment in these areas
 - Program for testing protection strategies for each of the areas.
- Requires the CA oil spill contingency plan to include consideration of the identification and use of private working craft and mariners to assist in containment, cleanup and removal actions.




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AB 2031 (Hancock) -- Oil Spill Local Emergency Responders

- Requires, upon request by a local government, Office Oil Spill Prevention & Response (OSPR) Administrator must develop training & certification program for local emergency responders including training and certification of volunteers to work under their direction
 - Local spill response managers must participate in all drills upon request of the administrator
 - In the event of an oil spill, local spill response managers trained and certified must provide the state on-scene coordination with timely information on activities and resources deployed & must cooperate with the administrator and in a manner consistent with the area contingency plan to the extent possible.
 - Administrator must offer grants to a local government with jurisdiction over or directly adjacent to marine waters to provide oil spill response equipment to be deployed by a local spill response manager.
- If the information initially reported on oil spill was inaccurate or incomplete or if the quantity of oil spilled changed, responsible parties must report updated information immediately to OES (now CEMA).
- CEMA must now also inform the appropriate local governmental agencies in the area surrounding the discharged oil.



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SB 1739 (Simitian) –Marine Training & Drills

- Clarifies marine facility oil spill contingency plan training, drills & testing
- Oil spill contingency plan to include:
 - Training and drills on all elements of the plan at least annually
 - All elements of the plan to a drill at least once every 3 years.
- Independent drill monitors to evaluate mandatory drills if the administrator, USCG or any other qualified agency is unable to attend drills
- Oil spill response organizations (OSRO) must now:
 - Demonstrate that the rated OSRO can deploy the response resources required to meet oil spill contingency plan
 - Requires satisfactory completion of one unannounced drill *prior to being granted a renewal or prior to reinstatement of a revoked or suspended rating.*



AB 2911(Wolk)-- Inland Spills Added / Increased Penalties

- Expands the Lempert-Keene-Seastrand Oil Spill Prevention Act by giving the Administrator OSPR authority to:
 - Serve as a State Incident Commander and
 - Direct the removal, abatement, response, containment and cleanup efforts of petroleum in the waters of the state, including inland waters.
 - NOTE: Inland spill = release of at least one barrel (42 gallons) of oil into inland waters that is not authorized by any federal, state or local entity
 - Inland waters = waters of the state other than marine waters, but not including groundwater
 - Contingency Plan: Administrator must submit to the Governor and Legislature an amended CA oil spill contingency plan that includes inland and marine waters by 1-1-10. Revised plans will be due every three years thereafter.
- Penalties:
 - Intentional or negligent spills:
 - Doubles the maximum *civil and criminal* penalties:
 - Marine spills: \$5000 - \$1 million for a marine oil spill
 - Inland spills: not more than \$50,000
 - OSPR has *civil administrative* authority for inland spills:
 - Inland spills: maximum *administrative civil* penalty up to \$50,000
 - Marine spills: increases the max *civil* penalty from \$100k → not to exceed \$200k.
 - Without regard to intent or negligence:
 - Inland spills: not more than \$10 per gallon of oil released
 - Marine spills: not to exceed \$20 for a marine spill (increased from \$10)
 - Gross negligence or reckless conduct:
 - Inland spills: not more than \$10 per gallon of oil released
 - Marine spills: an amount not to exceed \$60 (increased from \$30)
- Expands the Oiled Wildlife Care Network (OWCN) to improve search and rescue efforts.
- Increases funding to \$2.0 million from interest earned and fees collected from person owning crude oil or petroleum products at a marine terminal must be available to cover costs incurred by OWCN.



SB 1395 (Corbett)--Lead Plumbing

- Current law requires that, after 1-1-10, only lead-free plumbing be used to convey or dispense water for human consumption.
 - Lead free is defined as not more than 0.2% lead for solders and flux and not more than a weighted average of 0.25% in the wetted surface of pipes and pipe fittings, plumbing fittings, and fixtures. (state law – AB 1953)
- This bill requires DTSC to monitor and test lead plumbing for compliance with existing lead standards.
- AB 1953 did not explicitly define enforcement for those standards
- Establishes ongoing testing & monitoring program to better ensure compliance
- SB 1395 establishes ongoing testing & monitoring program to better ensure compliance
- Requires DTSC to annually select up to 75 drinking water faucets or other drinking water plumbing fittings and fixtures from publicly accessible resale or wholesale locations for testing and evaluation and post results on their website and transmit the results to DPH
- DTSC's selections do not have to be random or representative of all available plumbing fittings or fixtures



SB 1334 (Calderon) Lead Pipe Legislation

- Objective: help consumers avoid unknowingly purchase water faucets /fixtures not meeting state lead standards taking effect in 2010
- Requires all plumbing products to be certified by an independent American National Standards Institute (ANSI) accredited third-party for compliance with existing lead standards.



SB 1258 (Lowenthal) Graywater Systems

- Requires Department of Housing and Community Development (HCD) to adopt and submit to the California Building Standards Commissions, for approval, building standards for the construction, installation, and alteration of graywater systems for indoor and outdoor use, at the next triennial building standards rulemaking that commences on or after 1-1-09. Must:
 - Convene stakeholder's group
 - Ensure protection of water quality in accordance with state and federal law
 - Consider:
 - Existing research on graywater use, impacts on human health, circumstances where in-home graywater treatment systems are recommended
 - Use and regulation of graywater in other jurisdictions both nationally and internationally.
- Note: "graywater" means:
 - Untreated wastewater:
 - Not been contaminated by toilet discharge,
 - Not been affected by infectious, contaminated, or unhealthy bodily wastes
 - Does not present threat from contamination by unhealthful processing, manufacturing, or operating wastes.
 - Does not include wastewater from kitchen sinks or dishwashers.
 - Includes wastewater from bathtubs, showers, bathroom washbasins, washing machines, laundry tubs
- Authorizes local agencies to adopt ordinances or resolutions, building standards that prohibit entirely the use of graywater or building standards that are more strict than those adopted by HCD.



AB 2222 (Caballero) Groundwater Contamination and Quality Report

- Requires the SWRCB to develop a report on groundwater contamination and quality on or before 6-1-09:
 - Identify and recommend to the Legislature:
 - Funding options to extend the comprehensive monitoring program until 2024
 - Make recommendations to enhance public accessibility of information on groundwater conditions.
 - Requires the SWRCB to submit to the Legislature a prescribed report by 1-1-12 that identifies:
 - Communities that rely on contaminated groundwater as a primary source of drinking water
 - Principle contaminants and other constituents of concern affecting that groundwater and contamination levels
 - Potential solutions and funding sources to clean up or treat groundwater or to provide alternative water supplies to above sources.



Access to Water Quality Data


- The California Water Quality Monitoring Council required to improve efficiency of data collection and dissemination
- Website in development organized by theme:
 - Is our water safe to drink?
 - Is it safe to swim in our waters?
 - Is it safe to eat fish and shellfish from our waters?
 - Are our aquatic ecosystems healthy?
- Improvements focus on access to existing data




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EPA Decided Not to Limit Perchlorate



- The USEPA formally issued its decision not to set a drinking water safety standard for perchlorate
 - Perchlorate is a component of rocket fuel that has been leaked into the water supply by improper disposal and is linked to thyroid problems in pregnant women and newborns
- Culmination of a six year battle between career USEPA scientists who advocate regulation and White House and Pentagon officials opposed
- The new USEPA proposal assumes the maximum allowable safe perchlorate level to be 15 times above what USEPA suggested in 2002




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Arsenic Drinking Water Standard

- The Department of Public Health lowered the allowable amount of arsenic in public water systems
 - Effective October 29, 2008
- The Maximum Contaminant Level (MCL) is the same as the primary federal standard set in 2006



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California Solid Waste Legislation





AB 3025 (Lieber) Expanded Polystyrene Packaging Material

- Prohibits wholesaler or manufacturer from selling or offering for sale in CA, expanded polystyrene (EPS) loosefill packaging material beginning 1-1-12, unless it is comprised of:
 - On and after 1-1-12 – 60% recycled material
 - On and after 1-1-14 – 80% recycled material
 - On and after 1-1-17 – 100% recycled material
- Violations are considered an infraction and shall be punished by a fine not exceeding \$1,000.



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California Land Use Legislation





AB 1510 (Plescia)

Solar and Biogas Exemption from SMA


- The Subdivision Map Act (SMA) governs how cities and counties approve the division of larger properties into smaller lots.
- This bill exempts leases and easements involving solar and biogas projects from the requirements of the SMA:
 - Solar electrical generation devices and biogas projects (using agricultural wastes or byproducts) subject:
 - to review under local ordinances regulating design and improvement or
 - pursuant to a discretionary action by the advisory agency or legislative body.
 - Currently, wind powered electrical generation devices are exempt for SMA (as are mineral, oil, or gas leases, among others).





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Sustainability





AB 3018 (Nunez)

Green Collar Jobs Act

- Establishes California Green Collar Jobs Act of 2008
- Designed to develop a comprehensive administrative infrastructure to coordinate and facilitate advancement of the Green Collar movement.
- Requires:
 - California Workforce Investment Board (CWIB) to establish the Green Collar Jobs Council (CGJC/special committee):
 - Council will be comprised of CWIB existing membership including the K-12 rep, the CA Community Colleges rep, the Business, Transportation and Housing Agency rep, the EDD rep, and other appropriate members. The CWIB may call on others to serve as consultants to the CGJC in development of initiative.







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AB 3018 (Nunez)

Green Collar Jobs Act (cont)

- GCJC must:
 - Assist in identifying and linking green collar job opportunities with workforce development training opportunities in local workforce investment areas
 - Develop partnerships to build and expand the state's workforce development programs, network and infrastructure
 - Provide policy guidance for job training guidance in the clean and green technology sectors to assist and prepare specific populations – at-risk youth, displaced workers, veterans, etc.
 - Develop, collect interpret, and distribute statewide and regional labor market data on CA's new and emerging green industries workforce needs, trends and job growth.
 - Identify funding resources and make recommendations on how to expand and leverage these funds
 - Foster collaboratives in the green economic sector
- On or before April 1, 2009 and each April 1 yearly, the CWIB must report to the Legislature on the status of GCJC activities.







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SB 1473 (Calderon)

Green Building Standards

- Designed to Requires the California Building Standards Commission to adopt, approve, codify, update and publish green building standards for occupancy
- Requires each city, county or city and county to collect a fee from any applicant for a building permit, assessed at the rate of \$4.00 per \$100,000 in valuation.
 - Fees to implement building standards, with emphasis placed on green building standards.
- Does not affect ability of local government to adopt changes, modifications, amendments, additions, or deletions to the California Building Standards, Code, including the green building standards.








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Enforcement







Environmental Crimes Website and Wanted List

- An EPA website now exists to enlist the public and other law enforcement personnel to track down fugitives accused of violating environmental laws and evading arrest
- Website includes photos, summaries of their violations, and information on their last known whereabouts



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Questions?

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