

**State Water Resources Control Board
Office of Legislative Affairs
2008 Chaptered Legislation
October 28, 2008**

AB 268 (Committee on Budget) Transportation.

Summary: This bill makes various statutory changes to implement the 2008 Budget Act. Among its provisions, the bill allows the use of funds from the State-Local Partnership Program Account to be used for improvements to mitigate the environmental impacts of new transportation infrastructure on a locality's or region's air quality or water quality.

AB 642 (Wolk) Design-build: counties, cities, and special districts.

Summary: This bill authorizes all California cities, counties, and special districts operating wastewater facilities, solid waste facilities or water recycling facilities to utilize the Design-Build contracting method for the construction of wastewater facilities, solid waste facilities and water recycling facilities projects in excess of \$2.5 million. The law, however, limits to 20 the total number of Design-Build projects that authorized. The law sunsets these provisions on January 1, 2020. This law also authorizes all California cities to utilize the Design-Build contracting method for the projects with construction of buildings and improvements directly related to buildings in excess of \$1,000,000, and requires the Legislative Analyst's Office to report on cities' use of Design-Build by January 1, 2015. The law sunsets these provisions on January 1, 2016.

AB 1225 (DeSaulnier) Ocean resources: California Ocean Protection Trust Fund.

Summary: This bill authorizes the Ocean Protection Council (OPC) to issue grants and loans to fund adaptive management, planning, coordination, monitoring, research, and other specified activities to minimize the adverse impacts of climate change on California's ocean ecosystem and to better understand the impacts of climate change on ocean and coastal resources. The law specifies that the climate change projects funded by the OPC must be designed to improve the management of coastal and ocean resources and to help the state adapt to climate change impacts.

AB 1338 (Committee on Budget) Public resources.

Summary: This Budget Trailer Bill makes various statutory changes to implement the 2008 Budget Act. Among its provisions, this bill would require that certain penalty monies be deposited into the State Water Pollution Cleanup and Abatement Account, rather than into the Waste Discharge Permit Fund.

AB 1781 (Laird) Budget Act of 2008.

Summary: This is the 2008-09 Budget Act.

AB 1879 (Feuer) Hazardous materials: toxic substances.

Summary: This bill requires the Department of Toxic Substances Control (DTSC) to adopt regulations by January 1, 2011, that would establish processes to (1) identify and prioritize chemicals or chemical ingredients in consumer products that may be considered "chemicals of concern" and (2) evaluate "chemicals of concern" in consumer products and their potential

alternatives to determine how best to limit exposure or to reduce the level of hazard posed by the “chemical of concern.”

AB 1960 (Nava) Public resources: oil production facilities and oil spills.

Summary: This bill requires the Department of Conservation Division of Oil, Gas and Geothermal Resources (DOGGR) to develop minimum maintenance standards for onshore oil production facilities, and to test facilities for compliance with established standards. This law: (1) authorizes the State Oil and Gas Supervisor to issue a cease and desist order to, and impose specified penalties upon, an operator of an oil production facility that violates these standards; (2) authorizes DOGGR to require oil production facilities with a history of violations or outstanding liabilities to the state to obtain a life-of-well or life-of-production facility bond; and (3) imposes civil and criminal penalties upon a person who fails to report, or who knowingly makes a false or misleading marine oil spill report to the Office of Emergency Services.

AB 2026 (Villines) State property.

Summary: This bill, an urgency measure, makes various statutory changes pertaining to the exchange, sale or transfer of state properties and the management of state properties to implement the 2008 Budget Act. Among its provisions, the bill allows the Director of DGS to sell, lease, convey, or exchange real property at the Salinas Valley State Prison containing the prison's wastewater treatment facility to the City of Soledad under terms and conditions as the DGS determines are in the best interests of the State, and would provide an exemption from the CEQA requirements, by authorizing the transfer “notwithstanding any other provision of law.”

AB 2031 (Hancock) Oil spill prevention and response.

Summary: This bill enhances local responses to oil spills by: (1) requiring the Administrator of the Office of Spill Prevention and Response (OSPR), upon request by a local agency, to provide training and certification for a local emergency responder, who is designated as a local spill response manager (local manager) by a local government with jurisdiction over or directly adjacent to marine waters; (2) allowing local managers to train and certify oil spill volunteers working under their supervision; (3) requiring OSPR to offer grants from the Administration Fund to local governments who have jurisdiction over, or are directly adjacent to marine waters, to purchase oil spill response and cleanup equipment for deployment by the local manager during a spill; and (4) requiring Office of Emergency Services (OES) to notify the appropriate local governments in the area surrounding a marine oil spill.

AB 2045 (De La Torre) California Urban Forestry Act of 1978.

Summary: This bill significantly expands the scope of the California Urban Forestry Program to, among other things, include increasing integrated, multibenefit projects by assisting urban areas with innovative solutions to problems including greenhouse gas emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater management, water shortages, lack of green space, and lack of urban parks accessible to pedestrians. The bill also requires the Department of Forestry and Fire Protection (CalFire) to cooperate with various agencies, including the Regional Water Quality Control Boards (Regional Water Boards) and the California Environmental Protection Agency, in carrying out the program.

AB 2065 (Hancock) Invasive aquatic species: dreissenid mussels.

Summary: This bill requires owners or managers of reservoirs to develop and implement a program to prevent the introduction of non-native dreissenid mussel species. The bill exempts from

its requirements (1) privately owned reservoirs that are not open to the public and (2) reservoirs where non-native dreissenid mussel have been detected.

AB 2094 (DeSaulnier) San Francisco Bay Conservation and Development Commission.

Summary: This bill authorizes the San Francisco Bay Conservation and Development Commission (BCDC), in coordination with local governments, regional councils of government, and other agencies and interested parties, to develop regional strategies for addressing the impacts of, and adapting to, the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and affected shoreline areas.

AB 2222 (Caballero) Groundwater quality: monitoring.

Summary: This bill requires the State Water Board, in consultation with other state agencies, to submit a report to the Legislature by January 1, 2012, that identifies: (1) communities relying on contaminated groundwater as a primary source of drinking water; (2) the principal contaminants affecting the groundwater of those communities; and (3) potential solutions to ensuring the provision of safe drinking water supplies to these communities. This law also requires the State Water Board to identify and recommend to the Legislature, by June 1, 2009, funding options that would extend the comprehensive monitoring program that assesses each groundwater basin in California, until January 1, 2024, and to make recommendations to enhance the public accessibility of information on groundwater conditions.

AB 2286 (Feuer) Unified hazardous waste and hazardous materials.

Summary: This bill sets a January 1, 2010 deadline for the California Environmental Protection Agency (Cal/EPA) to establish an electronic information management system to receive data collected by unified program agencies (UPAs) and reported by regulated businesses. The law requires Cal/EPA to increase the annual unified program surcharge by an amount necessary to establish the data system for a period of three years, but not to exceed \$25 each year, and would require that at least 75 percent of the additional monies collected must go to the UPAs.

AB 2347 (Ruskin) Mercury-added thermostats: collection program.

Summary: This bill enacts the Mercury Thermostat Collection Act of 2008 and requires thermostat manufacturers, as defined, to establish a mercury-added thermostat collection and recycling program.

AB 2356 (Arambula) Water quality.

Summary: This bill requires the State Water Board to assist small, disadvantaged communities that receive financial assistance from the State Water Board for wastewater collection, treatment or disposal projects by requiring the State Water Board to: (1) provide advance payments of up to \$1 million, under specified circumstances; (2) establish a process for paying invoices within 30 days of receipt; and (3) use wire transfers or other payment procedures to expedite project payment. Additionally, this law allows the State Water Board, until December 31, 2013, to assess a surcharge on loans from the Clean Water State Revolving Fund (SRF), in lieu of interest on the loans, to be deposited into a newly created State Water Pollution Control Revolving Fund Small Community Grant Fund (Grant Fund). Monies from the Grant Fund will be used to provide grants for eligible wastewater collection, treatment or disposal projects that serve small communities. The law also specifies that no more than \$50 million can be deposited into the Grant Fund.

AB 2537 (Furutani) Public works: volunteers.

Summary: This bill extends until January 1, 2012, provisions of current law that exempt volunteer work, as well as work performed by the California Conservation Corp or a Community Conservation Corps, from prevailing wage requirements that otherwise apply to public works projects. Additionally, this bill requires the Director of the Department of Industrial Relations to submit, by January 1, 2011, a report to the Legislature describing any complaints and investigations involving the use of volunteers on public works projects, and estimating the amount of hours and type of work done by volunteers and the cost per year of the public works projects.

AB 2729 (Ruskin) Hazardous substances: underground storage tanks.

Summary: This bill transfers \$10 million per year for the next three fiscal years from the Underground Storage Tank Cleanup Trust Fund (USTCF) to the School District Account to reimburse large school districts for their costs of cleaning up of leaking underground storage tanks (USTs) that are located on a school district property. This bill also increases from \$1 million to \$2 million the threshold for applicants to qualify for a streamlined process when proposing remedial action for hazardous material release sites.

AB 2763 (Laird) Invasive pests: advance planning: detection and eradication plans.

Summary: This bill requires the California Department of Food and Agriculture (CDFA) to develop and maintain a list of invasive species that are likely to enter California and may need to be eradicated, controlled or managed. If funding is available, the law requires CDFA to develop a written plan of the most appropriate strategy for detection, exclusion, eradication, control or management of high-priority invasive pests on the list, and to include specified information in the plan if the aerial application or communitywide ground application of pesticides would be among the appropriate responses. Certain state agencies would be required to participate in the preparation of the plan and the department would be required to hold public hearings. If CDFA determines that an invasive species has entered the state and the use of a pesticide is the preferred response, the law requires CDFA to notify the Governor, the governing boards of affected cities and counties and county agricultural commissioners. If no assessment has been prepared for that invasive species, the law requires CDFA to notify the Governor of the best available eradication or control options. Additionally, the law requires that the program be funded with federal funds.

AB 2882 (Wolk) Allocation-based conservation water pricing.

Summary: This bill authorizes and establishes guidelines for urban water suppliers to charge allocation-based conservation water pricing, to comply with requirements of Proposition 218. This law clarifies that water increments are to be structured to encourage conservation, eliminate conflicting language on the costs that could be included in each increment, and makes other technical, clarifying changes.

AB 2911 (Wolk) Oil spill prevention and response: inland spills: wildlife contaminations.

Summary: This bill designates the Administrator of the Office of Spill Prevention and Response (OSPR) as the State Incident Commander responsible for directing the removal, abatement, response, containment, and cleanup efforts regarding all aspects of any placement of petroleum or petroleum product in the waters of the state and would expand the Oiled Wildlife Care Network to improve search and rescue efforts. This bill requires the Administrator, by January 1, 2010, to submit to the Governor and the Legislature an amended California oil spill contingency plan consisting of both marine and inland oil spill contingency planning sections. This bill also: revises

liability for damages caused by oil spills; expands civil penalties to include inland spills; and increases civil penalties for spills in marine waters.

AB 2935 (Huffman) Oil spill prevention and response.

Summary: This bill strengthens oil spill contingency plan requirements for protecting environmentally and ecologically sensitive areas, and establishes a protocol for the closure of fisheries that might be affected in the event of an oil spill. Specifically, this bill: 1) requires the Director of the Department of Fish and Game (DFG) to close certain waters to the take of all fish and shellfish, within 24 hours of notification of a spill or discharge; 2) requires, within 48 hours, the Director of DFG, in consultation with the Office of Environmental Health Hazard Assessment (OEHHA), to make specific determinations with regard to the spill or discharge to determine the levels of contamination; 3) requires the Director of DFG to reopen the closed areas, if the Director receives notification within 24 hours from OEHHA that there is no human health threat from the spill; and 4) requires the Director of DFG to seek full reimbursement for costs from the responsible party or parties for the spill or discharge.

AB 2954 (Lieber) San Francisco Bay Restoration Authority.

Summary: This bill establishes the San Francisco Bay Restoration Authority (Authority) as a regional special district that would raise funds and award grants to help restore and preserve the San Francisco Bay's fragile habitat. The Authority will focus on approving and funding projects that protect tidal wetlands, enhance flood management features, and improve public and recreational access to the shoreline. This law requires the Authority's membership to consist of a chair, whom shall be a San Francisco Bay Area resident, and its other members to be six locally elected officials from bayside cities. The law also establishes an advisory committee that may include various governmental and nongovernmental agencies, including the San Francisco Bay Regional Water Quality Control Board. The bill sunsets the Authority on January 1, 2029.

SB 187 (Ducheny) Salton Sea Restoration Fund: restoration project.

Summary: This bill authorizes the Resources Agency to expend money deposited in the Salton Sea Restoration Fund, upon appropriation of the Legislature, on activities identified in a report prepared by the Resources Agency in May 2007, entitled "Salton Sea Ecosystem Restoration Program Preferred Alternative Report and Funding Plan." The activities identified as part of the preferred alternative for restoring the Salton Sea are to be implemented during four periods over the course of approximately 70 years. The law also requires the Resources Agency to work cooperatively with staff from the State Air Resources Board, Department of Water Resources, State Water Board, and Department of Fish and Game in carrying out the activities identified in the report and expending funds made available pursuant to the bill.

SB 348 (Simitian) Local government: vehicle fee for congestion and stormwater management.

Summary: This bill allows the City/County Association of Governments of San Mateo County (C/CAG) to extend for four years an existing fee (set to expire on January 1, 2009) of \$4.00 on motor vehicles registered in San Mateo County to fund traffic congestion and stormwater management programs in that county. The bill requires that the extension be approved under the same requirements as the originally authorized fee.

SB 509 (Simitian) Hazardous materials: toxic substances.

Summary: This bill requires the Department of Toxic Substances Control (DTSC) to establish an online Toxics Information Clearinghouse (TIC) for the collection, maintenance, and distribution of

science-based information on the toxicity and hazard traits of chemicals used in daily life. This law requires the Office of Environmental Health Hazard Assessment (OEHHA), by January 1, 2011, to evaluate and specify hazard traits and environmental and toxicological end-points to be included in the TIC. The law also defines “consumer product” as it applies to the Green Chemistry program established by AB 1879 (Feuer) and in doing so, excludes certain products from being subject to the Green Chemistry program.

SB 732 (Steinberg) Environment.

Summary: This bill establishes various requirements, procedures, and implementation specifications regarding monies made available through Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. This law creates the Strategic Growth Council to (1) administer grant and loan programs under Proposition 84 that are designed to encourage the development of sustainable communities and promote urban greening, and (2) coordinate the activities and funding of state agencies to improve the environment, increase the availability of affordable housing, improve transportation, and encourage sustainable land use planning. This law appropriates \$500,000 to the Resources Agency for the support of the Council’s activities.

SB 1161 (Lowenthal) Petroleum underground storage tanks: cleanup.

Summary: This bill 1) extends for five-years the sunset date of the Underground Storage Tank Cleanup Trust Fund (USTCF) Act, to January 1, 2016 and 2) reauthorizes the Orphan Site Cleanup Fund (OSCA) to provide a total of \$30 million from the USTCF to pay for the cleanup of brownfield sites that are contaminated with petroleum and where there is no responsible party (orphan sites).

SB 1428 (Kehoe) San Diego River Conservancy.

Summary: This bill extends the sunset date of the San Diego River Conservancy (SDRC) from January 1, 2010 to January 1, 2020. The bill also allows the Mayor of San Diego to appoint a designee to serve in his place as a voting member of the SDRC.

SB 1739 (Simitian) Oil spill contingency plan.

Summary: This bill revises the requirements of an oil spill contingency plan to: 1) include provisions for training and drills on all elements of the plan at least annually, and provisions for subjecting all elements of the plan to tests at least once every 3 years; 2) require, rather than authorize, an Oil Spill Response Organization (OSRO) to demonstrate that it can deploy response resources consistent with the planning requirements; and 3) authorize the Office of Spill Prevention and Response (OSPR) Administrator to determine whether an unannounced drill by a federal agency qualifies as an unannounced drill for purposes of rating an OSRO.

SBX2 1 (Perata) Water quality, flood control, water storage, and wildlife preservation.

Summary: This bill appropriates \$820.973 million in bond funds authorized by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) to the Department of Water Resources (DWR) and the California Department of Public Health (CDPH) for a variety of water-related projects. Of this amount, this bill allocates \$50.4 million in bond funds to CDPH for the purpose of providing grants for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water, including \$2 million to contract with the State Water Board to develop pilot projects in the Tulare Lake Basin and the Salinas Valley to address nitrate contamination. In addition, among its provisions, this law enacts the Integrated Regional Water Management Planning (IRWMP) Act and establish standards and guidance for IRWMP grant programs.