# Legislative Mandates 2008

***A compilation of new mandates and statutory changes affecting DTSC programs***

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## November 2008

**Department of Toxic Substances Control**
**Maureen Gorsen**
**Director**

# INTRODUCTION

This publication serves to inform Department of Toxic Substances Control (DTSC) staff of new legislatively mandated activities and important statutory changes resulting from legislation enacted in the second half of the 2007/2008 Legislative Session.

Some of the described changes are provided for information only, such as noting new or revised requirements or procedures that affect applied standards or the way DTSC operates. Other changes describe more direct requirements, such as mandates upon DTSC to develop regulations, prepare a report, establish a new program, or modify an existing program.

The descriptions provided in this publication are not binding. Staff should consult the actual bill language (which can be accessed through the Internet links provided) for exact changes to the statutes.

Bills with an urgency clause take effect on the date they are chaptered; bills without an urgency clause take effect on January 1, 2009. Bills may also specify that their provisions take effect at a later date or designate a specific date by which an activity must be completed.

Questions about specific implementation plans and activities should be referred to the affected programs identified in this publication. Questions regarding the information in this publication can be referred to any of the legislative staff in DTSC's Office of Legislative and Regulatory Policy (see below). Suggested changes to this publication are also welcome.

## LEGISLATIVE OFFICE STAFF


| | | |
|---|---|---|
| Rick Brausch | Legislative Director | 916.327.1186 |
| Margaret Graham | Senior Legislative Analyst | 916.324.3149 |
| Corey Yep | Senior Policy Analyst | 916.445.3601 |
| Maria Aliferis-Gjerde | Legislative Analyst | 916.322.0912 |

# INDEX OF BILLS AFFECTING DTSC PROGRAMS BY BILL NUMBER

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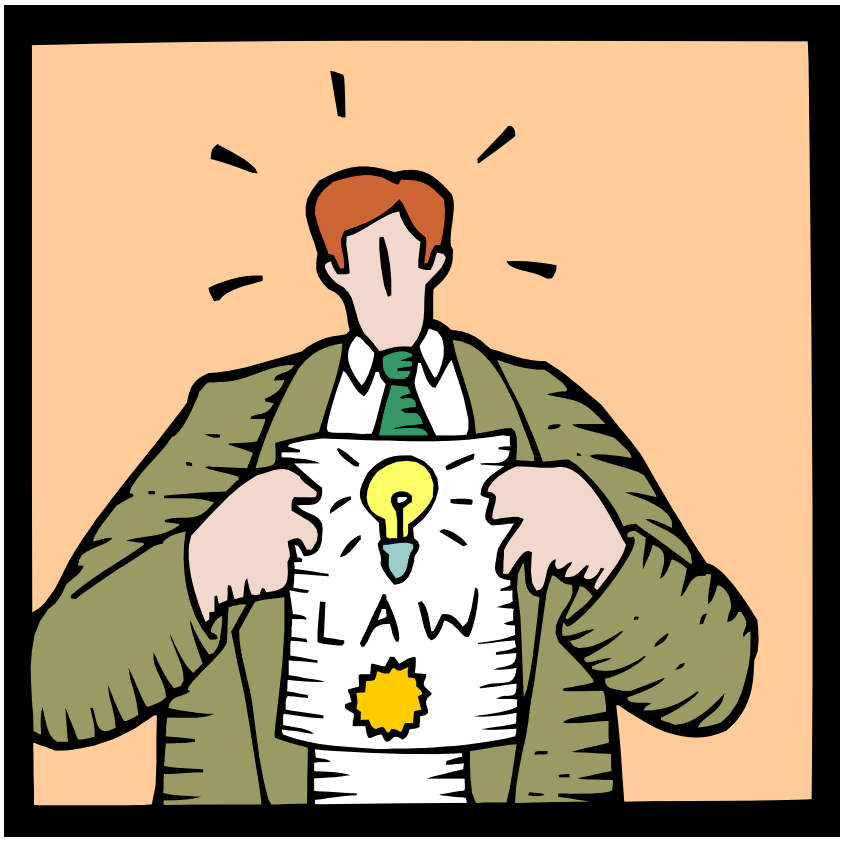
**Legend**

| | |
|---|---|
| Cleanup | Brownfields and Environmental Restoration Program |
| CUPA | DTSC as a Certified Unified Program Agency |
| ECL | Environmental Chemistry Lab |
| Enforcement | Enforcement & Emergency Response Program |
| GC Team | Green Chemistry Implementation Team |
| Indicators | Office of Data Evaluation and Environmental Indicators |
| Permitting | Hazardous Waste Permitting |
| OEIM | Office of Environmental Information Management |
| Policy | Office of Policy |
| P2 | Office of Pollution Prevention and Green Technology Program |

# SUMMARIES OF BILLS AFFECTING DTSC



**AB 1879, Chapter 559, Statutes of 2008 (Feuer)** – ***Green Chemistry: Chemicals of Concern and Alternative Analysis Processes***

**RESPONSIBLE PROGRAM(S):** **GC Team**

☑ New Program or Requirements

☐ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☑ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1851-1900/ab_1879_bill_20080929_chaptered.pdf

**Summary:**

AB 1879 gives DTSC the authority to establish procedures in regulation to identify and prioritize chemicals of concern, evaluate alternatives to chemicals of concern in products and specify regulatory responses for chemicals of concern when found in products. The bill also creates two panels that will advise DTSC on green chemistry matters.

**Specifically, this bill:**

Identification and Prioritization of Chemicals of Concern

- Requires DTSC, on or before January 1, 2011, in consultation with the Office of Environmental Health Hazard Assessment (OEHHA) and all appropriate state agencies, to adopt regulations that establish a process to identify and prioritize chemicals of concern in consumer products.

Alternative Analysis Process

- Requires DTSC, on or before January 1, 2011, in consultation with all appropriate state agencies, to adopt regulations that establish a process determining how best to limit exposure or to reduce the level of hazard posed by a chemical of concern.

Role of Environmental Policy Council

- Requires DTSC to submit its proposed regulations to the Environmental Policy Council for its review and feedback prior to adoption.

Green Ribbon Science Panel

- Requires DTSC to establish a Green Ribbon Science Panel.

**Departmental Mandate(s):**

- Appoint Green Ribbon Science Panel members on or before July 1, 2009.

- Adopt regulations that establish a process to identify and prioritize chemicals of concern in consumer products by January 1, 2011.

- Adopt regulations that establish a process determining how best to limit exposure or to reduce the level of hazard posed by a chemical of concern by January 1, 2011.

- Submit proposed regulations to the Environmental Policy Council for review and feedback prior to adoption.

- Once regulations are adopted, take any number of actions regarding chemicals of concern in products.

**AB 2286, Chapter 571, Statutes of 2008 (Feuer)** – ***Unified Hazardous Waste and Hazardous Materials***

**RESPONSIBLE PROGRAM(S):** **CUPA/ Indicators**

☐ New Program or Requirements

☑ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2251-2300/ab_2286_bill_20080929_chaptered.pdf

**Summary:**

AB 2286 requires the Secretary for Environmental Protection to establish a statewide information management system for information data collection of hazardous materials inventory by the Certified Unified Program Agencies (CUPAs). The bill also authorizes Cal/EPA to charge regulated businesses an additional fee annually for up to three years to implement the system.

**Specifically, this bill:**

- Requires the Secretary for Environmental Protection to establish a statewide information management system for the CUPAs by January 1, 2010.
- Authorizes the Secretary to increase the surcharge by an amount necessary to establish the data system but not to exceed $25 each year for 3 years.
- Requires that no less than 75% of the additional funding collected is to be provided to CUPAs and participating agencies through grant funds for the purposes of developing the information management system.
- Requires the Secretary to establish milestones to measure the implementation of the system and provide periodic status updates to interested parties.
- Requires CUPAs and participating agencies to report program data electronically no later than 3 years after the information management system is established.

- Requires a facility owned or operated by the federal government and subject to the unified program to pay the surcharge to the extent authorized by federal law.

**Departmental Mandate(s):**

- Collect the additional state surcharge from businesses in Trinity and Imperial Counties to cover the costs to convert to the new statewide information management system.

- Develop an information management system for Trinity and Imperial Counties to collect and make unified program data available for those jurisdictions.

- Report program data for Trinity and Imperial Counties electronically no later than 3 years after the statewide information management system is established.

**<u>AB 2347, Chapter 572, Statutes of 2008 (Ruskin)</u> – *Collection Program for Mercury-Added Thermostats***

**RESPONSIBLE PROGRAM(S): P2/ Enforcement**

☑ New Program or Requirements

☐ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☑ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2301-2350/ab_2347_bill_20080929_chaptered.pdf

**Summary:**

AB 2347 requires thermostat manufacturers to collect and recycle out-of-service mercury-added thermostats.

**Specifically, this bill:**

- Requires manufacturers, retailers and wholesalers of thermostats to collect used thermostats from homeowners, contractors and other consumers.
- Requires manufacturers individually or collectively with other manufacturers to establish a collection program for out-of-service thermostats.
- Allows manufacturers to contract with retailers for in-store or out-of-store collection of out-of-service thermostats.
- Prohibits manufacturers that are not in compliance with requirements from selling thermostats in California. Annually on January 1 and July 1, DTSC to post a notice that lists manufacturers not in compliance with the Act. Retailers and wholesalers would be required to monitor the website to determine compliance. Sales prohibitions would begin 120 days after a notice is posted on DTSC's website.

- Requires manufacturers, beginning on July 1, 2009, to provide collection bins for out-of-service mercury-added thermostats to wholesalers at a cost not to exceed $25.

- Requires manufacturers to arrange for the collection and handling of out-of-service mercury thermostats in compliance with DTSC regulations.

- Requires manufacturers, beginning on July 1, 2009, to offer collection bins at no cost to local agencies for use at a household hazardous waste collection facility or household hazardous waste events.

- Requires manufacturers, from July 1, 2009 to December 31, 2011, to develop educational and outreach efforts promoting the proper management of out-of-service thermostats.

- Requires that any educational and outreach materials to include prominent signage to consumers explaining the need for collecting thermostats, written materials provided to consumers at the point of purchase, delivery, or both purchase and delivery of a thermostat. The materials are to include information on the prohibition of improper disposal of mercury-added thermostats and give consumers information on proper methods of recycling thermostats and where these collections sites are located.

- Requires that advertising and promotional materials include a recycling message and direct communications about recycling opportunities, provided at the time of purchase to consumers.

- Requires manufacturers to provide incentives and educational outreach to contractors, service technicians and homeowners to encourage recycling.

- Requires manufacturers, beginning on April 1, 2010 and annually by April 1, to submit an annual report to DTSC covering the year ending on December 31 of the previous calendar year. Each report is required to be posted on the manufacturer's website.

- Authorizes wholesalers or retailers to act as physical collection locations for out-of-service mercury containing thermostats.

- Wholesalers or retailers that sell new thermostats should distribute prepaid packaging for collection of out-of-service mercury containing thermostats and in the materials for new thermostats to include a toll-free telephone number and an Internet web site. The toll-free number and Internet web site are to provide instructions on how to obtain a prepaid mail-in label to send a thermostat to a collection location.

- Requires contractors that install heating, ventilation and air-conditioning components to remove mercury-added thermostats, handle the thermostats in accordance with regulations, and take the thermostats to a collection location.

- Requires a person that demolishes a building to remove mercury-added thermostats before demolishing the building, handle the thermostats in accordance with regulations, and take the thermostats to a collection location.

- Authorizes DTSC to order a manufacturer or a group of manufacturers operating a program to revise its program and undertake actions to meet collection rates.

- Requires DTSC to adopt regulations on or before January 1, 2012 that establish performance requirements, specifying collection rates expressed as a percentage of out-of-service mercury-containing thermostats becoming waste annually.

- Requires DTSC to adopt regulations to establish a methodology for calculating the number of out-of-service mercury-containing thermostats.

- Requires manufacturers operating a program, on or before March 1, 2009, to present DTSC with a survey plan and methodology to provide statistically valid data on the number of mercury-added thermostats in California. The survey is required to complete by December 1, 2009 and submitted to DTSC by December 31.

**Departmental Mandate(s):**

- Adopt regulations on or before January 1, 2012 establishing a methodology for calculating the number of out-of-service mercury-containing thermostats and establishing performance requirements, specifying collection rates expressed as a percentage of out-of-service mercury-containing thermostats becoming waste annually.

- Review and respond to manufacturers' survey plan and methodology to provide statistically valid data on the number of mercury-added thermostats in California.

- Post by January 1 and July 1 each year a notice that lists manufacturers not in compliance with the out-of-service mercury-containing thermostats requirements.

- Review manufacturers' annual reports.

- As necessary, require manufacturers operating a "take back" program to revise the program to comply with the out-of-service mercury-containing thermostats requirements.

**<u>AB 2729, Chapter 644, Statutes of 2008 (Ruskin)</u>** – ***Hazardous Substances: Underground Storage Tanks***

**RESPONSIBLE PROGRAM(S):** **Cleanup**

☐ New Program or Requirements

☑ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2701-2750/ab_2729_bill_20080930_chaptered.pdf

**Summary:**

AB 2729 creates a new subaccount in the Underground Storage Tank Cleanup Fund and transfers $10 million per year for three years into this account to provide financial assistance to school districts or a county office of education for the purposes of cleaning up an underground storage tank (UST) located on school property. AB 2729 also increases the cost threshold for using a removal action workplan on a brownfield cleanup site from $1 million to $2 million.

**Specifically, this bill:**

- Creates a subaccount in the Barry Keene Underground Storage Tank Cleanup Trust Fund and appropriates $30 million to this subaccount over the course of three years.

- Allows school districts or county offices of education that are currently in the lowest priority rank to receive reimbursement from the Underground Storage Tank Cleanup Fund to be eligible to receive funding from this subaccount for purposes of cleaning up USTs on school property.

- Modifies the dollar limit at which a remedial action plan is not required from an estimated cost of less than $1 million to an estimated cost of less than $2 million.

**Departmental Mandate(s):**

- Provide consultation to the State Water Resources Control Board (SWRCB) in allocating the funds transferred to the School District Account.

- Working with the SWRCB, estimate the amount of funds needed to reimburse anticipated future claims by school districts.

- Working with the SWRCB, using information gathered and reported annually on the amount of school district claims paid, identify additional funding needs to ensure that adequate funds are available to reimburse anticipated future claims by school districts.

- Update Cleanup Program guidance to incorporate the change in the removal action workplan dollar limit.

**AB 2901, Chapter 575, Statutes of 2008 (Brownley)** – ***Lead in Jewelry/Toxics in Packaging***

**RESPONSIBLE PROGRAM(S):** **Enforcement/P2**

☐ New Program or Requirements

☑ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_2901-2950/ab_2901_bill_20080929_chaptered.pdf

**Summary**

AB 2901 makes a number of technical and conforming changes to align the Lead in Jewelry and Toxics in Packaging laws. The bill gives DTSC explicit inspection and sampling authority for products and creates penalties for manufacturers and suppliers that intentionally falsify product certifications and intentionally sell tainted products.

**Specifically, this bill:**

Lead in Jewelry Law

- Revises the definition of "jewelry" to include: hair accessories; a charm, bead, chain, link, pendant, or other attachment to shoes or clothing that can be removed and may be used as a component of an ornament; a watch in which a timepiece is a component of an ornament, excluding the timepiece itself if the timepiece can be removed from the ornament.

- Prohibits a person from offering children's and body piercing jewelry for retail sale or promotional purposes in the state unless it is made entirely from the specified materials.

- Authorizes DTSC to enter and inspect a factory, warehouse, or establishment in which jewelry is manufactured, packed, held, or sold, for the purpose of administering and enforcing these provisions, by obtaining consent or after obtaining an inspection warrant.

- Specifies the procedures for securing samples and allows DTSC access to all records of the carrier in commerce relating to the movement in commerce of jewelry.

- Requires a manufacturer or supplier of jewelry to prepare and, at the request of DTSC, submit specified technical documentation within 28 days.

- Requires a manufacturer or supplier to provide a specified certification to a person who sells or offers for sale that manufacturer's or supplier's jewelry.

- Creates a new misdemeanor for knowingly and intentionally manufacturing, shipping, selling, offering for sale or offering for promotional purposes jewelry containing lead.

- Authorizes DTSC to impose criminal penalties upon a manufacturer or supplier of jewelry who knowingly and with intent to deceive, falsifies any document or certificate is required to be kept or produced.

- Creates an affirmative defense for a person who sells jewelry at retail or offers jewelry for retail sale if the person can demonstrate that they received a certificate of compliance for the jewelry from the manufacturer or supplier.

- Authorizes DTSC to adopt regulations to implement these provisions, including, but not limited to, modifying testing protocols.

<u>Toxics in Packaging Law</u>

- Authorizes DTSC to enter and inspect a factory, warehouse, or establishment in which a package or packaging component is manufactured, packed, held, or sold, for the purpose of administering and enforcing these provisions, by obtaining consent or after obtaining an inspection warrant.

- Specifies the procedures for securing samples and allows DTSC access to all records of the carrier in commerce relating to the movement in commerce of any package or the holding of that package or packaging component.

- Creates an affirmative defense for a person who offers for retail sale or promotional purposes a product in a package or a packaging component if the person can demonstrate that they received a certificate of compliance for the packaging from the manufacturer or supplier.

- Creates a new misdemeanor for knowingly and intentionally manufacturing, shipping, selling, offering for sale or offering for promotional purposes a package or packaging component containing an intentionally introduced regulated metal in violation of the Toxics in Packaging law.

- Creates an affirmative defense for a person who offers for retail sale or promotional purposes a product in a package or a packaging component containing an intentionally introduced regulated metal if the person can demonstrate that they received a certificate of compliance for the package or packaging component from the manufacturer or supplier.

- Authorizes DTSC to adopt regulations to implement these provisions as the department deems necessary to further the purposes of these provisions.

**Departmental Mandate(s):**

- Modify relevant DTSC inspection checklists and inspector guidance.

- Provide training to DTSC inspectors on new provisions.

**<u>SB 375, Chapter 728, Statutes of 2008 (Steinberg)</u> – *Regional Growth Planning Requirements and Incentives***

**RESPONSIBLE PROGRAM(S): Cleanup**

☐ New Program or Requirements

☐ Additional Requirements for an Existing Program

☑ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0351-0400/sb_375_bill_20080930_chaptered.pdf

**Summary:**

SB 375 provides incentives for integrated regional land use planning and local development that provides for improved mobility and reduced greenhouse gas emissions consistent with the California Global Warming Solutions Act (AB 32, Nunez, Chapter 488, Statutes of 2006). Under this legislation, each metropolitan region adopts a "sustainable communities strategy" to encourage mixed-use development and alternative modes of transportation (transit, bike, walk) to reduce the amount of vehicle miles traveled in their respective regions. Integral to these strategies are infill development goals and objectives.

**Specifically, this bill:**

- Defines an infill site as a site that has been previously developed for urban uses and meets the following criteria:
    - Site that is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the site adjoins parcels that have been previously been developed for qualified urban uses.
    - No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

- Requires that a transit priority project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine whether any hazardous substances exist and determine whether there is a potential for exposure to future occupants to significant health hazards from nearby property or activity.

- If a hazardous substance is found, the release is to be removed or mitigated to a level of insignificance in compliance with state and federal laws.
- If the potential for exposure to significant hazards from surrounding properties or activities is found, the effects of the release are to be mitigated to a level of insignificance in compliance with state and federal requirements.

**Departmental Mandate(s):**

For informational purposes only.

**SB 509, Chapter 560, Statutes of 2008 (Simitian)** – ***Green Chemistry: Online Toxics Clearinghouse***

**RESPONSIBLE PROGRAM(S):** **GC Team**

☑ New Program or Requirements

☐ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☑ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0501-0550/sb_509_bill_20080929_chaptered.pdf

**Summary:**

SB 509 requires DTSC to establish an online, public Toxics Information Clearinghouse (Clearinghouse) that includes science-based information on the toxicity and hazard traits of chemicals used in daily life, and contains a number of definitions and provisions that would govern the scope and applicability of both SB 509 and AB 1879.

**Specifically, this bill:**

Toxics Information Clearinghouse

- Establishes the Clearinghouse, which will provide a decentralized, web-based system for collection, maintenance and distribution of specific chemical hazard trait and environmental and toxicological end-point data.

- Requires the Clearinghouse to be available to the public through a single Internet Web portal and requires that operation of the Clearinghouse be kept at the lowest cost possible.

- Requires OEHHA, by January 1, 2011, to evaluate and specify hazard traits, environmental and toxicological end-points and other relevant information for the Clearinghouse.

- Authorizes OEHHA to seek information from other states, the federal government and other nations for chemical information.

- Requires DTSC to develop the design of the Clearinghouse, its data quality standards, and the test methods that govern the data to be eligible for the Clearinghouse.

- Requires that the Clearinghouse be capable of displaying updated information as new data becomes available and allows for the phase-in of eligible information and data as the information becomes available.

- Requires DTSC to consult with other states, the federal government and other nations to identify available data for hazard traits, environmental and toxicological end-points, and authorizes the development of regional, national and international data sharing arrangements for the Clearinghouse.

Green Chemistry Provisions

SB 509 also contains the following requirements that govern the provisions of both SB 509 and AB 1879:

- Defines a number of terms used in both bills, including consumer products, and excludes from the definition of consumer products dangerous drugs or devices, dental restorative materials, medical devices, food, packaging of excluded consumer products, pesticides, and mercury containing lights (only until January 1, 2012).

- Preserves DTSC's and other departments' or agencies' authority over hazardous materials.

- Prohibits DTSC from superseding the regulatory authority of other departments or agencies.

- Prohibits DTSC from duplicating or adopting conflicting regulations for product categories already regulated or subject to pending regulations.

**Departmental Mandate(s):**

- Work with OEHHA to evaluate and specify hazard traits, environmental and toxicological end-points and other relevant information for the Clearinghouse

- Establish the Clearinghouse, including data quality standards and test methods that govern the data to be eligible for the Clearinghouse.

- Consult with other states, the federal government and other nations to identify available data on the following: hazard traits, and environmental and toxicological end-points.

- Develop regional, national and international data sharing arrangements for the Clearinghouse.

**SB 732, Chapter 729, Statutes of 2008 (Steinberg)** – ***The Strategic Growth Council***

**RESPONSIBLE PROGRAM(S):** **Cleanup**

☐ New Program or Requirements

☑ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☑ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0701-0750/sb_732_bill_20080930_chaptered.pdf

**Summary:**

SB 732 encourages sustainable land use growth in the State of California by providing loans and grants to local and regional governments.

**Specifically, this bill:**

- Requires the Department of Public Health (DPH) to collaborate with DTSC and SWRCB to develop guidelines to administer $60 million of loans and grants to clean up groundwater contamination.

- Requires DPH to collaborate with DTSC and SWRCB to adopt regulations for the loans and grants to clean up groundwater contamination.

- Establishes a Council made up of the Director of State Planning and Research, the Secretary of the Resources Agency, the Secretary for Environmental Protection, the Secretary of Business, Transportation and Housing, the Secretary of California Health and Human Services and one public member appointed by the Governor to manage and award grants and loans to encourage the planning and development of sustainable communities and urban greening projects.

- Requires the Council to do the following:
    - Identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals

of AB 32, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner;
  - Review and comment on the state's five-year infrastructure plan and the Environmental Goals and Policy Report;
  - Recommend policies and investment strategies to the Governor, Legislature, and appropriate state agencies to encourage the development of sustainable communities;
  - Provide, fund, and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities;
  - Manage and award grants and loans totaling $180 million to support the planning and development of sustainable communities, pursuant to the provisions of this bill, for which specified implementation actions may be employed; and,
  - Submit July 1, 2010, and annually thereafter, a progress report to the Legislature.

- Requires the Council to do the following in administering grants and loans:
  - Develop guidelines for awarding grants and loans and eligibility criteria.
  - Develop criteria for determining financial assistance and establish criteria that would allow the applicant to demonstrate an ongoing financial commitment.
  - Provide payments of interest on loans made pursuant to the grant. The rate of interest shall not exceed the rate earned by the Pooled Money Investment Board.
  - Create time-frames for loan repayments pursuant to this article.
  - Provide for the recovery of funds from an applicant that fails to complete the project for which financial assistance was awarded. The Council can direct the Controller to retrieve lost funds.
  - Provide technical assistance for applicants to prepare for applications.
  - Designate a state agency or department to administer technical and financial assistance programs for awarding grants and loans to support the planning and development of sustainable communities.

- Directs the Council to manage and award financial assistance to councils of governments, regional transportation planning agencies, cities, counties, or joint powers agencies for preparing, adopting, and implementing a regional plan or other planning instrument consistent with a regional plan that improves air and water quality, improves natural resource protection, increases the availability of affordable housing, improves transportation, meets the goals of AB 32, and encourages sustainable land use.

- Specifies that financial assistance for general and regional plans is to be funded by $90 million of Proposition 84 bond funds that are allocated for regional and local land use plans.

- Directs the Council to manage and award financial assistance to cities or counties for preparing, adopting, and implementing a general plan or general plan element designed to reduce greenhouse emissions, promote water conservation, reduce automobile use and fuel consumption, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban and community centers.

- Specifies that this financial assistance is to be funded by $90 million of Proposition 84 bond funds that are allocated for urban greening projects.

- Authorizes up to 25% of fund allocation for urban greening by Proposition 84 to be used to award revolving loans or grants to a Council of Government, countywide authority, metropolitan planning organization, local government, or nonprofit organization for the purpose of creating urban greening plans.

**Departmental Mandate(s):**

- Collaborate with DPH and SWRCB to develop guidelines to administer $60 million of loans and grants to clean up groundwater contamination.

- Collaborate with DPH and SWRCB to adopt regulations for the loans and grants to clean up groundwater contamination.

- Work with the Secretary for Environmental Protection to identify and review DTSC activities that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, meet the goals of AB 32, encourage sustainable land use planning, and revitalize urban and community centers in a sustainable manner

**<u>SB 1161, Chapter 616, Statutes of 2008 (Lowenthal)</u>** – ***Petroleum Underground Storage Tanks: Cleanup***

**RESPONSIBLE PROGRAM(S):** **Cleanup**

☐ New Program or Requirements

☐ Additional Requirements for an Existing Program

☑ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1151-1200/sb_1161_bill_20080930_chaptered.pdf

**Summary:**

SB 1161 extends the Underground Storage Tank Cleanup Trust Fund (UST Cleanup Fund) Act to January 1, 2016. This bill expands the definition of UST and UST system for purposes of the UST Cleanup Fund Act. SB 1161 also expands the availability of permit waivers and reauthorizes the Orphan Site Cleanup Fund that reimburses costs for the cleanup of brownfield sites with USTs.

**Specifically, this bill:**

- Extends the UST Cleanup Fund to January 1, 2016.
- Expands the definition of tank, UST, and UST system to allow reimbursement for clean up of releases from spill containment structures and certain vent lines, vapor recovery lines, and fill pipes.
- Modifies the availability of permit waivers for persons filing claims.
- Re-establishes the Orphan Site Cleanup Fund to provide funding for cleanup of brownfields that are UST sites. Makes available $10 million per year for three years.

**Departmental Mandate(s):**

- Coordinate with the SWRCB and Region Water Quality Control Boards (RWQCB) in the cleanup of brownfields, and provide information about the availability of the Orphan Site Cleanup Fund to project proponents.

**SB 1334, Chapter 580, Statutes of 2008 (Calderon, R)** – ***Drinking Water: Pipes and Fittings: Lead Content***

**RESPONSIBLE PROGRAM(S): ECL/P2**

☐ New Program or Requirements

☐ Additional Requirements for an Existing Program

☑ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1301-1350/sb_1334_bill_20080929_chaptered.pdf

**Summary:**

SB 1334 requires plumbing pipes, fittings and fixtures be certified as "lead-free" by an independent third party.

**Specifically, this bill:**

- Modifies the prohibition on the use of lead in plumbing materials and products to require that plumbing pipes, fittings and fixtures be certified as "lead free" by an independent third party accredited by the American National Standards Institute (ANSI).

- Requires the independent third parties to use testing protocols used by DTSC in implementing the Lead in Jewelry program.

**Departmental Mandate(s):**

- Coordinate with the plumbing manufacturing industry and provide information on testing protocols to accredited third parties to incorporate into their certification procedures.

**SB 1395, Chapter 581, Statutes of 2008 (Corbett)** – ***Lead Plumbing: Monitoring and Compliance Testing***

**RESPONSIBLE PROGRAM(S): ECL/P2**

☐ New Program or Requirements

☑ Additional Requirements for an Existing Program

☐ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1351-1400/sb_1395_bill_20080929_chaptered.pdf

**Summary:**

SB 1395 requires DTSC to test lead plumbing as a part of its ongoing program for reducing toxic substances from the environment.

**Specifically, this bill:**

- Requires DTSC, based on available resources and staffing, to annually select up to 75 faucets, fittings, and fixtures for testing to determine their compliance with "lead-free" standards.
- Requires DTSC to use test methods, protocols, and sample preparation procedures that determine total lead concentration for compliance with the maximum allowable lead content.
- Requires DTSC to post the results of its testing and evaluation on its internet web site and transmit the results to DPH.

**Departmental Mandate(s):**

- To the extent resources are available, select and test faucets, fittings, and fixtures to determine compliance with the "lead-free" standard.
- Post the results of the faucets, fittings, and fixtures testing and evaluation on the internet and provide the results to DPH.

**<u>SB 1XX, Chapter 1, Statutes of 2008 (Perata)</u>** – ***Water Quality, Flood Control, Water Storage and Wildlife Preservation***

**RESPONSIBLE PROGRAM(S):** **Cleanup**

☐ New Program or Requirements

☐ Additional Requirements for an Existing Program

☑ Information Only

☐ Report to the Governor/Legislature

☐ Corresponding Budget Change Proposal

**Link to Legislation:**

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sbx2_1_bill_20080930_chaptered.pdf

**Summary:**

SB 1 XX appropriates $820,973,000 in available bond funds for various water-related projects.

**Among a number of other things, specifically, this bill:**

- Appropriates funds made available pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, including:
  - $50 million to DPH for grants for small community drinking water systems infrastructure improvements and related actions.
  - $50,400,000 to DPH for grants for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water.
    - Of this amount up to $10 million is to be allocated for projects that have the potential to leverage funds and will also address contamination at a site on the list maintained by DTSC pursuant to Section 25356 of the Health and Safety Code or a site listed on the National Priorities List (NPL) pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

- Requires the identification of potential remediation solutions and funding sources to recover costs expended by the state to clean up or treat groundwater, and ensure the provision of safe drinking water to all communities.

- Requires SWRCB, in consultation with other agencies, to develop pilot projects in the Tulare Lake Basin and the Salinas Valley that focus on nitrate contamination and do all of the following:
    - In collaboration with relevant agencies and utilizing existing data, including groundwater ambient monitoring and assessment results along with the collection of new information as needed, do all of the following:
        - Identify sources, by category of discharger, of groundwater contamination due to nitrates in the pilot project basins.
        - Estimate proportionate contributions to groundwater contamination by source and category of discharger.
        - Identify and analyze options within the board's current authority to reduce current nitrate levels and prevent continuing nitrate contamination of these basins and estimate the costs associated with exercising existing authority.

- Requires DPH to do all of the following:
    - Identify methods and costs associated with the treatment of nitrate contaminated groundwater for use as drinking water.
    - Identify methods and costs to provide an alternative water supply to groundwater-reliant communities in each pilot project basin.
    - Identify all potential funding sources to provide resources for the cleanup of nitrates, groundwater treatment for nitrates, and the provision of alternative drinking water supply, including, but not limited to, state bond funding, federal funds, water rates, and fees or fines on polluters.
    - Develop recommendations for developing a groundwater cleanup program for the Central Valley Region Water Quality Control Board (RWQCB) and the Central Coast RWQCB based upon pilot project results.
    - Create an interagency task force, as needed, to oversee the pilot projects and develop recommendations for the Legislature. The interagency task force may include SWRCB, DPH, DTSC, Cal/EPA, the Department of Water Resources, the Department of Food and Agriculture, the Department of Pesticide Regulation, and local public health officials.
    - Submit a report to the Legislature on the scope and findings of the pilot projects, including recommendations, within two years of receiving funding.
    - Implement recommendations in the Central Coast RWQCB and the Central Valley RWQCB within two years of submitting the report to the Legislature.
    - For the Salinas Valley Pilot Project, the SWRCB shall consult with the Monterey County Water Resources Agency.

**Departmental Mandate(s):**

- Participate in the interagency task force that will oversee pilot projects related to groundwater contamination and make recommendations to the Legislature.
- Assist DPH in identifying sites that are listed under the State Superfund or NPL to invest available funds to prevent or reduce the contamination of groundwater that serves as a source of drinking water.