

Legislative Mandates 2006

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



December 2006

**Department of Toxic Substances Control
Legislative Office
Rick Brausch, Legislative 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 2005/2006 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, or establish a new 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 that contain an urgency clause take effect on the date they are chaptered; bills without an urgency clause take effect on January 1, 2007. 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.

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INDEX OF BILLS AFFECTING DTSC PROGRAMS BY BILL NUMBER



Bill No.	Author	Description	Chapter # & Statute	Affected Program
AB 289	Chan	Hazardous chemicals: testing methods	Chapter 699, Statutes of 2006	SPPTP
AB 1302	Horton	State agency regulations	Chapter 713, Statutes of 2006	All DTSC
AB 1681	Pavley	Lead containing jewelry	Chapter 415, Statutes of 2006	HWMP, SPPTP
AB 2144	Montanez	Hazardous materials: land use	Chapter 562, Statutes of 2006	SMBRP, HWMP
AB 2155	Wolk	Hazardous waste: treatment; pharmaceutical activities	Chapter 741, Statutes of 2006	HWMP
AB 2587	Liu	Contaminated property: methamphetamine cleanup; mobilehomes, recreational vehicles	Chapter 789, Statutes of 2006	SMBRP
SB 354	Escutia	Hazardous materials release remediation	Chapter 523, Statutes of 2006	SMBRP
SB 989	Senate Environ. Quality	Hazardous materials: bona fide ground tenant	Chapter 510, Statutes of 2006	SMBRP
SB 1294	Ducheny	Geothermal waste exemption	Chapter 143, Statutes of 2006	HWMP
AB 1379	Perata	Biomonitoring	Chapter 599, Statutes of 2006	SPPTP

Legend

SMBRP Site Mitigation and Brownfield Reuse Program
HWMP Hazardous Waste Management Program
SPPTP Science, Pollution Prevention, and Technology Program

SUMMARY OF BILLS AFFECTING DTSC PROGRAMS



AB 289, Chapter 699, Statutes of 2006 (Chan) – Hazardous Chemicals: Testing Methods

RESPONSIBLE PROGRAM(S): SPPTP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0251-0300/ab_289_bill_20060929_chaptered.pdf

Summary:

Assembly Bill (AB) 289 authorizes the California Environmental Protection Agency (Cal/EPA) or one of its boards, departments or offices, including the Department of Toxic Substances Control (DTSC) to request a chemical manufacturer to provide technical information about chemicals they manufacture, and require certain steps to precede such requests.

Specifically, this bill:

- Defines “State Agency” to mean the State Air Resources Board, DTSC, the Integrated Waste Management Board, the Office of Environmental Health Hazard Assessment, the State Water Resources Control Board, and Cal/EPA, and exclude the Department of Pesticide Regulation;
- Requires Cal/EPA to coordinate all requests for chemical information under these provisions to accomplish the following:
 - a. Prevent duplicate requests for the same or similar information.
 - b. Distribute the requests among manufacturers in an equitable manner.
 - c. Reduce the cost burden on individual manufacturers.
 - d. Maintain a record of requests made pursuant to this section.
- Requires a state agency to do the following before requesting information from a manufacturer:
 - a. Post an announcement that it seeks information on a chemical on its Internet Web site and the Internet Web site of Cal/EPA.

- b. Search for information from public sources of information.
 - c. Contact all manufacturers of the chemical to obtain any relevant information that may be held by the manufacturers that is not publicly available.
 - d. Consult with all manufacturers of the chemical to determine what additional information the manufacturers need to develop to assist the state agency in evaluating the fate and transport of those chemicals in the relevant matrices.
 - e. Consult with all manufacturers of the chemical to evaluate the technical feasibility of developing the information requested.
- Authorizes a state agency to request a chemical manufacturer to provide the state agency with specified information regarding the chemical;
 - Requires the chemical manufacturer to provide the state agency with the requested information within one year;
 - Requires the chemical manufacturer to collaborate and cooperate with a state agency making the request to ensure that the information meets the needs of the agency, and to ensure that the information needs less verification and validation by the state agency.
 - Provides a chemical manufacturer with a process to maintain and protect trade secrets.

Departmental Mandate(s):

For informational purposes only.



AB 1302, Chapter 713, Statutes of 2006 (Horton) – State Agency Regulations

RESPONSIBLE PROGRAM(S): All DTSC

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program <i>[see italicized font under Specifics]</i> |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_1301-1350/ab_1302_bill_20060929_chaptered.pdf

Summary:

Assembly Bill (AB) 1302 modifies the conditions under which a state agency may adopt emergency regulations.

Specifically, this bill:

- Defines “emergency” to mean a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare.
- Authorizes a state agency to adopt an emergency regulation or order of appeal if it finds that the adoption is "necessary to address an emergency," as defined;
- Requires the agency's finding of emergency to include a written statement that:
 - Makes specified findings;
 - Contains a description of the facts demonstrating that an emergency exists and the need for immediate action;
 - Contains a description of the facts demonstrating the need for the proposed regulation to effectuate the statute and to address only the demonstrated emergency;
 - Identifies each technical, theoretical, and empirical study, report, or similar document, upon which the agency relies; and,

- If the situation identified in the finding of emergency existed and was known by the agency in sufficient time to have been addressed through non-emergency regulations, includes facts explaining why the agency failed to address the situation through non-emergency regulations.
- Establishes that findings of expediency, convenience, best interest, general public need, or speculation are not adequate to establish the existence of an emergency;
- Requires an adopting agency to send a notice of a proposed emergency action to every person who has filed a request for notice of regulatory action with the agency at least five working days before submitting the emergency regulation to the Office of Administrative Law (OAL), and to include in that notice the specific language proposed to be adopted and the required finding of emergency;
- Requires OAL, upon receiving a proposed emergency regulation, to post a notice of the filing on its Internet web site and to allow interested persons five calendar days to submit comments on the regulation, unless the emergency situation poses an immediate serious harm that delaying action to allow public comment is inconsistent with the public interest;
- Allows OAL to disapprove a proposed emergency regulation if OAL determines the situation addressed by the regulations is not an emergency, or the agency failed to comply with specified statutory requirements governing the adoption of the regulation;
- Extends the 120-day effective period for an emergency regulation to 180 days, and prohibit OAL from approving more than two 90-day re-adoptions of the emergency regulation;
- Authorizes the re-adoption of emergency regulations if the agency has made substantial progress in seeking to adopt a permanent regulation and has proceeded with diligence to comply with stated requirements for that process;
- Is effective on regulations submitted to OAL on or after January 1, 2007;
- Exempts the emergency adoption, amendment, or repeal of a regulation by the Secretary of the Department of Corrections and Rehabilitation

Departmental Mandate(s):

For informational purposes only.



AB 1681, Chapter 415, Statutes of 2006 (Pavley) – Lead-Containing Jewelry

RESPONSIBLE PROGRAM(S): HWMP, SPPTP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_1651-1700/ab_1681_bill_20060922_chaptered.pdf

Summary:

Assembly Bill (AB) 1681 prohibits the manufacture, shipping, sale, or offering for sale of jewelry, children's jewelry, or jewelry used in body piercing that is not made entirely from certain specified materials.

Specifically, this bill:

- Prohibits a person, on and after March 1, 2008, from manufacturing, shipping, selling, or offering for sale jewelry for retail sale in California, unless the jewelry is made entirely from specified materials;
- Prohibits any person, on and after September 1, 2007, from manufacturing, shipping, selling, or offering for sale children's jewelry, as defined, unless the children's jewelry is made entirely from specified materials;
- Prohibits a person, on and after March 1, 2008, from manufacturing, shipping, selling, or offering for sale body piercing jewelry, as defined, for retail sale in the state unless it is made from specified materials;
- Limits penalties associated with violations of these provisions to civil penalties only, with a maximum of \$2,500 per day for each violation;
- Specifies that any civil penalties be deposited into the Hazardous Waste Control Account;
- Provides that a parties to the consent agreement in the *People vs. Burlington Coat Factory Warehouse Corporation, et al.*, are considered to be in compliance with the

bill's provisions, and requires any action brought against that party to be subject to the amended consent judgment;

- Specifies the testing methods and protocols for determining the lead content of jewelry, and authorize DTSC to adopt regulations that modify these testing protocols as it deems necessary to further the purposes of the bill.

Departmental Mandate(s):

For information purposes only.



AB 2144, Chapter 562, Statutes of 2006 (Montanez) – Hazardous Materials: Land Use

RESPONSIBLE PROGRAM(S): SMBRP, HWMP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2101-2150/ab_2144_bill_20060928_chaptered.pdf

Summary:

Assembly Bill (AB) 2144 modifies the public participation requirements under the California Land Reuse and Revitalization Act of 2004 and under the Porter Cologne Water Quality Control Act, and authorizes the Department of Toxic Substances Control (DTSC) to require data and information to be submitted in electronic format.

Specifically, this bill:

- Eliminates the difference between public participation requirements for Regional Boards and DTSC under the California Land Reuse and Revitalization Act of 2004 (CLRRA)(AB 389, Montanez, Chapter 705, Statutes of 2004);
- Require a Regional Board to take specified actions related to public information and public participation when reviewing or approving a cleanup plan under the Porter Cologne Water Quality Control Act for certain sites.
- Authorizes DTSC to require a person submitting a report to DTSC or a unified program agency to submit the report in electronic format;
- Requires DTSC to adopt standards for the electronic submission of reports, including analytical and environmental compliance data;
- Requires DTSC, when adopting the format, to consider only formats that meet specified criteria;
- Requires DTSC, in adopting the standards, to ensure the security of electronically submitted information;

- Provides that until regulations are adopted, DTSC can implement the standards using similar Water Board regulations.

Departmental Mandate(s):

For informational purposes only.



AB 2155, Chapter 741, Statutes of 2006 (Wolk) – Hazardous Waste: Treatment; pharmaceutical activities

RESPONSIBLE PROGRAM(S): HWMP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2151-2200/ab_2155_bill_20060929_chaptered.pdf

Summary

Assembly Bill (AB) 2155 exempts pharmaceutical neutralization activities from hazardous waste permitting requirements, provided certain conditions are met.

Specifically, this bill:

- Defines pharmaceutical manufacturing or pharmaceutical process development activities as:
 - Activities conducted in North American Industry Classification System Code subgroups 325411 and 325412 that are also:
 - Research, development, and production activities conducted in relation to an investigational new drug application or a new drug application filed with the United States Food and Drug Administration
 - Research and development activities conducted to support the future filing of an investigational new drug application or new drug application; or
 - Research, development, and production activities that are conducted in relation to a filing with a corresponding governmental authority in the European Union, Japan, or Canada
 - The production of a pharmaceutical product, including starting materials, intermediates, and active pharmaceutical intermediates.
- Defines pharmaceutical neutralization activities as neutralization of a material generated by, or used in, pharmaceutical manufacturing or pharmaceutical process development activities through the addition of a neutralizing reagent such as a caustic.

- Exempts generators neutralizing pharmaceutical wastes from hazardous waste permitting requirements, provided the following conditions are met:
 - The treatment activity consists of adding a reagent such as a caustic material prior to disposal as hazardous waste.
 - A permit is not required under the federal Resource Conservation and Recovery Act (RCRA) requirements.
 - The pharmaceutical manufacturing or pharmaceutical process development activities meet U.S. Food and Drug Administration standards for those activities.
 - The neutralization activities occur in a “totally enclosed treatment unit.”
 - The neutralization activities are integral to the manufacturing process and occur within the manufacturing process area.
 - The reaction vessel is monitored and has appropriate pressure relief systems.
 - The reaction temperature is monitored and controlled.
 - The facility where the neutralization activities occur is designed to be able to contain any spills or leaks.
 - The operator of the neutralization unit trains its staff in emergency response.
 - The operator of the neutralization unit notifies the appropriate Certified Unified Program Agency prior to operating the unit.
 - The owner or operator of the neutralization unit establishes and maintains information demonstrating its compliance with the conditions for the exemption, and makes it available to DTSC or a CUPA upon request.
 - The operator of the neutralization unit complies with all air pollution control requirements.
 - All hazardous wastes generated as a result of the pharmaceutical neutralization activities are managed accordingly.

Departmental Mandate(s):

For informational purposes only.



AB 2587, Chapter 789, Statutes of 2006 (Liu) – Contaminated Property: methamphetamine, cleanup, mobilehomes, recreational vehicles

RESPONSIBLE PROGRAM(S): SMBRP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_2551-2600/ab_2587_bill_20060929_chaptered.pdf

Summary:

Assembly Bill (AB) 2587 extends the provisions of the Methamphetamine Contaminated Property Cleanup Act of 2005 (Act) to a mobilehome or manufactured home located on private property, a mobilehome or manufactured home located in a mobilehome park, and a recreational vehicle that is sited in a mobilehome park.

Specifically, this bill:

- Adds to the definition of “property” covered under the MCPCA, a mobilehome or manufactured home located in a mobilehome park or specified occupancy park, or a recreational vehicle sited in a mobilehome park or special occupancy park, including any accessory building or structure under the ownership or control of the owner of the manufactured home, mobilehome, or recreational vehicle sited in the mobilehome park or special occupancy park;
- Requires the local health officer to determine whether the owner of the mobilehome park or the owner of the mobilehome or recreational vehicle is responsible for the cleanup;
- Establishes that if the property on which the mobilehome, manufactured home, or recreational vehicle is located is contaminated, the owner of the mobilehome park is responsible for the cleanup;
- Establishes that if only the mobilehome, manufactured home, or recreational vehicle is contaminated, and not the land, then the owner of the mobilehome, manufactured home, or recreational vehicle is responsible for the cleanup;
- Requires that, if both the land and the mobilehome, manufactured home, or

recreational vehicle are contaminated, then the local health officer shall determine whether the park owner or the owner of the home or vehicle, or both shall be the responsible party for the cleanup;

- Requires the local health officer to file a lien on the mobilehome with the county recorder or the Department of Housing and Community Development (HCD), or on a recreational vehicle with the Department of Motor Vehicles (DMV), and allows HCD to charge a fee for the cost of recording the lien;
- Provides that the amount of the lien shall be greater than \$200 or the cost incurred by the local health officer including but not limited to the cost of inspection;
- Gives the park owner the right to abate the nuisance in compliance with an order sent by a local health officer if the mobilehome owner fails to comply;
- Makes the mobilehome owner liable for any costs to the park owner for remediation ordered by the local health officer;
- Provides that if a property owner does not initiate or complete the remediation of property in compliance with an order issued by a local health officer, the city or county in which the property is located may take action to remediate the contamination or may seek a court order to require the property owner to clean up the property; and
- Provides that in cases where a city or county elects to remediate contaminated property, the property owner is liable for and shall pay the city or county for, all actual costs related to the remediation.

Departmental Mandate(s):

For informational purposes only.



SB 354, Chapter 523, Statutes of 2006 (Escutia) – Hazardous Materials: Release Remediation

RESPONSIBLE PROGRAM(S): SMBRP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_0351-0400/sb_354_bill_20060928_chaptered.pdf

Summary:

Senate Bill (SB) 354 removes an exclusion from the definition of “property” under the California Land Environmental Restoration and Reuse Act (CLERRA) to allow local agencies to act at sites with pending state agency enforcement orders. The bill also corrects a reference in the definition of “environmental assessor” to refer appropriately to the Department of Toxic Substances Control (DTSC).

Specifically, this bill:

- Deletes an exclusion from the definition of “property” in CLERRA (and therefore include in CLERRA as “property” where its provisions are eligible to be used) a site that is one of the following:
 - A site that is or becomes subject to a specified enforcement action or order issued by a RWQCB or a specified enforcement action by DTSC;
 - A site that is or becomes subject to a corrective action requirement or for which a no-further-action determination has been issued by a RWQCB or a local oversight program;
- Corrects the definition of “environmental assessor” in CLERRA to mean a class II environmental assessor registered by DTSC, not the Office of Environmental Health Hazard Assessment (OEHHA).

Departmental Mandate(s):

For informational purposes only.



SB 989, Chapter 510, Statutes of 2006 (Senate Environmental Quality Committee)
– Hazardous Materials: Bona Fide Ground Tenant

RESPONSIBLE PROGRAM(S): SMBRP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_0951-1000/sb_989_bill_20060927_chaptered.pdf

Summary:

Senate Bill (SB) 989 provides liability immunities similar to those provided under the California Land Reuse and Revitalization Act of 2004 (CLRRA) to bona fide ground tenants (BFGT), provided they meet certain conditions and conduct certain site assessment and cleanup actions.

Specifically, this bill:

- Defines a bona fide ground tenant as a person who establishes and maintains the following:
 - a. A non-fee interest in, and control of, real property on or after January 1, 2007 through:
 - i. A ground lease of 25 years or more.
 - ii. An easement of 25 years or more.
 - iii. Any other legal means that provides for site access and use for 25 years or more.
 - b. The person is in compliance with a set of specified requirements, including providing cooperation, assistance and access to those conducting the cleanup, complying with land use controls, and providing information and satisfying reporting requirements;
 - c. All releases must have occurred prior to their obtaining access to and control of the property, except for releases that do not require reporting if the agency determines all appropriate actions have been taken;
 - d. The person cannot have caused or contributed to a release at the site, except for releases that do not require reporting;
 - e. The person has entered into an agreement with the site owner, redevelopment agency, a city or a county to dedicate rent payments made to the owner, or some other funds, to conduct the response actions at the site;

- f. The person is not potentially liable for the release, or affiliated with anyone who is potentially liable.
- Expands the attorneys' fees provisions in CLRRRA to cover contribution claims by BFGTs, and expands the scope of those to include claims under common law as well as applicable statutes.
- Includes underground storage tank sites as eligible for use of the provisions related to BFGTs.
- Requires a BFGT who seeks to qualify for immunity to:
 - a. Make all appropriate inquiries into the history of hazardous materials usage at the site.
 - b. Enter into an agreement with an oversight agency, along with the site owner, a redevelopment agency, or a city or county. The agreement is required to provide the following:
 - i. That whoever performs a site assessment and response action at the site must do so substantially in conformance with the requirements for site assessments and response actions in CLRRRA.
 - ii. That for purposes of risk assessments, intended site occupants are to include any person who is expected to reside at, work at, or otherwise physically cross onto, the boundaries of the site.
 - iii. That the site assessment plan and response plan be reviewed and approved by the oversight agency.
 - iv. That the agreement substantially conforms to other site assessment and response plan agreements under CLRRRA.
 - v. That the agreement includes provisions to ensure the reimbursement of oversight agency costs.
 - vi. That the BFGT is only responsible for the portions of the site assessment and response plan that the oversight agency determines are necessary to allow the site to be used for its intended purpose without unreasonable risk to the health and safety of the intended site occupants.
 - vii. That the BFGT's responsibility does not include any other assessment or remediation of soil, soil gas, groundwater, or other media at the site or for any assessment of remediation adjacent to, or in the vicinity of, the site.
 - viii. Specify the portion of the site assessment and response plan to be implemented by the party to the agreement other than the BFGT.
- Requires the oversight agency to notify other agencies, including the host jurisdiction, prior to finalizing the agreement.
- Requires a person who wishes to enter an agreement to submit sufficient information to the oversight agency to determine whether a site is eligible, whether the BFGT is qualified, and to prepare the agreement.

- Specifies that a BFGT qualifies for the following immunities:
 - a. Once a BFGT obtains certification from the oversight agency, the BFGT is not liable under any applicable statute for claims for response costs or other relief, except claims made by an agency.
 - b. After an agreement has been entered, the oversight agency is barred from taking any action under an applicable statute to require the BFGT to respond to a release, except that the agency could enforce the conditions imposed under the terms of the agreement.

- Specifies that the immunity attaches when an agency certifies in writing that:
 - a. A site assessment has been completed sufficient for the agency to determine the remedial measures necessary.
 - b. Except for site monitoring, reporting, institutional controls, operation and maintenance activities, and other ongoing obligations, the portion of the site investigation and the response plan necessary to allow the site to be used for its intended purposes without unreasonable risk to human health and safety of intended site occupants has been implemented to the agency's satisfaction.
 - c. All wells, piping, extraction systems, or similar materials or equipment required for the conduct of remediation efforts to be performed by a person other than the BFGT have either been installed or accounted for in the site development plans and specifications.
 - d. If applicable, an instrument that restricts or imposes obligations on site uses or activities has been executed and recorded (institutional controls) have been executed and recorded.

- Authorizes a BFGT or other party to an agreement to request an oversight agency to issue a certification confirming that specified conditions have been met and immunity is in effect, and requires the oversight agency to provide this certification within 60 days of the agency's finding that the conditions have been met.

- Authorizes an oversight agency to withdraw the certification, if the agency first notifies the BFGT and provides an opportunity the BFGT to take action to prevent the withdrawal, if the agency finds any of the following:
 - a. A material deviation by the BFGT from the agreement that has not been approved by the agency;
 - b. The BFGT induced the agency to issue the certification by fraud, or intentional nondisclosure or misrepresentation.

- Extends the immunity provided under these provisions to the following:
 - c. The BFGT and any successor provided the successor demonstrates to the agency that they meet the qualifying conditions and assume the BFGT's agreement obligations.
 - d. Any person who provides financing to a BFGT or its successor.

- Prohibits the immunity from being extended to a party responsible for the release at the site.

- Authorizes an agency to require preparation and implementation of a new response plan if the land use of the site changes after a response plan is approved.
- Allows a BFGT to convert its status to a bona fide purchaser if the BFGT meets the qualifying requirements of a bona fide purchaser.
- Requires a BFGT to provide financial assurance for paying for long-term requirements and institutional controls.
- Specifies a variety of circumstances under which a BFGT remains eligible for immunity, all related to new hazardous materials releases that occur after they have taken control of the site.
- Specifies statutory authorities that are not impacted by the immunity.

Departmental Mandate(s):

For informational purposes only.



SB 1294, Chapter 143, Statutes of 2006 (Ducheny) – Geothermal Waste Exemption

RESPONSIBLE PROGRAM(S): HWMP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_1251-1300/sb_1294_bill_20060822_chaptered.pdf

Summary:

Senate Bill (SB) 1294 exempts geothermal wastes resulting from the exploration, development or production of geothermal energy from regulation as a hazardous waste, if the waste and geothermal energy production facility meets specified requirements.

Specifically, this bill:

- Exempts geothermal wastes generated during the exploration, development, and production of geothermal energy from regulation by DTSC, if the wastes are contained within the operating system of the facility;
- Specifies conditions under which geothermal wastes are still regulated, including wastes that:
 - Are no longer contained within a piping system, non-earthen trench, descaling area or related equipment, or lined surface impoundment;
 - Are left in place in a nonoperational geothermal piping system, related piping system, non-earthen trench, descaling area, or related equipment, or a lined surface impoundment 18 months after the power plant last produced power, unless the operator notifies DTSC of its plans for continued operation; or
 - At any time pose an imminent potential threat to areas outside the surface impoundment due to windblown fugitive dusts.
- The bill contains an urgency clause.

Departmental Mandate(s):

For informational purposes only.



SB 1379, Chapter 599, Statutes of 2006 (Perata) – Biomonitoring

RESPONSIBLE PROGRAM(S): SPPTP

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| <input type="checkbox"/> New Program or Requirements | <input type="checkbox"/> Additional Requirements for an Existing Program |
| <input checked="" type="checkbox"/> Information Only | <input type="checkbox"/> Report to the Governor/Legislature |

Link to Legislation:

http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_1351-1400/sb_1379_bill_20060929_chaptered.pdf

Summary:

Senate Bill (SB) 1379 requires the Department of Health Services (DHS), in collaboration with the California Environmental Protection Agency (Cal/EPA), the Office of Environmental Health Hazard Assessment (OEHHA), and the Department of Toxic Substances Control (DTSC), to implement the California Environmental Contaminant Biomonitoring Program (Biomonitoring Program).

Specifically, this bill:

- Makes a variety of findings and declarations about biomonitoring.
- Identifies the chemicals to be monitored under the Biomonitoring Program to be those chemicals that are monitored as part of the CDC's studies that are known collectively as the National Reports on Human Exposure to Environmental Chemicals, or any other chemical included in the program via specified procedures.
- Instructs DHS, in collaboration with Cal/EPA, to establish the Biomonitoring Program.
- Requires that the Biomonitoring Program use biological specimens to measure designated chemicals in the bodies of Californians.
- Specifies that the Biomonitoring Program is to be statewide in focus, unless specific funding is provided for community-based surveys.
- Requires the Biomonitoring Program to provide participants with general information about the program, and to provide individual participants with their results upon request.

- Requires the Biomonitoring Program to develop guidelines and model protocols that address the science and practice of biomonitoring, including study design, subject recruitment, and data collection and management.
- Requires the Biomonitoring Program to incorporate the methods used by the federal CDC.
- Requires that the Biomonitoring Program be implemented in collaboration with the California Environmental Health Tracking Program and OEHHA's environmental indicators system.
- Requires DHS, OEHHA, and DTSC to collaborate on the development of fact sheets and other informational and outreach materials for the Biomonitoring Program, as well as on statistical and epidemiological analyses of the biomonitoring results.
- Requires DHS and Cal/EPA to establish a Scientific Guidance Panel of 9 members, whose are to have expertise in public health, epidemiology, biostatistics, environmental medicine, risk analysis, exposure assessment, developmental biology, laboratory sciences, bioethics, maternal and child health with a specialty in breastfeeding, and toxicology. The members of the Panel are to be selected as follows:
 - a. The Governor is to choose 5 members.
 - b. The Senate Rules Committee is to choose 2 members.
 - c. The Speaker of the Assembly is to choose 2 members.
- Establishes as the responsibilities of the Scientific Guidance Panel providing scientific peer review and making recommendations regarding the design and implementation of the Biomonitoring Program, including specific recommendations for chemicals that are priorities for biomonitoring in California.
- Allows the panel to recommend additional chemicals that are not part of the CDC Biomonitoring Program, based on specified criteria.
- Requires the Biomonitoring Program to use the principles of Cal/EPA's Environmental Justice Strategy and Environmental Justice Action Plan so that the activities of the panel and the implementation of the Biomonitoring Program provide opportunities for public participation and community capacity building with meaningful stakeholder input.
- Requires DHS, OEHHA, and DTSC, in implementing the Biomonitoring Program to develop a strategy and plan to establish the framework for integrating public participation in the implementation of the program, including stakeholder meetings and workshops to solicit feedback on the program.
- Makes implementation of the Biomonitoring Program contingent on an appropriation being provided for that purpose.

- Establishes reporting requirements for the Biomonitoring Program.

Departmental Mandate(s):

For information purposes only.