

OVERVIEW OF THE CALIFORNIA LEGISLATURE'S 1997 ENVIRONMENTAL BILLS

BY
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In 1996, California welcomed a new group of freshman legislators to the Capitol, resulting in a record number of pro-environmental bills proceeding through the legislative process. The rise in the number of environmental votes signifies that environmental protection will be a prominent issue at the turn of the century. Environmental measures introduced last year ranged from improving coastal water quality standards to protecting public access at beaches to funding toxic cleanup. Coastal protection legislation gained substantial ground in California in 1997. However, big business and other environmental opponents continued to campaign strongly against many of the environmentally friendly bills. In the face of veto threats and strong lobbying efforts, only a fraction of the total bills passed out of the legislature. Many bills accepted weakening amendments to make it to the Governor's desk. Although the Governor emphasized that he was committed to saving the coastline and protecting the environment, he vetoed seven bills specifically geared toward preserving the California coastline.

According to the League of Conservation Voters (League), the number-one bill last year was Assembly Bill 278, authored by Assemblymember Martha Escutia. The Children's Environmental Health Protection Act intends to protect kids from harmful effects of pollution by setting health standards and increasing air pollution monitoring near schools and daycare centers. Escutia's bill earned bi-partisan support in the Assembly and Senate despite heavy opposition from oil companies. The League further acknowledged several other important issues addressed by the Assembly, including the renewal of the Smog Check program, MTBE contamination in drinking water sources, and revisions to the California

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Endangered Species Act. However, these bills received amendments drastically changing their content by the time they reached the floor.

Overall, environmentalists had a successful year in the legislature and 1998 promises more serious legislation. The 1998 Governor's race is an important determinant of how the environmental agenda will develop and proceed through the next century. California's environment faces serious challenges, and its citizens must choose in November what issues affect them the most. The environmental community will be active in protecting our natural resources for future generations.

The following is a sample of the most environmentally important bills introduced during the 1997 legislative year.¹ The bill's description includes its Assembly or Senate bill number, the bill's author, a descriptive heading, the bill's status as of December 1997, its chapter number (if any), and a brief synopsis of its mandate. While many bills were vetoed, watered-down, or are still pending in committees, we can expect to encounter the issues they address in future legislation.

¹ Information provided by the League of Conservation Voters, *1997 California Environmental Scorecard* (November 19, 1997); Assembly Democratic Caucus, *Final Report for 1997: A Year of Achievements* (October 23, 1997).

SUMMARY OF LEGISLATION

Environmental Safety and Toxic Materials

AB 335 (Wayne) — Collection of Administrative Penalties

Signed by Governor (Chapter 363)

Allows the Department of Toxic Substances Control (DTSC) to more easily collect monetary penalties levied as part of enforcement actions. This bill eliminates the requirement for DTSC to file separate and additional civil lawsuits to collect fines imposed by administrative orders.

AB 411 (Wayne) — Beach Safety

Signed by Governor (Chapter 765)

Establishes uniform requirements for regular monitoring of coastal waters for bacterial contamination and enacts requirements to establish statewide, health based standards for bacterial contaminants. It also requires health officials to protect and inform the public when waters at public beaches could be hazardous, and when necessary to close beaches.

AB 592 (Kuehl), SB 1189 (Hayden), SB 521 (Mountjoy) —

MTBE Tanks and Pipelines

Signed by Governor (Chapter 814, 815, & 816)

MTBE, an additive to gasoline, had been leaking from underground gasoline tanks and pipelines, thereby contaminating groundwater. These bills require the state fire marshal to determine the location of petroleum pipelines near drinking water wells, require pipeline operators to prepare pipeline wellhead protection plans, authorize the expenditure of up to \$5 million annually to treat or replace contaminated drinking water, and require the setting of a drinking water standard for MTBE and other gasoline additives. Liability was removed from water districts for the clean-up of MTBE contaminated soil caused by another agent. A UC school will perform a study on the health and environmental risks of continued use of MTBE.

AB 847 (Wayne) — Hazardous Wastes

Signed by Governor (Chapter 884)

Requires hazardous waste and materials removed from appliances to be administered in compliance with the law.

AB 1157 (Wayne) — Hazardous Waste Variances

Vetoed by Governor

Ensures that communities are informed of hazardous waste operations before they issue to businesses variances from hazardous waste regulations.

AB 1429 (Shelley) — Coastal Water Quality Monitoring

Signed by Governor (Chapter 899)

Requires the State Water Resources Control Board to establish a comprehensive coastal water quality monitoring program.

AB 1479 (Sweeney) — Bay Toxics “Hot Spots” Program

Vetoed by Governor

Revises and extends the Bay Protection and Toxic Cleanup Program to identify the most hazardous “hot spots” of toxic contamination in California’s bays and estuaries.

SB 660 (Sher) — Hazardous Waste Fee Reform

Signed by Governor (Chapter 870)

Provides a long-term stable source of funding toxic cleanup.

SB 1161 (Costa) — Pesticide Mill Assessment Reauthorization

Signed by Governor (Chapter 695)

Reauthorizes the assessment on pesticide sales for an additional five years. This bill allows the existing pesticide regulatory program to continue at existing funding levels until 2003. AB 1161 reflects a compromise negotiated between environmental and farm worker interests and agrichemical interests.

Natural Resources

AB 241 (Lempert) — Coastal Wetlands

Vetoed by Governor

Allocates \$6.259 million for a program to protect coastal wetlands. Establishes the Southern California Wetlands Clearinghouse between federal, state, and local agencies for regulatory and planning authority over the use of coastal wetlands. Creates a public-private organization to protect the wetlands and establishes a mitigation banking pilot program in the San Francisco Bay.

AB 667 (Lempert) — Inland Oil Spills

Pending in Senate Rules Committee

Expands the Oil Spill Prevention and Response Act to include inland waters when applying laws to oil spills.

AB 705 (Strom-Martin) — State Agency Recycling

Vetoed by Governor

Applies local agency recycling mandates to state agencies in accordance with the 50% diversion rate by year 2000. Encourages the state to buy recycled products and coordinates waste management programs among state and local agencies.

AB 968 (Knox) — Air pollution: Fine Particles Monitoring Program

Signed by Governor (Chapter 518)

Budgets \$784,000 for the Air Resources Board to conduct a program to monitor air pollution particles 2.5 microns in diameter (current law requires monitoring for 10 microns).

AB 1190 (Torlakson) — Hazardous Materials Release

Vetoed by Governor

Authorizes a county officer to subpoena and interview people involved in hazardous chemical accidents and requires the county officer to report to the board of supervisors those steps that should be taken to prevent a repeat of hazardous materials release.

SB 499 (Alpert) — Coastal Nonpoint Source Pollution

Vetoed by Governor

Directs the State Water Resources Control Board and the Coastal Commission to develop a coordinated strategy to control and inform the public about nonpoint source water pollution. Coastal water quality is threatened by ground contaminants picked up from rain, farm drainage or overflowing lawn sprinklers that travel through urban systems.

SB 673 (Karnette) — Contaminated Coastal Sediments

Signed by Governor (Chapter 897)

Requires and finances the preparation of a long-term management plan for contaminated sediments in coastal waters adjacent to Los Angeles County. This bill authorizes and finances the state's participation in a broad based effort to deal with the dredging and disposal of contaminated sediments.

SB 1113 (Solis) — Consideration of Environmental Impact on Minority and Low Income Populations

Vetoed by Governor

Changes the California Environmental Quality Act (CEQA) guidelines to incorporate consideration of disproportionate pollution impacts on low-income and minority communities, preventing polluting facilities from locating in low-income and minority areas in a disproportionate number.

SB 1306 (Sher) — Air Pollution Monitoring

Vetoed by Governor

Establishes an extensive research program funded by polluter fees on particulate matter caused by combustion processes, such as diesel engines, and construction and agricultural operations.

SB 1330 (Lockeyer) — Solid Waste:

Farm and Ranch Cleanup and Abatement Program

Signed by Governor (Chapter 875)

Establishes the Farm and Ranch Solid Waste Cleanup Program and allows the Legislature to appropriate up to \$1 million annually to fund the grants, which are targeted at cities and counties implementing proactive illegal solid waste disposal prevention programs.

Water, Parks, and Wildlife

AB 595 (Brown) — Bay Area Transportation Projects

Signed by Governor (Chapter 878)

Authorizes the Metropolitan Transportation Commission in the San Francisco Bay Area to fund local transportation projects and transit operations through voter approved revenues from gasoline taxes.

AB 1280 (Bustamante) — Endangered Species: Recovery Strategy Program

Signed by Governor (Chapter 522)

Requires the Department of Fish and Game to develop and implement a recovery strategy for the greater sandhill crane, a state threatened species.

AB 1368 (Villaraigosa) — Diesel Emissions Clean-up

Pending in Senate Transportation Committee

Establishes a program to retrofit or replace heavy duty diesel engines in trucks, ships, and locomotives to reduce harmful emissions. A new research and development program was created to promote new technologies for heavy duty engines.

AB 1464 (Strom-Martin) — Water Pollution Prevention

Vetoed by Governor

Requires the State Water Resources Control Board to prepare and distribute a biennial list of targeted water bodies within coastal watersheds, establishing priorities for project funding, technical support, and state and regional board activities that will protect or improve the health of these water bodies.

AB 1581 (Keeley) — Coastal Water Quality

Signed by Governor (Chapter 779)

Provides critical funding for the Coastal Commission and its work, ranging from grants for coastal communities to finish local development plans to coastal water quality monitoring programs and computer upgrades.

SB 72 (McPherson) — Coastal Access Funding
Signed by Governor (Chapter 782)

Improves public access to the coast by requiring that revenues from coastal development fees, which go into the state's general fund, be deposited into a special account directed to constructing trails, stairways, and other forms of beach access.

SB 231 (Costa) — Endangered Species: Routine and Ongoing Activities
Signed by Governor (Chapter 528)

Allows for taking of endangered, threatened, and candidate species incidental and accidental to routine agricultural activities. Farmers are given incentives to protect farmland that is home to endangered species and other wildlife. This bill contains major reform of the California Endangered Species Act for farmers and ranchers.

SB 879 (Johnston) — Endangered Species
Signed by Governor (Chapter 567)

Authorizes the Department of Fish and Game to issue incidental take permits, subject to certain provisions. This is a major breakthrough in efforts to reform the CESA, supported by industry *and* environmental groups.

SB 1320 (Sher) — California Environmental Protection Agency
Performance Standards

Signed by Governor (Chapter 295)

Restores scientific integrity at CalEPA by requiring scientific peer review of any new rule proposals.