

SIGN/VETOED BILL REPORT

October 12, 2009

BILLS SIGNED BY THE GOVERNOR

AB 20(Solorio) University of California: California State University: contracts.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would require the Department of General Services (DGS), by July 1, 2010, to negotiate and establish a model contract with the University of California (UC) Regents and with the California State University (CSU) Trustees. In developing the model contract, DGS would be required to seek the participation of state agencies and departments that have contracts with the UC or CSU. The bill also would: 1) require that the standard provisions in a model contract must be used in contracts between the UC or CSU and the state, unless both parties agree that a specified standard contract provision is inappropriate for a specified contract; 2) allow DGS and the UC or CSU, in consultation with state agencies, to decide when the model contract is not appropriate for use; and 3) require that the UC and CSU would be responsible for the facilitation and associated support costs of the DGS that are necessary to implement the bill, excluding DGS's legal costs.

AB 96(Ruskin) Gasoline: underground storage tanks.

Location: 08/06/2009-A CHAPTERED

Summary: This bill, an urgency measure, would appropriate \$8 million from the Petroleum Underground Storage Tank Financing Account (PUSTFA) to the State Water Resources Control Board (State Water Board) for grants and loans to assist small gas station owners and operators in upgrading their equipment to comply with air and water quality regulatory requirements. The grants and loans would be administered under the Replacing, Removing, or Upgrading Underground Storage Tanks (RUST) Program. The bill also would extend the sunset date of the RUST program from January 1, 2011, to January 1, 2016, and would revise the eligibility criteria for the RUST program.

AB 248(Lowenthal, Bonnie) Public resources: ballast water management.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would require operators of vessels that discharge ballast water into California waters to provide specified information to the State Lands Commission (Commission) on any ballast water treatment systems that are present on the vessel including: the type and manufacturer of the system; any certifications the system may have; number of tanks treated by each system; and other relevant information.

AB 274(Portantino) Solid waste: landfills: closure plans.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would require the purchaser of any portion of a closed solid waste landfill that is subject to a closure or a postclosure maintenance plan to provide evidence of his or her ability to meet the financial assurance requirements of the California Integrated Waste Management Act of 1989. This bill would also establish a voluntary State Solid Waste Postclosure Trust Fund (Trust Fund). For those landfills participating in this Trust Fund, this bill would require them to pay a fee of \$0.12 per ton of solid waste disposed and make the fee revenue available to the California Integrated Waste Management Board (CIWMB) for postclosure activities and corrective actions that have not been performed by the operator when the financial assurance mechanisms are inadequate to fund the compliance activities.

AB 305(Nava) Hazardous materials: statute of limitations: penalties.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would extend from one year to five years the statute-of-limitations for bringing civil penalties or punitive damages for certain types of enforcement actions related to the submission of hazardous materials release response plans and inventory. Additionally, this bill would increase penalties for knowingly failing to report an oil spill or knowingly making a false or misleading report on an oil spill occurring in inland waters of the state by authorizing a penalty of imprisonment in county jail for not more than one year, in addition to or in place of existing monetary penalties.

[AB 805\(Fuentes\)](#) Vehicles: automobile dismantlers: license: applications.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would require the Department of Motor Vehicles (DMV) to make a thorough investigation of all information contained in the application for a new automobile dismantler license. Effective January 1, 2011 this bill would require the DMV to make a thorough investigation of all information contained in the application for renewal of an automobile dismantler's license.

[AB 975\(Fong\)](#) Water corporations: water meters.

Status: 10/11/2009-Signed by the Governor

Summary: This bill requires water corporations regulated by the California Public Utilities Commission (PUC) to install water meters on new service connections and on unmetered connections. Specifically, this bill would require water corporations to install water meters on unmetered connections if they: (1) have 500 or more service connections, (2) are regulated by the PUC, and (3) are not subject to provisions of existing law that require urban water suppliers to install water metering equipment. The bill would give the PUC the authority to enforce this requirement, and to require metered connections for providers with less than 500 connections provided certain findings are met. The bill also would require the water corporations to institute billing based on volume of water used by 2015 for users who have meters.

[AB 1079\(V. Manuel Perez\)](#) Environment: California-Mexico border.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would require the California-Mexico Border Relations Council (Council) to develop a strategic plan containing specific elements to guide the implementation of the New River Improvement Project, contingent upon the execution of an agreement with the City of Calexico for the purpose of providing the necessary funding. The bill would require the Council to coordinate the activities of state agencies to initiate and develop the New River Improvement Project with specified objectives. The bill would create the New River Improvement Project Account in the California Border Environmental and Public Health Protection Fund and authorize monies in the account, upon appropriation by the Legislature, to be expended for activities related to the New River.

[AB 1232\(Huffman\)](#) Local agency formation commissions: powers and duties.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would authorize the Marin County Local Agency Formation Commission (LAFCO) to initiate and approve a reorganization or consolidation of the Sewerage Agency of Southern Marin (SASM) and its member districts, without protest hearings.

[AB 1318\(V. Manuel Perez\)](#) South Coast Air Quality Management District: emission reduction credits: California Environmental Quality Act.

Status: 10/11/2009-Signed by the Governor

Summary: Among its provisions, the bill would require the ARB, in consultation with various state agencies including the State Water Board, to submit to the Governor and the Legislature a report that evaluates the electrical system reliability needs of the South Coast Air Basin and recommends the most effective and efficient means of meeting those needs while ensuring compliance with state and federal law (including CWA 316(b)).

[AB 1351\(Blakeslee\)](#) Renewable energy resources.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would revise certification conditions for hydroelectric facility efficiency improvements eligible for the Renewables Portfolio Standard (RPS) to permit certification from an agency authorized to issue water quality certification, instead of requiring that the certification be issued by the State Water Resources Control Board (State Water Board). This means that a hydroelectric project efficiency improvement in another state, certified by that state's water quality agency, would be eligible for RPS as long as the facility is owned by a retail seller of electricity to end-use California customers or a publicly owned electric utility.

[AB 1366\(Feuer\)](#) Residential self-regenerating water softeners.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would authorize local agencies that own or operate a community sewer system or water recycling facility in the Central Coast, South Coast, San Joaquin River, or Tulare Lake hydrologic regions and in the counties of Butte, Glenn, Placer, Sacramento, Solano, Sutter, and Yolo to take action to control residential salinity inputs from self-regenerating water softeners if the appropriate Regional Water Quality Control Board makes a finding that control of residential salinity inputs from water softeners would contribute to the achievement of water quality objectives. This bill would require local agencies to compensate owners of water softeners, if they adopt an ordinance or resolution to require the removal of existing water softeners.

[AB 1465\(Hill\)](#) Urban water management planning.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would update the Urban Water Management Planning Act (UWMPA) by allowing members of the California Urban Water Conservation Council (Council) to demonstrate their compliance with the water conservation requirements (also referred to as "Best Management Practices" (BMPs)) in the UWMPA by complying with the "Memorandum of Understanding (MOU) Regarding Urban Water Conservation in California" that was adopted by the Council in 2008 and by submitting specified reports. The bill also would add provisions to the UWMPA requiring that the plans include information on indirect potable reuse as a possible use of recycled water.

[SB 83\(Hancock\)](#) Traffic congestion: motor vehicle registration fees.

Status: 10/11/2009-Signed by the Governor

Summary: Traffic Congestion: Motor Vehicle Registration. This bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects to (1) provide matching funds for funding made available for transportation programs and projects from state general obligation bonds, (2) create or sustain congestion mitigation programs and (3) create or sustain "pollution mitigation programs and projects." Pollution Mitigation programs and projects" are defined as programs and projects carried out by a congestion management agency, a regional water quality control board, an air pollution control district, an air quality management district, or another public agency that is carrying out the adopted plan of a congestion management agency, a regional water quality control board, an air pollution control district, or an air quality management district. The bill would require voter approval of the measure.

[SB 133\(Corbett\)](#) Groundwater: wells, exploratory holes, and other excavations.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would authorize the Alameda County Water District (ACWD) to establish a program for permitting and inspecting the construction, operation, decommissioning, abandonment, or destruction of wells, exploratory holes, or other excavations to protect groundwater.

[SB 143\(Cedillo\)](#) Hazardous materials: California Land Reuse and Revitalization Act of 2004.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would extend the January 1, 2010 sunset date of the California Land Reuse and Revitalization Act (CLRRA) to January 1, 2017, and would correspondingly extend the immunity provisions for people who clean up contaminated sites under CLRRA prior to January 1, 2017. The bill also would extend the CLRRA immunity to prospective purchasers under specified conditions.

[SB 310\(Ducheny\)](#) Water quality: stormwater and other runoff.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would: (1) allow cities, counties, and special districts (local agencies) that are permittees or co-permittees under a municipal separate storm sewer system National Pollutant Discharge Elimination System (NPDES) permit to prepare a Watershed Improvement Plan (WIP) intended to achieve or maintain compliance with water quality laws and regulations, including water quality control plans, permits, and the requirements contained in Total Maximum Daily Loads (TMDLs); (2) authorize Regional Water Quality Control Boards (Regional Water Boards) to participate in preparation of the WIP; (3) require Regional Water Boards to review and authorize Regional Water Boards to approve WIPs if certain requirements are met; (4) Require the State Water Board to adopt a fee schedule to pay for the Regional Water Board's review and oversight of WIPs; (5) authorize local agencies to collect fees to support

preparation and implementation of WIPs, if the WIP is approved by a Regional Water Board and certain findings are made; and (6) authorize local agencies to plan, design, implement, construct, operate, and maintain controls and facilities to improve water quality.

[SB 407\(Padilla\)](#) Property transfers: plumbing fixtures replacement.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would require owners of single family residential properties, owners of multifamily residential properties and owners of commercial properties that were built before 1994 to ensure that their plumbing fixtures are water efficient. Specifically the bill would: (1) require that all single-family residences have water-conserving plumbing fixtures, as specified, by 2017 and all multi-family residences and commercial buildings have water-conserving plumbing fixtures by 2019, (2) require the installation of water efficient plumbing as a necessary condition for local building departments to be able to approve residential, multifamily residential, or commercial building alterations or improvements, as specified, after January 1, 2014, and (3) require property sellers to notify buyers of water-conserving plumbing requirements starting in 2017.

[SB 614\(Simitian\)](#) Vessels.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would extend the sunset date, from January 1, 2010, to January 1, 2014, for the State Water Resources Control Board (State Water Board) to request permission from the United States Environmental Protection Agency (USEPA) to prohibit discharges of sewage and sewage sludge from large vessels in state waters. This bill also would make various other technical changes to provisions of existing law related to discharges from oceangoing ships and passenger vessels into the marine waters of the state.

[SB 670\(Wiggins\)](#) Vacuum or suction dredge equipment.

Location: 08/06/2009-S CHAPTERED

Summary: This bill, an urgency measure, prohibits the use of suction dredge equipment for instream mining purposes, in any river, lake or stream, until (1) the Department of Fish and Game (DFG) has completed a court-ordered subsequent Environmental Impact Report (EIR), (2) DFG has adopted new regulations for suction dredging, and (3) the regulations are in effect.

[SB 757\(Pavley\)](#) Lead wheel weights.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would prohibit the manufacture, sale, or installation in California of wheel weights that contain more than 0.1% lead. The Department of Toxic Substances Control (DTSC) would be given the responsibility to enforce the provisions of SB 757.

[SB 790\(Pavley\)](#) Resources: water quality: stormwater resource plans.

Status: 10/11/2009-Signed by the Governor

Summary: This bill would authorize local governments to develop "stormwater resource plans" to identify, on a watershed basis, opportunities for increasing water supplies and improving water quality through stormwater management. In addition, this bill would authorize grants in accordance with the Watershed, Clean Beaches, and Water Quality Act for projects that implement low impact development (LID) for new or existing development, and for projects to implement stormwater resource plans.

[SBX3 27\(Negrete McLeod\)](#) Drinking water: federal stimulus funding.

Location: 03/27/2009-S CHAPTERED

Summary: Would allow the department to expend federal moneys in the fund that are received from the American Recovery and Reinvestment Act of 2009 in accordance with the guidelines of that act. The bill would provide that the maximum amount of a grant is \$10,000,000 per project. This bill contains other related provisions and other existing laws.

BILLS VETOED BY THE GOVERNOR

AB 914(Loque) Mandatory minimum civil penalties: publicly owned treatment works.

Status: 10/11/2009-Vetoed by the Governor

Summary: This bill would make changes to provisions of existing law that allow the Regional Water Quality Control Boards (Regional Water Boards) to authorize publically owned treatment works (POTWs) serving small, disadvantaged communities to complete compliance projects in lieu of paying mandatory minimum penalties (MMPs) for water quality violations. Specifically, the bill would allow the State Water Resources Control Board (State Water Board), to take into consideration the impact of MMPs on individual ratepayers, if it finds that the provisions of existing law are not sufficient in determining whether a small community faces a “financial hardship.” In addition, the bill would specify that the financing plan prepared by POTWs for compliance projects provide for the completion of the compliance project within five years.

Governor's VETO Message: To the Members of the California State Assembly: I am returning Assembly Bill 914 without my signature. This bill would specify that the State Water Resources Control Board (Board) may take into consideration the additional criterion of impacts of mandatory minimum penalties on individual ratepayers when making a determination of “financial hardship” of a small community served by a public owned treatment works (POTW). The bill is unnecessary since the Board already has the authority under current law to take any factor it deems appropriate into consideration when making a determination of financial hardship of a small community served by a POTW. Furthermore, the bill’s language for determining “financial hardship” is unclear, provides little to no guidance for the Board, and would only further confuse an already complex financial hardship determination process. The unintended consequence of AB 914 will be costly lawsuits and competing interpretations of the bill’s vague and confusing language. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 1242(Ruskin) State water policy.

Status: 10/11/2009-Vetoed by the Governor

Summary: This bill would declare it to be the established policy of the State that every human being has the right to clean, affordable, and accessible water for human consumption, cooking and sanitary purposes, that is adequate for the health and well being of the individual and the family. The bill would require all relevant state agencies, including the State Water Resources Control Board (State Water Board), Department of Water Resources (DWR), and Department of Public Health (DPH) to employ all reasonable means to implement this state policy, including revising, adopting or establishing policies, regulations and affordability criteria to the extent that those actions do not affect federal funding eligibility.

Governor's VETO Message: To the Members of the California State Assembly: I am returning Assembly Bill 1242 without my signature. This bill would declare it to be the established policy of the State that every human being has the right to clean, affordable, and accessible water for human consumption. Existing law establishes that domestic water use has the highest priority over other water uses. When California’s water laws were established in 1943, this policy was enshrined in law. I wholeheartedly support the underlying premise of this bill: We should be doing everything we can to ensure that our communities have access to clean, affordable water for our citizens. But the language of this bill will undoubtedly lead to potentially costly and constant litigation. This moves our limited state resources away from the day to day operations of achieving our clean water goals and puts them in the courtroom. Additionally, while providing safe drinking water is fundamental to our laws and to human health, this bill would not enhance our current efforts in achieving this goal. The State Water Resources Control Board, the California Department of Public Health, and the Department of Water Resources are actively awarding grant funds and implementing policies and programs to protect and improve the long-term quality of drinking water supplies. Our most pressing barrier in achieving this goal is not desire, it is funding. For this reason, I am signing AB 626 (Eng) and AB 1438 (Conway). AB 626 makes important changes to existing law that increase funding from Proposition 84 for disadvantaged communities in each hydrologic region in the state. AB 1438 modifies the Safe Drinking Water State Revolving Fund to provide more resources to water system operators serving disadvantaged communities that often lack the resources for vital, costly water system improvements. I believe these bills will provide some additional needed tools to achieve the well-intended purpose of this measure. The need for additional funding also places heightened importance on the need for a water infrastructure bond that includes a robust investment in increasing water quality and water supply reliability. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger