



STATE WATER RESOURCES CONTROL BOARD

OFFICE OF LEGISLATIVE AFFAIRS

2007-2008 LEGISLATIVE SUMMARY

January 2009



STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

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2007-2008 LEGISLATIVE SUMMARY**

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2007 Legislative Bill Summaries

Assembly Bills

AB 27(Parra) California Partnership for the San Joaquin Valley.

Location: 02/01/2008-A DEAD

Summary: This bill would have created the California Partnership for the San Joaquin Valley Partnership, from January 1, 2009, to January 1, 2020. Its executive board would have been composed of the heads of specified state agencies and departments, local government members and private sector members. The mission of the Partnership would have been to coordinate and improve existing local, state, and federal efforts for the valley to increase the living standards and the overall economic performance of the valley. (Died in Assembly Appropriations Committee)

AB 89(Garcia) California and Mexico border infrastructure: study.

Location: 10/11/2007-A VETOED

Summary: This bill would have required the Business, Transportation, and Housing Agency to prepare a study by January 1, 2010, regarding infrastructure development along the California/Mexico border, including an assessment of whether alternative financing mechanisms may be necessary to meet the development needs of the bi-national region.

Governor's Message: I am returning Assembly Bill 89 without my signature. I strongly support the on-going effort to actively participate with local, regional, and federal agencies in the United States and Mexico to address and improve current and future transportation conditions while recognizing related security, environmental, and economic issues. Much of what is requested in this bill is currently available through a number of international, federal, and state planning and coordinating efforts. In order to avoid duplicative efforts, I am unable to sign this bill. However, the concept of creating a better understanding of our border transportation infrastructure needs warrants further work. As such, in my capacity as the conference chairman of the 2008 Border Governors Conference, I will place this issue on the conference agenda. Sincerely, Arnold Schwarzenegger

AB 140(Garcia) Desert Water Agency.

Chapter Number: 29

Location: 07/06/2007-A CHAPTERED

Summary: This law expands the authority of the Desert Water Agency (DWA). This law authorizes the DWA to develop energy for the construction, treatment, and disposal of sewage. Existing law authorizes the DWA to develop hydroelectric energy for use by the agency to construct, operate, and maintain its project for the control, conservation, diversion, and transmission of water, but not for sewage.

AB 224 (Wolk) Water supply planning.

Location: 09/24/2008-S DEAD

Summary: This bill would have enacted the Climate Change and Water Resource Protection Act of 2008. Among its provisions, this bill would have required the State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards as part of their triennial review of water quality control plans, to consider, to the extent practicable, the reasonably foreseeable effects of climate change on water quality. The bill would have required the Department of Water Resources (DWR), in consultation with the State Water Board and other state agencies to prepare and submit to the Legislature, by January 1, 2010, a report that

quantifies the energy savings and greenhouse gas emission reductions associated with alternative water supply development. The bill also would have specified that, in developing the report, the State Water Board would have primary responsibility for the analysis of recycled water, while DWR would have the primary responsibility for the analysis of all other water supply development alternatives. (Died in the Senate Appropriations Committee)

AB 258(Krekorian) Water quality: plastic discharges.

Chapter Number: 735

Location: 10/14/2007-A CHAPTERED

Summary: This law requires the State Water Board and Regional Water Boards by January 1, 2009, to implement a program, primarily under a general industrial permit for storm water discharges, to control preproduction plastic discharges from point and nonpoint sources. This law requires the State Water Board and Regional Water Board to specify best management practices for the control of preproduction plastic discharges and develop criteria for submittal of a no exposure certification. Fees sufficient to support the permitting program are to be assessed and collected pursuant to existing law.

AB 268(Committee on Budget) Transportation.

Chapter Number: 756

Location: 09/30/2008-A CHAPTERED

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

AB 309(Tran) State boards and commissions: salaries: suspension.

Location: 02/01/2008-A DEAD

Summary: This bill would have prohibited members appointed to certain state boards and commissions, including the State Water Resources Control Board, from receiving a salary for the 2007-08, 2008-09, and 2009-10 fiscal years pursuant to certain provisions in the bill. (Died in Assembly Business and Professions Committee)

AB 385(Ruskin) Public employees: salaries: professional scientists.

Location: 10/13/2007-A VETOED

Summary: This bill would have required the state and the exclusive representative for State Bargaining Unit 10, the California Association of Professional Scientists (CAPS), to complete a joint survey of salaries in scientific classifications in California public agencies and to report their findings to the Legislature upon completion of the survey. The bill also would have established state policy to consider the survey's findings prior to making salary recommendations.

Governor's Message: I am returning Assembly Bill 385 without my signature. This bill would unnecessarily mandate a compensation survey be jointly conducted between the State and the bargaining unit that represents scientists. This is redundant of existing law which requires the State to survey prevailing wages in occupations comparable to those in state service. The bill is also redundant of provisions in the negotiated collective bargaining agreement with the unit in question. If the State of California is to have good faith collective bargaining, then employee wages, hours, and terms and conditions must not be legislated. However, I value the dedication and work of the State's scientists, and I am concerned that salaries for this group may have fallen behind those of comparable workers. So, I am directing my Department of Personnel Administration to work together with the scientists during the next round of bargaining to ensure that survey results for this group are looked at seriously and that the State is moving in the

direction of achieving fair and equitable compensation for the scientists. Sincerely, Arnold Schwarzenegger

AB 422(Hancock) Hazardous substances: water quality.

Chapter Number: 597

Location: 10/13/2007-A CHAPTERED

Summary: This law permits the State Water Board or Regional Water Boards to require a person conducting cleanup, abatement, or other remedial action for a brownfield site to assess the potential human health or ecological risks caused or created by the discharge using human health and environmental screening levels or a site-specific assessment of risks. The law also specifies certain requirements relating to the exposure assessment of any health or ecological risk assessment prepared in conjunction with a response action taken or approved pursuant to the California Superfund Act.

AB 564(Brownley) Los Angeles County Flood Control District: fees and charges.

Location: 09/24/2008-S DEAD

Summary: This bill would have authorized the Los Angeles County Flood Control District (District) to impose a fee or charge, in compliance with Article XIII D of the California Constitution, to pay for the costs and expenses of the District and to carry out the Los Angeles County Flood Control Act. The District currently has statutory authorization to levy and collect taxes for the purpose of paying any obligation of the District, but lacks statutory authorization to impose fees. (Placed on Senate Inactive File)

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

Chapter Number: 314

Location: 09/26/2008-A CHAPTERED

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

AB 679(Benoit) Illegal dumping: assessments.

Chapter Number: 394

Location: 10/10/2007-A CHAPTERED

Summary: This law requires the court to impose a fine on violators in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, as specified. This law requires that the money from the fines be deposited in the city's or county's general fund for use for illegal dumping enforcement.

AB 715(Laird) Water conservation: low-flush water closets and urinals.

Chapter Number: 499

Location: 10/11/2007-A CHAPTERED

Summary: This law requires all toilets and urinals sold or installed in this State after January 1, 2014, to be high-efficiency models.

AB 739(Laird) Stormwater discharge.

Chapter Number: 610

Location: 10/13/2007-A CHAPTERED

Summary: This law: (1) requires the State Water Board and the Department of Water Resources to develop a coordinated approach for the expenditure of storm water grant funding from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) and the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Prop 1E); (2) requires that funds designated for storm water grants meet certain criteria including sustainable, long-term water quality improvements; (3) clarifies that the design and construction of combined municipal sewer and storm water systems are eligible for funding under Proposition 1E, (4) requires the State Water Board to develop, after conducting public workshops, guidance for evaluating and measuring the effectiveness of municipal storm water management programs; and (5) appoints a task force to advise the State Water Board on the storm water program.

AB 740(Laird) Vessels: invasive species.

Chapter Number: 370

Location: 10/10/2007-A CHAPTERED

Summary: This law (1) expands provisions of existing law requiring vessel owners to remove and properly dispose of the marine organisms that attach to the vessel, (2) requires that inwater cleaning of the submerged portion of vessels be conducted using the “best available technologies economically achievable” and designed to minimize releases to the surrounding waters, and (3) requires the State Lands Commission, in consultation with the State Water Resources Control Board, the United State Coast Guard, and other entities to adopt regulations by January 1, 2012, governing the management of marine organisms that attach to the submerged portion of vessels arriving in California ports.

AB 746(Krekorian) Public resources: energy conservation assistance: local governments and public institutions.

Location: 09/24/2008-S DEAD

Summary: This bill would have required the California Energy Commission (CEC) to reinstate until January 1, 2012, an expedited application review process to construct and operate thermal powerplants. The bill was amended to require the CEC to provide grants to local agencies for energy conservation projects. (Died in Senate Appropriations Committee)

AB 776(Aghazarian) Alcoholic beverages: advertising.

Chapter Number: 221

Location: 09/21/2007-A CHAPTERED

Summary: This bill was significantly amended to only pertain to alcoholic beverage licenses. Earlier version of the bill would have revised the eligibility requirements for an applicant for corrective action costs to the Underground Storage Tank Cleanup Fund by deleting the condition that the applicant be in compliance with the permit and insurance requirements. The bill also would have repealed the authority of the State Water Board to waive those requirements and instead would have required an applicant to be in compliance with those requirements before the date when the applicant submits an application for a claim.

AB 809(Blakeslee) Energy: renewable energy resources.

Chapter Number: 684

Location: 10/14/2007-A CHAPTERED

Summary: This law expands the eligibility of hydroelectric power within the state's Renewables Portfolio Standard, which is currently limited to 30 megawatt facilities (MW) or less, to include

new incremental increases in electricity production from facilities over 30 MW, if the increase results from efficiency improvements initiated after July 1, 2008, and meets specified water quality criteria.

AB 833(Ruskin) California Toxic Release Inventory Program.

Chapter Number: 616

Location: 10/13/2007-A CHAPTERED

Summary: This law requires the Department of Toxic Substances Control to develop and implement the California Toxic Release Inventory Program, a state equivalent to the current U.S. Environmental Protection Agency's Toxic Release Inventory Program by January 1, 2009.

AB 888(Lieu) Green building standards.

Location: 10/14/2007-A VETOED

Summary: This bill would have required that on or after July 1, 2013, if a public agency deems the application for a new 50,000 square feet or greater commercial building complete, that building shall be designed, constructed, and operated to meet the applicable standards described in the United States Green Building Council' Leadership in Energy and Environmental Design gold rating or its equivalent. If the state adopted minimum green building standards, those commercial buildings would have been required to meet the adopted standards.

Governor's Message: I am returning Assembly Bill 888 without my signature. I support the development of green building standards and share the goals of this bill. However, if implemented provisions in this bill would create a bias for certain building materials over others without a clear benefit. For instance, the use of California wood building construction materials is highly discouraged in favor of foreign grown bamboo and wheatgrass. Additionally, building standards should not be statutory. The Building Standards Commission was created to ensure an open public adoption process allowing experts to develop standards and periodic updates to the building codes. Allowing private entities, such as proposed in this bill, to dictate California's building standards usurps the state's authority to develop and adopt those standards and could compromise the health and safety of Californians. I encourage state agencies to review all nationally recognized programs and glean from those programs, standards that promote greener construction, energy and water conservation, and reduce Green House Emissions. It is imperative to expedite the greening of California's building standards. As such, I am directing the California Building Standards Commission to work with specified state agencies on the adoption of green building standards for residential, commercial, and public building construction for the 2010 code adoption process. Sincerely, Arnold Schwarzenegger

AB 904(Feuer) Recycling: food containers.

Location: 09/24/2008-S DEAD

Summary: This bill would have enacted the Plastic and Marine Debris Reduction, Recycling, and Composting Act, prohibiting, on and after July 1, 2012, takeout food providers from distributing single-use food service packaging to a consumer unless the packaging is either compostable or recyclable. This bill also would have established penalties of not more than \$100 per day for violations and the California Integrated Waste Management Board would be required to annually publish a list of penalties levied. Penalties would have been paid into the Marine Debris Reduction Account, which would have been created by the bill. (Died in Senate Appropriations Committee)

AB 938(Calderon, Charles) Regional water management.

Location: 09/24/2008-S DEAD

Summary: This bill would have called for the formation of water quality committees to promote increased cooperation and collaboration among the California Regional Water Quality Control

Boards, local governments, and watershed stakeholders, to help remedy uncontrolled pollutants in urban runoff, stormwater, other forms of runoff, and nonpoint source pollution. (Died in the Senate Rules Committee.)

AB 1010(Hernandez) San Gabriel Basin Water Quality Authority Act.

Chapter Number: 404

Location: 10/10/2007-A CHAPTERED

Summary: This law extends the sunset date of the San Gabriel Basin Water Quality Authority Act from July 1, 2010 to July 1, 2017. This law requires the San Gabriel Basin Water Quality Authority (WQA) to update its website on a quarterly basis with information regarding its activities. The law also requires the WQA to provide a status report on plan activities to the State Water Board and the Los Angeles Regional Water Board.

AB 1032(Wolk) Dredging: closed waters: wild trout: endangered or threatened species.

Location: 10/13/2007-A VETOED

Summary: This bill would have prohibited motorized suction dredge mining within portions of five streams designated as Heritage Trout waters by the Fish and Game Commission. The bill also would have prohibited or seasonally restricted suction dredge mining within specified segments of the Klamath, Salmon and Scott Rivers. The bill's prohibitions and seasonal restrictions would have sunset no later than January 1, 2011.

Governor's Message: I am returning Assembly Bill 1032 without my signature. The purpose of this bill is to protect fish and wildlife from the potential deleterious effects of suction dredge mining. Although I appreciate the author's intent and the need to protect our fish, wildlife, and water resources, this bill is unnecessary. Current law gives the Department of Fish and Game (Department) the necessary authority to protect fish and wildlife resources from suction dredge mining. It has promulgated regulations and issues permits for this activity. Permits for suction dredge mining must ensure that these operations are not deleterious to fish and allow the Department to specify the type and size of equipment to be used. In its regulations, the Department may also designate specific waters or areas that are closed to dredging. It is unclear why this bill specifically targets a number of specific waterways for closure or further restrictions. The listed waterways represent only a small fraction of the waters in our State where suction dredging is occurring. The benefit or protection from such a minor closure is negligible and supports the notion that scientific environmental review should precede such decisions. Sincerely, Arnold Schwarzenegger

AB 1056(Leno) California Ocean Protection Act.

Chapter Number: 372

Location: 10/10/2007-A CHAPTERED

Summary: This law requires the Ocean Protection Council (OPC) to establish a science advisory team and requires the OPC to contract with the California Ocean Science Trust. The law expands the purpose of the OPC to include identifying scientific research and planning that is useful for protecting and conserving coastal waters and ocean ecosystems, and to coordinate and assist state agencies in addressing those needs. The law also specifies that expenditures approved by the OPC, except for block grants, do not require the subsequent approval of the State Coastal Conservancy.

AB 1058(Laird) Green building construction: best practices.

Location: 10/14/2007-A VETOED

Summary: This bill would have created the Green Building Standards Law and would have required the Department of Housing and Community Development and ultimately the Building

Standards Commission to adopt on or before July 1, 2009, best practices and building standards related to green building in new residential home construction.

Governor's Message: I am returning Assembly Bill 1058 without my signature. I support the development of green building standards and share the goals of this bill. However, if implemented provisions in this bill would put the health and safety of Californians at risk by being in conflict with current safety standards. The national standards in this bill could require that wood support studs be placed twenty-four inches apart instead of the California seismic safety standard of sixteen inches, thus endangering the safety of the home. Additionally, the guidelines for planting vegetation for shade would violate California fire standards for the most dangerous areas by placing vegetation next to the house, not the 100 foot firebreak required by California law. Additionally, building standards should not be statutory. The Building Standards Commission was created to ensure an open public adoption process allowing experts to develop standards and periodic updates to the building codes. Allowing private entities, such as proposed in this bill, to dictate California's building standards usurps the state's authority to develop and adopt those standards and could compromise the health and safety of Californians. I encourage state agencies to review all nationally recognized programs and glean from those programs, standards that promote greener construction, energy and water conservation, and reduce Green House Emissions. It is imperative to expedite the greening of California's building standards. As such, I am directing the California Building Standards Commission to work with specified state agencies on the adoption of green building standards for residential, commercial, and public building construction for the 2010 code adoption process. Sincerely, Arnold Schwarzenegger

AB 1066(Laird) Coastal: sea level rise.

Location: 09/24/2008-S DEAD

Summary: This bill would have required the Office of Planning and Research to include in its guidelines for mandatory elements of city and county general plans advice that cities and counties can use to address the effects of climate change and sea level rise on California's coast and bays. The bill also would have authorized the Bay Conservation and Development Commission to coordinate with regional councils of government and other agencies to develop regional strategies to address the impacts of sea level rise and global climate change on San Francisco Bay. (Died in Senate Appropriations Committee)

AB 1074(Houston) California State Conservation Permit.

Location: 09/24/2008-S DEAD

Summary: This bill would have required the Secretary of the Resources Agency to establish a California State Conservation Permit, applicable to a private landowner to implement conservation measures. The purpose of the permit would have been for all state agencies that have regulatory authority over such projects to coordinate and streamline their applicable regulatory reviews, planning and information gathering for such projects. The bill also would have defined a process for various state agencies, including the State Water Board and the Regional Water Boards, to follow, including agency meetings, stakeholder meetings, and technical advisory groups, to develop the State Conservation Permit. (Died in the Senate Natural Resources and Wildlife Committee)

AB 1127(Carter) Perchlorate drinking water standards: Cities of Colton, Fontana, and Rialto.

Location: 09/24/2008-S DEAD

Summary: The bill would have authorized the Department of Public Health to contract with the Santa Ana Watershed Project Authority for the purposes of assessing and treating drinking water for perchlorate contamination in and around the City of Rialto, including the identification

of perchlorate contamination in drinking water sources, the assessment and identification of inorganic and organic perchlorate in those sources, and the treatment of drinking water to meet primary drinking water standards for the protection of public health. (Died in the Senate Appropriations Committee)

AB 1130(Laird) Aboveground storage tanks.

Chapter Number: 626

Location: 10/13/2007-A CHAPTERED

Summary: This is an Administration sponsored bill (CEPA 07-26 – AST Inspection Program Transfer.) This law shifts the responsibility for the inspection of above ground petroleum storage tanks from the State Water Board and Regional Water Boards to Unified Program Agencies which are the local agencies that currently inspect underground petroleum storage tanks, hazardous materials storage, and hazardous waste disposal programs.

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

Chapter Number: 656

Location: 09/30/2008-A CHAPTERED

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

AB 1253(Caballero) Water: Salinas Valley State Prison wastewater treatment plant.

Chapter Number: 695

Location: 10/14/2007-A CHAPTERED

Summary: This law authorizes the Director of General Services (DGS) to sell, lease, convey, or exchange real property at the Salinas Valley State Prison containing the prison's wastewater treatment facility to the City of Soledad under terms and conditions as the DGS determines are in the best interest of the State. It should be noted that the Governor vetoed a similar bill SB 455 (Denham) on August 31, 2007, and that AB 1253 was subsequently gutted and amended to incorporate many of the provisions of SB 455.

Governor's Message: To the Members of the California Legislature: I am signing Assembly Bill 1253 because of the urgent need for the City of Soledad and the California Department of Corrections and Rehabilitation to address the waste water treatment issues in this area. However, I am directing the Department of General Services to enter into a long-term lease with the City of Soledad and not transfer this property until such time a CEQA exemption is provided in legislation. This is surplus property and should typically be included in the DGS omnibus surplus property bill. As I have stated repeatedly over the past two years, there is no reason to apply CEQA to properties that are being sold. CEQA is properly applied when the use and zoning of property is changed. This transaction does neither therefore an exemption is justified. Sincerely, Arnold Schwarzenegger

AB 1338(Committee on Budget) Public resources.

Chapter Number: 760

Location: 09/30/2008-A CHAPTERED

Summary: This budget trailer bill makes various statutory changes to implement the 2008 Budget Act.

AB 1390(Huffman) Solid waste: diversion: illegal dumping: fees.

Location: 09/24/2008-S DEAD

Summary: This bill would have required a city or county to divert 60 percent of all solid waste through source reduction, recycling, and composting activities on and after January 1, 2015. The bill also would have established specified waste reduction targets for the state. (Died on the Senate Floor)

AB 1393(Leno) Public records.

Location: 10/11/2007-A VETOED

Summary: This bill would have added new requirements to the California Public Records Act (CPRA), including (1) requiring state agencies to include specified public records information on their Internet homepage, and (2) establishing a task force to consider and make recommendations regarding the posting of records requests, denials and public documents.

Governor's Message: I am returning Assembly Bill 1393 without my signature. Ensuring access to public information is one of my Administration's top priorities. That is why last year I issued Executive Order S-03-06 (Order), requiring all state agencies to review their guidelines governing access to public information. In addition, the Order required that every agency identify and train staff to be responsible for ensuring compliance with the California Public Records Act. As I noted in my veto of similar legislation last year, I believe the steps that were taken as a result of the Order, combined with the ongoing efforts of agencies to comply with the law, are working to ensure the needs of the public are met. This bill imposes an unnecessary one-size-fits-all mandate on state agencies. In addition, this bill would require the formation of a task force to consider even more statutory standards to govern the disclosure of public records. Such a task force and such additional statutory changes are also unnecessary. My Administration's commitment to the Public Records Act is unwavering and I am confident future Administrations will share this attitude. Sincerely, Arnold Schwarzenegger

AB 1404(Laird) Water measurement information.

Chapter Number: 675

Location: 10/14/2007-A CHAPTERED

Summary: This law requires the Department of Water Resources (DWR), State Water Board, and the Department of Public Health to collaboratively prepare an initial feasibility analysis report to the Legislature by January 1, 2009, for establishing a water diversion and use reporting database. The law also requires (1) more stringent reporting requirements for large flows of water used for agricultural purposes, (2) agricultural water suppliers to submit annual reports that summarize accurate measurements of large flows on a monthly basis, and (3) agricultural water diversions be evaluated for current and future water uses in the California Water Plan.

AB 1406(Huffman) Recycled water: toilet and urinal flushing: condominiums.

Chapter Number: 537

Location: 10/12/2007-A CHAPTERED

Summary: This law adds condominiums to the definition of structures where use of potable water for toilets is deemed unreasonable and updates the statute to refer to the recently created Department of Public Health. The law allows recycled water to be used in condominium projects. The law also requires the agency delivering recycled water to file a report with the appropriate Regional Water Board and requires the Department of Public Health to approve the report before starting service.

AB 1420(Laird) Water demand management measures: water management grant or loan funds.

Chapter Number: 628

Location: 10/13/2007-A CHAPTERED

Summary: This law requires the Department of Water Resources (DWR), State Water Resources Control Board (State Water Board) and California Bay Delta Authority (CALFED) to condition the terms of, and eligibility for, a water management grant or loan to an urban water supplier on the applicant's implementation of the water demand management measures (also known as Best Management Practices [BMPs]). The law authorizes DWR to make determinations regarding BMP implementation. The bill also requires DWR to provide exceptions to this rule whenever it determines that (1) full BMP implementation is not locally cost effective, (2) full implementation is scheduled, planned and budgeted, or (3) the supplier has established compliance on a regional basis.

AB 1437(Aghazarian) Petroleum underground storage tanks: claims.

Chapter Number: 282

Location: 10/05/2007-A CHAPTERED

Summary: The law makes various clarifying changes to existing law pertaining to the Petroleum Underground Storage Tank Cleanup Fund (USTCF) and would allow the State Water Resources Control Board to waive certain requirements in current law to enable additional people to qualify for reimbursement from the USTCF.

AB 1481(De La Torre) Waste discharge and water reclamation requirements: recycled water: landscape irrigation uses.

Chapter Number: 535

Location: 10/12/2007-A CHAPTERED

Summary: This law requires the State Water Resources Control Board (State Water Board) to adopt a general permit for the use of recycled water for landscape irrigation and to establish a reasonable schedule of fees to pay for the costs incurred to develop, implement, and administer the general permit. The State Water Board is required to designate an ombudsperson to coordinate and facilitate the implementation of the general permit adopted pursuant to the bill. This law also provides a process for establishing a statewide general permit under which enrollees would not be subject to existing or new Regional Water Quality Control Board individual waste discharge requirements or master reclamation permits.

AB 1654(Committee on Budget) California State Lottery.

Chapter Number: 764

Location: 10/20/2008-A CHAPTERED

Summary: In earlier versions, this bill would have established standards and guidance for implementing the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), and provide clarification of the terms used in Proposition 84. This bill was gutted and amended to instead address the California State Lottery.

AB 1742(Committee on Environmental Safety and Toxic Material) State Water Pollution Control Revolving Fund: administrative costs.

Chapter Number: 632

Location: 10/13/2007-A CHAPTERED

Summary: This law allows the State Water Resources Control Board (State Water Board) to use a portion of the State Water Pollution Control Revolving Fund loan interest payments to pay

for the costs of administering the Clean Water State Revolving Fund program. This law also allows the State Water Board to reduce loan costs to assist disadvantaged communities.

AB 1776(DeVore) Energy: nuclear powerplant.

Location: 06/02/2008-A DEAD

Summary: This bill would have removed the prohibition on new nuclear power plants that under current law require either a demonstrated reprocessing option or permanent storage option for spent fuel before new construction is allowed. In its place it would have prohibited plants from being constructed in seismically active areas, or within five miles of Areas of Special Biological Significance or along navigable waters if they use once-through cooling for the power plant waste heat.

AB 1781(Laird) Budget Act of 2008.

Chapter Number: 268

Location: 09/23/2008-A CHAPTERED

Summary: This law is the Budget Act of 2008 for 2008-09 Governors' Budget.

Governor's Message: The Governor signed the bill but made numerous deletions of augmented budget appropriations to the state's 2008 budget.

AB 1806(Wolk) Fishery resources: Sacramento-San Joaquin Delta.

Location: 09/30/2008-A VETOED

Summary: This bill would have required the State Water Board to (1) complete a comprehensive review of conditions in the Sacramento-San Joaquin Delta for the purpose of protecting the state's public trust resources, and (2) exercise its authority under the Constitution and public trust doctrine to reopen and impose terms and conditions on water right permits issued to the State Water Project and Central Valley Project in order to provide reasonable mitigation for adverse impacts to fishery resources from the operation of those projects. This bill also would have required the Department of Fish and Game to prepare and implement protocols for fish rescue in the Delta, and to expedite approvals for fish rescue operations. This bill was later amended to delete the provisions of the bill that affected the State Water Board.

Governor's Message: I am returning Assembly Bill 1806 without my signature. This bill would require the Department of Fish and Game (Department) to develop a set of protocols to evaluate the need for fish rescue and relocation plans within the Sacramento-San Joaquin Delta. This bill would also specify that all references in law to the Sacramento-San Joaquin Delta shall always be capitalized, whether or not "Sacramento-San Joaquin" is included in the reference. This bill is unnecessary and duplicates authority already conferred to the Department by existing laws and regulations for mitigation for fish and wildlife impacts and coordination between federal, state and local agencies. Additionally, the burdensome process that this bill would create could potentially inhibit restoration activities initiated in association with flood control projects. For these reasons, I am returning this bill without my signature. Sincerely,
Arnold Schwarzenegger

AB 1879(Feuer) Hazardous materials: toxic substances.

Chapter Number: 559

Location: 09/29/2008-A CHAPTERED

Summary: This law requires the Department of Toxic Substances Control to adopt regulations by January 1, 2011, that would establish processes to (1) identify and prioritize chemicals or chemical ingredients in consumer products that may be considered "chemicals of concern" and (2) evaluate "chemicals of concern" in consumer products and their potential alternatives to determine how best to limit exposure or to reduce the level of hazard posed by the "chemical of concern."

Governor's Message: To the Members of the California State Legislature: I am signing Assembly Bill 1879 (Feuer) and Senate Bill 509 (Simitian), which begin the historic implementation of the California Green Chemistry Initiative, started by my Administration in 2007. These bills provide a foundation for the development of a Green Chemistry program that will build upon existing information and programs and create a model for other states and nations to follow. To ensure that the Green Chemistry Initiative is as visionary and efficient as possible, all administrative agencies involved in this process, including the Department of Toxic Substances Control as lead agency, should take into account programs in other states, countries and regions, such as the European Union, to build upon their experience, data and expertise. Sincerely, Arnold Schwarzenegger

AB 1946(Nava) Hazardous materials: water quality: enforcement.

Location: 09/30/2008-A VETOED

Summary: This bill would have made various changes in California's water quality enforcement laws. Specifically, the bill would have: (1) allowed Regional Water Quality Control Boards (Regional Water Boards) to delegate to their Executive Officers the authority to refer judicial enforcement matters to the Attorney General; (2) repealed provisions of existing law that require the State Water Resources Control Board (State Water Board) or a Regional Water Board to hold a hearing prior to referring a case to the Attorney General, (3) allowed district attorneys, city attorneys of a city with a population that exceeds 750,000, or city attorneys for a city and county, upon request of the State Water Board or a Regional Water Board, to petition the appropriate court to impose, assess and recover civil penalties for violations of the Water Code; (4) allowed Regional Water Boards to delegate to their Executive Officers the authority to apply for judicial enforcement to the Attorney General, a district attorney, a city attorney of a city with a population that exceeds 750,000, or a city attorney for a city and county; and (5) extended from one year to five years the statute of limitations for bringing certain types of enforcement actions related to the submission of hazardous materials release response plans and inventory.

Governor's Message: I am returning Assembly Bill 1946 without my signature. California's current structure of water quality enforcement has systemic problems that must be addressed in a comprehensive and coordinated fashion. Last year, I asked the State Water Resources Control Board (State Board) to analyze the current structure and procedures of the state and regional water boards and develop a package of reforms that will result in improvements in the implementation and enforcement of our water quality laws. That package of reforms was delivered to the Legislature earlier this year and was never acted upon. This bill misses the mark because increasing the frequency and severity of civil penalties via the court system is not the truest measure of our success in addressing water quality in California. The courts are an effective tool, but they are not the only tool that should be used to ensure clean water. Greater emphasis needs to be placed on increasing the accountability, consistency, and effectiveness of the regional and state boards. Doing so ensures that we create a system that lays out a clear path to compliance with our water quality laws, without having to resort to the courts. This is an important issue and I encourage the author and the Legislature to address it in a comprehensive fashion in the next legislative session. Sincerely, Arnold Schwarzenegger

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

Chapter Number: 562

Location: 09/29/2008-A CHAPTERED

Summary: This law requires the Department of Conservation Division of Oil, Gas and Geothermal Resources (DOGGR) to develop minimum maintenance standards for onshore oil production facilities, and to test facilities for compliance with established standards. This law: (1) authorizes the State Oil and Gas Supervisor to issue a cease and desist order to, and impose penalties upon, an operator of an oil production facility that violates these standards; (2)

authorizes DOGGR to require oil production facilities with a history of violations or outstanding liabilities to the state to obtain a life-of-well or life-of-production facility bond; and (3) imposes civil and criminal penalties upon a person who fails to report, or who knowingly makes a false or misleading marine oil spill report to the Office of Emergency Services.

AB 1991(Mullin) Subdivisions: tentative maps.

Location: 09/24/2008-S DEAD

Summary: This bill would have allowed the development of a residential subdivision on two parcels totaling 37 acres in the City of Half Moon Bay by (1) exempting the property from being regulated under various environmental laws including the Porter-Cologne Water Quality Control Act, the California Environmental Quality Act, the California Coastal Act, and the Fish and Game Code, and (2) declaring that all existing approvals for development of this property to be final and nonappealable, notwithstanding any lapse of time or change in conditions. (Died in Senate Rules Committee)

AB 2013(Krekorian) New construction: water-permeable pavement.

Location: 09/24/2008-S DEAD

Summary: This bill would have required, beginning on or after January 1, 2009, the Department of Housing and Community Development to propose building standards for the use of water-permeable pavement for exterior surfaces in residential construction. (Died in Senate Appropriations)

AB 2026(Villines) State property.

Chapter Number: 761

Location: 09/30/2008-A CHAPTERED

Summary: This law, an urgency measure, would make various statutory changes pertaining to the exchange, sale or transfer of state properties and the management of state properties to implement the 2008 Budget Act.

Governor's Message: To the Members of the California State Assembly: I am signing Assembly Bill 2026 because disposing of surplus State real property is consistent with good asset management practices that were stressed in Executive Order S- 10-04. Most of the properties listed in this bill do contain a full exemption for the State from the California Environmental Quality Act (CEQA). However, due to an inadvertent drafting error, some of the properties listed in the bill do not contain a full exemption for the State from CEQA in the case of an 'as is' sale. This could result in the State having to conduct an unnecessary CEQA review for the sale of these properties. It is my understanding that the author has agreed to carry legislation next year to correct this unintentional drafting error. Sincerely, Arnold Schwarzenegger

AB 2031(Hancock) Oil spill prevention and response.

Chapter Number: 563

Location: 09/29/2008-A CHAPTERED

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

a spill; and (4) requiring Office of Emergency Services to notify the appropriate local governments in the area surrounding a marine oil spill.

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

Chapter Number: 438

Location: 09/27/2008-A CHAPTERED

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

AB 2058(Levine) Recycling: plastic carryout bags.

Location: 09/24/2008-S DEAD

Summary: This bill would have (1) prohibited a store from providing plastic carryout bags to customers on or after July 1, 2011 unless the store demonstrated at least a 35% increased diversion rate for the calendar year 2010; (2) prohibited a store from providing plastic carryout bags to customers on or after July 1, 2012 unless the store demonstrated at least a 70% increased diversion rate for the calendar year 2011, and (3) required retailers, if either goal is not met, to charge a 15 cent per bag fee, the proceeds of which would be used for local litter cleanup. (Died in Senate Appropriations Committee).

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

Chapter Number: 667

Location: 09/30/2008-A CHAPTERED

Summary: This law requires owners or managers of reservoirs to develop and implement a program to prevent the introduction of non-native dreissenid mussel species. The bill exempts from its requirements (1) privately owned reservoirs that are not open to the public and (2) reservoirs where non-native dreissenid mussel have been detected.

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

Chapter Number: 442

Location: 09/27/2008-A CHAPTERED

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

AB 2153(Krekorian) Water conservation.

Location: 06/02/2008-A DEAD

Summary: This bill would have amended the California Environmental Quality Act (CEQA) to require new residential or commercial building projects that are subject to CEQA to implement all feasible and cost effective water efficiency measures. If after implementing these efficiency measures, the project would result in any increased annual water consumption, the project proponents would have been required to mitigate for their annual water consumption. (Died on the Assembly floor)

AB 2175(Laird) Water conservation.

Location: 09/24/2008-S DEAD

Summary: This bill would have promoted water conservation in the state by requiring (1) the Department of Water Resources (DWR) to establish a statewide water conservation target to achieve a 20 percent reduction in statewide urban per capita water use by 2021, (2) urban water suppliers to reduce their per capita water use by 20 percent by 2021, (3) DWR to establish statewide numeric water conservation targets for agricultural water efficiency of not less than 500,000 acre feet of net water reduction as compared to projected demand by 2021, and (4) agricultural suppliers to adopt 5 and 10 year numeric water savings targets and to report on progress towards reaching those targets. The bill also would have made compliance with water conservation targets a precondition for receiving state water management grants and loans. (Died on the Senate floor)

AB 2179(Furutani) Air quality: diesel fuel.

Location: 09/26/2008-A VETOED

Summary: This bill would have required all diesel vehicles owned or leased by the State on or after January 1, 2010 and until 2012, to use renewable biomass-based diesel fuel as determined by the Air Resources Board (ARB), if certain requirements are met. ARB would have been required to develop sustainability criteria for the use of renewable biomass-based diesel fuels that would protect sensitive lands and ecosystems, protect food supplies, promote healthy ecosystems, and prevent harmful impacts, including, but not limited to, water and air pollution.

Governor's Message: I am returning Assembly Bill 2179 without my signature. The Air Resources Board (ARB) is currently developing the low carbon fuel standard (LCFS) as part of its implementation of AB 32, the California Global Warming Solutions Act of 2006. The purpose of the LCFS is to set declining carbon content targets for vehicle fuels and let the market determine which fuels to provide Californians for consumption. This bill chooses one type of fuel over another, which is contrary to the market concept underlying the development of the LCFS. Additionally, the sustainability criteria required by this bill set a precedent for exhaustive but marginally beneficial analyses that are inconsistent with those presently under development by the ARB and would likely delay implementation of the LCFS. Although I cannot support this measure, I strongly support the concept of our State fleets routinely using alternative and renewable fuels. In 2007, Caltrans initiated a pilot program to determine the feasibility of using biodiesel fuel in its fleet. To date, the results of that program have been favorable and I encourage them to continue expanding it in a cost effective manner. Sincerely, Arnold Schwarzenegger

AB 2222(Caballero) Groundwater quality: monitoring.

Chapter Number: 670

Location: 09/30/2008-A CHAPTERED

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

AB 2270(Laird) Recycled water: water quality.

Location: 09/30/2008-A VETOED

Summary: This bill would have established existing recycled water “goals” as “statewide targets” and would have required: (1) the Department of Water Resources (DWR), beginning in 2013, to include the recycled water targets in the State Water Plan; (2) any person that is authorized to supply or distribute recycled water, to annually report to the State Water Resources Control Board on the amount of recycled water supplied; (3) DWR and the State Water Resources Control Board to promote the California Water Plan policies related to water use efficiency in the priorities for awarding State water management grants and loans. This bill also would have enabled local agencies to control salinity inputs to their sewer system, including those from residential self-regenerating water softeners.

Governor's Message: I am returning Assembly Bill 2270 without my signature. This bill would require the Department of Water Resources (DWR) to establish statewide water recycling targets every five years and would also enable local governments to control salinity input to their sewer systems, including those from water softeners. Increasing the use of recycled water in the state is an absolutely necessary activity to increase water supply reliability for the future of our growing state. Unfortunately, this bill also includes provisions that go too far in limiting residential use of water softeners. I recognize that excess salinity in surface and ground water is a serious water quality problem in various regions throughout the state, including the Central Valley and southern California. However, current law already includes provisions that allow local agencies to regulate water softeners. The provisions of this bill create a system that could unduly limit choices for consumers and small water systems, with potentially little positive impact given the relatively limited contribution of water softeners to our salinity problems. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

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

Chapter Number: 571

Location: 09/29/2008-A CHAPTERED

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

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

Chapter Number: 572

Location: 09/29/2008-A CHAPTERED

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

AB 2356(Arambula) Water quality.

Chapter Number: 609

Location: 09/30/2008-A CHAPTERED

Summary: This law requires the State Water Resources Control Board (State Water Board) to assist small, disadvantaged communities that receive financial assistance from the State Water Board for wastewater collection, treatment or disposal projects by requiring the State Water Board to: (1) provide advance payments of up to \$1 million, under specified circumstances; (2) establish a process for paying invoices within 30 days of receipt; and (3) use wire transfers or other payment procedures to expedite project payment. Additionally, this law allows the State

Water Board, until December 31, 2013, to assess a surcharge on loans from the Clean Water State Revolving Fund, in lieu of interest on the loans, to be deposited into a newly created State Water Pollution Control Revolving Fund Small Community Grant Fund (Grant Fund). Monies from the Grant Fund will be used to provide grants for eligible wastewater collection, treatment or disposal projects that serve small communities. The law also specifies that no more than \$50 million can be deposited into the Grant Fund.

AB 2425(Coto) State Department of Public Health: water quality: pharmaceuticals.

Location: 09/24/2008-S DEAD

Summary: This bill would have require pharmaceutical manufacturers to enter into a public-private partnership with the California Department of Public Health (DPH) to advance public knowledge about pharmaceuticals in public drinking water supplies. The bill would have required the department to post links on its website on the proper methods of handling and disposing of pharmaceutical drug waste. (Died in the Senate Appropriations Committee)

AB 2505(Brownley) Hazardous waste: polyvinyl chloride packaging container.

Location: 09/24/2008-S DEAD

Summary: This bill would have made it a civil violation, as of January 1, 2010, for a person to sell or distribute in California, a package or container used to hold, protect, or display a product that is predominantly made of polyvinyl chloride. This bill would also have allowed the Department of Toxic Substances Control to impose a fine, not to exceed \$2,500 per day, for each violation. (Died in Senate Appropriations Committee)

AB 2536(Nunez) Hazardous materials: metal plating facility.

Location: 09/24/2008-S DEAD

Summary: This bill would have required the Business, Transportation and Housing Agency, in collaboration with the State Water Board, the Department of Toxic Substances Control, and the State Air Resources Board to develop a grant program to assist chrome plating facilities in purchasing high performance environmental control equipment or technologies. The bill also would have authorized the BTHA to spend monies in the Chrome Plating Pollution Prevention Fund, upon appropriation by the Legislature, to make grants to chrome plating facilities. (Died in the Senate Appropriations Committee)

AB 2537(Furutani) Public works: volunteers.

Chapter Number: 678

Location: 09/30/2008-A CHAPTERED

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

AB 2547(Leno) Oil spill prevention and response.

Location: 09/29/2008-A VETOED

Summary: This bill would have required the Administrator of the Office of Spill Prevention and Response to: 1) establish a universal mutual aid agreement between Oil Spill Response Organizations; 2) award and administer competitive grants for the development of improved technologies for oil spill prevention, containment, and cleanup, and prepare an evaluation of

emerging technologies; and 3) expend monies from the Oil Spill Response Trust Fund for uncompensated response costs and awarding new grants.

Governor's Message: To the Members of the California State Assembly: I am returning Assembly Bill 2547 without my signature. In addition to many other activities which are already being undertaken by the Office of Spill Prevention and Response (OSPR), this bill seeks to establish a new grant program to evaluate new oil spill response technologies. This is unnecessary as OSPR already maintains partnerships with the United States Coast Guard and the Minerals Management Service to monitor and evaluate new response technologies. Additionally, the funding stream for this new program is problematic. The bill proposes to fund the new grant program using the Oil Spill Response Trust Fund. This is problematic because Trust Fund monies are set aside to fund oil spill response activities. Using this money for an ongoing program depletes the fund and sets a bad precedent that undermines its purpose: to ensure that there are always funds available for expedient response to an oil spill in the marine waters of the state. For these reasons, I am unable to sign this bill. Sincerely, Arnold Schwarzenegger

AB 2640(Huffman) Solid waste: compostable organics management.

Location: 09/24/2008-S DEAD

Summary: The bill would have required the California Integrated Waste Management Board (CIWMB) to adopt policies, and develop and implement programs to reduce by January 1, 2020, the amount of organics deposited in landfills by at least 50 percent as compared to the amount deposited in 2008. The bill also would have required landfill operators to pay a new fee, in an amount equal to the annual solid waste tonnage fee, for each ton of green waste that is used as alternative daily cover at a landfill, and would have required the CIWMB to use the revenues from the fee, upon appropriation by the Legislature, for competitive grants to new or existing green waste and food material composting facilities. This bill was joined with AB 2866 (De Leon). (Died in Senate Appropriations Committee)

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

Chapter Number: 644

Location: 09/30/2008-A CHAPTERED

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

AB 2733(Brownley) Real property disclosures.

Location: 09/28/2008-A VETOED

Summary: This bill would have required any person who intends to offer subdivided lands for sale or lease must include a specified "Notice of Environmental Hazard Site" in the documentation that is required to be filed with the Department of Real Estate, if the property is located within a one-quarter mile radius of an environmental hazard as defined in the bill. This bill also would have limited liability pertaining to natural hazard disclosure requirements for residential property that is offered for sale, if the seller of residential property used an expert report or opinion from an engineer, land surveyor, geologist or expert. (Died in Assembly Appropriations Committee)

Governor's Message: I am returning Assembly Bill 2733 without my signature. This bill is unnecessary as current law already requires sellers of real property to notify buyers of the presence of environmentally hazardous substances, materials or products that are on the

property, if the seller has knowledge of such contamination. Current law provides adequate protection for buyers and sellers of real property. This bill would make it even more difficult for people to sell property in the State, and is inappropriate in light of the stagnant real estate market currently being experienced in California. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

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

Chapter Number: 573

Location: 09/29/2008-A CHAPTERED

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

AB 2769(Levine) State Water Resources Control Board: membership.

Location: 09/24/2008-S DEAD

Summary: This bill would have expanded the State Water Resources Control Board's membership from five board members to seven board members. An earlier version of the bill would have (1) prohibited a store from providing a single-use carryout bag to customers on or after January 1, 2010 unless the store charges a fee of not less than 25 cents per bag; (2) established the Bag Pollution Fund in the State Treasury and would require a store to remit a portion of single-use carryout bag fees to the State Board of Equalization; and (3) required the Resources Agency and the Department of Conservation to administer and enforce provisions of this bill. (Died in Senate Rules Committee)

AB 2823(Eng) San Gabriel Basin Water Quality Authority.

Location: 09/24/2008-S DEAD

Summary: This bill would have established the San Gabriel Basin Restoration Fund (SGBRF) in the State Treasury. The bill would have required the Secretary for Environmental Protection to serve as the SGBRF custodian and would have required the moneys in the fund to be available, upon appropriation by the Legislature, for projects located within the boundaries of the San Gabriel Basin Water Quality Authority that address groundwater contamination in the basin. (Died in Senate Appropriations Committee)

AB 2866(De Leon) Solid waste: solid waste disposal fees: postclosure trust fund.

Location: 09/24/2008-S DEAD

Summary: This bill would have increased the solid waste tipping fee from \$1.40 per ton to \$2 per ton beginning July 1, 2009 and would have required the additional funding to be used 1) for air emission reduction technologies for solid waste vehicles; 2) for compost projects that meet diversion goals; and 3) to establish a trust fund to protect the state from liability associated with closed and abandoned solid waste disposal sites. (Died in the Senate Appropriations Committee)

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

Chapter Number: 610

Location: 09/30/2008-A CHAPTERED

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

AB 2900(La Malfa) Water quality: mandatory minimum civil penalties.

Location: 06/02/2008-A DEAD

Summary: This bill would have required the State Water Resources Control Board or a Regional Water Quality Control Board to expeditiously take the appropriate action to assess the mandatory minimum penalties. (Died in the Assembly ES & TM Committee)

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

Chapter Number: 565

Location: 09/29/2008-A CHAPTERED

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

AB 2915(Nunez) Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006: governing council.

Location: 09/24/2008-S DEAD

Summary: This bill would have established a governing council to coordinate the state's policies and funding priorities for the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) provisions appropriating \$180 million to address sustainable communities and climate change issues. This bill also would have required the governing council's members to consist of: (1) the Secretary for Environmental Protection; (2) the Director of the Office of Planning and Research, and (3) the Secretary of Business, Transportation and Housing. (Died in Senate Local Government Committee)

AB 2935(Huffman) Oil spill prevention and response.

Chapter Number: 564

Location: 09/29/2008-A CHAPTERED

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

from the spill; and 4) requires the Director of DFG to seek full reimbursement for costs from the responsible party or parties for the spill or discharge.

AB 2938(De Leon) Water diversions: fish monitoring.

Location: 09/24/2008-S DEAD

Summary: This bill would have required the Department of Fish and Game (DFG) to develop and implement a fish entrainment monitoring program to evaluate effects of diversions from the Sacramento-San Joaquin Delta (Delta) on resident or migrating fish in the Delta. This bill also would have required diverters in the lowlands of the Delta to file Statements of Water Diversion and Use with the State Water Resources Control Board (State Water Board). This bill was later amended to delete the provisions that applied to the State Water Board. (Died in Senate Appropriation Committee)

AB 2954(Lieber) San Francisco Bay Restoration Authority.

Chapter Number: 690

Location: 09/30/2008-A CHAPTERED

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

AB 2986(Leno) Water quality.

Location: 09/30/2008-A VETOED

Summary: This bill would have required the State Water Resources Control Board to: (1) develop a letter grading methodology for all sewer systems and sewage treatment plants and, by January 1, 2011, to annually issue a letter grade for sewer systems and sewage treatment plants; (2) establish a methodology for measuring sewage treatment plant peaking factors and establish a list of all sewage treatment plants that experience a peaking factor that exceeds the designated threshold; (3) make specified regulatory information available to the public through the internet; and (4) impose fees upon owners and operators of sewage treatment plants and sewage collection systems, commensurate with the population served by the system, not to exceed \$3.5 million annually to fund implementation of the bill.

Governor's Message: I am returning Assembly Bill 2986 without my signature. This bill would require the State Water Resources Control Board (SWRCB) to develop a letter grading methodology for sewer systems and sewage treatment plant performance and annually issue a letter grade for facility performance. The bill also would require the SWRCB to make specified regulatory information available to the public through the internet. While I support actions to reduce sewage spills and improve the performance of community wastewater infrastructure, this bill would result in significant annual costs while providing little real benefit. This bill would result in costs of up to \$3.5 million annually. These costs would be paid through increased fees on local agencies. These monies would be better spent by the local agencies to fund system improvements and increase system inspection and monitoring, rather than the creation of a letter grading system. Additionally, the SWRCB recently adopted a statewide general permit requiring publicly-owned wastewater collection systems to implement detailed reporting and sewer system management plans. This program was designed to improve performance of

sewage collection systems, ensure timely reporting of sanitary sewer outflows, and identify system improvements needed to prevent future accidents. We need to let these requirements be implemented and assess their success before implementing additional burdens on these local agencies. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

AB 2990(Laird) Underground storage tanks: petroleum.

Location: 06/09/2008-A DEAD

Summary: This bill would have directed the State Water Resources Control Board to convene a task force to develop recommendations on the closure of single-walled, underground petroleum tanks by some date certain, and on any needed financial assistance programs for small business. (Died in the Assembly Appropriations Committee)

AB 2992(La Malfa) Resource conservation districts: California Prompt Payment Act.

Location: 09/27/2008-A VETOED

Summary: This bill would have extended the Prompt Payment Act to include grants to Resource Conservation Districts (RCDs) for restoration activities, and in doing so, would require state agencies to pay late payment penalties to the RCDs if the state agencies fail to pay invoices within 45 days of submittal.

Governor's Message: I am returning Assembly Bill 2992 without my signature. The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year's legislative session. Given the delay, I am only signing bills that are the highest priority for California. This bill does not meet that standard and I cannot sign it at this time. Sincerely, Arnold Schwarzenegger

AB 3031(Lieber) Hazardous materials: green chemistry.

Location: 06/09/2008-A DEAD

Summary: This bill would have required the Cal/EPA to develop an inventory of data on chemicals and would have required state agencies including the State Water Board to inform Cal/EPA of the relevant data they already possess. (Died in the Assembly Appropriations Committee)

ABX2 1(Laird) Water bond.

Location: 09/26/2007-A PRINT

Summary: This bill would have stated the intent of the Legislature to enact a comprehensive delta sustainability, water reliability, and water quality general obligation bond act to be submitted for voter approval in an unspecified 2008 election. (Died on Assembly Desk)

ABX2 2(Laird) Water supply reliability.

Location: 09/26/2007-A PRINT

Summary: This bill would have declared the intent of the Legislature to invest state funding in programs and projects that improve the state's water supply reliability and promote certain principles. (Died on Assembly Desk))

ABX2 3(Laird) Sacramento-San Joaquin Delta sustainability.

Location: 09/26/2007-A PRINT

Summary: This bill would have declared the intent of the Legislature to review and adopt a comprehensive strategy to resolve the issues of water supply reliability, ecosystem restoration, water quality, and levee system integrity in the Sacramento-San Joaquin Delta. (Died on Assembly Desk)

ABX2 4(Villines) Water resources: bond funds.

Location: 09/26/2007-A PRINT

Summary: This bill would have appropriated \$552.64 million in bond funds including: of the funds made available pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006, \$150,000,000 to DWR for stormwater flood management project grants; of the funds made available pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006; (1) \$77,150,000 to the State Department of Public Health for grants and loans for small community drinking water system infrastructure improvements and related actions and for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water; and (2) \$270,000,000 to DWR for planning grants and local groundwater assistance grants, projects to relocate existing Sacramento-San Joaquin Delta water intake facilities; and to respond to levee breaches and failures; and for the acquisition, preservation, protection, and restoration of Sacramento-San Joaquin Delta; and of the funds made available under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, \$3,490,000 to DWR for planning and feasibility studies associated with surface storage under the California Bay-Delta Program. (Died on Assembly Desk)

ABX2 5(DeVore) Water: electricity for desalination: nuclear energy.

Location: 09/26/2007-A PRINT

Summary: This bill would have authorized the Energy Commission to certify one new nuclear fission thermal reactor located at the site of an existing operating nuclear fission thermal powerplant, if not less than 20 percent of the electricity generated by the reactor is dedicated to powering desalination facilities to produce additional fresh water from salt water. (Died on the Assembly Desk)

ABX2 6(Salas) Sacramento-San Joaquin Delta: strategic plan.

Location: 04/07/2008-A PRINT

Summary: This bill would have required the description, characterization, or definition of water supply uses in the strategic plan to include an adequate and reliable water supply for the users of the State Water Resources Development System and the Central Valley Project. The bill also have required that the strategic financing plan include provisions for delta beneficiaries to pay their fair share for the benefits that they receive, an equitable distribution of project capital costs, and reliable sources of funding to provide for implementation of the strategic plan. (Died on the Assembly Desk)

ABX2 7(Wolk) Water supply planning.

Location: 08/31/2008-S RLS.

Summary: This bill would have enacted the Climate Change and Water Resource Protection Act of 2008. Among its provisions, this bill would have required the State Water Resources Control Board and Regional Water Quality Control Boards, as part of their triennial review of water quality control plans, to consider, to the extent practicable, the reasonably foreseeable effects of climate change on water quality. (Died in the Senate Rules Committee)

ABX2 8(Huffman) Safe, Clean, Reliable Drinking Water Supply Act of 2008.

Location: 08/21/2008-A ASSEMBLY

Summary: This bill would have enacted the Safe, Clean, Reliable Drinking Water Supply Act of 2008 which, if approved by the voters at the November 4, 2008, statewide general election, would have authorized, the issuance of \$9.805 billion in bonds to finance specific water supply reliability and water source protection programs, pursuant to the State General Obligation Bond Law. (Died in Assembly Committee on Water)

Senate Bills

SB 68(Kuehl) Environmental quality: determination: dispute.

Location: 09/30/2008-S VETOED

Summary: This bill would have provided that in a suit challenging a public agency's approval of a project for failure to comply with the California Environmental Quality Act, the party bringing the suit shall name as real parties in interest the recipients of the approval as identified in the Notice of Determination or Notice of Exemption filed by the public agency.

Governor's Message: I am returning Senate Bill 68 without my signature. This bill would shift responsibility to lead agencies, under the California Environmental Quality Act (CEQA), for determining the real parties in interest in a potential legal challenge to a CEQA decision. Under current law, the phrase "real party in interest" in a CEQA appeal is described as "any recipient of an approval." This bill is meant to indirectly address this ambiguity, but it falls short of doing so because it provides no clarification on the meaning of the phrase and is unclear as to how lead agencies would comply with the requirements of this bill. Rather than resolving this ongoing issue, this bill places upon the lead agency a new liability for actions not directly related to its review of a project. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

SB 78(Ducheny) Budget Act of 2007.

Chapter Number: 172

Location: 08/24/2007-S CHAPTERED

Summary: This supplemental budget bill made various revisions to the Budget Act of 2007 by revising appropriation amounts for several state agencies, including the State Water Resources Control Board.

Governor's Message: The Governor signed the bill but made numerous deletions of augmented appropriations and additional control language requirements to the state's 2007 budget.

SB 86(Committee on Budget and Fiscal Review) State government.

Chapter Number: 179

Location: 08/24/2007-S CHAPTERED

Summary: This budget trailer bill makes various changes to implement the 2007 Budget Bill including among other things, authorizing the Controller, upon appropriation by the Legislature, to expend money from the Leaking Underground Storage Tank Cost Recovery Fund for the costs of corrective action at a specified site.

Governor's Message: To the Members of the California State Senate: I am sustaining the entire \$300 million for the Infill Incentives Grant Program established under the Proposition 1C Housing Bond. However, I do have concerns regarding the \$60 million appropriation for California Pollution Control Authority to fund brownfields cleanup under the CALReUSE program. While Senate Bill 86 provides funds to the CALReUSE program, I request that clean-up legislation be authored to address a more direct linkage in that program to the production of new housing and to ensure that funds not allocated by CALReUSE or used by program recipients for this purpose be reverted to the Proposition 1C Infill Incentives Grant Program at the Department of Housing and Community Development. Sincerely, Arnold Schwarzenegger

SB 178(Steinberg) Groundwater.

Location: 10/14/2007-S VETOED

Summary: This bill would have established a voluntary groundwater monitoring program to be administered by the Department of Water Resources (DWR). It would have specified the types

and qualifications of local entities that may assume responsibility for monitoring and reporting. The bill would have required monitoring agencies to report groundwater elevations starting on January 1, 2010. It would have required DWR to determine the portions of basins with no monitoring and to contact well owners in the area to encourage development of groundwater management/monitoring or integrated regional water management. The bill also would have required DWR to conduct an investigation of groundwater basins and report its findings to the Governor and the Legislature beginning on January 1, 2010, and every five years thereafter.

Governor's Message: I am returning Senate Bill 178 without my signature. This bill seeks to establish a statewide groundwater elevation monitoring program and would require the resulting groundwater information to be readily and widely available on or before January 1, 2010. I recognize that this bill is attempting to provide new, useful information about groundwater elevation. However, this bill places significant and enormously costly requirements on the Department of Water Resources (Department) to undertake a great deal of work without assuring any guarantees of the receipt of any new information regarding groundwater elevations within any basin in the state. The Department estimates that this bill would result in costs approaching \$40 million in the first five years of effort to fulfill its intent. Without also providing the necessary funding, this bill would force the Department to siphon scarce resources away from its existing core mission programs. The Department will continue its efforts to collect groundwater data and to work with the landowners to ensure appropriate information is available. However this bill would likely not provide sufficient new information to justify the expense. Sincerely, Arnold Schwarzenegger

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

Chapter Number: 374

Location: 09/27/2008-S CHAPTERED

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

SB 201(Florez) Dairy farms: raw milk: testing: standards.

Location: 09/30/2008-S VETOED

Summary: This bill, as introduced, would have enacted various requirements related to the growing and processing of leafy green produce. The requirements would attempt to address public health concerns and prevent future Escherichia coli 0157:H7 (E. coli) outbreaks. The author also has introduced two other bills related to the recent E. coli outbreak, SB 200, and SB 202. However, this bill was significantly amended to address an unrelated subject.

Governor's Message: I am returning Senate Bill 201 without my signature. This bill weakens food safety standards in California, something I cannot support. Last year I signed AB 1735, which passed the Legislature unanimously and put into law food safety standards for raw milk. Those standards are now in question by the proponents of this bill. Looking past the lobbying techniques, public relations campaign, and legal maneuvering in the courts, one conclusion is inescapably clear: the standard in place has kept harmful products off the shelves and California's raw milk dairies have been operating successfully under it for the entirety of 2008. Based on fears with no basis in fact, the proponents of SB 201 seek to replace California's unambiguous food safety standards for raw milk. Instead they have created a convoluted and

undefined regulatory process with no enforcement authority or clear standards to protect public health. For these reasons, I cannot support this measure. Sincerely, Arnold Schwarzenegger

SB 233(Cox) Public contracts: design-build contracting.

Chapter Number: 584

Location: 10/13/2007-S CHAPTERED

Summary: This law authorizes counties to use the Design-Build contracting method for the construction of wastewater treatment facilities, and for buildings and improvements directly related to a building.

SB 258(Ducheny) Water use fees.

Location: 09/24/2008-A DEAD

Summary: This bill would have made a finding that the State Water Resources Control Board (State Water Board) should assess fees in a manner that does not deter or impair the development of environmentally compatible hydroelectric facilities. The bill also would have required the State Water Board to prepare and submit to the Legislature, by January 2008, a report that addresses alternatives for financing the Division of Water Rights that are consistent with judicial precedent. (Died in Assembly Water, Parks, and Wildlife Committee)

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

Chapter Number: 377

Location: 09/27/2008-S CHAPTERED

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

SB 378(Steinberg) Disaster Preparedness and Flood Prevention Bond Act of 2006.

Location: 09/24/2008-A DEAD

Summary: This bill would have provided statutory direction and placed additional requirements on the Department of Water Resources and the State Water Resources Control Board with regard to the implementation and awarding of specified grants made available by the Disaster Preparedness and Flood Prevention Bond Fund Act of 2006. (Died in Assembly Water, Parks, and Wildlife).

SB 429(Ducheny) Land use controls.

Location: 02/01/2008-S DEAD

Summary: This bill would have required the California Environmental Protection Agency, the California Integrated Waste Management Board, the State Water Resources Control Board, each California Regional Water Quality Control Board, the Department of Toxic Substances Control, and local agencies, to notify the building, planning, or engineering department in the affected city or county if it takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or any other type of environmental cleanup action, or finds that the property subject to the action is not suitable for unrestricted use. (Died in the Senate Environmental Quality Committee)

SB 455(Denham) Water: Salinas Valley State Prison wastewater treatment plant.

Location: 08/31/2007-S VETOED

Summary: This bill would have authorized the Director of General Services (DGS) to sell, lease, convey, or exchange real property at the Salinas Valley State Prison containing the prison's wastewater treatment facility to the City of Soledad under terms and conditions as the DGS determines are in the best interests of the State. This bill also would have declared that it was to take effect immediately as an urgency statute.

Governor's Message: I am returning Senate Bill 455 without my signature. As stated in the veto messages of similar bills last year, this is a surplus property bill and, as such, it should be included in the Department of General Services' annual omnibus bill. Furthermore, the disposal of this property, and all other surplus property should be exempt from the California Environmental Quality Act (CEQA). The author has not made a compelling case as to why this bill should be treated any differently. Applying the CEQA process to this surplus property prior to sale may result in missed opportunities for the State to reduce its financial obligations under the voter approved Proposition 60A. As a result, I cannot sign this bill. Sincerely, Arnold Schwarzenegger

SB 470(Ashburn) Agriculture: dead animals.

Location: 10/13/2007-S VETOED

Summary: This bill would have required (1) the California Integrated Waste Management Board (CIWMB) to convene a working group to draft regulations that would provide procedures for emergency disposal of animal carcasses during a declared state of emergency, and (2) the CIWMB and the California Department of Food and Agriculture to adopt regulations, by July 1, 2009, based on the draft regulations prepared by the working group.

Governor's Message: I am returning Senate Bill 470 without my signature. This bill would require the California Integrated Waste Management Board (Board) to convene a working group to develop regulations relating to the emergency disposal of animal carcasses during a State of Emergency. This bill is redundant to current efforts being undertaken by the Board and the California Department of Food and Agriculture (CDFA). For instance, the Board recently adopted emergency regulations regarding this issue. In addition, the Board and CDFA are convening a working group to identify and rectify issues within the state's current animal disposal structure. As such, this bill is unnecessary. Sincerely, Arnold Schwarzenegger

SB 494(Kehoe) Vehicular air pollution control: clean alternative fuels.

Location: 09/24/2008-A DEAD

Summary: This bill would have required ARB in consultation with the Energy Commission, the State Water Board, the Department of Food and Agriculture, and other relevant state agencies, by June 30, 2009, to develop and adopt regulations that would become operative no later than January 1, 2010, that would have ensured that beginning January 1, 2015, an unspecified percentage of new passenger vehicles and light-duty trucks sold in California each year are clean alternative vehicles, and that beginning January 1, 2020, one-half of new passenger vehicles and light-duty trucks sold in California each year are clean alternative vehicles. (Died in Assembly Committee on Transportation)

SB 509(Simitian) Hazardous materials: toxic substances.

Chapter Number: 560

Location: 09/29/2008-S CHAPTERED

Summary: This law requires the Department of Toxic Substances Control (DTSC) to establish an online Toxics Information Clearinghouse (TIC) for the collection, maintenance, and distribution of science-based information on the toxicity and hazard traits of chemicals used in daily life. This law requires the Office of Environmental Health Hazard Assessment (OEHHA),

by January 1, 2011, to evaluate and specify hazard traits and environmental and toxicological end-points to be included in the TIC. The law also defines “consumer product” as it applies to the Green Chemistry program established by AB 1879 and in doing so, excludes certain products from being subject to the Green Chemistry program. The law provides that its enactment is contingent upon the enactment of AB 1879 (Feuer).

Governor's Message: To the Members of the California State Legislature: I am signing Assembly Bill 1879 (Feuer) and Senate Bill 509 (Simitian), which begin the historic implementation of the California Green Chemistry Initiative, started by my Administration in 2007. These bills provide a foundation for the development of a Green Chemistry program that will build upon existing information and programs and create a model for other states and nations to follow. To ensure that the Green Chemistry Initiative is as visionary and efficient as possible, all administrative agencies involved in this process, including the Department of Toxic Substances Control as lead agency, should take into account programs in other states, countries and regions, such as the European Union, to build upon their experience, data and expertise. Sincerely, Arnold Schwarzenegger

SB 613(Simitian) Local governments: vehicle fee for congestion and stormwater management.

Location: 10/13/2007-S VETOED

Summary: This bill would have allowed the City/County Association of Governments of San Mateo County to extend for 10 years an existing fee (set to expire on January 1, 2009) of \$4 on motor vehicles registered in San Mateo County to fund traffic congestion and stormwater management programs in that county. The bill would have required that the extension be approved under the same requirements as the originally authorized fee.

Governor's Message: I am returning Senate Bill 613 without my signature. This bill would extend the annual fee on motor vehicles in San Mateo County for the purposes of traffic congestion relief and storm water pollution mitigation until 2019. This bill is premature because the bill seeks to extend the program before a full evaluation of the pilot project has occurred. I am also concerned over the ten year length of this program as envisioned in the bill. I encourage the Legislature to consider legislation next year after reviewing the results of the first three years of the pilot project. If the project is deemed successful, I will sign into law legislation extending the program for up to an additional four years under the current fee structure. Sincerely, Arnold Schwarzenegger

SB 645(Correa) Design-build contracts: cities: counties.

Chapter Number: 473

Location: 10/11/2007-S CHAPTERED

Summary: This law authorizes the Orange County Sanitation District (OCSD) to use the Design-Build contracting method for construction projects in excess of \$6 million, including “public wastewater facilities.” This law sunsets this provision on January 1, 2013. The law also includes a statement of legislative intent indicating that this law was needed due to the unique circumstances of OCSD needing to construct a secondary wastewater treatment facility by December 2012.

SB 732(Steinberg) Environment.

Chapter Number: 729

Location: 09/30/2008-S CHAPTERED

Summary: This law establishes various requirements, procedures, and implementation specifications regarding monies made available through Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006. This law creates the Strategic Growth Council to (1) administer grant and loan programs

under Proposition 84 that are designed to encourage the development of sustainable communities and promote urban greening, and (2) coordinate the activities and funding of state agencies to improve the environment, increase the availability of affordable housing, improve transportation, and encourage sustainable land use planning. This law also appropriates \$500,000 to the Resources Agency for the support of the Council's activities.

SB 784(Torlakson) State General Obligation Bond Law: reports.

Location: 09/24/2008-A DEAD

Summary: This bill would have established new reporting and audit provisions applicable to all general obligation bonds authorized on or after November 7, 2006. This bill would have required each responsible department or agency to submit a report in an electronic format to Department of Finance (DOF), the State Controller (Controller) and the State Treasurer (Treasurer) about plans, progress and completion of individual projects. The bill would have required the Controller and Treasurer to make this information available online. This bill also would have required the Controller to audit particular bond projects as identified in an audit plan due April 30 for the following fiscal year activity. (Died in Assembly Appropriation)

SB 861(Wiggins) North Coast Railroad Authority.

Location: 10/11/2007-S VETOED

Summary: This bill would have reallocated \$5.5 million in Transportation Congestion Relief Program funds to the North Coast Railroad Authority for a variety of activities, including compliance with an environmental remediation Consent Decree, establishment of quiet zones in the City of Novato, and administrative purposes.

Governor's Message: I am returning Senate Bill 861 without my signature. Two years ago, I vetoed a substantially similar bill. I commend the efforts of the North Coast Railroad Authority over the last two years to clean up the environmental hazards along the rail line and bring closer the reality of the railroad actually performing again. However, these accomplishments do not change the reasons why I vetoed the previous bill. Since the Authority will not receive any less money of the \$60 million in state Traffic Relief Plan funds they originally expected, the \$5.5 million savings should revert back to the Transportation Investment Fund so that it can be allocated by the California Transportation Commission to other projects within the Transportation Congestion Relief Program. Sincerely, Arnold Schwarzenegger

SB 862(Kuehl) Water resources.

Location: 10/13/2007-S VETOED

Summary: This bill would have: (1) increased the number of people who are required to file a Statement of Diversion and Use (Statement) with the State Water Resources Control Board (State Water Board) for a diversion of water by eliminating some exemptions in current law; (2) authorized the State Water Board to impose administrative civil liability for failure to file a Statement with the State Water Board; (3) made various persons and entities who fail to meet certain legal requirements to be ineligible for state grants and loans administered by the State Water Board, the Department of Water Resources and the California Bay-Delta Authority. This would have included: persons and entities that fail to file Statements; urban water suppliers that fail to prepare, adopt, and submit an urban water management plan; agricultural water suppliers that fail to prepare, adopt, and submit an agricultural water management plan; and local agencies that fail to prepare and implement a groundwater management plan.

Governor's Message: I am returning Senate Bill 862 without my signature. This bill would make a number of changes to state water reports and planning, mandate review of energy production under various water management strategies, and require review of urban and agricultural water management plans. This bill would impose significant additional demands on the Department of Water Resources (Department) without also providing the necessary funding

to carry out these responsibilities. Consequently, this bill's mandates could negatively affect the Department's ability to accomplish other core mission duties. Additionally, this bill expands the current program requiring the filing of statements for surface water diversions and use. The State Water Resources Control Board has limited funding for water right administration and is not currently authorized to collect fees from those who file statements of diversion and use. As a result, the costs of administering these additional statements will be unfairly borne by existing water fee payers. Sincerely, Arnold Schwarzenegger

SB 898(Simitian) Personal income tax return: voluntary contributions.

Chapter Number: 665

Location: 10/13/2007-S CHAPTERED

Summary: Earlier version of the bill would have clarified certain provisions of the solid waste disposal site cleanup grant program, operated by the Integrated Waste Management Board; require a new number and letter code for certain types of rigid plastic bottles and containers; and addresses guidelines and programs regarding derelict fishing gear.

SB 899(Simitian) Fishing gear.

Location: 09/30/2008-S VETOED

Summary: Earlier versions of the bill would have enacted the Toxic Free Oceans Act of 2007 and would have prohibited the manufacturing, processing, and commercial distribution of plastic packaging containing styrene, bisphenol-A, perfluorooctanoic acid, vinyl chloride, nonylphenol, or alkylphenol, in California, effective June 2015. The bill was subsequently amended to address only abandoned fishing gear.

Governor's Message: I am returning Senate Bill 899 without my signature. While I support the intent of this bill to reduce the quantity of abandoned fishing gear in the ocean, this bill would result in substantial, unsustainable costs to the Fish and Game Preservation Fund and the General Fund. Given our ongoing budget issues, I cannot support such a measure at this time. I encourage the author and stakeholders to work with the Department of Fish and Game to convene a group to develop a workable program that does not rely exclusively on government funds and employees for this effort. For this reason, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

SB 966(Simitian) Pharmaceutical drug waste disposal.

Chapter Number: 542

Location: 10/12/2007-S CHAPTERED

Summary: This law requires the California Integrated Waste Management Board to consult with local, state, and federal agencies including the Department of Toxic Substances Control, the State Water Board, and the California State Board of Pharmacy to identify and develop model programs for the safe disposal of household generated pharmaceutical waste. This law also increases the annual maximum amount of grants made by the Waste Board for hazardous waste disposal programs from \$5,000,000 to \$6,000,000.

SB 974(Lowenthal) Ports: congestion relief: air pollution mitigation: regulatory fee.

Location: 09/30/2008-S VETOED

Summary: This bill would have imposed a maximum fee of \$30 per twenty-foot equivalent unit (TEU) on each shipping container processed in the Ports of Los Angeles, Long Beach and Oakland. The revenues would have been used to: (1) to alleviate congestion of the ports by funding projects to improve the flow and efficiency of the ports, and (2) to mitigate air pollution caused by the movement of cargo to and from the ports.

Governor's Message: I am returning Senate Bill 974 without my signature. This bill would impose a maximum fee of \$30 per twenty-foot equivalent unit on each shipping container

processed in the Ports of Los Angeles, Long Beach and Oakland. The revenues would be used for two broad purposes: to alleviate congestion of the ports by funding projects to improve the flow and efficiency of the ports and to mitigate air pollution caused by the movement of cargo to and from the ports. Improving the quality of life for all Californians through congestion relief and environmental mitigation has been one of my highest priorities, as evidenced by the introduction of my Strategic Growth Plan and the passage of the Proposition 1B transportation bond which I supported. Proposition 1B provides \$1 billion in new funding to improve air quality in California which will directly benefit the communities in and around the Ports of Long Beach, Los Angeles, and Oakland. The measure also provides \$1 billion to address port mitigation issues, \$2.1 billion for trade infrastructure, and \$100 million for port security funding. Although the bill's policy objectives to provide additional funding for congestion relief and environmental mitigation are laudable, this measure is problematic in its implementation. This bill does not provide necessary assurances that projects will achieve the greatest cost-effectiveness, emission reductions, and public health protection. Also, the bill does not adequately provide the San Joaquin Valley with access to funds to reduce pollution related to container cargo coming directly to and from the ports throughout the Valley. Additionally, this bill would not provide any mechanism for the coordination and integration of infrastructure projects. As such, this bill would fail to provide long-term, strategic planning for the state's goods movement infrastructure. State and regional entities have already developed congestion relief and environmental mitigation plans, including the Goods Movement Action Plan and Emission Reduction Plan. Yet this bill would provide very little oversight to ensure compliance with these plans. In addition to lacking the coordination needed for long-term strategic growth, this bill misses the opportunity to leverage billions of dollars in available funding through public-private partnerships, which could otherwise increase investments in infrastructure geometrically. Given the current economic downturn, it is vitally important that the state does not worsen the situation by mandating added costs on business that do not provide any public benefit. Since this bill was introduced, container fees have been raised by the ports at a rate 67% higher than the fee contemplated in this bill to pay for many of the same programs. Careful consideration must be given to any proposed solution as to its potential impact to our state's economy. I have been publicly supportive of the concepts in this bill for over a year. My Administration worked with stakeholders of all interests to craft a bill that I could sign into law. Unfortunately, the bill does not include amendments requested by my Administration that would address the critical shortcomings of this legislation. I encourage the Legislature to develop legislation that provides proper guidance, oversight and accountability, ensures that the San Joaquin Valley is eligible for funds to address port-related cargo pollution, and allows for varied congestion reduction infrastructure. For these reasons, I am returning this bill without my signature. Sincerely, Arnold Schwarzenegger

SB 994(Florez) Delta smelt.

Location: 09/24/2008-A DEAD

Summary: This bill would have established the Delta Smelt Preservation and Restoration Act of 2008. This bill also would have required the Department of Fish and Game (DFG) to develop, by January 1, 2010, the Delta Smelt Hatchery Program to preserve and restore the delta smelt. This bill would have required DFG to issue an incidental take permit if a party enters a mitigation banking agreement that meets the requirements of the bill. (Died in Assembly Appropriations Committee)

SB 1001(Perata) California regional water quality control boards: membership and program withdrawal.

Location: 10/14/2007-S VETOED

Summary: This bill would have 1) reduced from nine to seven the number of board members that serve on each Regional Water Quality Control Board (Regional Water Board) and

significantly change the eligibility criteria for serving on a Regional Water Board, (2) increased the compensation for Regional Board members, (3) established a process for the State Water Resources Control Board to withdraw a Regional Water Board's authority to administer any program that is not being properly administered, and (4) substantially narrowed a provision of existing law that prohibits persons from serving as Regional Water Board members if they have received a significant portion of their income from entities subject to certain federal water quality regulatory requirements.

Governor's Message: I am returning Senate Bill 1001 without my signature. Improving the quality of California's water supply is of the utmost importance. Many regions of our state face serious water quality challenges, and improvements in the implementation and enforcement of water quality laws and additional funding is needed to address these problems. This is why I supported Proposition 84 in last year's election, which provided over \$1.5 billion for local and regional water quality improvements throughout the state. This bill would make significant changes to the membership of California's Regional Water Quality Control Boards (Regional Water Board) and establish a new process for the State Water Resources Control Board (State Water Board) to withdraw a Regional Water Board's authority to administer water quality programs. The revision this bill makes to the current conflict of interest definition for Regional Water Board members is absolutely essential to finding qualified candidates to fill these important posts throughout the state. I too support the author's intent to improve the performance and accountability of the State and Regional water boards, but this bill does not provide the necessary mechanism to achieve these improvements. This bill establishes a new process for the State Water Board to withdraw a Regional Water Board's authority if the Regional Water Board substantially and continually fails to comply with state and federal water quality requirements. This process is duplicative of the appellate and administrative authority the State Water Board possesses under current law to reverse, revise, or order actions and decisions by Regional Water Boards. Under current law, if a Regional Water Board incorrectly implements, or fails to implement, federal and state water quality laws, the State Water Board has the authority to reverse a local decision, provide guidance for future decisions, and order administrative actions or changes to be made by the Regional Water Board to ensure compliance with the law. Current law also requires Regional Water Board seats to be filled by local government officials and citizens with expertise in the fields of water conservation, fish and wildlife, agriculture, and industrial water use. This bill eliminates that expertise in favor of a broad set of qualifications for Regional Water Board members. In the absence of a broader analysis of the operations and interaction between the Regional and State water boards, it is unclear how this change improves the implementation of California's water quality laws or ensures balance on Regional Water Boards. Notwithstanding my concerns with this bill, the author has appropriately raised legitimate concerns about California's current system for implementing and enforcing water quality laws. I agree that the time has come to have a broad discussion with all interested stakeholders to evaluate our current system and determine what improvements can be made to increase the implementation and enforcement of state and federal law as well as provide consistency and certainty of application across the state. In anticipation of that discussion, I am directing the State Water Board to: develop a baseline of regulatory functions by all water boards and establish performance metrics to measure the effectiveness of their actions; develop a comprehensive report on enforcement priorities, performance measures, and targets; evaluate water rights and water regulatory processes to reduce processing time, increase efficiency, and reduce costs; identify opportunities to enhance consistency across the Regional Water Boards where appropriate; and compile any other information the State Water Board deems necessary for a full discussion on this issue.

Sincerely, Arnold Schwarzenegger

SB 1002(Perata) Water quality, flood control, water storage, and wildlife preservation.

Location: 10/14/2007-S VETOED

Summary: This bill would have appropriated \$610.89 million in bond funds to the Department of Water Resources (DWR) and the California Department of Public Health (CDPH) for a variety of water-related projects. The bill would have specified that of the amounts appropriated by the bill, \$2 million from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 shall be allocated to CDPH to contract with the State Water Resources Control Board (State Water Board) for the purpose of developing pilot projects in Tulare Lake Basin and the Salinas Valley that focus on nitrate contamination. The bill also would have required the State Water Board to develop these pilot projects, and to submit a report to the Legislature on the results of the pilot projects and the State Water Board's recommendations for developing a groundwater cleanup program.

Governor's Message: I am returning Senate Bill 1002 without my signature. This bill would fund many worthy programs and I would sign it as part of a comprehensive plan to address California's growing water crisis. However, other critical elements were not addressed in this bill, such as storage and conveyance, and without them this bill represents the same piecemeal approach that led us to the current crisis. Several legislative measures that are virtually identical to this bill are being considered in the Special Session on water, and I will support a measure to fund these vital programs if it reaches my desk as part of a comprehensive plan. California voters have approved more than \$14 billion in bonds to address water and environmental issues in the last ten years. Billions of dollars were directly aimed at projects designed to address the crisis in the Delta. Yet the Delta is in worse shape today than it was a decade ago. Throwing more money at the problem without addressing the fundamental issues to fix the Delta will only allow the crisis to worsen. With water rationing and rate increases on the horizon throughout the state, we cannot afford any further delay in making the hard decisions on how to protect California's vital water infrastructure. Sincerely, Arnold Schwarzenegger

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

Chapter Number: 616

Location: 09/30/2008-S CHAPTERED

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

SB 1176(Perata) Water quality.

Location: 06/09/2008-S DEAD

Summary: This bill would have: (1) reduced from nine to seven the number of board members that serve on each Regional Water Quality Control Board (Regional Water Board) and significantly change the eligibility criteria for serving on a Regional Water Board, (2) increased the compensation for Regional Water Board members, (3) established a process for the State Water Resources Control Board (State Water Board) to withdraw a Regional Water Board's authority to administer any program that is not being properly administered, (4) narrowed a provision of existing law that prohibits persons from serving as a State Water Board or Regional Water Boards member if they have received a significant portion of their income from entities subject to certain federal water quality regulatory requirements, (5) required the State Water Board and Regional Water Boards to include an assessment of the overall economic value of improved water quality when developing water quality objectives, (6) required the Regional Water Boards to conduct an annual review of all time schedules for all implementation programs, (7) required the State Water Board to develop model workplans for use by the Regional Water Boards, and required the Regional Water Boards to submit annual workplans,

along with an assessment of their progress in carrying out the prior year's workplan, to the State Water Board for posting on its website, and (8) expanded the enforcement information that the State Water Board is required to post on its website and change the date of reporting from January 1 of each year to April 1 of each year. (Died in Senate Appropriations Committee)

SB 1230(Maldonado) Detergents: phosphorus.

Location: 09/29/2008-S VETOED

Summary: This bill would have prohibited the use, sale, manufacture, or distribution for sale of any cleaning agent that contains more than 0.5% phosphorus commencing July 1, 2010. This bill would have exempted from these requirements cleaning agents that are used for a variety of purposes, including cleaning agents in commercial dishwashing machines, in hospitals and health care facilities, and for cleaning hard surfaces, and including household cleaners for windows, sinks, and counters, as long as the cleaning agent does not exceed 8.7% phosphorus.

Governor's Message: To the Members of the California State Senate: I am returning Senate Bill 1230 without my signature. This bill prohibits the use, sale, manufacture or distribution of any cleaning agent that contains a phosphorous level greater than 0.5 percent and allows up to 8.7 percent phosphorous in cleaning agents with a specified set of uses. This bill does not envision a programmatic compliance and enforcement approach. It would be left to non-governmental entities or individuals lodging complaints to police its compliance. Without appropriate regulatory oversight, SB 1230 may not lead to the protections envisioned by the author. Additionally, this bill continues the practice of chemical by chemical, product by product bans and prohibitions. California needs a coherent and systematic approach to address chemicals in products that Californians use in everyday life. It is for this reason that I have signed into law the beginning of our historic Green Chemistry program at the Department of Toxic Substances Control. Issues such as the one raised by this bill are better handled through that science-based regulatory process. Sincerely, Arnold Schwarzenegger

SB 1256(Ducheny) Salton Sea Restoration Council.

Location: 06/09/2008-S DEAD

Summary: This bill would have created a Salton Sea Restoration Council (Council) within the Resources Agency and authorize the Council to take actions to protect the Salton Sea, including implementation of certain activities identified in the legislatively mandated final Programmatic Environmental Impact Report for the Salton Sea Restoration Program. (Died in Senate Appropriations Committee)

SB 1345(Ashburn) Public works: exemption: volunteers.

Location: 06/02/2008-S DEAD

Summary: This bill would have indefinitely extend the exemption of volunteer work from prevailing wage requirements that otherwise applies to public works projects. This bill would also have eliminated the requirement for payment of prevailing wages for work performed by members of the California Conservation Corps. (Died in Senate Labor & Industrial Relations Committee)

SB 1391(Padilla) Recycled water.

Location: 09/30/2008-S VETOED

Summary: This bill would have required the State Water Resources Control Board to adopt a statewide recycled water policy by January 31, 2009, and make recommendations for any statutory changes necessary to implement that policy.

Governor's Message: I am returning Senate Bill 1391 without my signature. This bill would require the State Water Resources Control Board (SWRCB) to adopt a statewide recycled water policy and make recommendations for any statutory changes necessary to implement that

policy. I support the use of recycled water, but this bill is unnecessary. The SWRCB has already prepared a draft Recycled Water Policy and is currently working with stakeholders to reach consensus on the details of that policy, which is expected to be approved in early 2009. For this reason, I am returning this bill without my signature Sincerely, Arnold Schwarzenegger

SB 1428(Kehoe) San Diego River Conservancy.

Chapter Number: 406

Location: 09/27/2008-S CHAPTERED

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

SB 1520(Kehoe) Water quality: regional boards.

Location: 09/24/2008-A DEAD

Summary: This bill would have required the State Water Board to assume jurisdiction and control of the San Diego Regional Water Quality Control Board (Regional Water Board) personnel and funds as necessary to complete the process of adopting and implementing a final order for cleanup and abatement of pollutants in the sediments in San Diego Bay, if the Regional Water Board does not complete the Cleanup and Abatement Order on or before January 30, 2010. This bill also would have required each Regional Water Board to submit its annual budget to the legislative budget committees for review. (Died in Assembly Appropriations Committee)

SB 1558(Ashburn) Regional water quality control boards: membership.

Location: 05/06/2008-S DEAD

Summary: This bill would have prohibited a person from being a member of the State Water Resources Control Board or California Regional Water Quality Control Boards if he or she receives, or has received during the previous two years, 25 percent or more of his or her income directly or indirectly from any person subject to the specified waste discharge requirements or applicants for specified waste discharge requirements. (Died in Senate Environmental Quality Committee)

SB 1574(Florez) Underground storage tanks: biodiesel.

Location: 09/30/2008-S VETOED

Summary: This bill would have exempted certain biodiesel fuel blends from various regulatory requirements in existing law, including requirements that manufacturers must submit independent certification that a fuel is compatible with underground storage tanks (USTs) and will not cause leakage from the USTs, prior to the new fuel being stored in a UST. The bill also would have specified various conditions that UST owners must meet in order to qualify for the exemption. The exemption provided in the bill would have only been valid until January 1, 2011 or until the effective date that Underwriters Laboratory (UL) certified that the biodiesel fuel blend is compatible with the USTs, whichever date is sooner.

Governor's Message: I am returning Senate Bill 1574 without my signature. This bill provides interim standards for underground storage tanks storing biodiesel. As the Air Resources Board (ARB) moves forward with the adoption and implementation of the Low Carbon Fuel Standard (LCFS), the issue of the adequacy of underground storage tanks to safely store alternative fuels will continue to arise. This is especially true as we begin to realize our goal of new, lower carbon-content fuels being introduced into the marketplace. We need to be prepared to handle this situation in a manner that neither impedes the deployment of alternative fuels, nor sacrifices our other environmental goals, such as improved water quality. Therefore, I am directing the Secretary of the Environmental Protection Agency to coordinate with the State Water Resources

Control Board and the ARB to assess this issue and that each entity, as appropriate, establish biodiesel and underground storage tank compatibility standards that can be consistently applied throughout the state. Sincerely, Arnold Schwarzenegger

SB 1582(Simitian) Ocean resources: ocean rangers.

Location: 09/24/2008-S DEAD

Summary: This bill would have established an "Ocean Ranger Program" in California and would have required, by January 1, 2010, that an ocean ranger be on board all cruise ships sailing in the marine waters of California for the purpose of: 1) monitoring cruise ship compliance with state and federal waste discharge laws; 2) assisting passengers and crew with investigating and reporting crimes onboard and coordinating law enforcement activities with the local or federal law enforcement agency with jurisdiction; and 3) acting as liaison with state and federal Departments of Homeland Security. This bill also would have required the Department of Justice to be the primary agency responsible for implementation of the bill's ocean ranger provisions and would sunset these provisions on January 1, 2015. (Died in Assembly Public Safety Committee)

SB 1685(Kehoe) Regional comprehensive plan: San Diego County.

Chapter Number: 83

Location: 07/08/2008-S CHAPTERED

Summary: This law expands the purposes for which the revenues from a voter-authorized sales tax in San Diego may be used to include regional water quality improvement and beach sand replenishment projects. Additionally, this law authorizes the San Diego Consolidated Transportation Agency to transfer environmental mitigation or conservation property to a public agency or nonprofit corporation for management, and to provide funding to those organizations for monitoring and maintenance.

SB 1739(Simitian) Oil spill contingency plan.

Chapter Number: 566

Location: 09/29/2008-S CHAPTERED

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

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

Chapter Number: 1

Location: 09/30/2008-S CHAPTERED

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

Governor's Message: To the Members of the California State Senate: I am signing Senate Bill X2 1, which appropriates \$821 million from Proposition 84 and other bonds for various water projects. Unfortunately, the bill provides \$200 million less than I had proposed in my January 2008 budget for grants to integrate water management efforts on a regional level. Additionally, more than \$580 million of the funding in this bill was proposed in my January 2008 budget. But because the Legislature removed it from the budget and placed it into this special session bill, instead of being available for projects today, the money will not be available for use until March 2009. This is an unfortunate delay and I look forward to working with Legislative leaders to increase funding and provide timely approval of additional funds in the coming year to address our continuing water crisis. With our current drought, many water districts are rationing supplies, farmers are letting fields sit idle and some of our reservoirs are less than half full. Court-ordered reductions in deliveries from the Delta, and climate change are further compounding our water challenges. And a state of 37 million people cannot thrive on a water system designed and built for a population half that number. Once again, I call on the Legislature to work with me to place a comprehensive water bond on the ballot. We must work together to address our water and flood management priorities so we can ensure California has all the water it needs to keep our environment and our economy healthy and our people safe. Sincerely, Arnold Schwarzenegger

SBX2 2(Perata) Safe Drinking Water Act of 2008.

Location: 10/09/2007-S THIRD READING

Summary: This bill would have added a measure to the February 2008 ballot which, if approved by the voters, would have authorized the sale of \$6.835 billion in General Obligation bonds to address water supply problems facing the State. (Died in Senate Appropriations Committee)

SBX2 3(Cogdill) Water Supply Reliability Bond Act of 2008.

Location: 10/04/2007-S N.R. & W.

Summary: This bill would have added a measure to the November 2008 ballot which, if approved by the voters, would have authorized the sale of \$9.085 billion in General Obligation bonds to address water supply problems facing the State. (Died in Senate Natural Resources and Wildlife Committee)

SBX2 4(Cogdill) Water resources: bond funds.

Location: 10/04/2007-S APPR.

Summary: This bill would have appropriated \$610.89 million in bond funds to the Department of Water Resources and the California Department of Public Health (CDPH) for a variety of water-related projects. The bill would have specified that, of the amounts appropriated by the bill, \$2 million from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 would have been allocated to CDPH to contract with the State Water Resources Control Board (State Water Board) for the purpose of developing pilot projects in Tulare Lake Basin and the Salinas Valley that focus on nitrate contamination. The bill would have required the State Water Board to develop these pilot projects, and to submit a report to the Legislature on the results of the pilot projects and the State Water Board's recommendations for developing a groundwater cleanup program. (Died in Senate Appropriations Committee)

SBX2 6(Machado) Safe Drinking Water Act of 2008.

Location: 08/04/2008-S N.R. & W.

Summary: This bill would have enacted the Safe Drinking Water Act of 2008 which, if approved by the voters, would have authorized, for the purposes of financing a specified water supply reliability and environmental restoration program, the issuance of bonds in the amount of _____

pursuant to the State General Obligation Bond Law. (Died in Senate Natural Resources and Wildlife Committee)

SCA 12(Perata) California State Lottery.

Chapter Number: 143

Location: 09/17/2008-S CHAPTERED

Summary: An earlier version of this proposed constitutional amendment would have allowed local agencies to levy property-related fees to fund stormwater and surface water drainage activities, without a majority vote of affected property owners or a two-thirds vote of the affected electorate. This bill was later amended to expand the purposes that California State Lottery funds may be used.

ACRONYMS

ACB	Assembly Committee on the Budget
AES&TM	Assembly Environmental Safety and Toxic Materials Committee
APA	Administrative Procedure Act
ARB	Air Resources Board
BMPs	best management practices
BTHA	Business, Transportation, and Housing Agency
Cal/EPA	California Environmental Protection Agency
CalTrans	California Department of Transportation
CAO	Cleanup and Abatement Order
CBDA	California Bay-Delta Authority
CEC	State Energy Resources Conservation and Development Commission (California Energy Commission)
CEQA	California Environmental Quality Act
CLERRA	California Land Environmental Restoration and Reuse Act
CLRRRA	California Land Reuse and Revitalization Act
CPCFA	California Pollution Control Financing Authority
CPRA	California Public Records Act
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
Delta	Sacramento-San Joaquin Delta
DFA	Department of Food and Agriculture
DFFP	
DFFP	Delta Flood Protection Fund
DFG	Department of Fish and Game
DGS	Department of General Services
DHS	Department of Health Services
DMV	Department of Motor Vehicles
DOC	Department of Conservation
DOF	Department of Finance
DPR	Department of Pesticide Regulations
DSS	Department of Social Services
DTSC	Department of Toxic Substance Control
DWR	Department of Water Resources
EEA	Environmental Education Account
EIR	environmental impact report
GOPR	Governor's Office of Planning and Research
HHSA	Health and Human Services Agency
IBWC	International Boundary Water Commission
IWMB	Integrated Waste Management Board
IRWM	Integrated Regional Water Management
LNG	liquefied natural gas
MMP	mandatory minimum penalty
MOU	memorandum of understanding
NCRA	North Coast Railroad Authority
NPDES	National Pollutant Discharge Elimination System
OEE	Office of Environmental Education
OES	Office of Emergency Services

OEHHA	Office of Environmental Health Hazard Assessment
RA	Resources Agency
Regional Water Board	Regional Water Quality Control Board
SB&FRC	Senate budget and Fiscal Review Committee
SCC	State Coastal Commission
SEQ	Senate Environmental Quality Committee
SNR&W	Senate Committee on Natural Resources and Water
SGBWQA	San Gabriel Basin Water Quality Authority
SRB	State Reclamation Board
State Water Board	State Water Resources Control Board
SLC	State Lands Commission
TCRP	Transportation Congestion Relief Program
THP	timber harvest plan
TMDL	total maximum daily load
TRI	Toxic Release Inventory
UST	underground storage tank
USTCF	Underground Storage Tank Cleanup Fund
Water Boards	State and Regional Water Boards
WDRs	wastewater discharge requirements