

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1703

Introduced by Senator Alarcon

February 20, 2004

~~An act to amend Section 11093 of the Government Code, relating to statistical districts. An act to add Division 32 (commencing with Section 60000) to the Public Resources Code, relating to the environment.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1703, as amended, Alarcon. ~~Statistical districts: San Fernando Valley~~ California certified green business.

~~Existing law establishes various programs to reduce waste and protect the environment.~~

~~This bill would establish a voluntary California certified green business program to certify businesses that engage in environmentally beneficial operations, as specified.~~

~~Existing law requires the Department of Finance, the State Department of Health Services, and the Department of Transportation, in the preparation and maintenance of any statistical analyses by city, to make a separate breakdown of the San Fernando Valley, as described, provided that the City of Los Angeles continues to provide all necessary data. Any other state agency that desires to do so is authorized to voluntarily supply statistical data for the San Fernando Valley statistical area. No department of state government is required by these provisions to prepare or maintain any but specified statistical information.~~

~~This bill instead would require the Department of Finance, the State Department of Health Services, the Department of Transportation, the Employment Development Department, the Franchise Tax Board, the Secretary of State, the State Board of Equalization, and any other state~~

~~agency or department that develops and maintains data and statistics on the municipal level, to make a separate breakdown of the San Fernando Valley, in the preparation and maintenance of any statistical analyses by city, and to require the City of Los Angeles to provide all necessary data. It would revise the description of the San Fernando Valley for these purposes. It would also delete the provisions authorizing voluntary supply of statistical information by state agencies and providing that no department of state government is required by the provisions to prepare or maintain any but specified statistical information.~~

~~By requiring the City of Los Angeles to supply necessary data to state agencies, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11093 of the Government Code is~~
2 ~~SECTION 1. Division 32 (commencing with Section 60000) is~~
3 ~~added to the Public Resources Code, to read:~~

4
5 ~~DIVISION 32. CALIFORNIA CERTIFIED GREEN~~
6 ~~BUSINESS PROGRAM~~

7
8 ~~CHAPTER 1. LEGISLATIVE FINDINGS AND DECLARATIONS~~
9

10 ~~60000. (a) The Legislature finds and declares all of the~~
11 ~~following:~~

12 ~~(1) In 1996, the Association of Bay Area Governments, in~~
13 ~~partnership with the United States Environmental Protection~~



1 Agency, California Environmental Protection Agency, California
2 State University, Hayward's Environmental Finance Center, and
3 bay area counties, cities, regional agencies, utilities, and other
4 stakeholders, created the Bay Area Green Business Program, a
5 voluntary alliance among businesses, government agencies,
6 utilities, and the public, that assists businesses in reducing harmful
7 impacts to the environment and public health and in selecting
8 practices that improve environmental protection. The program
9 improves regulatory compliance, reduces solid waste, prevents
10 pollution, and conserves resources. From inception to 2004, over
11 350 businesses in 20 different industry sectors have been certified
12 as "green businesses," and in 2002, the program was honored with
13 a Governor's Environmental and Economic Leadership Award.
14 Since inception, the United States Environmental Protection
15 Agency and the California Environmental Protection Agency have
16 allotted grants to the Bay Area Green Business Program and
17 individual counties, in excess of three hundred thousand dollars
18 (\$300,000), and the United States Environmental Protection
19 Agency has funded other statewide programs within the western
20 region of the United States, and in some individual cases, has
21 funded in excess of one hundred thousand dollars (\$100,000).

22 (2) The Bay Area Green Business Program has been
23 successfully implemented in six bay area counties, and four
24 additional California counties are launching green business
25 programs based on the Bay Area Green Business Program model.
26 The green business program has helped participating businesses
27 make choices that protect the environment, by giving them specific
28 alternatives and direction in order to make their businesses more
29 sustainable, and has created greater environmental awareness
30 throughout the bay area. As a result, the environment suffers less
31 damage, water and energy have been conserved, and solid waste
32 and wastewater have been reduced.

33 (3) Participating businesses have received assistance and
34 guidelines for environmental regulatory compliance, public
35 recognition, access to comprehensive environmental performance
36 information, access to streamlined processes, cost savings
37 associated with reduced use of hazardous substances, and more
38 efficient technologies, and facilitated communications with
39 regulatory agencies. The businesses have improved employee
40 health and safety and access to the latest hazardous and solid



1 waste reduction technology and practices, and have a better
2 reputation with public.

3 (4) Regulatory agencies have reported improved compliance,
4 better working relationships with businesses, reduced costs, and
5 improved efficiency in inspections through cross-training and
6 other information sharing, coordination with other regulatory
7 agencies, and a better relationship with the public.

8 (b) The Legislature further finds and declares all of the
9 following:

10 (1) It is in the best interest of the state to encourage practices
11 that protect and preserve the environment and the state’s natural
12 resources, and to recognize those businesses that adopt
13 environmentally sustainable business practices. A California
14 certified green business, as defined in Section 60010, adds great
15 value to the state and minimizes costs to the state, by using
16 exemplary practices that protect the environment and preserve
17 natural resources, thereby decreasing state need for future cleanup
18 and other regulatory expenses. It is therefore in the best interest of
19 the state to decrease public costs by encouraging businesses to
20 become environmentally responsible through the green business
21 program, as described in this division. Furthermore, the
22 Legislature hereby declares that a consistent statewide program
23 and consistent statewide standards are necessary in order to use
24 government resources efficiently and avoid confusion.

25 (2) The California certified green business program is an
26 optional local program designed to facilitate more efficient and
27 constructive relationships among public agencies and between
28 businesses and the agencies that regulate and serve them. By
29 fostering collaboration among governmental agencies, the
30 program helps to improve and streamline the regulatory process
31 and offers opportunities to leverage and reinforce partner
32 agencies’ business outreach. The program makes it easier for
33 businesses to turn good intentions into actions that improve the
34 environment and also benefit public health, worker health and
35 safety, and the bottom line.

36

37 CHAPTER 2. DEFINITIONS

38

39 60010. For purposes of this division, the following definitions
40 apply:



1 (a) “California certified green business” means a business that
2 has been certified by a California city or county, that has complied
3 with Section 60020, as having complied with the environmental
4 criteria set forth in Section 60028, and that has undergone onsite
5 audits by the responsible governmental agencies, their designated
6 agent, or utilities.

7 (b) “Responsible agencies” includes those governmental
8 agencies responsible for monitoring compliance related to
9 hazardous and toxic materials, stormwater runoff, air and water
10 pollution and wastewater, and those agencies monitoring energy
11 and water use and solid waste disposal.

12

13 CHAPTER 3. CALIFORNIA CERTIFIED GREEN BUSINESS PROGRAM

14

15 60020. (a) As the green business program was conceived and
16 implemented by the Association of Bay Area Governments and the
17 California State University, Hayward’s Environmental Finance
18 Center, which continue to coordinate the program among
19 implementing counties and cities, a county or city may institute a
20 California certified green business program by first notifying the
21 Association of Bay Area Governments or California State
22 University, Hayward’s Environmental Finance Center, of its
23 intentions, designating a Green Business Coordinator, and
24 implementing the program by the guidelines set forth in this
25 division.

26 (b) (1) Until January 1, 2007, California State University,
27 Hayward’s Environmental Finance Center, shall continue to
28 pursue federal funding from the United States Environmental
29 Protection Agency to continue coordinating the program and,
30 along with the Association of Bay Area Governments, to ensure
31 consistency in standards and program implementation.

32 (2) On January 1, 2006, and on January 1, 2007, the California
33 State University, Hayward’s Environmental Finance Center, shall
34 report its program implementation results to the Legislature. At
35 that time, the Legislature may evaluate the program to determine
36 possible changes to the program.

37 60021. A county or city that institutes a California certified
38 green business program may place limitations on the size of the
39 program, or pertaining to the types of businesses or sizes of
40 businesses that it may certify, according to its capacity. It may



1 choose to scale its program to work with small to medium-sized
2 consumer-oriented businesses that typically do not have onsite
3 environmental staff.

4 60022. A business that wishes to become a California
5 certified green business may contact the local program
6 coordinator in an established California certified green business
7 program and receive comprehensive information and technical
8 assistance to help it comply with all applicable environmental
9 regulations and adopt the prescribed number of measures to
10 prevent pollution, conserve energy and water, and minimize waste.
11 After responsible agencies verify through onsite audits that all
12 standards have been met according to this section, the county or
13 city may certify the business as a California certified green
14 business.

15 60023. The certifying county or city may publish the list or
16 directory of California certified green businesses, hold awards
17 ceremonies for the businesses, and develop any other means with
18 which to recognize California certified green businesses and alert
19 the public of the special status or distinction. If a certified business
20 falls out of compliance with the standards after certification, a
21 certifying county or city may alert the business and may revoke the
22 green business certification, according to its revocation policy
23 adopted at the time of the California certified green business
24 program implementation.

25 60024. (a) California green business certification is site
26 specific. A business shall demonstrate through onsite audits that
27 it has met the California certified green business standards at the
28 audited site, to be certified as meeting the California certified
29 green business standards. If the business is part of a chain or
30 franchise, any location interested in certification may apply and
31 those sites that individually meet the California certified green
32 business standards may be certified.

33 (b) Certification only applies to those businesses that have
34 successfully satisfied the California certified green business
35 program standards, which address the operations of a business at
36 the certified premises. The California certified green business
37 program does not certify manufactured products, professional
38 qualifications, or quality of service.



1 (c) Certification may not exceed a period of three years. Local
2 agencies may choose to inspect businesses more frequently than
3 every three years.

4 (d) If a previously certified business fails to comply with the
5 California certified green business program standards required
6 for certification, a local agency may revoke certification and
7 remove any or all accolades from the premises of the business.

8 (e) A business that manufactures toxic or hazardous materials
9 or a business that produces or uses substantial quantities of
10 hazardous waste or toxic materials is not eligible to be certified as
11 a California certified green business.

12 60025. In order to qualify as a California certified green
13 business, a business shall, at minimum, satisfy all of the following:

14 (a) Agree to the California certified green business pledge as
15 specified in Section 60027 and post the pledge in a visible location.

16 (b) Be in full compliance with all applicable federal, state, and
17 local environmental regulations. Compliance at a business may be
18 verified by each agency with jurisdiction over its particular
19 operations. Agencies with jurisdiction may include those
20 regulating wastewater and stormwater discharges, air emissions,
21 and hazardous materials. If a facility has been inspected by an
22 agency within the past year and found to be in compliance, and if
23 the agency does not believe the business needs further inspection,
24 the business may be certified without additional inspection or
25 audit. It is recommended, however, that at least one local
26 environmental agency with jurisdiction verify compliance onsite
27 when a business volunteers for the program.

28 (c) Implement the specified number as set forth in Section
29 60028, or in the appropriate industry-specific checklist, of
30 “beyond compliance” measures in the areas of energy and water
31 conservation, solid waste reduction and recycling, and pollution
32 prevention, as set forth in Section 60028, in the California certified
33 green business program beyond compliance general standards
34 checklist or in the appropriate industry specific standards
35 checklist specified in Section 60026.

36 60026. (a) Industry specific checklists have been developed
37 for retail businesses, auto repair shops, printing operations,
38 restaurants, hotels, offices, wineries, and landscaping companies
39 and should be used when applicable. Checklists pertaining to a
40 particular industry may be developed.



1 (b) The state is interested in maintaining consistency in the
2 California certified green business program for efficient use of
3 government programs, and authorizes and encourages local
4 programs to share resources and information.

5 60027. A California certified green business shall do all of the
6 following:

7 (a) Monitor, record, and post rates of water and energy usage
8 and solid and hazardous waste generation.

9 (b) Provide three ongoing incentives or training opportunities
10 to encourage management and employee participation.

11 (c) Inform customers about its business' efforts to meet the
12 green business standards.

13 (d) Assist at least one other business in learning about the green
14 business program and encourage it to enroll.

15 (e) Adopt the California certified green business pledge, as
16 follows:

17 "Our company commits to protecting the environment by
18 adopting this green business pledge. We believe a successful
19 business is dependent on a healthy environment. We are actively
20 working to show our environmental responsibility to our
21 community by committing to the following objectives:

22 "(a) To comply with all applicable regulations and strive to
23 exceed compliance.

24 "(b) To conserve energy, water, materials, and other resources.

25 "(c) To develop and implement practices that prevent pollution
26 and waste.

27 "(d) To be an environmentally responsible business within our
28 community."

29 60028. The beyond compliance general standards checklist
30 includes, but is not limited to, all of the following:

31 (a) Solid waste reduction and recycling, pursuant to the
32 following:

33 (1) Reduce paper use as follows:

34 (A) Make two-sided printing and copying standard practice in
35 the business.

36 (B) Eliminate unnecessary reports or reduce report size or
37 frequency.

38 (C) Use continuous-circulation envelopes within the business.

39 (2) Reduce waste as follows:

40 (A) Work with vendors to minimize product packaging.



- 1 (B) *Specify deliveries in returnable containers.*
- 2 (C) *Buy products in bulk, concentrated, durable, repairable, or*
- 3 *recyclable.*
- 4 (3) *Recycle or reuse materials as follows:*
- 5 (A) *Set up an ongoing system to recycle.*
- 6 (B) *Make it easy for employees to recycle by placing clearly*
- 7 *marked collection bins in convenient locations.*
- 8 (C) *Purchase recycled content products to conserve resources*
- 9 *and to support the recycling market.*
- 10 (b) *Energy conservation, pursuant to the following:*
- 11 (1) *Select equipment with energy saving features.*
- 12 (2) *Have the energy provider conduct a free audit, and review*
- 13 *it annually.*
- 14 (3) *Perform regular maintenance on the HVAC system.*
- 15 (4) *Insulate pipes and hot water heaters.*
- 16 (5) *Install T-8 or T-5 lamps.*
- 17 (6) *Install occupancy sensors.*
- 18 (7) *Apply window film to reduce solar heat gain.*
- 19 (c) *Water conservation standards, pursuant to the following:*
- 20 (1) *Have the water company conduct a free water use survey of*
- 21 *the facility.*
- 22 (2) *Learn how to read the water meter.*
- 23 (3) *Regularly check for and repair all leaks in the facility.*
- 24 (4) *Use “dry sweeping” or water efficient “spray brooms.”*
- 25 (5) *Indoors, use dry floor cleaning methods.*
- 26 (d) *Pollution Prevention, pursuant to the following:*
- 27 (1) *Use cleaning products that are safer for the user, building*
- 28 *occupants, and the environment.*
- 29 (2) *Use the least toxic pest control to reduce or eliminate use*
- 30 *of chemical pesticides.*
- 31 (3) *Buy recycled paint and low VOC products, when available*
- 32 *for facility maintenance.*
- 33 (4) *Do business with other “green” vendors or services such as*
- 34 *certified green.*
- 35 (5) *Use low-emission building materials, carpets, and furniture*
- 36 *for remodeling projects.*
- 37 (6) *Label all storm water drains with “No dumping, Flows to*
- 38 *Bay” message.*
- 39 (7) *Keep dumpsters covered when not in use.*
- 40 (8) *Clean private catch basins once a year, before the first rain.*



- 1 (9) *Help encourage commute alternatives.*
- 2 (10) *Help employees rideshare.*
- 3 (11) *Offer telecommuting opportunities and/or flexible*
- 4 *schedules.*

5 amended to read:

6 11093. —(a) ~~The Department of Finance, the State Department~~
 7 ~~of Health Services, the Department of Transportation, the~~
 8 ~~Employment Development Department, the Franchise Tax Board,~~
 9 ~~the Secretary of State, the State Board of Equalization, and any~~
 10 ~~other state agency or department that develops and maintains data~~
 11 ~~and statistics on the municipal level, shall, in the preparation and~~
 12 ~~maintenance of any statistical analyses by city, either by~~
 13 ~~population, fiscal, or other bases, make a separate breakdown of~~
 14 ~~the San Fernando Valley, and shall require the City of Los Angeles~~
 15 ~~to provide all necessary data.~~

16 (b) ~~The Controller may, upon request therefor contained in a~~
 17 ~~motion adopted by the City Council of the City of Los Angeles,~~
 18 ~~designate additional statistical areas within the City of Los~~
 19 ~~Angeles, except that the additional statistical areas shall in no~~
 20 ~~event exceed three in number.~~

21 (c) ~~For purposes of this section, the San Fernando Valley is all~~
 22 ~~the portion of Los Angeles City that is described as follows:~~

23 ~~From a point commencing where the City of Los Angeles most~~
 24 ~~northerly boundary intersects with the Golden State Freeway and~~
 25 ~~following on the city boundary in an easterly direction where such~~
 26 ~~boundary first intersects with the boundary of the City of Burbank;~~
 27 ~~thence continuing southeasterly along the Burbank City boundary~~
 28 ~~to its intersection with Barham Boulevard; thence in a southerly~~
 29 ~~direction on Barham Boulevard to its intersection with Cahuenga~~
 30 ~~Boulevard; thence in a southeasterly direction on Cahuenga~~
 31 ~~Boulevard to Mulholland Drive; thence along Mulholland Drive~~
 32 ~~to Owen Brown Road; thence in a southerly direction on Owen~~
 33 ~~Brown Road to its intersection with the Los Angeles City~~
 34 ~~boundary; thence following the Los Angeles City boundary west~~
 35 ~~and northerly until such boundary intersects with the starting point~~
 36 ~~at the Golden State Freeway.~~

37 SEC. 2. — ~~Notwithstanding Section 17610 of the Government~~
 38 ~~Code, if the Commission on State Mandates determines that this~~
 39 ~~act contains costs mandated by the state, reimbursement to local~~
 40 ~~agencies and school districts for those costs shall be made pursuant~~



1 to Part 7 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the claim for
3 reimbursement does not exceed one million dollars (\$1,000,000);
4 reimbursement shall be made from the State Mandates Claims
5 Fund.

O

