

AMENDED IN SENATE JANUARY 4, 2006

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 18, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 497

Introduced by Senator Simitian

February 18, 2005

~~An act to add Chapter 8 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, and to add Article 7 (commencing with Section 10390) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts. An act to amend Sections 72421, 72423, and 72440 of the Public Resources Code, relating to vessels, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as amended, Simitian. ~~Cleaner Construction Program. Vessels: releases.~~

(1) Existing law requires the owner or operator of a large passenger vessel, as defined, or an oceangoing ship, as defined, that releases specified substances into the marine waters of the state, as defined, or a marine sanctuary, as defined, to immediately, but no later than 24 hours after the release, notify the State Water Resources Control Board of the release.

This bill, instead, would require the owner or operator to notify the Office of Emergency Services immediately, but not longer than 30 minutes, after discovery of a release of one of those specified substances. The bill would require the Office of Emergency Services

to transmit the notification to the board no later than 24 hours after receiving the notification.

(2) This bill would make other technical, nonsubstantive changes related to the release of sewage, as defined, and sewage sludge, as defined, in the marine waters of the state and marine sanctuaries.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires the State Energy Resources Conservation and Development Commission, the Department of General Services, and the State Air Resources Board to develop and adopt fuel efficiency specifications governing the purchase of state motor vehicles and replacement tires that will reduce petroleum consumption of the state vehicle fleet to the maximum extent practicable and cost effective.~~

~~This bill makes legislative findings with regard to the need to provide incentives to encourage the reduction of air pollution emissions from specified vehicles. This bill would require the Department of General Services to implement the Cleaner Construction Program to reduce air pollution emissions from off-road equipment used in the performance of all state agency and department contracts for the construction of roads, highways, buildings, and other state infrastructure projects.~~

~~The bill would require the board to provide and update an online list of verified diesel emission control strategies. The bill would require every advertisement or notice for bids on state-funded contracts to include program requirements with respect to the use of specified diesel equipment used in the performance of those contracts. The bill would also require the department to make available to the public all contracts covered by the Cleaner Construction Program, including information on each contractor's proposed approach for meeting Cleaner Construction Program standards.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 *SECTION 1. Section 72421 of the Public Resources Code is*
- 2 *amended to read:*
- 3 *72421. (a) The owner or operator shall ~~immediately, but no~~*
- 4 *later than 24 hours after a release, notify the board *Office of**

1 *Emergency Services immediately, but not longer than 30 minutes,*
2 *after discovery of any of the following:*

3 (1) A large passenger vessel release of graywater into the
4 marine waters of the state.

5 (2) Until January 1, 2010, a large passenger vessel release of
6 sewage into the marine waters of the state or a marine sanctuary.

7 (3) A large passenger vessel or ~~ocean-going~~ *oceangoing* ship
8 release of hazardous waste, other waste, sewage sludge, or oily
9 bilgewater into the marine waters of the state or a marine
10 sanctuary.

11 (4) An oceangoing ship with sufficient holding tank capacity
12 release of sewage or graywater into the marine waters of the state
13 or a marine sanctuary.

14 (b) The owner or operator shall include all of the following in
15 the notification required pursuant to subdivision (a):

16 (1) Date of the release.

17 (2) Time of the release.

18 (3) Location of the release.

19 (4) Volume of the release.

20 (5) Source of the release.

21 (6) Remedial action taken to prevent future releases.

22 (c) *The Office of Emergency Services shall transmit the*
23 *notification required by subdivision (a) to the board no later than*
24 *24 hours after receiving the notification.*

25 *SEC. 2. Section 72423 of the Public Resources Code is*
26 *amended to read:*

27 72423. An oceangoing ship with sufficient holding tank
28 capacity and capability for transfer shall either hold on board or
29 shall transfer sewage and graywater to a pumpout facility, if that
30 facility is available and accessible for the oceangoing ship where
31 the ship is docked, and shall not discharge sewage or graywater
32 within ~~California's~~ *the marine waters of the state.*

33 *SEC. 3. Section 72440 of the Public Resources Code, as*
34 *amended by Section 21 of Chapter 588 of the Statutes of 2005, is*
35 *amended to read:*

36 72440. (a) (1) The board shall determine whether it is
37 necessary to apply to the federal government for the state to
38 prohibit the release of sewage or sewage sludge from large
39 passenger vessels, ~~and sewage from~~ *oceangoing ships with*
40 *sufficient holding tank capacity, and sewage sludge from*

1 *oceangoing ships*, into the marine waters of the state or to
2 prohibit the release of sewage sludge from large passenger
3 vessels and oceangoing ships into marine sanctuaries, as
4 described in ~~subdivision (a) of Section 72420; and subdivision~~
5 (a) of Section 72420.1, ~~and Section 72420.2~~. If the board
6 determines that application is necessary for either sewage or
7 sewage sludge, or both, it shall apply to the appropriate federal
8 agencies, as determined by the board, to authorize the state to
9 prohibit the release of sewage or sewage sludge, or both, as
10 necessary, from large passenger vessels, ~~and sewage from~~
11 oceangoing ships with sufficient holding tank capacity, *and*
12 *sewage sludge from oceangoing ships*, into the marine waters of
13 the state and, if necessary, to authorize the state to prohibit the
14 release of sewage sludge from large passenger vessels and
15 oceangoing ships into marine sanctuaries.

16 (2) It is not the Legislature's intent to establish for the marine
17 waters of the state a no discharge zone for sewage from all
18 vessels, but only for a class of vessels.

19 (b) The board shall request the appropriate federal agencies, as
20 determined by the board, to prohibit the release of sewage sludge
21 and oily bilgewater, except under the circumstances specified in
22 Section 72441, by large passenger vessels and oceangoing ships,
23 in all of the waters that are in the Channel Islands National
24 Marine Sanctuary, Cordell Bank National Marine Sanctuary,
25 Gulf of the Farallones National Marine Sanctuary, and Monterey
26 Bay National Marine Sanctuary, that are not in the state waters.

27 (c) This section shall remain in effect only until January 1,
28 2010, and as of that date is repealed, unless a later enacted
29 statute, that is enacted before January 1, 2010, deletes or extends
30 that date.

31 *SEC. 4. This act is an urgency statute necessary for the*
32 *immediate preservation of the public peace, health, or safety*
33 *within the meaning of Article IV of the Constitution and shall go*
34 *into immediate effect. The facts constituting the necessity are:*

35 *In order to ensure that the marine waters of the state are safe*
36 *for public use, and free of contaminants, it is necessary that this*
37 *act take effect immediately.*

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
May 3, 2005 (JR11)**

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