

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 7, 2005

**SENATE BILL**

**No. 931**

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**Introduced by Senator Florez**

February 22, 2005

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An act to add Section ~~44533.1~~ 44539.5 to the Health and Safety Code, relating to pollution control.

LEGISLATIVE COUNSEL'S DIGEST

SB 931, as amended, Florez. Pollution control authority.

Existing law establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

~~This bill would prohibit any participating party from seeking financing for any project or pollution control facility unless all activities and facilities at the site comply with local, regional, state and federal laws at the time of the application for financing and prior to the issuance of bonds and notes, and the participating party demonstrates that all local, regional, state, and federal agencies exercising jurisdiction over activities at the site, certify that the activities comply with applicable local, regional, state, and federal laws.~~

~~The bill would allow the authority to waive the above requirements with respect to a participating party seeking financing for a specific type of remediation project.~~

~~The bill would require applications for financing to include a report of all violations of local, regional, state, or federal laws recorded in~~

~~the preceding 10 years at the site of the proposed project or pollution control facility. The bill would require the authority to consider the reported violations prior to acting to approve or deny financing for a project or pollution control facility at the site where the violations occurred.~~

*This bill would prohibit any project involving an animal feeding operation, as defined, from being eligible for any financing provided for pollution control until the air quality management district or air pollution control district, whichever is applicable, and the regional water quality control board, within whose jurisdiction the project is located, have established processes that comply with specified state and federal air and water laws. The bill would require an applicant asserting compliance to include certification that the project has all required permits and is in compliance with all applicable regulatory requirements, including those requirements set by the district and the regional water quality control board within whose jurisdiction the project is located. The bill would also require an application for a project involving an animal feeding operation to make specified demonstrations relating to environmental benefits provided by the project.*

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

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

1     SECTION 1. Section 44539.5 is added to the Health and  
2     Safety Code, to read:  
3     44539.5. (a) Any project involving an animal feeding  
4     operation shall not be eligible for any financing provided for by  
5     this division until both of the following have occurred:  
6     (1) The district within whose jurisdiction the project is located  
7     has established a process that complies with the requirements of  
8     Chapter 6 (commencing with Section 40700) of Part 3 of  
9     Division 26, for meeting air quality standards.  
10    (2) The regional water quality control board within whose  
11    jurisdiction the project is located has established a process that  
12    complies with the federal regulations implementing the Clean  
13    Water Act, including Parts 122, 123, and 412 of Title 40 of the  
14    Code of Federal Regulations.

1 (b) An applicant asserting compliance with subdivision (a)  
2 shall include certification that the project has all required  
3 permits and is in compliance with all applicable regulatory  
4 requirements, including those requirements set by the district and  
5 the regional water quality control board within whose  
6 jurisdiction the project is located.

7 (c) An application for a project involving an animal feeding  
8 operation shall demonstrate all of the following:

9 (1) The control, reduction, abatement, elimination, or  
10 prevention of pollution by the project is beyond levels required  
11 by regulation.

12 (2) The project's environmental benefit in the geographical  
13 area of the project.

14 (3) Any other benefit or impact the project would have upon  
15 the community surrounding the project.

16 (d) For the purposes of this section, "animal feeding  
17 operation" has the same meaning as provided in Section 122.23  
18 of Title 40 of the Code of Federal Regulations.

19 SECTION 1. Section 44533.1 is added to the Health and  
20 Safety Code, to read:

21 44533.1. (a) No project or pollution control facility shall be  
22 eligible for financing under this division unless:

23 (1) All activities and facilities at the site of the proposed  
24 project or pollution control facility are in compliance with local,  
25 regional, state, and federal laws at the time of application for  
26 financing and prior to the issuance of bonds and notes.

27 (2) The participating party demonstrates that local, regional,  
28 state, and federal agencies exercising jurisdiction over activities  
29 at the site certify that the activities comply with applicable local,  
30 regional, state and federal laws.

31 (b) The requirements of subdivision (a) may be waived by the  
32 authority with respect to a participating party seeking financing  
33 for a project as defined in subdivision (b) of Section 44508.

34 (c) Any application for financing under this division shall  
35 include a report of all violations of local, regional, state, or  
36 federal laws recorded in the preceding 10 years at the site of the  
37 proposed project or pollution control facility. The authority shall  
38 consider the reported violations prior to acting to approve or

- 1 ~~deny financing for a project or pollution control facility at the site~~
- 2 ~~where the violations occurred.~~

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