

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN SENATE MAY 11, 2005

AMENDED IN SENATE APRIL 7, 2005

SENATE BILL

No. 931

Introduced by Senator Florez

February 22, 2005

An act to add Section 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 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: 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.

15 (b) An applicant asserting compliance with subdivision (a)
16 shall include certification that the project has all required permits
17 and is in compliance with all applicable regulatory requirements,
18 including those requirements set by the district and the regional
19 water quality control board within whose jurisdiction the project
20 is located.

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

23 (1) The control, reduction, abatement, elimination, or
24 prevention of pollution by the project is beyond levels required
25 by regulation.

26 (2) The project's environmental benefit in the geographical
27 area of the project.

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

30 (d) For the purposes of this section, ~~“animal feeding the~~
31 *following definitions apply:*

1 (1) “*Animal feeding operation*” has the same meaning as
2 provided in Section 122.23 of Title 40 of the Code of Federal
3 Regulations.

4 (2) “*Environmental benefit*” means a net reduction in air and
5 water pollution compared with pre-project conditions in the
6 immediate area of the project.

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