

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1330

Introduced by Assembly Member John A. Pérez

February 22, 2013

An act to amend ~~Section~~ Sections 12812.2 and 54954.3 of the Government Code, ~~and to amend Sections 25135 and 44050 of, and to add Sections 25135.10, 25135.11, 25196.1, and 42410.1 to, the Health and Safety Code, and to amend Section 71116 of, and to add Sections 71117 and 71119 to 45024.1, 45025.1, 71116.1, 71117.5, 71119, and 71119.5 to, the Public Resources Code, relating to environmental justice, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1330, as amended, John A. Pérez. Environmental justice.

(1) Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing an agency wide strategy for identifying and addressing gaps in existing programs, policies, or activities of the boards, departments, and offices of the California Environmental Protection Agency that may impede the achievement of environmental justice. Existing law requires the agency to identify disadvantaged communities for investment opportunities under the California Global Warming Solutions Act of 2006.

This bill would require the agency, on or before January 1, 2015, to establish a list of environmental justice communities identifying the top 15% of communities in the state, based on census tracts, that are

disproportionately impacted by environmental hazards. The bill would require the agency to revise the list on a triennial basis.

(2) Existing law imposes administrative, civil, and criminal fines and penalties for a violation of specified environmental laws and establishes the maximum amount of fines and penalties.

This bill would require the enforcement agency with jurisdiction over those environmental laws and the courts to double the maximum amount of fines and penalties assessed if a violation occurs at a facility located in an environmental justice community that results in an increased level of emissions or discharges that exceeds the level permitted under that environmental law. The bill would require a specified amount of fines and penalties collected pursuant to this provision to be deposited into the Green Zone Trust Fund, which the bill would establish in the State Treasury. By requiring an enforcement agency to deposit a specified portion of fines and penalties it collects into the Green Zone Trust Fund, the bill would increase the level of service provided by the enforcement agency, thereby imposing a state-mandated local program. The bill would require moneys in the Green Zone Trust Fund, upon appropriation by the Legislature, to be expended by the California Environmental Protection Agency to support Green Zone Environmental Projects that are environmentally beneficial to environmental justice communities. The bill would require the agency, on or before January 1, 2015, to establish guidelines to designate Green Zone Environmental Projects.

(3) Existing law gives the responsibility and authority to a deputy to the Secretary for Environmental Protection to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist a board, department office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency.

This bill would require the secretary to ensure that the unit give priority to enforcement actions for a violation occurring in an environmental justice community.

(4) Existing law requires the Department of Toxic Substances Control to prepare, adopt, and review triennially a state hazardous management plan that serves as a comprehensive planning document for the state and as a useful source of information for the public, local government, and regional councils of government.

This bill would require the department, on or before January 1, 2016, in consultation with the Hazardous Waste Reduction Advisory

Committee, which the bill would establish, to prepare and submit to the Legislature the state hazardous waste reduction plan that identifies measures necessary to achieve significant reduction in hazardous waste generated and disposed of in California by 2025 to the maximum extent practicable. The bill would require the department, on or before January 1, 2017, and biennially thereafter, to report to the Legislature on its progress toward achieving the reduction goals in the plan.

~~(4)~~

(5) The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker.

This bill would, if a local legislative body limits the time for public comment, prohibit the body from counting the time used by a translator to translate comments from a non-English-speaking commenter in determining whether the speaker has exceeded his or her time limit unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

~~(2) Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing, by July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities of the agency's boards, departments, and offices that may impede the achievement of environmental justice.~~

~~This bill would require the secretary, with the assistance of the Cal/EPA Interagency Working Group on Environmental Justice, to periodically revise and update the agencywide strategy to identify and address any additional gaps. The bill would require the secretary to submit to the Governor and the Legislature, by July 1, 2014, a report on the revision and update of the strategy.~~

~~(3) The bill would require each board, department, and office of the California Environmental Protection Agency to maintain a publicly available database on its Internet Web site of its ongoing enforcement cases and compliance histories of its regulated entities. The bill would require the California Environmental Protection Agency to provide links to the databases on its Internet Web site.~~

(6) Existing law requires the California Environmental Protection Agency to establish the Environmental Justice Small Grant Program

to provide grants to eligible community groups that are involved in working to address environmental justice issues. Existing law caps the amount of a grant at \$20,000.

This bill would raise the grant cap to \$50,000.

(7) This bill would require the California Environmental Protection Agency to maintain an agencywide public database of complaints and enforcement cases for each board, department, and office of the agency.

(8) This bill would appropriate \$800,000 from the Hazardous Waste Control Account to the Department of Toxic Substances Control for the purposes of preparing the state hazardous waste reduction plan.

(9) The bill would declare that the provisions of the bill are severable.

(10) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The Legislature, in 2001, enacted Senate Bill 828 of the
4 2001–02 Regular Session (Chapter 765 of the Statutes of 2001) to
5 require the California Environmental Protection Agency to convene
6 a Working Group on Environmental Justice to assist the agency
7 in developing an agencywide strategy for identifying and
8 addressing gaps in existing programs, policies, or activities that
9 may impede the achievement of environmental justice.

10 (2) After the development of the strategy, Senate Bill 828
11 requires each board, department, and office within the agency, in
12 coordination with the Secretary for Environmental Protection and
13 the Director of the Office of Planning and Research, to review its
14 programs, policies, or activities that may impede the achievement
15 of environmental justice.

16 (3) Senate Bill 828 also requires the secretary to submit, on a
17 triennial basis beginning on January 1, 2004, a report to the

1 Governor and the Legislature, on the implementation of the above
2 requirements.

3 (4) In September of 2004, the agency submitted to the Governor
4 and the Legislature a report on actions taken to implement Senate
5 Bill 828.

6 (5) In October of 2004, the agency issued the Environmental
7 Justice Action Plan identifying opportunities for the agency and
8 its boards, departments, and offices to take the initial steps toward
9 addressing environmental justice issues.

10 (6) Since 2004, the agency has not submitted a report to the
11 Governor or the Legislature on the implementation of the
12 Environmental Justice Action Plan.

13 (7) Additionally, issues regarding environmental justice not
14 addressed by the agency may have arisen since 2004.

15 (b) It is the intent of the Legislature that the agency should
16 update the Environmental Justice Action Plan to address issues
17 regarding environmental justice that may have arisen since 2004
18 that may have impeded the achievement of environmental justice.

19 (c) It is further the intent of the Legislature to ensure increased
20 public participation from individuals in the environmental justice
21 community in the governmental decisionmaking process.

22 *SEC. 2. Section 12812.2 of the Government Code is amended*
23 *to read:*

24 12812.2. (a) One of the deputies to the Secretary for
25 Environmental Protection shall be a deputy secretary for law
26 enforcement and counsel, who, subject to the direction and
27 supervision of the secretary, shall have the responsibility and
28 authority to do all of the following:

29 (1) Develop a program to ensure that the boards, departments,
30 offices, and other agencies that implement laws or regulations
31 within the jurisdiction of the California Environmental Protection
32 Agency take consistent, effective, and coordinated compliance
33 and enforcement actions to protect public health and the
34 environment. The program shall include training and cross-training
35 of inspection and enforcement personnel of those boards,
36 departments, offices, or other agencies to ensure consistent,
37 effective, and coordinated enforcement.

38 (2) (A) In consultation with the Attorney General, establish a
39 cross-media enforcement unit to assist a board, department, office,
40 or other agency that implements a law or regulation within the

1 jurisdiction of the California Environmental Protection Agency,
 2 to investigate and prepare matters for enforcement action in order
 3 to protect public health and the environment. The unit may inspect
 4 and investigate a violation of a law or regulation within the
 5 jurisdiction of the board, department, office, or other agency,
 6 including a violation involving more than one environmental
 7 medium and a violation involving the jurisdiction of more than
 8 one board, department, office, or agency. The unit shall exercise
 9 its authority consistent with the authority granted to the head of a
 10 department pursuant to Article 2 (commencing with Section 11180)
 11 of Chapter 2 of Part 1.

12 *(B) The Secretary for Environmental Protection shall ensure*
 13 *that the unit shall give priority to enforcement actions for violations*
 14 *that have occurred in a community listed pursuant to Section*
 15 *71117.5 of the Public Resources Code.*

16 (3) Refer a violation of a law or regulation within the jurisdiction
 17 of a board, department, office, or other agency that implements a
 18 law or regulation within the jurisdiction of the California
 19 Environmental Protection Agency to the Attorney General, a
 20 district attorney, or city attorney for the filing of a civil or criminal
 21 action.

22 (4) Exercise the authority granted pursuant to paragraph (3)
 23 only after providing notice to the board, department, office, or
 24 other agency unless the secretary determines that notice would
 25 compromise an investigation or enforcement action.

26 (b) Nothing in this section shall authorize the deputy secretary
 27 for law enforcement and counsel to duplicate, overlap, compromise,
 28 or otherwise interfere with an investigation or enforcement action
 29 undertaken by a board, department, office, or other agency that
 30 implements a law or regulation subject to the jurisdiction of the
 31 California Environmental Protection Agency.

32 (c) The Environmental Protection Agency shall post on its Web
 33 site, updated no later than December 1 of each year, the status of
 34 the implementation of this section.

35 ~~SEC. 2.~~

36 *SEC. 3.* Section 54954.3 of the Government Code is amended
 37 to read:

38 54954.3. (a) Every agenda for regular meetings shall provide
 39 an opportunity for members of the public to directly address the
 40 legislative body on any item of interest to the public, before or

1 during the legislative body’s consideration of the item, that is
2 within the subject matter jurisdiction of the legislative body,
3 provided that no action shall be taken on any item not appearing
4 on the agenda unless the action is otherwise authorized by
5 subdivision (b) of Section 54954.2. However, the agenda need not
6 provide an opportunity for members of the public to address the
7 legislative body on any item that has already been considered by
8 a committee, composed exclusively of members of the legislative
9 body, at a public meeting wherein all interested members of the
10 public were afforded the opportunity to address the committee on
11 the item, before or during the committee’s consideration of the
12 item, unless the item has been substantially changed since the
13 committee heard the item, as determined by the legislative body.
14 Every notice for a special meeting shall provide an opportunity
15 for members of the public to directly address the legislative body
16 concerning any item that has been described in the notice for the
17 meeting before or during consideration of that item.

18 (b) The legislative body of a local agency may adopt reasonable
19 regulations to ensure that the intent of subdivision (a) is carried
20 out, including, but not limited to, regulations limiting the total
21 amount of time allocated for public testimony on particular issues
22 and for each individual speaker.

23 (c) (1) To ensure that a non-English speaker who uses a
24 translator receives the same opportunity to directly address the
25 legislative body of a local agency as a speaker who does not use
26 a translator, notwithstanding subdivision (b), if that body limits
27 time for public comment, the time used by a translator to translate
28 a non-English speaker’s comments into English shall not count
29 toward the speaker’s allotted time.

30 (2) Paragraph (1) shall not apply if the legislative body of a
31 local agency utilizes simultaneous translation equipment in a
32 manner that allows that body to hear the translated public testimony
33 simultaneously.

34 (d) The legislative body of a local agency shall not prohibit
35 public criticism of the policies, procedures, programs, or services
36 of the agency, or of the acts or omissions of the legislative body.
37 Nothing in this subdivision shall confer any privilege or protection
38 for expression beyond that otherwise provided by law.

39 ~~SEC. 3. Section 71117 is added to the Public Resources Code,~~
40 ~~to read:~~

1 ~~71117. (a) The Secretary for Environmental Protection shall,~~
2 ~~with the assistance of the Cal/EPA Interagency Working Group~~
3 ~~on Environmental Justice, periodically revise and update the~~
4 ~~agencywide strategy developed pursuant to Section 71113 to~~
5 ~~identify and address any additional gaps in existing programs,~~
6 ~~policies, or activities that impede the achievement of environmental~~
7 ~~justice.~~

8 ~~(b) (1) On or before July 1, 2014, the secretary shall submit to~~
9 ~~the Governor and the Legislature a report on the implementation~~
10 ~~of this section.~~

11 ~~(2) The report required by paragraph (1) that is submitted to the~~
12 ~~Legislature shall be submitted pursuant to Section 9795 of the~~
13 ~~Government Code.~~

14 ~~(3) Pursuant to Section 10231.5 of the Government Code, this~~
15 ~~subdivision is inoperative on July 1, 2018.~~

16 ~~SEC. 4. Section 71119 is added to the Public Resources Code,~~
17 ~~to read:~~

18 ~~71119. (a) Each board, department, and office of the California~~
19 ~~Environmental Protection Agency shall maintain a public database~~
20 ~~on its Internet Web site of its ongoing enforcement cases, to the~~
21 ~~extent the information on the database would normally be available~~
22 ~~pursuant to the California Public Records Act (Chapter 3.5~~
23 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
24 ~~Government Code), and compliance histories of its regulated~~
25 ~~entities that have committed violations focusing on information~~
26 ~~related to how the entities rectified the violation.~~

27 ~~(b) The California Environmental Protection Agency shall~~
28 ~~provide links to the databases on its Internet Web site.~~

29 ~~SEC. 4. Section 25135 of the Health and Safety Code is~~
30 ~~amended to read:~~

31 ~~25135. (a) The Legislature finds and declares as follows:~~

32 ~~(1) An effective planning process involving public and private~~
33 ~~sector participation exists at the county level for establishing new,~~
34 ~~or expanding existing, solid waste facilities, but an equivalent~~
35 ~~process has not been established at the local level to plan for the~~
36 ~~management of hazardous wastes.~~

37 ~~(2) Counties are presently required to prepare solid waste~~
38 ~~management plans for all waste disposal within each county and~~
39 ~~for all waste originating in each county. While the department has~~
40 ~~requested that counties include in their solid waste management~~

1 plans a hazardous waste management element, there is not presently
2 a clear mandate that they do so.

3 (3) Hazardous waste management planning at the local level
4 has been hampered because the department has not provided the
5 counties with adequate and comprehensive planning guidelines,
6 there is a lack of accurate data on hazardous waste generation,
7 handling, and disposal practices, adequate funding has not been
8 available, and local expertise in hazardous waste planning has not
9 been developed.

10 (4) The failure to plan for the safe and effective management
11 of hazardous wastes has contributed to the public's general
12 uncertainty in viewing proposals to site hazardous waste facilities
13 at various locations throughout the state. Because advance planning
14 has not taken place, local governments are not prepared to consider
15 siting proposals and the public has not received adequate answers
16 to questions concerning the need for proposed facilities.

17 (5) Safe and responsible management of hazardous wastes is
18 one of the most important environmental problems facing the state
19 at the present time. It is critical to the protection of the public health
20 and the environment, and to the economic growth of the state. If
21 environmentally sound hazardous waste facilities are not available
22 to effectively manage the hazardous wastes produced by the many
23 industries of the state, economic activity will be hampered and the
24 economy cannot prosper.

25 (6) *The Legislature has given the Department of Toxic*
26 *Substances Control responsibility for the state's hazardous waste*
27 *management system to protect public health and the environment*
28 *from toxic harm.*

29 (7) *California needs a statewide strategy to reduce the amount*
30 *of hazardous waste it generates and disposes.*

31 (b) The Legislature, therefore, declares that it is in the public
32 interest to establish an effective process for hazardous waste
33 management planning at the local level. This process is consistent
34 with the responsibility of local governments to assure that adequate
35 treatment and disposal capacity is available to manage the
36 hazardous wastes generated within their jurisdictions.

37 (c) It is the intent of the Legislature that the hazardous waste
38 management plans prepared pursuant to this article serve as the
39 primary planning document for hazardous waste management at
40 the local level; that the plans be integrated with other local land

1 use planning activities to ensure that suitable locations are available
2 for needed hazardous waste facilities; that land uses adjacent to,
3 or near, hazardous waste facilities, or proposed sites for these
4 facilities, are compatible with their operation; and that the plans
5 are prepared with the full and meaningful involvement of the
6 public, environmental groups, civic associations, generators of
7 hazardous wastes, and the hazardous waste management industry.

8 (d) It is further the intent of the Legislature, in enacting this
9 article, to define the respective responsibilities of state and local
10 governments in hazardous waste management planning; to establish
11 a comprehensive planning process in which state and local
12 government, the public, and industry jointly develop safe and
13 effective solutions for the management and disposal of hazardous
14 wastes; to ensure that local governments are assisted adequately
15 by the state in carrying out their responsibilities; and to provide
16 funding for local-level planning.

17 (e) *It is further the intent of the Legislature to create significant*
18 *disincentives for new releases of hazardous substances that can*
19 *contaminate soil, buildings, and other environmental media,*
20 *thereby preventing the generation of hazardous waste in the future.*

21 (f) *It is further the intent of the Legislature to ensure that*
22 *reducing hazardous waste disposal in hazardous waste landfills*
23 *does not result in increased health and environmental burdens to*
24 *other communities.*

25 (g) *It is further the intent of the Legislature to reduce the impact*
26 *of hazardous waste generation and disposal on individuals in*
27 *low-income communities by ensuring that individuals in these*
28 *impacted communities have a greater role in shaping governmental*
29 *priorities and decisionmaking and that environmental justice*
30 *concerns are considered during hazardous waste facility permitting*
31 *and decisionmaking.*

32 (h) *It is further the intent of the Legislature to look to the private*
33 *sector to develop new technologies and increase pollution*
34 *prevention practices to reduce hazardous waste generation.*

35 (i) *It is further the intent of the Legislature to look to the private*
36 *sector to develop new technologies and practices to remediate*
37 *sites contaminated by hazardous substances.*

38 (j) *It is further the intent of the Legislature to ensure that*
39 *California significantly reduce its generation and disposal of*
40 *hazardous waste. This is accomplished by requiring a statewide*

1 hazardous waste management plan to provide thorough analysis,
2 reduction measures, and specific guidelines to achieve these
3 reductions by 2025.

4 SEC. 5. Section 25135.10 is added to the Health and Safety
5 Code, to read:

6 25135.10. (a) For the purposes of this section, “generation”
7 means the act or process of generating hazardous waste, but does
8 not include the removal of contaminated soil or water.

9 (b) (1) On or before January 1, 2016, the department, in
10 consultation with the advisory committee established pursuant to
11 Section 25135.11, shall prepare and submit, in compliance with
12 Section 9795 of the Government Code, to the Legislature the state
13 hazardous waste reduction plan that identifies measures necessary
14 to achieve significant reduction in hazardous waste generated and
15 disposed of in California by 2025 to the maximum extent
16 practicable. The hazardous waste reduction plan prepared
17 pursuant to this section shall serve as a comprehensive planning
18 document to ensure that the best practices are implemented to
19 reduce hazardous waste generation and disposal.

20 (2) In preparing the plan, the department shall take into
21 consideration methods that can serve to reduce the generation of
22 hazardous waste, including pollution prevention, hazardous waste
23 disposal practices in the state, and the impacts of hazardous waste
24 disposal in or near low-income communities.

25 (3) In developing the plan, the department shall hold public
26 meetings to discuss elements that could be included in the plan.

27 (c) The plan shall include, but need not be limited to, all of the
28 following elements:

29 (1) A description of preferred hazardous waste management
30 practices, programs, incentives, requirements, prohibitions, or
31 other measures necessary to reduce hazardous waste generation
32 and disposal. At a minimum, the description shall include steps
33 for all of the following:

34 (A) Reducing the generation of hazardous wastes to the
35 maximum extent feasible.

36 (B) Reducing the use of hazardous materials and increasing the
37 use of less hazardous or nonhazardous alternatives.

38 (C) Reducing the disposal of hazardous waste that may pose a
39 significant threat to human health or the environment to the
40 maximum extent practicable.

1 (D) Reducing the risk of exposure to communities threatened
2 by releases of hazardous substances and hazardous wastes.

3 (E) Reducing the risk of exposure to communities near sites
4 contaminated by hazardous waste substances and hazardous waste.

5 (2) Identification of the hazardous waste streams produced in
6 the state.

7 (3) A recommendation for a baseline of statewide hazardous
8 waste disposal and a baseline for hazardous waste generation in
9 the state from which the identified reductions are to be measured.

10 (4) An evaluation of hazardous waste generated and disposed
11 of in California and an evaluation of the feasibility of implementing
12 waste reduction options.

13 (5) A list of those waste reduction measures that have been
14 determined to be technically feasible, an assessment of the potential
15 for the amount of waste reduction that might be achieved if
16 implemented, and an evaluation of factors that could influence the
17 achievement of those reductions.

18 (6) Identification of statutory and regulatory changes to
19 permitting of hazardous waste facilities that would reduce the
20 health and environmental burden on communities adjacent to
21 hazardous waste landfills.

22 (7) A target for the reduction of hazardous waste generation
23 and disposal by 2025 and a set of recommendations for achieving
24 those reductions.

25 (8) An implementation schedule for carrying out the
26 recommendations. The schedule shall include the following:

27 (A) Any changes in departmental policies or procedures that
28 do not require statutory or regulatory changes to implement, and
29 a proposed timetable for their adoption. The schedule shall project
30 the adoption of departmental policies or procedures no later than
31 January 1, 2017.

32 (B) Any regulations within the department's statutory authority
33 that would need to be adopted in order to carry out the
34 recommendations in the plan, and a proposed timetable for their
35 adoption.

36 (C) Any statutory changes that would need to be enacted in
37 order to carry out the recommendations in the plan.

38 (d) The plan shall avoid proposals that would do either of the
39 following:

1 (1) Weaken the health and environmental protections to
2 surrounding communities from the remediation of sites
3 contaminated by hazardous substances or lead to reduced cleanups
4 of contaminated sites.

5 (2) Attempt to accomplish hazardous waste disposal reductions
6 through shipping the waste out of state.

7 (3) Rely on strategies that produce disproportionate impacts
8 on low-income communities and communities of color.

9 (e) The department shall release and post on the department's
10 Internet Web site a draft of the hazardous waste reduction plan
11 for public review and comment. The comment period shall be no
12 less than 60 days, and the department shall hold at least one public
13 hearing that includes the advisory committee on the draft plan
14 during the public comment period.

15 (f) The requirement for submitting a report imposed under
16 paragraph (1) of subdivision (c) is inoperative on January 1, 2020,
17 pursuant to Section 10231.5 of the Government Code.

18 (g) Notwithstanding Section 10321.5 of the Government Code,
19 on or before January 1, 2017, and every two years thereafter, the
20 department shall report to the Legislature, in compliance with
21 Section 9795 of the Government Code, on its progress toward
22 achieving the reduction goals in the state hazardous waste
23 reduction plan. The report shall include all of the efforts the
24 department has made to achieve these goals, as well as identify
25 those recommendations in the plan that were not implemented,
26 and an explanation as to why the recommendations were not
27 implemented. If the goals are not on track to be met, the report
28 shall also include recommendations for additional steps that would
29 be necessary to meet the reduction goals specified in the plan.

30 SEC. 6. Section 25135.11 is added to the Health and Safety
31 Code, to read:

32 25135.11. (a) The Hazardous Waste Reduction Advisory
33 Committee is hereby created. The advisory committee shall consist
34 of seven members, as follows:

35 (1) Two members appointed by the Speaker of the Assembly.

36 (2) Two members appointed by the Senate Committee on Rules.

37 (3) One member appointed by the Governor.

38 (4) One member appointed by the Secretary of the California
39 Environmental Protection Agency.

- 1 (5) *One member appointed by the President of the University*
2 *of California.*
- 3 (b) *The members shall include:*
- 4 (1) *At least one representative from an environmental justice*
5 *organization that works in one of the communities listed pursuant*
6 *to Section 71117.5 of the Public Resources Code.*
- 7 (2) *One representative from an environmental justice*
8 *organization, a public health organization, or an academic school*
9 *of public health that works in one of the communities listed*
10 *pursuant to Section 71117.5 of the Public Resources Code.*
- 11 (3) *Two academic experts in hazardous waste reduction.*
- 12 (4) *One representative of an organized labor group that works*
13 *in hazardous waste facilities.*
- 14 (5) *One academic expert in public health and environmental*
15 *hazards posed by toxic substances.*
- 16 (6) *One expert in regulation and enforcement related to*
17 *hazardous waste law.*
- 18 (7) *The director or designated appointee from the director's*
19 *executive team serving as an ex officio member.*
- 20 (c) *Beginning March 1, 2014, the advisory committee shall meet*
21 *at least three times each year to solicit public input with the goal*
22 *of assisting the department in its preparation of a state hazardous*
23 *waste reduction plan pursuant to Section 25135.10. In advising*
24 *the department, the advisory committee, at a minimum, shall do*
25 *both of the following:*
- 26 (1) *Recommend statutory, regulatory, policy, and permitting*
27 *changes that would reduce the generation and the quantity of*
28 *hazardous waste in the state, encourage the use of nonhazardous*
29 *alternatives, and fulfill all the goals and requirements of the plan*
30 *developed pursuant to Section 25135.10.*
- 31 (2) *Recommend regulatory steps for enhancing enforcement of*
32 *toxic laws and regulations to create significant disincentives for*
33 *contaminating soil, buildings, and other environmental media with*
34 *hazardous materials that are used and stored.*
- 35 (d) *The department shall assist and support the advisory*
36 *committee in holding public meetings to discuss the hazardous*
37 *waste reduction plan, including soliciting input on ways to reduce*
38 *the generation and disposal of hazardous waste, and participation*
39 *at each meeting of the advisory committee by the appropriate*

1 member of the director's executive team for each of the agenda
2 items to be discussed at the meeting.

3 SEC. 7. Section 25196.1 is added to the Health and Safety
4 Code, to read:

5 25196.1. (a) Notwithstanding any provision of this article
6 establishing the maximum amount of administrative, civil, or
7 criminal fines or penalties, for a violation that occurs in a facility
8 located in a community listed pursuant to Section 71117.5 of the
9 Public Resources Code and that results in an increased level of
10 emissions or discharges that exceeds a level permitted by this
11 chapter, the department, unified program agency, or the court
12 shall double the maximum amount of fines or penalties assessed
13 for the violation.

14 (b) Fifty percent of the fines or penalties collected pursuant to
15 this section that are deposited into the Toxic Substances Control
16 Account pursuant to Section 25192 shall be expended, upon
17 appropriation by the Legislature, by the department for
18 environmentally beneficial projects, as defined in Section 71116.1
19 of the Public Resources Code, authorized pursuant to Section
20 25173.6 that are located within a community listed pursuant to
21 Section 71117.5 of the Public Resources Code.

22 SEC. 8. Section 42410.1 is added to the Health and Safety
23 Code, to read:

24 42410.1. (a) Notwithstanding any other provision of this article
25 establishing the maximum amount of administrative, civil, or
26 criminal fines or penalties, for a violation that occurs in a facility
27 located in a community listed pursuant to Section 71117.5 of the
28 Public Resources Code and that results in an increased level of
29 emission or discharges that exceeds the level permitted pursuant
30 to this division, the state board, district, or the court shall double
31 the maximum amount of fines or penalties assessed for the
32 violation.

33 (b) Fifty percent of the fines or penalties collected pursuant to
34 this section shall be deposited into the Green Zone Trust Fund
35 established pursuant to Section 71116.1 of the Public Resources
36 Code.

37 SEC. 9. Section 45024.1 is added to the Public Resources Code,
38 to read:

39 45024.1. (a) Notwithstanding any provision of this article
40 establishing the maximum amount of a civil fine or penalty for a

1 violation occurring in a facility located in a community listed
 2 pursuant to Section 71117.5 that results in an increased level of
 3 emissions or discharges that exceeds the level permitted by this
 4 division, the department, local enforcement agency, or the court
 5 shall double the maximum amount of the fines or penalties assessed
 6 for the violation.

7 (b) Fifty percent of the fines or penalties collected pursuant to
 8 this section shall be deposited into the Green Zone Trust Fund
 9 established pursuant to Section 71116.1.

10 SEC. 10. Section 45025.1 is added to the Public Resources
 11 Code, to read:

12 45025.1. (a) Notwithstanding paragraph (1) of subdivision
 13 (a) of Section 45025, for a violation occurring in a facility located
 14 in a community listed pursuant to Section 71117.5 that results in
 15 an increased level of emissions or discharges that exceeds the level
 16 permitted by this division, the court shall double the maximum
 17 amount of criminal fines or penalties assessed for the violation.

18 (b) Fifty percent of the fines or penalties collected pursuant to
 19 this section shall be deposited into the Green Zone Trust Fund
 20 established pursuant to Section 71116.1.

21 SEC. 11. Section 71116 of the Public Resources Code is
 22 amended to read:

23 71116. (a) The Environmental Justice Small Grant Program
 24 is hereby established under the jurisdiction of the California
 25 Environmental Protection Agency. The California Environmental
 26 Protection Agency shall adopt regulations for the implementation
 27 of this section. These regulations shall include, but need not be
 28 limited to, all of the following:

29 (1) Specific criteria and procedures for the implementation of
 30 the program.

31 (2) A requirement that each grant recipient submit a written
 32 report to the agency documenting its expenditures of the grant
 33 funds and the results of the funded project.

34 (3) Provisions promoting the equitable distribution of grant
 35 funds in a variety of areas throughout the state, with the goal of
 36 making grants available to organizations that will attempt to
 37 address environmental justice issues.

38 (b) The purpose of the program is to provide grants to eligible
 39 community groups, including, but not limited to, community-based,
 40 grassroots nonprofit organizations that are located in areas

1 adversely affected by environmental pollution and hazards and
2 that are involved in work to address environmental justice issues.

3 (c) (1) Both of the following are eligible to receive moneys
4 from the fund.

5 (A) A nonprofit entity.

6 (B) A federally recognized tribal government.

7 (2) For the purposes of this section, “nonprofit entity” means
8 any corporation, trust, association, cooperative, or other
9 organization that meets all of the following criteria:

10 (A) Is operated primarily for scientific, educational, service,
11 charitable, or other similar purposes in the public interest.

12 (B) Is not organized primarily for profit.

13 (C) Uses its net proceeds to maintain, improve, or expand, or
14 any combination thereof, its operations.

15 (D) Is a tax-exempt organization under Section ~~501(e)(3)~~
16 *501(c)(3)* of the federal Internal Revenue Code, or is able to
17 provide evidence to the agency that the state recognizes the
18 organization as a nonprofit entity.

19 (3) For the purposes of this section, “nonprofit entity”
20 specifically excludes an organization that is a tax-exempt
21 organization under Section ~~501(e)(4)~~ *501(c)(4)* of the federal
22 Internal Revenue Code.

23 (d) Individuals may not receive grant moneys from the fund.

24 (e) Grant recipients shall use the grant award to fund only the
25 project described in the recipient’s application. Recipients shall
26 not use the grant funding to shift moneys from existing or proposed
27 projects to activities for which grant funding is prohibited under
28 subdivision (g).

29 (f) Grants shall be awarded on a competitive basis for projects
30 that are based in communities with the most significant exposure
31 to pollution. Grants shall be limited to any of the following
32 purposes and no other:

33 (1) Resolve environmental problems through distribution of
34 information.

35 (2) Identify improvements in communication and coordination
36 among agencies and stakeholders in order to address the most
37 significant exposure to pollution.

38 (3) Expand the understanding of a community about the
39 environmental issues that affect their community.

1 (4) Develop guidance on the relative significance of various
2 environmental risks.

3 (5) Promote community involvement in the decisionmaking
4 process that affects the environment of the community.

5 (6) Present environmental data for the purposes of enhancing
6 community understanding of environmental information systems
7 and environmental information.

8 (g) (1) The agency shall not award grants for, and grant funding
9 shall not be used for, any of the following:

10 (A) Other state grant programs.

11 (B) Lobbying or advocacy activities relating to any federal,
12 state, regional, or local legislative, quasi-legislative, adjudicatory,
13 or quasi-judicial proceeding involving development or adoption
14 of statutes, guidelines, rules, regulations, plans or any other
15 governmental proposal, or involving decisions concerning siting,
16 permitting, licensing, or any other governmental action.

17 (C) Litigation, administrative challenges, enforcement action,
18 or any type of adjudicatory proceeding.

19 (D) Funding of a lawsuit against any governmental entity.

20 (E) Funding of a lawsuit against a business or a project owned
21 by a business.

22 (F) Matching state or federal funding.

23 (G) Performance of any technical assessment for purposes of
24 opposing or contradicting a technical assessment prepared by a
25 public agency.

26 (2) An organization's use of funds from a grant awarded under
27 this section to educate a community regarding an environmental
28 justice issue or a governmental process does not preclude that
29 organization from subsequent lobbying or advocacy concerning
30 that same issue or governmental process, as long as the lobbying
31 or advocacy is not funded by a grant awarded under this section.

32 (h) The agency shall review, evaluate, and select grant recipients,
33 and screen grant applications to ensure that they meet the
34 requirements of this section.

35 (i) The maximum amount of a grant provided pursuant to this
36 section may not exceed ~~twenty thousand dollars (\$20,000)~~. *fifty*
37 *thousand dollars (\$50,000)*.

38 (j) For the purposes of this section, "environmental justice" has
39 the same meaning as defined in Section 65040.12 of the
40 Government Code.

1 (k) This section shall be implemented only during fiscal years
2 for which an appropriation is provided for the purposes of this
3 section in the annual Budget Act or in another statute.

4 *SEC. 12. Section 71116.1 is added to the Public Resources*
5 *Code, to read:*

6 *71116.1. (a) The Green Zone Trust Fund is hereby established*
7 *in the State Treasury and, upon appropriation by the Legislature,*
8 *shall be expended by the California Environmental Protection*
9 *Agency for the purposes to support projects that are*
10 *environmentally beneficial to environmental justice communities.*

11 *(b) On or before January 1, 2015, the California Environmental*
12 *Protection Agency shall adopt guidelines for the implementation*
13 *of this section on or before January 1, 2015. The guidelines shall*
14 *do all of the following:*

15 *(1) Establish criteria and procedures for designating Green*
16 *Zone Environmental Projects.*

17 *(2) Establish procedures for the disbursement of funds on an*
18 *annual basis from the Green Zone Trust Fund for Green Zone*
19 *Environmental Projects.*

20 *(3) Preferentially disburse funds derived from penalties for a*
21 *violation occurring in an environmental justice community, or*
22 *within two miles of an environmental justice community, for Green*
23 *Zone Environmental Projects that are in geographic proximity*
24 *with the environmental justice community for which the penalties*
25 *are collected.*

26 *(4) Allow a public entity, local government, or nonprofit*
27 *organization to submit applications for projects for inclusion as*
28 *a Green Zone Environmental Project, if the projects meet the*
29 *criteria established pursuant to paragraph (1).*

30 *(c) In establishing the guidelines, the California Environmental*
31 *Protection Agency shall solicit and consider comments from the*
32 *public, including releasing draft project criteria, implementing a*
33 *public comment period, and hosting a public workshop.*

34 *(d) The adoption of guidelines pursuant to this section is exempt*
35 *from the rulemaking provisions of the Administrative Procedure*
36 *Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of*
37 *Division 3 of Title 2 of the Government Code).*

38 *(e) On or before January 1, 2015, and annually thereafter, the*
39 *California Environmental Protection Agency shall solicit and*

1 release a list of Green Zone Environmental Projects after a public
2 process. The public process shall include all of the following:

3 (1) A public request for proposals that is posted on the agency's
4 Internet Web site and distributed via electronic mail. All proposals
5 shall meet the criteria established in the Green Zone Trust Fund
6 guidelines.

7 (2) A public list of Green Zone Environmental Projects online
8 that is updated on an annual basis.

9 (f) For the purposes of this section, the following definitions
10 shall apply:

11 (1) "Environmentally beneficial" means a project with a
12 primary purpose to improve, protect, or reduce risks to public
13 health or the environment.

14 (2) "Environmental Justice community" means a community
15 listed pursuant to Section 71117.5.

16 (3) "Green Zone Environmental Project" means an
17 environmentally beneficial project occurring within an
18 environmental justice community.

19 SEC. 13. Section 71117.5 is added to the Public Resources
20 Code, to read:

21 71117.5. (a) For the purposes of this section,
22 "disproportionately impacted by environmental hazards" means
23 public health or environmental effects from the emissions or
24 discharge of substances in a geographic area, including
25 environmental pollution for all sources whether in a single medium
26 or in multiple media, routinely, accidentally, or otherwise released
27 into the environment, taking into account sensitive populations
28 and socioeconomic factors, where applicable and to the extent
29 data is available.

30 (b) (1) On or before January 1, 2015, the California
31 Environmental Protection Agency shall establish a list identifying
32 the top 15 percent of communities in the state, based on census
33 tracts, that are disproportionately impacted by environmental
34 hazards. The communities shall be selected based on the criteria
35 specified in Section 39711 of the Health and Safety Code.

36 (2) The California Environmental Protection Agency shall
37 review and revise the list of communities on a triennial basis and
38 shall make the list publicly available on the agency's Internet Web
39 site.

1 (3) *In establishing or revising the list of communities, the*
2 *California Environmental Protection Agency shall solicit and*
3 *consider comments from the public and conduct a public hearing.*

4 (c) *The establishment of the list pursuant to subdivision (b) is*
5 *exempt from the rulemaking provisions of the Administrative*
6 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*
7 *Part 1 of Division 3 of Title 2 of the Government Code).*

8 SEC. 14. *Section 71119 is added to the Public Resources Code,*
9 *to read:*

10 71119. (a) (1) *The California Environmental Protection*
11 *Agency shall maintain an agencywide public database on its*
12 *Internet Web site of complaints and enforcement cases for each*
13 *board, department, and office of the agency, to the extent the*
14 *information on the database would normally be available pursuant*
15 *to the Public Records Act (Chapter 3.5 (commencing with Section*
16 *6250) of Division 7 of Title 1 of the Government Code), and*
17 *compliance histories of its regulated entities that have committed*
18 *violations focusing on the date of last inspection, total number of*
19 *violations, total amount of fines, and information related to how*
20 *the entities rectified the violation.*

21 (2) *Information on the compliance histories of regulated entities*
22 *required pursuant to paragraph (1) shall not include information*
23 *prior to 2008.*

24 (b) *The public database shall be interactive and utilize a*
25 *geographic information system platform that allows the public to*
26 *file an environmental complaint with the California Environmental*
27 *Protection Agency.*

28 (c) *On or before January 1, 2017, the California Environmental*
29 *Protection Agency shall post the public database on its Internet*
30 *Web site.*

31 SEC. 15. *Section 71119.5 is added to the Public Resources*
32 *Code, to read:*

33 71119.5. (a) *Subject to applicable legal requirements, in*
34 *awarding grants or funding, a state agency administering a funding*
35 *program shall give priority to projects located in environmental*
36 *justice communities.*

37 (b) *A state agency subject to this section shall provide*
38 *information on the methods for compliance with this section in*
39 *any solicitation issued by that state agency for grants or funding*

1 and shall provide public notice that demonstrates compliance with
2 this section when awarding those grants or funding.

3 (c) For the purpose of this section, “environmental justice
4 community” means a community listed pursuant to Section
5 71117.5.

6 (d) For the purposes of the section, “state agency” means the
7 following:

8 (1) A board, department, or office of the California
9 Environmental Protection Agency.

10 (2) An agency, commission, department, and other subdivisions
11 of the Natural Resources Agency.

12 (3) The Strategic Growth Council.

13 SEC. 16. The sum of eight hundred thousand dollars (\$800,000)
14 is hereby appropriated from the Hazardous Waste Control Account
15 to the Department of Toxic Substances Control for the purposes
16 of revising the state hazardous waste management plant pursuant
17 to Section 25135.10 of the Health and Safety Code.

18 SEC. 17. The provisions of this act are severable. If any
19 provision of this act or its application is held invalid, that invalidity
20 shall not affect other provisions or applications that can be given
21 effect without the invalid provision or application.

22 SEC. 18. No reimbursement is required by this act pursuant
23 to Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service
25 charges, fees, or assessments sufficient to pay for the program or
26 level of service mandated by this act, within the meaning of Section
27 17556 of the Government Code.