

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN SENATE JULY 16, 2015

AMENDED IN ASSEMBLY MAY 5, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1205**

---

**Introduced by Assembly Member Gomez**  
**(Coauthors: Assembly Members McCarty and Rendon)**  
**(Coauthor: Senator Hertzberg)**

February 27, 2015

---

*An act to add Chapter 10.5 (commencing with Section 5845) to Division 5 of the Public Resources Code, relating to rivers. An act to amend Section 25205 of, and to add Section 25200.1.3 to, the Health and Safety Code, relating to hazardous waste facilities.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1205, as amended, Gomez. ~~The California River Revitalization and Greenway Development Act of 2015. Hazardous waste: facilities permitting.~~

*Existing law, as part of the hazardous waste control law, requires a facility handling hazardous waste to obtain a hazardous waste facilities permit from the Department of Toxic Substances Control. Existing law requires the department to impose certain conditions on each hazardous waste facilities permit and authorizes the department to impose other*

*conditions on a hazardous waste facilities permit, as specified. A violation of the hazardous waste control law is a crime.*

*This bill would require the department, within 90 days of receiving a renewal application for a hazardous waste facilities permit, to hold a public meeting for specified purposes in or near the community in which the hazardous waste facility is located.*

*Existing law prohibits the department from issuing or renewing a permit to operate a hazardous waste facility unless the owner or operator of the facility establishes and maintains financial assurances.*

*This bill would require the department to review the financial assurances required to operate a hazardous waste facility at least once every 5 years. If the department's review finds the financial assurances for a facility to be inadequate, the bill would require the department to notify the owner or operator of the facility and would require the owner or operator to update and adopt adequate financial assurances within 90 days.*

*Because a violation of the bill's requirements would be a crime, the 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.*

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

~~Existing law establishes various plans and programs to preserve, protect, and rehabilitate lands adjacent to rivers in the state.~~

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020.~~

~~This bill would require the Natural Resources Agency to establish a grant program for projects on or adjacent to riparian corridors that, among other things, furthers the regulatory purposes of the California Global Warming Solutions Act of 2006 and to consider the extent to which a project reduces emissions of greenhouse gases and provides the greatest level of specified cobenefits. The bill would create the CalRIVER Fund in the State Treasury, with moneys in the fund to be available upon appropriation to implement the grant program.~~

~~The bill would require the secretary of the agency to develop regulations, criteria, or procedural guidelines for the implementation of the grant program.~~

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

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

1     *SECTION 1. Section 25200.1.3 is added to the Health and*  
2     *Safety Code, to read:*

3     *25200.1.3. The department shall, within 90 days of receiving*  
4     *a renewal application for a hazardous waste facilities permit, hold*  
5     *a public meeting in or near the community in which the hazardous*  
6     *waste facility is located in order to inform the public of the*  
7     *submission of the renewal application, the process for reviewing*  
8     *and making a decision on the renewal application, how the public*  
9     *can participate in the process, and the facility's enforcement*  
10    *history.*

11    *SEC. 2. Section 25205 of the Health and Safety Code is*  
12    *amended to read:*

13    25205. (a) Except as provided in Section ~~25245.5~~, 25245.4,  
14    the department shall not issue or renew a permit to operate a  
15    hazardous waste facility unless the owner or operator of the facility  
16    establishes and maintains the financial assurances required pursuant  
17    to Article 12 (commencing with Section 25245).

18    (b) The grant of interim status of a facility, or any portion  
19    thereof, that is operating under a grant of interim status pursuant  
20    to Section 25200.5, based on the facility having been in existence  
21    on November 19, 1980, shall terminate on July 1, 1997, unless the  
22    department certifies, on or before July 1, 1997, that the facility is  
23    in compliance with the financial assurance requirements of Article  
24    12 (commencing with Section 25245) for a facility in operation  
25    since November 19, 1980, for all units, tanks, and equipment for  
26    which the facility has authorization to operate pursuant to its grant  
27    of interim status.

28    (c) *The department shall review the financial assurances*  
29    *required to operate a hazardous waste facility at least once every*  
30    *five years. If the department's review finds the financial assurances*  
31    *for a facility to be inadequate, the department shall notify the*

owner or operator of the facility and require the owner or operator to update and adopt adequate financial assurances within 90 days.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SECTION 1. ~~The Legislature finds and declares all of the following:~~

(a) ~~Efforts to reduce greenhouse gas emissions and enhance carbon sequestration on river systems will have significant economic, social, and environmental cobenefits and can aid progress on efforts to prepare for climate change risks.~~

(b) ~~Investing in river systems allows for cobenefits, including protection of water supply and water quality, air quality, species habitat, recreation, jobs, flood protection, reduced heat-island effects, and reduced energy use.~~

(c) ~~To ensure resilience and proper carbon management of these river systems, an integrated program must be developed to maximize the carbon management of the systems as well as effectively use existing state and regional funding.~~

SEC. 2. Chapter 10.5 (commencing with Section 5845) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 10.5. THE CALIFORNIA RIVER REVITALIZATION AND  
GREENWAY DEVELOPMENT ACT OF 2015

5845. This chapter shall be known, and may be cited, as CalRIVER.

5846. It is the intent of the Legislature that, in an effort to reduce greenhouse gas emissions and increase greenhouse gas sequestration, the state shall protect, restore, and enhance a network of river systems and their riparian corridors to increase water retention, improve water quality, improve urban greening and urban reforestation, reduce the heat-island effect, increase active transportation, such as biking and walking, improve nonmotorized

1 mobility in the surrounding communities, and decrease vehicle  
2 miles traveled.

3 5847. (a) ~~The Natural Resources Agency shall establish a grant~~  
4 ~~program for projects on or adjacent to riparian corridors that~~  
5 ~~further the regulatory purposes of the California Global Warming~~  
6 ~~Solutions Act of 2006 (Division 25.5 (commencing with Section~~  
7 ~~38500) of the Health and Safety Code) and meets the requirements~~  
8 ~~of the Greenhouse Gas Reduction Fund Investment Plan and~~  
9 ~~Communities Revitalization Act (Chapter 4.1 (commencing with~~  
10 ~~Section 39710) of Part 2 of Division 26 of the Health and Safety~~  
11 ~~Code).~~

12 (b) ~~To be eligible for funding under the program, a project shall~~  
13 ~~demonstrate that it will achieve a reduction in emissions of~~  
14 ~~greenhouse gases. In selecting projects for funding, the Natural~~  
15 ~~Resources Agency, in consultation with the State Air Resources~~  
16 ~~Board, shall consider the extent to which a project reduces~~  
17 ~~emissions of greenhouse gases.~~

18 (c) ~~In evaluating grant applications for funding, the Natural~~  
19 ~~Resources Agency shall, in addition to prioritizing projects~~  
20 ~~pursuant to subdivision (b), consider the extent to which a project~~  
21 ~~provides the greatest level of the following cobenefits:~~

22 (1) ~~Recreational access to and improved human interaction with~~  
23 ~~a river or riparian corridor, especially in urban corridors and~~  
24 ~~park-starved communities.~~

25 (2) ~~Improved transportation mobility, especially pedestrian,~~  
26 ~~bicycle, and public transit.~~

27 (3) ~~Economic viability of the surrounding community by~~  
28 ~~promoting appropriate development, especially in an urban setting.~~

29 (4) ~~Development of visitor-serving and interpretive facilities.~~

30 (5) ~~Access and development of pocket parks, community~~  
31 ~~gardens, demonstration gardens, and other urban greening.~~

32 (6) ~~Species protections and the protection of habitat strongholds,~~  
33 ~~including improved wildlife corridors.~~

34 (7) ~~Improved resiliency in the face of unavoidable impacts from~~  
35 ~~climate change.~~

36 (8) ~~Improved water supply, flood protection, and water quality,~~  
37 ~~including the water quality of impaired water bodies through river~~  
38 ~~restoration.~~

39 (9) ~~Job training and workforce development, especially projects~~  
40 ~~that involve disadvantaged youth and veterans.~~

1     ~~(10) Improved stormwater retention.~~

2     ~~(d) Projects receiving funding pursuant to this chapter shall also~~  
3 ~~be consistent with both of the following:~~

4     ~~(1) The California Water Action Plan published by the Governor.~~

5     ~~(2) The Safeguarding California Plan published by the Natural~~  
6 ~~Resources Agency.~~

7     ~~(e) Projects receiving funding pursuant to this chapter for flood~~  
8 ~~protection shall be consistent, as applicable, with Chapter 4~~  
9 ~~(commencing with Section 8400) of Part 2 of Division 5, Part 6~~  
10 ~~(commencing with Section 9600) of Division 5, and Part 9~~  
11 ~~(commencing with Section 12980) of Division 6, of the Water~~  
12 ~~Code.~~

13     ~~(f) The Natural Resources Agency shall also prioritize funding~~  
14 ~~pursuant to this chapter for projects with the following~~  
15 ~~characteristics:~~

16     ~~(1) Are consistent with a parkway, greenway, or urban greening~~  
17 ~~plan.~~

18     ~~(2) Leverage moneys from the Water Quality, Supply, and~~  
19 ~~Infrastructure Improvement Act of 2014, approved by the voters~~  
20 ~~as Proposition 1 at the November 4, 2014, statewide general~~  
21 ~~election.~~

22     ~~(3) Provide recreational access and opportunities to major~~  
23 ~~metropolitan areas of the state, including those that are relatively~~  
24 ~~underserved by parks.~~

25     ~~5848. The CalRIVER fund is hereby created in the State~~  
26 ~~Treasury to be administered by the Natural Resources Agency.~~  
27 ~~The moneys in the CalRIVER Fund, upon appropriation by the~~  
28 ~~Legislature, shall be expended by the Natural Resources Agency~~  
29 ~~in accordance with this chapter. The Legislature may transfer~~  
30 ~~moneys to the fund from bond proceeds and special funds,~~  
31 ~~including, but not limited to, the Greenhouse Gas Reduction Fund,~~  
32 ~~created by Section 16428.8 of the Government Code.~~

33     ~~5849. The secretary shall develop regulations, criteria, or~~  
34 ~~procedural guidelines for the implementation of this chapter.~~