

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 778**

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**Introduced by Senator Allen**

February 27, 2015

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~~An act to amend Section 5096.520 of the Public Resources Code, relating to conservation easements. An act to add Section 48610.2 to, and to add Article 4.5 (commencing with Section 48635) to Chapter 4 of Part 7 of Division 30 of, the Public Resources Code, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 778, as amended, Allen. ~~Conservation easements: central public registry. Automotive oil source reduction.~~

*Existing law, the California Oil Recycling Enhancement Act, establishes a program, to encourage the recycling of oil, administered by the Department of Resources Recycling and Recovery. A violation of the act is a crime.*

*This bill, on and after January 1, 2018, would require all automotive oil sold in this state to be certified by the oil manufacturer to achieve a minimum useful life of 10,000 miles when used in accordance with the automobile manufacturer's recommendations, and to meet current automotive industry standards. The bill would require the Secretary for Environmental Protection, by January 1, 2017, to establish a minimum standard for automotive oil, as specified, for California environmentally preferable lubricants. The bill, on and after January 1, 2020, would require at least 25% of the cumulative annual volume of ingredients used to manufacture automotive oil sold in the state by oil manufacturers to meet the California environmentally preferable lubricant definition, increasing to not less than 50% on and after*

January 1, 2030, unless the secretary makes a finding that compliance is not feasible due to insufficient supply. A violation of these provisions would be a crime, thereby imposing 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 requires the Secretary of the Natural Resources Agency to establish a central public registry of all conservation easements held or required by the state, or purchased with state grant funds provided by an agency, department, or division of the state on or after January 1, 2000, as prescribed. Existing law requires the registry to be updated biennially.

This bill would require the registry to be updated biennially, or more frequently at the discretion of the secretary.

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. The Legislature finds and declares all of the
- 2     following:
- 3     (a) Used automotive oil is one of the largest sources of
- 4     hazardous waste generated in California. While California has a
- 5     robust recycling program in place, about 40% of automotive oil
- 6     can never be collected for recycling because it is lost in use, either
- 7     burned in the combustion chamber or dripped onto streets and
- 8     parking lots. Of the oil that is collected, only a small percentage
- 9     is actually rerefined into new automotive oil.
- 10    (b) Some brands and types of automotive oil currently sold in
- 11    California fail to meet minimum quality standards for modern
- 12    automobiles and their use may result in vehicle damage and
- 13    voiding of vehicle manufacturer warranties.
- 14    (c) It is the intent of the Legislature to ensure that all automotive
- 15    oil marketed to consumers in this state meets minimum quality
- 16    standards.
- 17    (d) It is the intent of the Legislature to source-reduce the amount
- 18    of used automotive oil that is generated in California in order to

1 *reduce our dependence on petroleum products, avoid damage to*  
2 *the environment and threats to public health, and to be consistent*  
3 *with the state’s hierarchy for waste management practices pursuant*  
4 *to Section 40051 of the Public Resources Code.*

5 *SEC. 2. Section 48610.2 is added to the Public Resources Code,*  
6 *to read:*

7 *48610.2. “Automotive oil” means oil intended for use in an*  
8 *internal combustion gasoline or diesel engine used in passenger*  
9 *cars, light duty trucks, or vans.*

10 *SEC. 3. Article 4.5 (commencing with Section 48635) is added*  
11 *to Chapter 4 of Part 7 of Division 30 of the Public Resources Code,*  
12 *to read:*

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14 *Article 4.5. Automotive Oil*

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16 *48635. On and after January 1, 2018, all automotive oil sold*  
17 *in this state shall be certified by the oil manufacturer to achieve*  
18 *a minimum useful life of 10,000 miles when used in accordance*  
19 *with the automobile manufacturers’ recommendations and shall*  
20 *meet current automotive industry standards.*

21 *48636. (a) On or before January 1, 2017, the Secretary for*  
22 *Environmental Protection, in consultation with other appropriate*  
23 *agencies and interested parties, shall establish a minimum standard*  
24 *for automotive oil for California environmentally preferable*  
25 *lubricants. The standard shall meet or exceed the requirements of*  
26 *the Environmentally Acceptable Lubricant Standards established*  
27 *by the United States Environmental Protection Agency pursuant*  
28 *to document 800-R-11-002.*

29 *(b) On and after January 1, 2020, oil manufacturers whose*  
30 *automotive oil is sold in this state shall ensure that at least 25*  
31 *percent of the cumulative annual volume of ingredients used to*  
32 *manufacture the automotive oil sold in the state meets the standard*  
33 *established pursuant to subdivision (a). On or after January 1,*  
34 *2030, that percentage shall be at least 50 percent. These*  
35 *requirements shall not apply if the secretary makes a finding that*  
36 *compliance is not feasible due to insufficient availability of*  
37 *automotive oil certified to meet those standards.*

38 *SEC. 4. No reimbursement is required by this act pursuant to*  
39 *Section 6 of Article XIII B of the California Constitution because*  
40 *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*  
2 *infraction, eliminates a crime or infraction, or changes the penalty*  
3 *for a crime or infraction, within the meaning of Section 17556 of*  
4 *the Government Code, or changes the definition of a crime within*  
5 *the meaning of Section 6 of Article XIII B of the California*  
6 *Constitution.*

7 SECTION 1. ~~Section 5096.520 of the Public Resources Code~~  
8 ~~is amended to read:~~

9 5096.520. (a) ~~The Secretary of the Natural Resources Agency~~  
10 ~~shall establish a central public registry of all conservation~~  
11 ~~easements held or required by the state, or purchased with state~~  
12 ~~grant funds provided by an agency, department, or division of the~~  
13 ~~state on or after January 1, 2000. In constructing the registry, the~~  
14 ~~Natural Resources Agency shall draw upon the Department of~~  
15 ~~General Services' property inventory, and other information held~~  
16 ~~by a state agency, department, division, or other sources.~~

17 (b) ~~For the purposes of this section, "conservation easement"~~  
18 ~~means any limitation in a recorded instrument that contains an~~  
19 ~~easement, restriction, covenant, condition, or offer to dedicate,~~  
20 ~~that has been executed by or on behalf of the owner of the land~~  
21 ~~that is subject to that limitation and is binding upon successive~~  
22 ~~owners of the land, and the purpose of which is to retain land~~  
23 ~~predominantly in its natural, scenic, historical, agricultural,~~  
24 ~~forested, or open-space condition. "Conservation easement"~~  
25 ~~includes a conservation easement as defined in Section 815.1 of~~  
26 ~~the Civil Code, an open-space easement as defined in Section~~  
27 ~~51075 of the Government Code, and an agricultural conservation~~  
28 ~~easement as defined in Section 10211.~~

29 (c) ~~The registry shall only include the following information on~~  
30 ~~each conservation easement that is listed in the registry:~~

- 31 (1) ~~The assessor's parcel numbers for the property covered by~~  
32 ~~the easement.~~
- 33 (2) ~~The purpose of the easement.~~
- 34 (3) ~~The location of the easement, identified by county and~~  
35 ~~nearest city.~~
- 36 (4) ~~The identity of the easementholder.~~
- 37 (5) ~~The size of the easement in acres.~~
- 38 (6) ~~The date the easement transaction was recorded.~~

1 ~~(7) The amount of funding provided by the agency, department,~~  
2 ~~or division of the state holding or requiring the easement or~~  
3 ~~providing state grant funds for the easement.~~

4 ~~(d) An agency, department, or division of the state with~~  
5 ~~conservation easements that are held or required by the state or~~  
6 ~~purchased with state grant funds shall enter and keep current the~~  
7 ~~information specified in subdivision (c) for those easements in the~~  
8 ~~registry established pursuant to this section.~~

9 ~~(e) The Secretary of the Natural Resources Agency shall make~~  
10 ~~the registry available for use by the general public. Only the~~  
11 ~~information relating to paragraphs (2) to (6), inclusive, of~~  
12 ~~subdivision (c) regarding conservation easements held or required~~  
13 ~~by the state, or purchased with state grant funds provided by an~~  
14 ~~agency, department, or division of the state on or after January 1,~~  
15 ~~2006, shall be provided by the Secretary of the Natural Resources~~  
16 ~~Agency on the Internet. Personal identifying information shall not~~  
17 ~~be posted on the Internet. The registry shall be updated biennially,~~  
18 ~~or more frequently at the discretion of the secretary.~~