

**Summary of
Infill Legislation
As of 2/26/03**

- SB 493 Cedillo. Liability reform. The intent behind this bill is to mirror what the feds did last year on brownfield liability...the real benefit will be that it provides immunity from joint and several liability (as in Federal Superfund/CERCLA) for prospective purchasers seeking to develop contaminated parcels. The immunity would not be in effect until the property is cleaned up and the entity receives a certification of completion letter from the appropriate cleanup authority. *(SM comment: this bill is likely will bring out fair amount of skepticism from enviros and trial attorneys)*

- SB 559 Escutia. Geologic Hazard Abatement Districts. This bill would expand the Geologic Hazard Abatement District (GHAD) so that environmental remediation could be undertaken using these funds. To hyper-simplify the bill, a local assessment district is typically created to issues a bond. Under existing law, a GHAD may issue bonds, purchase and dispose of property by eminent domain, levy and collect assessments, sue and be sued and construct and maintain improvements. *(SM Comments: Based on informal conversations, this practice is already occurring and this legislation would allow the practice to happen on a wider scale. Unsure who opposition will be yet.)*

- SB 559 Ortiz. The original intent behind this legislation was to establish a one-stop shop for brownfield redevelopments. Current process either deems DTSC or one of the RWQCB as lead/administering agency. The legislation proposes a separate entity underneath Cal/EPA with independent authority. *(SM Comment: This particular bill is written very narrowly and would give "lead agency" type authority for brownfield redevelopment. It focuses on the minutiae of process requirements rather than the broader issue of how these clean-ups could be handled in an expeditious and efficient manner. Current problem is that potential redevelopment projects get bogged down and hindered going through the entitlement process and it costs developers money and time. Opposition will be agency-types trying to keep their current responsibilities & funds. A comprehensive "fix" would make this process LESS EXPENSIVE.)*

Input from Sierra Club

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My preliminary opinions FYI.

SB 493 Cedillo. Looks good to me; need to threaten pain to get clean up; then lower risk to compete with greenfields

SB 559 Escutia. Looks good to me; expedites remediation

SB 559 Ortiz. Creates a new bureaucratic entity when DTSC and the RWQCBs have a hard enough time doing the job. Possible process improvements could be given to them rather than create a new entity.

ACA 11 Richman. The general Fund should not be used directly for infrastructure; only for bond repayment for voter approved programs. This should be an infrastructure bond proposition, if it is really needed.

SCA 13 Alacon. Partly acceptable; prevent minority vetoes of majorities wanting infrastructure bonds, but includes transportation, which must be financed from increases in gas tax.

ACA ?? Steinberg. Similar to ACA 13 except for sales taxes, but overly complicated effort to get sugar in the vinegar; also, should not use sales tax for transportation.

SCA 2 Torlakson. Simpler than ACA ?? but should not use sales tax for transportation. However, gets SG explicitly into the mix. A percent higher than 25 would be desirable, and much depends on how SG is defined.

ACA 7 Dutra. While majority votes are desirable, environmentally more highways are not, and this measure is not sensitive to that problem; also, should not use sales tax for transportation.

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