

Memorandum 97-61

Environmental Law Consolidation: Consultants' Report

The Legislature added the following study to the Commission's calendar of topics during the 1996 legislative session:

Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes.

1996 Cal. Stat. res. ch. 38. The idea for this project originated in discussions between environmental lawyers and Senator Lockyer's office concerning how the Legislature might help business cope with the confusing mass of environmental statutes. The concept is a non-policy reorganization that would bring the statutes together in a logical and accessible way.

At its February 1997 meeting, the Commission decided to develop an outline of what a California Environmental Code might look like. The Commission will circulate the outline to interested persons, organizations, entities, and agencies for review and comment. The request for comments will include an inquiry as to (1) whether the project is desirable, (2) whether the outline is sound, (3) whether the contents identified in the outline are correct, and (4) whether the commentator is willing to review drafts or otherwise assist in the preparation of the new code.

The Commission engaged the services of Professors John Dwyer of Boalt Hall and Brian Gray of Hastings Law School to prepare an initial outline of an Environmental Code. Their suggested outline is attached, along with a brief commentary on the pros and cons of this project. We hope to have both Professors Dwyer and Gray at the Commission meeting, if they are able to free up their schedules.

On approval by the Commission, we will circulate the draft, with commentary, for comment. The staff suggests a two-month comment period. The

draft will include the request for comments discussed above and will be prefaced with the following "mission statement":

ENVIRONMENTAL LAW REORGANIZATION

The Legislature has directed the California Law Revision Commission to propose a reorganization of California's environmental quality and natural resources statutes. See 1996 Cal. Stat. res. ch. 38. This not a policy revision. Its purpose is to simplify and consolidate existing statutes by bringing them together in an organized way that will make them more usable and accessible. The Commission may also propose to eliminate obsolete and unnecessarily duplicative statutes, and may suggest ways to resolve inconsistencies between statutes.

The project will take the form of a series of reports on subject matter areas covering the entire range of California environmental statutes. The Commission anticipates development of a complete code over several years by enactment of a series of subject matter statutes. Work on this project will commence during 1997 and will be executed on a priority basis.

The Commission seeks the involvement of interested persons in this project. All Commission decisions will be made at public meetings, and recommendations will be made to the Governor and Legislature only after interested persons have had an opportunity to review and comment on the proposals, and the Commission has considered the comments.

For further information, please contact the Commission at:

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, California 94303
Telephone: 650-494-1335
FAX: 650-494-1827
Email: commission@clrc.ca.gov
Website: <http://www.clrc.ca.gov>

Respectfully submitted,

Brian Hebert
Staff Counsel

UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

SCHOOL OF LAW (BOALT HALL)
BERKELEY, CALIFORNIA 94720-2499
FAX NO. (510) 643-6171
TELEPHONE (510)

September 2, 1997

Nathaniel Sterling, Executive Secretary
California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739

Law Revision Commission
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Dear Mr. Sterling:

File: _____

Enclosed is our proposed reorganization of California environmental statutes. The Commission's charge to us was based on the Legislature's directive to study

Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between statutes, and eliminate obsolete and unnecessarily duplicative statutes.

1996 Cal. Stat. Res. c. 38. As the Commission stated in its mission statement, "[t]his is not a policy revision. Its purpose is to simplify and consolidate existing statutes by bringing them together in an organized way that will make them more usable and accessible." The Commission does not, as we understand it, view this project as involving or substituting for substantive policy reform. Rather, at this stage, you asked us to develop an outline of a California Environmental Code, which you will circulate to interested persons, organizations, and agencies.

As you know, statutory provisions governing environmental quality and natural resources are scattered in several codes, including the Civil Code, Code of Civil Procedure, Fish & Game Code, Food & Agricultural Code, Government Code, Harbors & Navigation Code, the Health & Safety Code, Penal Code, Public Resources Code, Revenue & Taxation Code, Vehicle Code, and Water Code. We have reviewed these and the other state codes and made judgments as to which provisions should be included in an Environmental Code and as to what the organization of the Code should be. (Undoubtedly, we overlooked some provisions, but we think the outline is reasonably complete). That outline is attached as an appendix to this letter.

Having completed a draft outline, we want to explain and discuss several issues.

1. **Organization of Outline of Environmental Code.** We organized the Environmental Code along sub-categories commonly used in the practice of environmental law. No doubt, other organizational schemes are possible, but we thought that this one would make it easiest for environmental lawyers to find the law they were looking for. Inevitably, there are provisions that could easily fit in more than one category, such as provisions regulating hazardous substances in water. Should they be filed under "Water Quality," "Hazardous Substances and Materials," or "Hazardous and Solid Wastes"? To minimize confusion to lawyers who use the codes—which is an implicit goal in making state environmental law more accessible—we generally left integrated acts intact.

Our outline comprises the following categories that, for simplicity, we will call Divisions:

General. This Division includes provisions describing agency functions and obligations (e.g., Resources Agency, Cal-EPA), certification of certain professionals, consolidated permit procedures, and environmental assessments (CEQA). The purpose of the Division is to consolidate provisions that describe the basic governance structure of state environmental agencies and that apply generally to a range of environmental quality issues.

In some respects, this is the least satisfactory of the Divisions. A somewhat different conception might include all provisions that describe regulatory functions, not just of Resources Agency or Cal-EPA, but also of sub-units, such as the State and Regional Water Boards, the Air Resources Board, the Fish and Game Commission, and so forth. The organization of the Code would be more consistent internally, but it would separate agency organization from the substantive requirements.

Air Quality: This Division takes wholesale the materials currently found in Health & Safety Code, Division 26, as well as two other chapters governing indoor air quality and chlorofluorocarbons, Health & Safety Code, Division 103, Pt 5, and Division 104, Pt 15.

There are other provisions Vehicle Code that address smog check stations, and it might be reasonable to include those provisions here. However, that change would come at the cost of fragmenting into different codes the legal obligations of automotive repair shops.

Water Resources. This Division includes not only provisions relating to water quality, but also to the management, use, and conservation of water resources. Thus, it collects provisions governing water rights, state regulatory authority over water use (including operation of dams and reservoirs), water quality, drinking water, and preservation (e.g., wild and scenic rivers, and streamflow protection standards).

Provisions more directly connected to coastal, estuarine, and riparian resources (including wetlands) were put in another division.

Toxic and Hazardous Substances. This Division includes a range of acts, most of which are from the Health and Safety Code, governing toxic and hazardous substances. Setting aside the problem of overlap, it does not include provisions related to hazardous or solid wastes; the point is to separate provisions related to the use of toxic and hazardous substances from those governing the disposal, treatment, and management of wastes.

We did not include any of the provisions related to environmental taxes and fees (mostly found in the Revenue and Taxation Code). Although it would be logical to include such provisions near the substantive statutes, it seemed to us to come at the substantial cost of fragmenting the Revenue and Taxation Code. We also did not include provisions related to pesticides and radiation, which we put in their own divisions.

Pesticides. For the most part, we transferred wholesale Divisions 6 and 7 from the Food and Agricultural Code, although we also included a small set of provisions from the Health and Safety Code regarding accidental spills and exposures.

Radiation. This Division includes all the materials in Health and Safety Code, Division 104, Part 9, related to radiation.

Solid and Hazardous Wastes. This Division comprises provisions related to solid and hazardous waste management (including medical waste), as well as several acts governing recycling.

Land Use and Conservation. We included in this Division a range of provisions from the Civil Code and Government Code dealing with conservation easements, open space, agricultural land preservation. Matters more directly related to coastal, estuarine, or riparian management are included in the next Division.

We included the Government Code provisions dealing with land use planning and zoning. We have mixed feelings about this choice. On the one hand, land use planning is fundamentally about the use of natural resources, and quite often the disputes are about issues that indisputably involve environmental protection. On the other hand, the addition of these provisions would enlarge an already large Environmental Code, and they include matters that many lawyers would consider distinct from environmental quality and natural resources.

Coastal, Estuarine, and Riparian Management. This Division brings together a range of provisions in the Public Resources, Government, and Health and Safety Codes, including the Coastal Act, the Coastal Conservancy Act, the provisions governing the SF Bay Conservation and Development Commission, wetlands, and a series of smaller conservation acts.

There are additional wetlands provisions in the Fish and Game Code, and a more ambitious and detailed reorganization would consolidate those provisions with the wetlands provisions in this Division.

Wildlife Protection. For the most part, this Division consists of the Fish and Game Code, including provisions related to habitat protection, endangered species, and hunting and management of wildlife. We moved some provisions directly related to water quality to the *Water Resources* Division, and we have also added a set of provisions from the Food and Agricultural Code related to native desert plants (related provisions are also in the Fish and Game Code).

Resource Development and Protection. Our purpose in this Division was to gather together provisions related to resource exploitation and protection generally governed by the Department of Conservation, in particular forestry and range management, mining, oil and gas, and geothermal resources. All of the provisions come from the Public Resources Code.

Parks, Wilderness, and Public Lands. This Division collects in one place various acts related to public parks, wilderness areas, conservancy areas, and other lands generally withheld from commercial development. All of the provisions come from the Public Resources Code.

Energy. This Division contains provisions from the Government and Public Resources Code related to energy development and use. We omitted the provisions in the Public Utilities Code, which we thought best left intact because it was an integrated code and it included provisions not related to energy, such as water and utilities.

Energy development and consumption is a fundamental, some would say the most fundamental, environmental issue. It plays a substantial role in industrial development, land use patterns, and air, water, and land pollution. At the same time, we see reasons to put it in a separate Code.

Noise Pollution. This Division consists solely of the provisions governing noise pollution from the Health & Safety Code, Division 28.

2. Why We Omitted Certain Provisions. For various reasons, we omitted numerous acts and legislative areas that have a direct or strong indirect relationship to environmental quality and natural resources. In many cases, we were influenced by the size of the Environmental Code, the fact that some provisions and acts also were related to non-environmental matters, and that they were contained in integrated codes. Plainly, there is ample basis to disagree about these choices.

Environmental Taxes and Fees. There are several Acts governing environmental taxes, including Hazardous Substances Tax Law, Rev. & Tax Code §§ 43001-43651, Oil

Spill Response, Prevention, and Administration Fees, Rev. & Tax Code §§ 46001-46751, Underground Storage Tank Maintenance Fee Law, Rev. & Tax Code §§ 50101-50161. These provisions are directly related to environmental quality and natural resources, and many of them have corresponding substantive environmental laws. *See, e.g.,* Hazardous Waste Control Law, Health & Safety Code §§ 25100-25250.25, and Hazardous Substances Account Act, Health & Safety Code §§ 25300-25395.15, Oil Spill Prevention and Response Act, Gov. Code §§ 8670.1-8670.72, and Petroleum Underground Storage Tank Cleanup, Health & Safety Code §§ 25299.10-25299.82. While their transfer to the Environmental Code would help make that code more comprehensive, it would come at the cost of enlarging an already large Code, and of making the Revenue and Taxation Code less than comprehensive and thus perhaps causing some confusion.

Public Utility Commission. Many of the provisions in the Public Utility Code have a direct impact on environmental quality. But there seems to be little advantage and substantial disadvantage to breaking up this self-contained code.

Irrigation, Water Service, and Municipal Utility Districts. The laws governing the formation and governance of various types of districts (many are located in the Water Code and Public Resources Code) have some relation to environmental quality and natural resources. However, we find the relationship relatively remote, at least when compared to other matters, such as provisions governing air or water quality. The volume of these materials also could enlarge substantially the comprehensive Environment Code.

Transportation. There are important provisions in the Government Code, Title 2, Division 3, Parts 5, 5.3, and Title 7.7, related to transportation planning. Obviously, transportation planning raises important environmental issues, but they seemed just a notch too remote to include in this Code. For the same reason, we omitted provisions related to regional transportation agencies in Government Code, Titles 7.1, 7.8, 7.87, 7.88, 7.91, 7.94, and 7.95, and regional transit districts and boards, Public Utilities Code, Divisions 10-25

Municipal Authority Over Parks, Health and Safety. Such matters continually raise environmental questions, but they seem more directly related to municipal power and thus should be left in the Government Code or Health and Safety Code.

3. Whether the State Should Adopt an Environmental Code. Having developed an outline for an Environmental Code, we see more clearly the substantial advantages in gathering in one place the various acts and provisions related to environmental quality and natural resources. But we also see some significant difficulties, and we have come to recognize that no particular organization (including the status quo) is perfect.

One serious question involves the size and scope of the proposed Environmental Code. The problem stems from the fact that there is no clear, widely accepted definition for "environmental quality" and natural resources." Moreover, in some respect virtually

every aspect of modern life affects or is affected by environmental or natural resource issues. Most people would agree that some matters—air quality, water quality, solid and hazardous wastes—should be included in an Environmental Code, but disagreement may begin to arise as we move away from these areas. In addition, the Code we have outlined would be quite substantial in size.

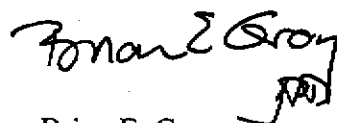
To some extent, these concerns can be ameliorated by removing provisions not as closely related to environmental and natural resource matters, such as energy and land use and planning. But these distinctions seem to us to be somewhat arbitrary and come at the cost of making the Environmental Code much less than comprehensive.

A completely different approach—which we do not advocate, but in which we see some advantages—is to tinker slightly with the existing codes (consolidate, for example, the provisions on oil spills, presently scattered in the Government and Public Resource Codes) and to spend time and energy in creating an excellent index with complete cross references in each chapter or act. This approach may cause less disruption (although it would be no less work), but it would require continual updating.

In the final analysis, it may well be that the compilation (and updating) of an index to California's environmental quality and natural resources laws such as this one is the best way to achieve the goal of making the statutes more accessible to the relatively uninitiated. If that approach were adopted, we would recommend including in the index the omitted provisions listed on the last page of the outline, as well as references to other general statutes such as the nuisance laws in the Civil Code, the Code of Civil Procedure, and the Penal Code. It also would be appropriate to include in the index the provisions of the California Constitution relating to environmental quality and natural resource management, such as Article X, §2, which establishes the reasonable and beneficial use doctrine of California water law.

We look forward to your comments both on our draft and on the alternative means of fulfilling the Legislature's goals for this project.

Sincerely,



Brian E. Gray
Professor of Law
Hastings College of Law
University of California



John P. Dwyer
John H. Boalt Professor of Law
Boalt Hall, School of Law
University of California

DRAFT OUTLINE OF CALIFORNIA ENVIRONMENTAL CODE

I. GENERAL

- A. General Provisions for Environmental and Natural Resource Agencies**
Resources Agency, Gov. Code, Tit 2, Div 3, Pt 2.5, Ch 1, §§12805, 12807-12807.6
Environmental Protection Agency, Gov. Code, Tit 2, Pt 2.5, Ch 1, §§12812-12812.5; Health & Safety Code, Div 37, §§57000-57005, Health & Safety Code, Div 38, §§58000-58018, Health & Safety Code, Div 39, §§59000-59019
- B. Certification**
Health & Safety Code, Div 20, Ch 6.98, §§25570-25570.4 (environmental assessors)
Health & Safety Code, Div 104, Pt 1, Ch 4, Art 1, §§106600-106735 (environmental health specialists)
Health & Safety Code, Div 104, Pt 1, Ch 4, Art 2, §§106750-106865 (radon specialists)
Health & Safety Code, Div 104, Pt 1, Ch 4, Art 3, §§106875-106910 (water treatment plant operators)
Health & Safety Code, Div 104, Pt 1, Ch 4, Art 5, §§106950-107110 (radiological technologists)
Health & Safety Code, Div 104, Pt 1, Ch 4, Art 6, §§107115-107175 (nuclear medicine technology)
- C. Consolidated Permit Procedures and Data Reporting**
Pub. Res. Code, Div 34, §§71000-71068
- D. Pollution Control Financing Authority**
Health & Safety Code, Div 27, §§44500-44563
- E. Environmental Quality Study Panel**
Gov. Code, Tit 2, Div 3, Pt 14, §§16000-16081
- F. California Environmental Quality Act**
Pub. Res. Code, Div 13, §§21000-21177

II. AIR QUALITY

- A. General Provisions and Definitions**
Health & Safety Code, Div 26, Pt 1, §§39000-39153

- B. State Air Resources Board**
Health & Safety Code, Div 26, Pt 2, §§39500-39905
- C. Air Pollution Control Districts**
Health & Safety Code, Div 26, Pt 3, §§40000-41267
- D. Nonvehicular Air Pollution Control**
Health & Safety Code, Div 26, Pt 4, §§41500-42708
- E. Vehicular Air Pollution Control**
Health & Safety Code, Div 26, Pt 5, §§39000-39153
- F. Air Toxics "Hot Spots" Information and Assessment Act**
Health & Safety Code, Div 26, Pt 6, §§44300-44394
- G. Commercial Space Programs**
Health & Safety Code, Div 26, Pt 8, §§44400-44404
- H. Halogenated Refrigerants and Chlorofluorocarbons**
Health & Safety Code, Div 26, Pt 9, §§44470-44474
Health & Safety Code, Div 104, Pt 15, Ch 6, §§119150-119160
- I. Indoor Air Pollution**
Health & Safety Code, Div 103, Pt 5, Ch 7, §§105400-105430
Health & Safety Code, Div 104, Pt 15, Ch 4, §§118875-118950

III. WATER RESOURCES

- A. General Provisions**
Water Code §§1-25
- B. General State Powers Over Water**
Water Code, Div 1, §§100-530
- C. Water Rights and Water Compacts**
Civil Code, Div 2, Pt 4, Tit 8, §§1410a-1422
Water Code, Div 2, §§1000-5975
Gov. Code, Tit 2, Ch 2, §8100 (Nevada Compact)
Gov. Code, Tit 2, Ch 2.6, §§8130-8140 (California/Nevada Compact)
- D. Dams and Reservoirs**
Water Code, Div 3, §§6000-6501
Fish & Game Code, Div 6, Pt 1, Ch 3, §§5900-6306

- E. Wells, Pumping Plants, and Water Conveyances**
Water Code, Div 4, §§7000-7075
 - F. Flood Control**
Water Code, Div 5, §§8000-9577
 - G. Conservation and Development of State Water Resources**
Water Code, Div 6, §§10000-12995
 - H. Water Quality (Porter-Cologne Act and Clean Water Bonds)**
Water Code, Div 7, §§13000-14076
Fish & Game Code, Div 6, Pt 1, Ch 2, Art 1, §§5650-5655
Harbors and Navigation Code, Div 1.5, §§ 90-153
Harbors and Navigation Code, Div 2, Ch 3, §§293-294
Health & Safety Code, Div. 104, Pt 13, Ch 4, Art 2, §§117475-117500
Health & Safety Code, Div. 104, Pt 13, Ch 4, Art 4, §§117510-117525
 - I. Drinking Water**
Health & Safety Code, Div 104, Pt 12, §§116275-117130
 - J. Recreation**
Health & Safety Code, Div 104, Pt 9.5, §§115700-115720 (reservoirs)
Pub. Res. Code, Div 5, Ch 1.5, §§5094-5094.5 (federal water projects)
 - K. Preservation**
Pub. Res. Code, Div 5, Ch 1.4, §§5093.50-5093.70 (wild and scenic rivers)
Pub. Res. Code, Div 10, §§10000-10005 (streamflow protection)
 - L. Protection of Water Supplies**
Water Code, Div 24, §§78500-78702
- IV. TOXIC AND HAZARDOUS SUBSTANCES**
- A. Safe Drinking Water and Toxic Enforcement Act of 1986**
Health & Safety Code, Div 20, Ch 6.6, §§25249.5-25249.13
 - B. Unified Agency Review of Hazardous Materials Release Sites**
Health & Safety Code, Div 20, Ch 6.65, §§25260-25268
 - C. Oversight Costs**
Health & Safety Code, Div 20, Ch 6.66, §§25269-25269.9
 - D. Aboveground Storage of Petroleum**
Health & Safety Code, Div 20, Ch 6.67, §§25270-25270.13

- E. Underground Storage of Hazardous Substances**
Health & Safety Code, Div 20, Ch 6.7, §§25280-25299.7
- F. Petroleum Underground Storage Tank Cleanup**
Health & Safety Code, Div 20, Ch 6.75, §§25299.10-25299.66
- G. Hazardous Substances Account Act**
Health & Safety Code, Div 20, Ch 6.8, §§25300-25395.15
- H. Expedited Remedial Action Reform Act**
Health & Safety Code, Div 20, Ch 6.85 §§25396-25399.2
- I. Liability for Abatement of Hazards**
Health & Safety Code, Div 20, Ch 6.9, §§25400
- J. Unified Hazardous Waste and Hazardous Materials Management**
Health & Safety Code, Div 20, Ch 6.11, §§25404-25404.6
- K. Local Agency Hazardous Materials Regulation**
Health & Safety Code, Div 20, Ch 6.12, §§25405
- L. Hazardous Materials Data**
Health & Safety Code, Div 20, Ch 6.91, §§25410-25417.1
- M. Landfill Gas**
Health & Safety Code, Div 20, Ch 6.92, §§25420-25422
- N. Hazardous Materials Release Response Plans and Inventory**
Health & Safety Code, Div 20, Ch 6.95, §§25500-25547.2
- O. Hazardous Materials Liability of Lenders and Fiduciaries**
Health & Safety Code, Div 20, Ch 6.96, §§25548-25548.7
- P. Hazardous Materials Information and Consulting Services**
Health & Safety Code, Div 20, Ch 6.97, §§25550-25553
- Q. Asbestos Use and Removal**
Health & Safety Code, Div 20, Ch 10.3, §§25910-25913
Health & Safety Code, Div 20, Ch 10.35, §§25914-25914.3
Health & Safety Code, Div 20, Ch 10.4, §§25915-25919.7
Health & Safety Code, Div 20, Ch 10.6, §§25925-25929
- R. Lead Exposure**

Health & Safety Code, Div 103, Pt 5, Ch 2, Art 2, §§105185-105197
(occupational exposure)

Health & Safety Code, Div 103, Pt 5, Ch 4, §105250 (residential lead
paint)

Health & Safety Code, Div 103, Pt 5, Ch 5, §§105275-105310 (childhood
lead poisoning)

S. Repair or Maintenance Projects

Health & Safety Code, Div 37.5, §§57050-57053.9

T. Elder Pipeline Safety Act

Gov. Code, Tit 5, Div 1, Pt 1, Ch 5.5, §§51010-51019.1

U. Oil Spill Prevention and Response

Gov. Code, Tit 2, Div 1, Ch 7, Art 3.5, §§8574.1-8574.23

Gov. Code, Tit 2, Div 1, Ch 7.4, §§8670.1-8670.72

Pub. Res. Code, Div 7.8, §§8750-8760

V. Highway Transportation and Highway Spill Containment

Vehicle Code, Div 2, Ch 2, Art 4, §§2450-2454

Vehicle Code, Div 2, Ch 2.5, Arts 4-5, §§2531-2549

Vehicle Code, Div 14.1, §§32000-32053

Vehicle Code, Div 14.3, §§32100-32109

Vehicle Code, Div 14.5, §§33000-33002

Vehicle Code, Div 14.7, §§34000-34100

V. PESTICIDES

A. Pest Control Operations

Food & Agricultural Code, Div 6, §§11401-12258

B. Agricultural Chemicals

Food & Agricultural Code, Div 7, §§12500-14155

C. Pesticide Poisoning

Health & Safety Code, Div 103, Pt 5, Ch 3, §§105200-105225

VI. RADIATION

A. Radiation Protection Act

Health & Safety Code, Div 104, Pt 9, Ch 4, §§114650-114685

B. Containment of Radioactive Materials

Health & Safety Code, Div 104, Pt 9, Ch 5, §§114705-114835

C. Radiologic Technology

Health & Safety Code, Div 104, Pt 9, Ch 6, §§114840-114895

D. Atomic Energy Development

Health & Safety Code, Div 104, Pt 9, Ch 7, §§114900-114955

E. Radiation Control Law

Health & Safety Code, Div 104, Pt 9, Ch 8, §§114960-115271.4

F. Nuclear Powerplant Radiation

Health & Safety Code, Div 104, Pt 9, Ch 9, §§115275-115295

VII. SOLID AND HAZARDOUS WASTE

A. Hazardous Waste Control Law

Health & Safety Code, Div 20, Ch 6.5, §§25100-25250.25

B. Garbage and On-Site Sewage Disposal

Health & Safety Code, Div 104, Pt 13, Ch 4, §§117400-117590 (except
Arts 2, 4, moved to Water Resources)

C. Medical Waste

Health & Safety Code, Div 104, Pt 14, §§117600-118360

D. Used Oil Recycling

Pub. Res. Code, Div 3, Ch 1, Art 9, §§3460-3473

Pub. Res. Code, Div 3, Ch 1.5, §§3475-3494 (demonstration program)

E. California Beverage Container Recycling and Litter Reduction

Pub. Res. Code, Div 12.1, §§14500-14595

F. Dry Cell Batteries

Pub. Res. Code, Div 12.2, §§15000-15024

G. Plastic Waste

Pub. Res. Code, Div 12.7, §§18000-18017

H. Fiberglass Recycled Content Act

Pub. Res. Code, Div 12.9, §§19500-19535

I. Clean Glass Recycling Act

Pub. Res. Code, Div 33, §§70000-70031

- J. Integrated Waste Management Act**
Pub. Res. Code, Div 30, §§40000-48695
- K. Waste Management Facilities**
Pub. Res. Code, Div 31, §§50000-50002
- L. Sacramento Regional County Solid Waste Management District**
Pub. Res. Code, Div 32, §§60000-60033
- M. Ventura County Waste Management Authority**
Pub. Res. Code, Div 32.5, §§60200-60256

VIII. LAND USE AND CONSERVATION

- A. Conservation Easements**
Civ. Code, Div 2, Pt 2, Tit 2, Ch 4, §§815-816
- B. Open Space Maintenance Districts**
Gov. Code, Tit 5, Div 1, Pt 1, Ch 2.5, §§50575-50628
- C. Open Space Easements**
Gov. Code, Tit 5, Div 1, Pt 1, Chs 6.5-6.6, §§51050-51097
- D. Agricultural Lands**
Gov. Code, Tit 5, Div 1, Pt 1, Ch 7, §§51200-51295 (Williamson Act)
Pub. Res. Code, Div 10.2, §§10200-12159 (agricultural stewardship)
- E. Tahoe Regional Planning Compact**
Gov. Code, Tit 7.4-7.5, §§66800-67132
- F. Fort Ord Reuse Authority**
Gov. Code, Tit 7.85, §§67650-67700
- G. Military Base Reuse Authority Act**
Gov. Code, Tit 7.86, §§67800-67870
- H. Resource Conservation**
Pub. Res. Code, Div 9, §§9001-9978
- I. Planning and Land Use**
Gov. Code, Tit 7, §§65000-66499.7

IX. COASTAL, ESTUARY, AND RIPARIAN MANAGEMENT

- A. Coastal Sanctuary Act**
Pub. Res. Code, Div 6, Pt 1, Ch 3.4, §§6240-6244
- B. SF Bay Conservation and Development**
Gov. Code, Tit 7.2, §§66600-66682
- C. Safe Recreational Uses of Beaches and Ocean Waters**
Health & Safety Code, Div 104, Pt 10, Art 2, Ch 5, §§115875-115915
Health & Safety Code, Div 104, Pt 10, Art 6, Ch 5, §§116070-116090
- D. Morro Bay Management Plan**
Pub. Res. Code, Div 18, §§28000-28007
- E. Suisun Marsh Preservation**
Pub. Res. Code, Div 19, §§29000-29612
- F. Delta Protection Act**
Pub. Res. Code, Div 19.5, §§29700-29780
- G. California Coastal Act**
Pub. Res. Code, Div 20, §§30000-30900
- H. Coastal Conservancy**
Pub. Res. Code, Div 21, §§31000-31405
- I. Urban Waterfront Area Restoration Financing Authority**
Pub. Res. Code, Div 22, §§32000-32208
- J. San Joaquin River Conservancy**
Pub. Res. Code, Div 22.5, §§32500-32538
- K. Coastal Resources and Energy Assistance**
Pub. Res. Code, Div 25, §§35000-35034
- L. Ocean Resources Management**
Pub. Res. Code, Div 27, §§36000-36500
- M. Wetlands Preservation**
Pub. Res. Code, Div 5, Ch 7, §§5810-5818

X. WILDLIFE PROTECTION

A. General Provisions and Definitions

Fish & Game Code §§1-89

B. Fish and Game Commission

Fish & Game Code, Div 1, Ch 1, §§100-104 (organization)

Fish & Game Code, Div 1, Ch 2, §§200-250 (regulatory powers)

Fish & Game Code, Div 1, Ch 3, §§300-398 (other regulatory powers)

Fish & Game Code, Div 1, Ch 4, §§400-401 (federal acts)

Fish & Game Code, Div 1, Ch 5, §§450-460 (management of deer)

Fish & Game Code, Div 1, Ch 6, §§500 (damages from poaching)

C. Department of Fish and Game

Fish & Game Code, Div 2, Ch 1, §§700-715 (organization)

Fish & Game Code, Div 2, Ch 2, §§850-882 (employees)

Fish & Game Code, Div 2, Ch 3, §§1000-1206 (other powers)

D. Wildlife Conservation and Management

Fish & Game Code, Div 2, Ch 4, §§1300-1375 (wildlife conservation)

Fish & Game Code, Div 2, Ch 4.1, §§1385-1391 (riparian habitat)

Fish & Game Code, Div 2, Ch 4.3, §§1400-1431 (inland wetlands)

Fish & Game Code, Div 2, Ch 5, §§1500-1585 (fish & game management)

Fish & Game Code, Div 2, Ch 6, §§1600-1607 (fish & wildlife protection)

Fish & Game Code, Div 2, Ch 7, §§1700-1701 (aquatic resources)

Fish & Game Code, Div 2, Ch 7.2, §§1725-1728 (trout management)

Fish & Game Code, Div 2, Ch 7.3, §§1740-1743 (black bass)

Fish & Game Code, Div 2, Ch 7.5, §§1750-1772 (native species)

Fish & Game Code, Div 2, Ch 7.8, §§1775-1796 (Sacramento-San
Joaquin Valley wetlands mitigation bank)

Fish & Game Code, Div 2, Ch 8, §§1800-1802 (wildlife conservation)

Fish & Game Code, Div 2, Ch 10, §§1900-1913 (native plant protection)

Fish & Game Code, Div 2, Ch 11, §§1925-1926 (native desert plants)

Fish & Game Code, Div 2, Ch 12, §§1930-1933 (significant natural areas)

Food & Agricultural Code, Div 23, §§80001-80201 (native desert plants)

Fish & Game Code, Div 3, Ch 1, §§2000-2020 (taking generally)

Fish & Game Code, Div 3, Ch 1.5, §§2050-2116 (endangered species)

Fish & Game Code, Div 3, Ch 2, §§2116-2203 (importation,
transportation, and sheltering of wild animals)

Fish & Game Code, Div 3, Ch 3, §§2225-2272 (importation and
transportation of live plants and animals)

guides)
Fish & Game Code, Div 3, Ch 4, §§2345-2401 (importation of dead birds, mammals etc.)
Fish & Game Code, Div 3, Ch 5, §§2535-2546 (hunting and fishing)
Fish & Game Code, Div 3, Ch 6, §§2575-2576 (wild rodents)
Fish & Game Code, Div 3, Ch 6.5, §§2580-2589 (illegally taken fish and wildlife)
Fish & Game Code, Div 3, Ch 7, §§2600-2651 (fish & wildlife habitat enhancement)
Fish & Game Code, Div 3, Ch 7.5, §§2700-2729 (wildlife & natural conservation areas)
Fish & Game Code, Div 3, Ch 8, §§2760-2765 (fisheries restoration)
Fish & Game Code, Div 3, Ch 9, §§2780-2799.6 (wildlife protection)
Fish & Game Code, Div 3, Ch 10, §§2800-2840 (natural community conservation)
Fish & Game Code, Div 3, Ch 11, §§2900-2901 (habitat maintenance districts)

E. Birds and Mammals

Fish & Game Code, Div 4, §§3000-4904

F. Protected Reptiles and Amphibians

Fish & Game Code, Div 5, §§5000-5062

G. Fish

Fish & Game Code, Div 6, §§5500-9101 (but not Pt 1, Ch 2, Art 1, §§5650-5655, Pt 1, Ch 3, §§5900-6306, which were moved to Water Resources)

H. Sturgeon Egg Processors

Fish & Game Code, Div 6.54, §§10000-10005

I. Refuges

Fish & Game Code, Div 7, §§10500-10932

J. Districts

Fish & Game Code, Div 8, §§11000-11039

K. Fines and Penalties

Fish & Game Code, Div 9, §§12000-12300

L. Revenue

Fish & Game Code, Div 10, §§13000-13203

M. Expenditures

Fish & Game Code, Div 10.5, §§13220-13231

N. Pacific Marine Fisheries Compact

Fish & Game Code, Div 11, §§14000-14105

O. Aquaculture

Fish & Game Code, Div 12, §§15000-15908

P. Tribal Agreements

Fish & Game Code, Div 13, §§16000-16011

Fish & Game Code, Div 13.5, §§16500-16541

XI. RESOURCE DEVELOPMENT AND PROTECTION

A. Department of Conservation

Pub. Res. Code, Div 1, Ch 2, §§600-690

B. Forestry and Range Management

Pub. Res. Code, Div 1, Ch 2.5 §§700-783 (Dept. of Forestry and Fire Protection)

Pub. Res. Code, Div 4, §§4000-4958 (forests, forestry, and range and forage lands)

Gov. Code, Tit 5, Div 1, Pt 1, Ch 6.7, §§51100-51155 (timberland production)

C. Mining

Pub. Res. Code, Div 2, §§2001-2815 (geology, mines, and mining)

Pub. Res. Code, Div 3.5, Ch 3, §§3960-3968 (placer mining water pollution)

D. Oil and Gas

Pub. Res. Code, Div 3, Ch 1 (except Art 9), §§3000-3451 (oil and gas conservation)

Pub. Res. Code, Div 3, Ch 2, §§3500-3503 (wasting natural gas)

Pub. Res. Code, Div 3, Ch 3, §§3600-3609 (spacing of wells and community leases)

Pub. Res. Code, Div 3, Ch 3.5, §§3630-3690 (unit operation)

Pub. Res. Code, Div 3, Ch 5, §§3780-3787 (oil sumps)

Pub. Res. Code, Div 3, Ch 7, §§3850-3865 (methane gas)

E. Geothermal

Pub. Res. Code, Div 3, Ch 4, §§3700-3776 (geothermal resource development)

Pub. Res. Code, Div 3, Ch 6, §§3800-3827 (disposition of geothermal revenues)

XII. PARKS, WILDERNESS, AND PUBLIC LANDS

A. Department of Parks and Recreation

Pub. Res. Code, Div 1, Ch 1, §§ 500-563

B. Parks and Monuments

Pub. Res. Code, Div 5 (except Chs 1.4, 1.5, and 7, moved elsewhere), §§5001-5851

Pub. Res. Code, Div 5.8, §§5900-5938 (wildlife, coastal, and park land conservation)

Pub. Res. Code, Div 7.5, §§ 8650-8655 (Arroyo Seco parklands)

Pub. Res. Code, Div 14, §§22000-22080 (Ventura-Los Angeles Mountain and Coastal Study Commission)

C. Conservancy Districts

Pub. Res. Code, Div 23, §§33000-33216 (Santa Monica Mountains Conservancy)

Pub. Res. Code, Div 23.5, §§33500-33805 (Coachella Valley Conservancy)

D. State Lands

Pub. Res. Code, Div 6, Pts 1-3 (except Pt 1, Ch 3.4, moved elsewhere), §§6001-8106 (administration and control)

Pub. Res. Code, Div 7, §§ 8600-8633 (Kapiloff land bank)

Pub. Res. Code, Div 7.7, §§8700-8716 (school land bank)

E. Federal Lands

Pub. Res. Code, Div 6, Pt 4, §§8301-8558

F. Surveying and Mapping

Pub. Res. Code, Div 8, §§8801-8819

XIII. ENERGY

A. Community Energy Authority

Gov. Code, Tit 5, Div 1, Pt 3, Ch 1, §§52000-52190

B. Western Interstate Nuclear Compact

Gov. Code 7.6, §§67400-67401

- C. Power Plant Siting**
Pub. Res. Code, Div 1, Ch 3, §§800-801
- D. Energy Conservation and Development**
Pub. Res. Code, Div 15, §§25000-25980
- E. Alternative Energy & Advanced Transportation Financing Authority**
Pub. Res. Code, Div 16, §§26000-26042.2
- F. Energy and Resources Fund**
Pub. Res. Code, Div 16.5, §§26400-26407

XIV. NOISE POLLUTION

- A. Noise Pollution**
Health & Safety Code, Div 28, §§46000-46080

Omitted Provisions

Hazardous Substances Act

Health & Safety Code, Div 104, Pt 3, Ch 4

Health & Safety Code, Div 104, Pt 3, Ch 8

Health & Safety Code, Div 104, Pt 3, Ch 9

City and County Authority Over Parks, Public Health, Water, Nuisance

Gov. Code, Tit 3, Div 2, Chs 6-8, Tit 4, Div 3, Ch 10

Local Government Reorganization

Gov. Code, Tit 6, Div 3

Regional Transportation Agencies, Districts, and Boards

Gov. Code, Tits. 7.1, 7.8, 7.87, 7.89, 7.91, 7.94, 7.95

Pub. Utilities Code, Divs 10-25

Transportation

Gov. Code, Tit 2, Div 3, Pts 5, 5.3

Gov. Code, Tit 7.7

Resort Improvement Districts

Pub. Res. Code, Div 11

California Conservation Corps

Pub. Res. Code, Div 12

Geologic Hazard Abatement Districts

Pub. Res. Code, Div 17

Environmental Taxes and Fees

Rev. & Tax. Code, Pts 22, 23, 24, 26,

Irrigation, Water Service, and Municipal Utility Districts

Water Code, Divs, 10-21