ASSEMBLY BILL No. 2825

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Section 17213 of the Education Code, to amend Section 65302 of the Government Code, and to amend Sections 21151.2, 21151.4, and 21151.8 of the Public Resources Code, relating to school sites.

LEGISLATIVE COUNSEL'S DIGEST

AB 2825, as introduced, Ruskin. School sites: hazardous emissions and substances: environmental impact.

(1) Existing law, the Leroy F. Greene State School Building Lease-Purchase Law of 1976, provides bond funds for the construction, reconstruction, modernization, and replacement of school facilities and the performance of deferred maintenance activities on school facilities. Existing law prohibits the approval by the governing board of a school district of the acquisition of a school site by a school district unless prescribed conditions relating to possible exposure to hazardous substances are satisfied, including the identification of specified facilities within that district's authority and the making of specified written findings regarding the health risks from the facilities, corrective measures, potential mitigation measures, or a severe shortage of sites.

This bill would revise those provisions to additionally require the identification of both existing and proposed facilities that emit hazardous air emissions or handle specified hazardous substances within that school district's authority, including, but not limited to, any agricultural operation that uses pesticides, and other any other business, industry, or facility within one-fourth of a mile of that

proposed schoolsite. The bill would also revise the findings the school district is required to make, to instead, require the school district to find that either the existing or proposed facility or other pollution source is no fewer than 1000 feet of the proposed school site, and the school district is unable to locate an alternative site one-fourth of a mile or further from that facility or that the facility exists because of construction activities and after completion of the construction, the facility will no longer meet certain conditions, thereby imposing a stage-mandated local program by imposing new duties upon school districts .

(2) Existing law requires that a city or county general plan contain specified elements, including a land use element.

This bill would require the land use element to also consider the prohibition on siting schools within 1000 feet of an existing or proposed facility that might reasonably be anticipated to emit hazardous emissions or handle specified hazardous substances and to consider whether to prohibit the siting of a facility that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or wastes within 1000 feet of a school, as specified, thereby imposing a state-mandated local program by imposing new duties upon local agencies.

(3) The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law prohibits the certification of an environmental impact report and the approval of a negative declaration for any project involving the construction or alteration of a facility within 1/4 of a mile that might reasonably be anticipated to emit hazardous air emissions or handle specified hazardous substances that may pose a health or safety hazard to persons who would attend or be employed at the school, unless the lead agency preparing the environmental impact report or negative declaration consults with the school district and the school district has been given a specified written solidification.

CEQA prohibits the approval of an environmental impact report or negative declaration for any project involving the purchase of a school site or the construction of a new elementary or secondary school by a school district, unless as the lead agency, identifies specified facilities

within that district's authority and make written findings regarding the health risks from the facilities, corrective measures, potential mitigation measures, or a severe shortage of sites

This bill would additionally prohibit the certification of an environmental impact report and the approval of a negative declaration for those projects within 1000 feet of a school and would require a finding for an exemption from the prohibition that the emissions are solely a result of construction activities and the lead agency finds that, after completion of construction, the facility will not emit hazardous air emissions, or handle those hazardous substances that would pose that threat. The bill would also define terms for purpose of this prohibition.

The bill would also make conforming changes to CEQA with regard to the approval of approval of an environmental impact report or negative declaration for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district.

(4) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 17213 of the Education Code is amended to read:

17213. The governing board of a school district may not approve a project involving the acquisition of a schoolsite by a school district, unless all of the following occur:

(a) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, determines that the

property purchased or to be built upon is not any of the following:

(1) The site of a current or former hazardous waste disposal site or solid waste disposal site, unless if the site was a former solid waste disposal site, the governing board of the school district concludes that the wastes have been removed.

(2) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(3) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood.

(b) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, in preparing the environmental impact report or negative declaration has consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify ~~both~~ permitted ~~and~~, nonpermitted, *and proposed* facilities within that district's authority, including, but not limited to, freeways and other busy traffic corridors, ~~large~~ *any* agricultural ~~operations~~ *operation that uses pesticides*, ~~and~~ railyards *and any other business, industry, or facility*, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle *extremely* hazardous ~~or acutely hazardous materials,~~ substances, ~~or~~ *hazardous substances, or hazardous* waste, *or*. The school district, as the lead agency, shall include a list of the locations for which information is sought.

(c) The governing board of the school district makes one of the following written findings:

(1) Consultation identified ~~none of the~~ *no existing or proposed* facilities or significant pollution sources specified in subdivision (b).

(2) The *existing or proposed* facilities or other pollution sources specified in subdivision (b) exist, but ~~one of the following conditions applies:~~

~~(A) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.~~

~~(B) The governing board finds that corrective measures required under an existing order by another governmental entity that has jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes this finding, the governing board shall also make a subsequent finding, prior to the occupancy of the school, that the emissions have been mitigated to these levels.~~

~~(C) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.~~

~~(D) The governing board finds that neither of the conditions set forth in subparagraph (B) or (C) can be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations~~ *the facility or other pollution source specified in subdivision (b) is no fewer than 1000 feet of the proposed schoolsite, and the governing board finds that the school district is unable to locate an alternative site one-fourth of a mile or further from a polluting facility under subdivision (b) that is suitable due to a severe shortage of sites*

that meet the requirements of subdivision (a). If the governing board makes this finding, the governing board shall also adopt a statement of overriding considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(3) A facility or other pollution source specified in subdivision (b) exists because of construction activities and after completion of the construction, the facility or other pollution source will no longer be classified under subdivision (b).

(d) As used in this section:

(1) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(2) "Hazardous substance" means any substance defined in Section 25316 of the Health and Safety Code.

(3) "~~Acutely hazardous material~~ *Extremely hazardous substance*" means any *extremely hazardous* material defined pursuant to *paragraph (2) of* subdivision ~~(a)~~ *(g)* of Section 25532 of the Health and Safety Code.

(4) "Hazardous waste" means any waste defined in Section 25117 of the Health and Safety Code.

(5) "Hazardous waste disposal site" means any site defined in Section 25114 of the Health and Safety Code.

(6) "Administering agency" means any agency designated pursuant to Section 25502 of the Health and Safety Code.

(7) "Handle" means handle as defined in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(8) "Facilities" means any source with a potential to use, generate, emit or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the ~~California~~ *State* Air Resources Board.

(9) “Freeway or other busy traffic corridors” means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

SEC. 2. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (e) of Section 2687 of Title 10 of the United States Code.

(3) Beginning with the next regular land use element update subsequent to the enactment of this section, and every update thereafter, the land use element shall consider the prohibition on the siting of a school within 1000 feet of an existing or proposed facility that might reasonably be anticipated to emit hazardous emissions or handle extremely hazardous substances, hazardous substances, or hazardous wastes, as provided in Section 17213 of the Education Code and Section 21151.8 of the Public Resources Code. The land use element shall additionally consider whether to prohibit the siting of a facility that might reasonably be anticipated to emit hazardous emissions or handle extremely hazardous substances, hazardous substances, or hazardous wastes within 1000 feet of a school, consistent with the requirements of Section 21151.4 of the Public Resources Code.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on

natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies that have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county. The conservation element may also cover the following:

(1) The reclamation of land and waters.

(2) Prevention and control of the pollution of streams and other waters.

(3) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(4) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(5) Protection of watersheds.

(6) The location, quantity and quality of the rock, sand and gravel resources.

(7) Flood control.

The conservation element shall be prepared and adopted no later than December 31, 1973.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) A noise element which shall identify and appraise noise problems in the community. The noise element shall recognize the guidelines established by the Office of Noise Control in the State Department of Health Services and shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

(1) Highways and freeways.

(2) Primary arterials and major local streets.

(3) Passenger and freight on-line railroad operations and ground rapid transit systems.

(4) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test

stands, and all other ground facilities and maintenance functions related to airport operation.

(5) Local industrial plants, including, but not limited to, railroad classification yards.

(6) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (L_{dn}). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of *Division 2 of* the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(1) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the Division of Mines and Geology of the Department of Conservation and the Office of Emergency Services for the purpose of including information known by and

available to the department and the office required by this subdivision.

(2) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

SEC. 3. Section 21151.2 of the Public Resources Code is amended to read:

21151.2. To promote the safety of pupils and comprehensive community planning the governing board of each school district before acquiring title to property for a new school site or for an addition to a present school site, shall give the planning commission having jurisdiction notice in writing of the proposed acquisition. The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report of the investigation and its recommendations concerning acquisition of the site, *including any information required pursuant to Section 21151.8*.

The governing board shall not acquire title to the property until the report of the planning commission has been received. If the report does not favor the acquisition of the property for a school site, or for an addition to a present school site, the governing board of the school district shall *provide a written response to the recommendation and shall* not acquire title to the property until 30 days after the ~~commission's report is received~~ *report has been sent to the commission*.

SEC. 4. Section 21151.4 of the Public Resources Code is amended to read:

21151.4. *(a)* An environmental impact report shall not be certified and a negative declaration shall not be approved for any project involving the construction or alteration of a facility within ¼ of a mile of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a

health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

~~(a)~~

(1) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.

~~(b)~~

(2) The school district has been given written notification of the project not less than 30 days prior to the proposed certification of the environmental impact report or approval of the negative declaration.

(b) In addition to the requirements of subdivision (a), an environmental impact report shall not be certified and a negative declaration shall not be approved for any project involving the construction or alteration of a facility within 1000 feet of a school that might reasonably be anticipated to emit hazardous air emissions, or that would handle a hazardous substance or a mixture containing hazardous substances in a quantity equal to or greater than the state threshold quantity specified pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following apply:

(1) The hazardous air emissions are solely a result of construction activities.

(2) The lead agency finds that after completion of construction, the facility will not emit hazardous air emissions, or handle a hazardous substance or a mixture containing hazardous substances in a quantity equal to or greater than the state threshold quantity pursuant to subdivision (j) of Section 25532 of the Health and Safety Code, that may pose a health or safety hazard to persons who would attend or be employed at the school.

(c) As used in this section, the following definitions shall apply:

(1) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the

project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(2) "Hazardous substance" means any substance defined in Section 25316 of the Health and Safety Code

SEC. 5. Section 21151.8 of the Public Resources Code is amended to read:

21151.8. (a) An environmental impact report or negative declaration may not be approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless all of the following occur:

(1) The environmental impact report or negative declaration includes information that is needed to determine if the property proposed to be purchased, or to be constructed upon, is any of the following:

(A) The site of a current or former hazardous waste disposal site or solid waste disposal site and, if so, whether the wastes have been removed.

(B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(C) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools.

(D) A site that is within ~~500~~ *1000* feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

(2) The school district, as the lead agency, in preparing the environmental impact report or negative declaration has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, pursuant to *Article 1 (commencing with* Section 2735.3*) of Chapter 4.5 of Division 2* of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district

having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and busy traffic corridors, ~~large~~ *any* agricultural ~~operations~~ *operation that uses pesticides*, ~~and~~ railyards*, and any other business, industry, or facility*, within ~~one-fourth of a mile~~ *1000 feet* of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle *extremely hazardous substances,* hazardous ~~or acutely hazardousmaterials,~~ substances, or *hazardous* waste. The notification by the school district, as the lead agency, shall include a list of the locations for which information is sought.

(3) The governing board of the school district makes one of the following written findings:

(A) Consultation identified no facilities of this type or other significant pollution sources specified in paragraph (2).

(B) The facilities or other pollution sources specified in paragraph (2) exist, but ~~one of the following conditions applies:~~ *the facility or other pollution source specified in paragraph (2) is a result of construction activities and after completion of the construction, the facility or other pollution source will no longer to meet the conditions of paragraph (2).*

~~(i) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.~~

~~(ii) Corrective measures required under an existing order by another agency having jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes a finding pursuant to this clause, it shall also make a subsequent finding, prior to occupancy of the school, that the emissions have been so mitigated.~~

~~(iii) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code,~~

~~based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.~~

~~(C) The facilities or other pollution sources specified in paragraph (2) exist, but conditions in clause (i), (ii) or (iii) of subparagraph (B) cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213 of the Education Code. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.~~

(C) There is no facility or other pollution source specified in paragraph (2) within 1000 feet of the proposed schoolsite and the governing board finds that the school district is unable to locate an alternative site one-fourth of a mile or further from a facility or other pollution source specified in paragraph (2) that is suitable due to a severe shortage of sites that meet the requirements of subdivision (a) of Section 17213 of the Education Code. If the governing board makes this finding, the governing board shall adopt a statement of overriding considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(4) Each administering agency, *city, county,* air pollution control district, or air quality management district receiving written notification from a lead agency to identify facilities pursuant to paragraph (2) shall provide the requested information and provide a written response to the lead agency within 30 days of receiving the notification. The environmental impact report or negative declaration shall be conclusively presumed to comply with this section as to the area of responsibility of any agency that does not respond within 30 days.

(b) ~~If a school district, as a lead agency, has carried out the consultation required by paragraph (2) of subdivision (a), the environmental impact report or the negative declaration shall be conclusively presumed to comply with this section, notwithstanding any failure of the consultation to identify an existing facility or other pollution source specified in paragraph (2) of subdivision (a).~~

~~(c)~~ As used in this section ~~and Section 21151.4~~, the following definitions shall apply:

(1) "Hazardous substance" means any substance defined in Section 25316 of the Health and Safety Code.

(2) "~~Acutely~~ *Extremely* hazardous ~~material~~ *substance*" means any ~~material~~ *extremely hazardous substance* defined pursuant to *paragraph (2) of* subdivision ~~(a)~~ *(g)* of Section 25532 of the Health and Safety Code.

(3) "Hazardous waste" means any waste defined in Section 25117 of the Health and Safety Code.

(4) "Hazardous waste disposal site" means any site defined in Section 25114 of the Health and Safety Code.

(5) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(6) "Administering agency" means an agency designated pursuant to Section 25502 of the Health and Safety Code.

(7) "Handle" means handle as defined in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(8) "Facilities" means any source with a potential to use, generate, emit or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the ~~California~~ *State* Air Resources Board.

(9) "Freeway or other busy traffic corridors" means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, except that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs for which a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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