



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BRAD WAGENKNECHT - CHAIR  
MARGARET ABE-KOGA  
PAULINE RUSSO CUTTER  
DAVE HUDSON  
SHIRLEE ZANE

KAREN MITCHOFF - VICE CHAIR  
DAVID CANEPA  
JOHN GIOIA  
SCOTT HAGGERTY

THURSDAY  
MARCH 30, 2017  
9:30 A.M.

1<sup>ST</sup> FLOOR BOARD ROOM  
375 BEALE STREET  
SAN FRANCISCO, CA 94105

AGENDA

1. **CALL TO ORDER - ROLL CALL – PLEDGE OF ALLEGIANCE**

*The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members. The Committee Chair shall lead the Pledge of Allegiance.*

2. **PUBLIC COMMENT PERIOD**

*(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at Air District headquarters, 375 Beale Street, San Francisco, California 94105, and on the Air District's website [www.baaqmd.gov](http://www.baaqmd.gov) at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's authority. Speakers will be limited to three (3) minutes each.*

*This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of the meeting.*

Staff/Phone (415) 749-

3. **APPROVAL OF THE MINUTES OF DECEMBER 12, 2016**

Clerk of the Boards/5073

*The Committee will consider approving the attached draft minutes of the Legislative Committee meetings of December 12, 2016.*

4. **CONSIDERATION OF NEW BILLS**

**J. Roggenkamp/4646**  
[jroggenkamp@baaqmd.gov](mailto:jroggenkamp@baaqmd.gov)

*The Committee will discuss and review new bills, and take positions where appropriate.*

5. **COMMITTEE MEMBERS' COMMENTS/OTHER BUSINESS**

*Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

6. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**

*At the Call of the Chair*

7. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Chair.*

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
**mmartinez@baaqmd.gov**

**(415) 749-5016**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Legislative Committee” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Committee meeting. Any correspondence received after that time will be presented to the Committee at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
375 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94105  
FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

**EXECUTIVE OFFICE:  
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS**

**MARCH 2017**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	30	9:30 a.m.	1 <sup>st</sup> Floor Board Room

**APRIL 2017**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Advisory Council Mtg.</b> <i>(Meets on the 1<sup>st</sup> Monday of Every Other Month)</i>	Monday	3	10:00 a.m.	1 <sup>st</sup> Floor Board Room

<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)-</i> CANCELLED	Wednesday	5	9:45 a.m.	1 <sup>st</sup> Floor Board Room
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<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	9:30 a.m.	1 <sup>st</sup> Floor Board Room
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<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	10:30 a.m.	1 <sup>st</sup> Floor Board Room
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<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	1 <sup>st</sup> Floor Board Room
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<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room #109
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<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	27	9:30 a.m.	1 <sup>st</sup> Floor Board Room
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## MAY 2017

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets on the 3<sup>rd</sup> Thursday of every other Month)</i>	Thursday	18	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	24	9:30 a.m.	1st Floor, Yerba Buena Room #109
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	25	9:30 a.m.	1 <sup>st</sup> Floor Board Room
HL – 3/24/17 (11:05 a.m.)				G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: March 22, 2017

Re: Approval of the Minutes of December 12, 2016

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of December 12, 2016.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of December 12, 2016.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Maricela Martinez

Attachment 3A: Draft Minutes of the Committee Meeting of December 12, 2016

## AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of December 12, 2016

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

### **DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Monday, December 12, 2016

#### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Vice Chair Mitchoff called the meeting to order at 9:33 a.m.

Present: Committee Chair Brad Wagenknecht and Committee Vice Chair Karen Mitchoff; and Directors John Avalos, Scott Haggerty, and David Hudson.

Absent: Directors John Gioia and Shirlee Zane.

Also Present: None.

#### **2. PUBLIC COMMENT PERIOD**

No requests received.

#### **3. REVIEW OF THE 2016 LEGISLATIVE YEAR (OUT OF ORDER, ITEM 4)**

Jean Roggenkamp, Deputy Executive Officer, introduced Tom Addison, Senior Policy Advisor, who summarized actions from the 2016 Legislative year pertaining to the District's interests. Bills that the District sponsored or generally supported included: AB 1685 (Gomez), AB 2055 (Gibson), AB 2292 (Gordon), AB 2841 (Allen), ACR 112 (Hadley), SB 32 (Pavley), SB 773 (Allen), SB 1128 (Glazer), SB 1338 (Lara), SB 1383 (Lara), and SB 1441 (Leno). Bills that the District opposed included: AB 1550 (Gomez) and SB 1239 (Gaines).

NOTED PRESENT: Committee Chair Wagenknecht was noted present at 9:40 a.m. and Director Avalos was noted present at 9:45 a.m.

#### Public Comments:

No requests received.

#### Committee Comments:

The Committee and staff discussed the history of the recent trends regarding Air District Boards of Directors in California and how this may affect the District in the future; potential

repercussions and financial consequences due to Southern California’s representation in the Capitol; the addition of two Environmental Justice representatives on the California Air Resources Board of Directors; the elements of AB 197 (Garcia); the significance of the extension of SB 1128; the need for the revision and improvement of CalEnviroScreen and disadvantaged Bay Area communities that are being excluded; variables that create a CalEnviroScreen score; ways in which the District can engage the University of California and/or the Legislature to initiate the study on motor vehicle registration fraud and failure to register a motor vehicle, under SB 773; ways in which the District can revive the efforts of dead legislation that would have developed and implemented energy efficiency upgrades and investments at public ports; the feasibility of the District drafting its own bill that could focus specifically on ports adjacent to disadvantaged areas; and the future of hydrogen fueling in the Bay Area, particularly regarding sales and use tax exemption and income tax credits for hydrogen refueling station equipment.

Committee Action:

None; receive and file.

**4. APPROVAL OF THE MINUTES OF MARCH 30, 2015, OCTOBER 26, 2015, MARCH 21, 2016, AND JUNE 27, 2016 (ITEM 3)**

Public Comments:

No requests received.

Committee Comments:

None.

Committee Action:

Director Hudson made a motion, seconded by Vice Chair Mitchoff, to approve the minutes of March 30, 2015, October 26, 2015, March 21, 2016, And June 27, 2016; and the motion carried by the following vote of the Committee:

AYES: Avalos, Haggerty, Hudson, Mitchoff, and Wagenknecht.

NOES: None.

ABSTAIN: None.

ABSENT: Gioia and Zane.

**5. DISCUSSION OF POTENTIAL 2017 LEGISLATIVE AGENDA**

Mr. Addison predicted potential issues worthy of the Committee’s consideration. These included the obstacles to the identification of disadvantaged communities for state funding, and maximum penalties for violations of stationary source air regulations.

Public Comments:

No requests received.



Committee Comments:

The Committee and staff discussed holding public workshops to address the increasing deficiencies of CalEnviroScreen Version 3.0, and the public's need to see the Board's engagement regarding this issue; the point at which the District should become involved with the South Coast Air Quality Management District's efforts to reformulate penalties for stationary source air regulations; appropriate ceilings that can incentivize good behavior and penalty structures to act as deterrents; and how future wood-burning standards may impact the District's current programs.

Committee Action:

At the consensus of members present, the Committee recommended that the Board pursue and support legislation seeking to reform CalEnviroScreen as means of distribution of state revenues, and support legislative efforts relative to reformulating penalties for stationary source air regulations.

**6. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS**

None.

**7. TIME AND PLACE OF NEXT MEETING**

At the call of the Chairperson.

**8. ADJOURNMENT**

The meeting adjourned at 10:43 a.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Brad Wagenknecht and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: March 21, 2017

Re: Consideration of New Bills

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**RECOMMENDED ACTION**

The Committee will discuss new bills, and recommend positions to the Board of Directors where appropriate.

**BACKGROUND**

The 120 members of the California Legislature have introduced over 2,500 new bills to start the 2017-2018 legislative session. Most of the measures that have state costs face an April 28, 2017 deadline to clear policy committees, while the non-fiscal bills have a deadline of May 12, 2017. That means that policy committees will have packed agendas throughout the month of April as authors try to move their bills forward. Generally, clearing the policy committee in the house of origin is considered the easiest of the many hurdles bills face on their journey towards becoming statute.

Staff are bringing some of the measures with potential air quality implications to the Committee for your consideration. Brief analyses and recommended positions on these follow, in addition to the text of these measures. Additionally, a much larger list of measures of air quality relevance is also attached. While it is common for legislators to introduce bills that are 'works in progress', staff are struck by the high number of measures this year that remain in spot form (no detailed language in the bills) or have only very general intent language as of March 21, 2017. Even for the air quality measures that are more detailed, many lack the fact sheets and background papers that author offices or sponsors have typically prepared by this time. Thus, staff will likely recommend the Air District take positions on some of these additional measures as their authors work to refine and tighten the initial language.

BILL AND AUTHOR	SUBJECT	STAFF RECOMMENDATION
AB 193 Cervantes	Clean Reused Vehicle Rebate Project	Oppose unless amended
AB 378 C. Garcia	Extends cap-and-trade program to 2030	Support
AB 1014 Cooper	Allows monthly testing of hospital diesel backup generators	Support in concept
AB 1132 C. Garcia	Allows emergency abatement of facilities endangering public health	Support
AB 1274 O'Donnell	Smog check exemption for 7 and 8-yr. old vehicles, with Moyer program funding increase	Support
AB 1647 Muratsuchi	Requires refinery fence-line and community monitoring	Support if amended
SB 4 Mendoza	Goods Movement and Clean Trucks Bond Act	Support if amended
SB 41 Galgiani	Exempts certain vehicles from ARB Truck and Bus Regulation	Oppose
SB 49 De Leon	California Environmental Defense, Public Health, and Workers Defense Act of 2017	Support if amended
SB 174 Lara	Blocks registration of trucks not in compliance with air quality regulations	Support
Unknown	Composting to be considered an Essential Public Service for air permitting consideration	Oppose

## ANALYSES

**AB 193**, authored by Assemblymember Sabrina Cervantes (D-Corona), would establish the Clean Reused Vehicle Rebate Project. It is one of several bills this year that seek to increase sales of used clean vehicles. AB 193 has the ARB provide incentives of up to \$1,800 for people buying such a vehicle from a licensed dealer, or people who are replacing a battery in such a vehicle. Funding for the incentives would come from the Air Quality Improvement Program, which primarily comes from the smog abatement fee assessed annually on new vehicles statewide in lieu of their participating in Smog Check.

The Air District strongly supports increased use and sales of clean vehicles, including used clean vehicles. We need increased sales of new and used clean vehicles to meet our climate, toxics, and criteria pollutant emissions reductions goals. However, AB 193 contains a number of problematic provisions. These include that only low and moderate-income consumers residing in disadvantaged communities as defined per CalEnviroScreen are eligible for the

program. Additionally, consumers must live either in a federal nonattainment area, or in a county that has received less than 2% of the Clean Vehicle Rebate Project vouchers.

These latter provisions are problematic, and would effectively exclude the Bay Area from participation in this new program. More importantly, they would exclude many low-income motorists in the Bay Area who are exposed to some of the highest levels of vehicle emissions in California from participating. Additionally, we know that vehicles are by their very nature mobile; they travel between air basins and throughout the state. Likewise, emissions also are transported widely. Thus, staff are recommending an ‘**Oppose unless amended**’ position on AB 193, and suggest striking the overly narrow restrictions on program eligibility.

**AB 378** is authored by Assemblymember Christina Garcia (D-Bell Gardens), who chairs the Assembly Natural Resources Committee. It would implement one of the Brown Administration’s primary environmental goals: the extension of a cap-and-trade program to cut greenhouse gas emissions beyond 2020. Specifically, this bill would authorize a market-based compliance mechanism for greenhouse gas emissions through 2030. While AB 378 has been keyed by Legislative Counsel as a majority vote bill, the Administration is seeking a two-thirds vote on the measure. It specifies that the measures must be effective and equitable, and that they collectively and individually must support achieving air quality and other environmental and public health goals. It also contains intent language on environmental justice and disadvantaged communities, but would not increase reliance on CalEnviroscreen.

Given the Air District’s support for measures in the last session to extend the cap-and-trade program, and our support for AB 32 of 2006 that established the program, staff recommend a ‘**Support**’ position on this bill.

**AB 1014** is authored by Assemblymember Jim Cooper (D-Elk Grove), and deals with the testing of diesel backup generators at hospitals. Reliable power supply is critical at hospitals, and many rely on diesel generators to provide electricity if power from the grid is lost. Hospitals are required to test their generators to ensure their reliability, yet too frequent testing creates excessive diesel exhaust and unnecessary risks to public health. In 2003, California enacted legislation to reduce testing frequency to monthly from weekly. This was done specifically to reduce public health risk from unnecessary diesel exhaust emissions. This monthly testing was allowed to continue with the passage of 2010 legislation (AB 1863—Ted Gaines) which the District supported. Now the prior legislation has expired, and health facilities lack a clear mandate on testing frequency. This bill cites the National Fire Protection Association guidelines, which use a monthly test frequency, as what hospitals must follow. While citing non-California guidelines might not be the preferred approach, we certainly favor monthly testing over weekly. Thus Staff recommend a ‘**Support in concept**’ position on the bill.

**AB 1132** is authored by Assemblymember Christina Garcia (D-Bell Gardens). Assemblymember Garcia and her staff are working closely with the sponsor of this measure, the South Coast Air Quality Management District (South Coast). The impetus for this bill is recent community exposure in Paramount to high levels of the air toxic hexavalent chromium. After substantial investigative work in late 2016, the South Coast pinpointed the high levels to largely

two facilities, a metal works facility called Aerocraft, and a metal finishing and anodizing facility called Anaplex. While Aerocraft cooperatively worked with the South Coast to address emissions, Anaplex took a more defiant stance. The South Coast sought a temporary restraining order in Superior Court to halt the chromium emissions shortly before the December holidays. However, the court remanded the issue to the South Coast Hearing Board, which was unable to meet for some weeks.

While Hearing Boards have the ability to grant facilities an emergency variance from air district regulations, there is no equivalent authority currently in statute to grant them the ability to issue an emergency order of abatement. AB 1132 would correct this imbalance. Specifically, it would allow an air pollution control officer to issue an order of abatement for violations of district regulations when the violation presents “an imminent or substantial endangerment to the public health or welfare, or the environment.” The bill also requires the air district to provide the violator with the procedures for challenging the order, and sets an expedited schedule for ultimate Hearing Board review and resolution. Staff recommend a ‘**Support**’ position on this bill.

**AB 1274**, authored by Assemblymember Patrick O’Donnell (D-Long Beach), is currently a spot bill that makes insignificant changes to the Carl Moyer program. However, the author intends to amend the bill shortly to a policy proposal with significant emissions benefits. The proposed bill will exempt vehicles that are 7 and 8-years old from the Smog Check program. These vehicles would pay a \$24 annual fee in lieu of smog check costs, and the additional \$48 would go to fund the Moyer program, after passing through the Air Pollution Control Fund. Staff note that today vehicles 6-years old and younger are exempted from Smog Check, and these vehicles pay an annual fee that supports different programs, including Moyer.

The South Coast Air District proposed this bill to Assemblymember O’Donnell, after having ARB analyze the emissions consequences of the scheme. ARB’s initial review is favorable. Essentially, emissions from today’s light duty vehicles that are 7 and 8-years old are relatively low, and the Moyer program is cost-effective enough to get greater emissions reductions from incentive-based heavy duty vehicle cleanup. Staff are recommending a provisional ‘**Support**’ position, pending introduction of bill language as described and final confirmation from ARB staff on the emissions benefits of such a measure.

**AB 1647**, authored by Assemblymember Al Muratsuchi (D-Manhattan Beach), is part of a package dealing with refineries. The Assemblymember has the Torrance refinery (previously owned by Exxon Mobil, and recently sold to PBG) in his district. This facility has a long history of explosions and upsets, and community members and legislators are pressing for changes. This bill would require that air districts require refineries to install fence-line monitors by 2019, and community monitors by 2020, and to make the data publicly available in real time.

Here in the Bay Area, we have adopted Rule 12-15 on Petroleum Refining Emissions Tracking, which includes extensive provisions on fence-line monitoring. This portion of the rule was drafted after soliciting input from a panel of monitoring experts from academia, industry, communities, and other government agencies. We would not want to see our refinery monitoring plans in the Bay Area be potentially weakened or made less stringent by a statewide

law. Nor would we want individual refineries to be the final arbiter of what constitutes an acceptable monitoring plan. Yet we strongly favor refinery monitoring, as adoption of our rule indicates. Thus, staff are recommending a **‘Support if amended’** position on the bill. Staff propose amendments that would ensure that a refinery fence-line monitoring plan would need to be approved by the local air district, and that the community monitoring be based on US EPA monitoring requirements and guidance.

**SB 4**, authored by Senator Tony Mendoza (D-Artesia), is titled the Goods Movement and Clean Trucks Bond Act. The bill authorizes an initiative, which if approved by the voters in 2018, would authorize \$600 million of general obligation bonds, some of which would continue programs first established by Proposition 1B of 2006. \$200 million would be allocated by the California Transportation Commission for Transportation Corridor Improvement Fund projects. \$200 million would be allocated by ARB for the Goods Movement Emissions Reduction Program. The final \$200 million would go for zero and near-zero emission trucks, but only in areas that are severe or extreme nonattainment for ozone and particulate matter (PM).

The Air District has long worked to cut goods movement emissions in the Bay Area, yet diesel PM exposures in particular remain unacceptably high. As a result of the Port of Oakland’s location, 20% of toxic diesel PM statewide in California occurs in the Bay Area. Even more significantly, the dense, urban nature of the region means that population exposures to these toxics are much higher than in less densely populated areas of the state. Zero and near-zero truck technologies are as important in the Bay Area as elsewhere in the state, and Bay Area projects should be eligible to compete for those funds. Thus staff recommend a **‘Support if amended’** position on SB 4.

**SB 41**, authored by Cathleen Galgiani (D-Stockton), provides an exemption to ARB’s Truck and Bus Regulation. The measure is sponsored by the California Construction and Industrial Materials Association, and applies to owners of heavy-duty on-road vehicles that were retrofitted with Cleaire Longmile diesel particulate filters (DPFs) roughly five or more years ago. The Truck and Bus Regulation is California’s primary program for cutting emissions from the on-road heavy-duty fleet. Vehicle owners who made the decision to install DPFs some years ago were given more time to operate their older, retrofitted vehicles. Those who chose not to install DPFs are required to replace their equipment with 2010 or later model vehicles. Essentially, less expensive DPFs offer early but modest air quality benefits, while more expensive replacement offers later but greater benefits.

Longmile filters were problematic, were recalled, and were replaced by Cleaire’s successor company, without cost to the purchaser. However, certain vehicles could not be retrofit. These were trucks like cement mixers, that idle for extended periods as part of their duty cycle. There are thought to be on the order of 150 such vehicles statewide that had installed Longmile filters. After these vehicles have been allowed to operate for five years without any emissions controls, ARB’s regulation requires them to be replaced with 2010 or later vehicles by this summer. This bill would overturn that regulatory requirement, and allow the vehicles an additional five years of uncontrolled operation, through 2023.

Fundamentally, the bill sets the dangerous precedent of weakening our primary regulation to cut diesel emissions. It is unfair to all of the owners of such equipment that invested in replacing their vehicles (in compliance with the regulation), and allows uncontrolled emissions long past the original warranty of the DPFs. Furthermore, it would exempt an entire fleet from compliance, even if only one of the vehicles in the fleet had a Longmile filter installed. Staff recommend an ‘**Oppose**’ position.

**SB 49** is authored by Senator Kevin De Leon (D-Los Angeles), the Senate’s President Pro Tempore. It is titled the California Environmental Defense, Public Health, and Workers Defense Act of 2017. It is envisioned as a preemptive measure designed to prevent backsliding in California on environmental programs if the current administration in Washington, D.C. chooses to weaken key environmental statutes such as the federal clean air and water acts. Generally, it requires ARB and local air districts to implement and enforce rules and regulations that are at least as stringent as those required under the current federal Clean Air Act, in addition to those required by state law. It also contains provisions that would allow citizen suit provisions if those provisions are removed from the federal Clean Air Act.

The Air District has long supported and implemented a regulatory program and public health agenda that is generally dramatically more protective of public health than federally required. Thus we are strongly supportive of the ‘no backsliding’ sentiment SB 49 espouses. In 2003, the Legislature adopted the Protect California Air Act, in response to the George W. Bush administration and feared potential weakening of the federal new source review provisions. SB 288 was the 2003 bill that implemented this very similar ‘no backsliding’ measure. Thus the District has some experience with similar previous legislation, and the concerns we have with SB 49 have been informed by those previous experiences.

Generally, air quality regulations need to evolve and grow over time, and to adapt to changing circumstances. Simple phrases such as ‘at least as stringent as’ become the subject of substantial legal debate. Efforts to freeze an entire regulatory scheme at a given point in time prevent the regulatory evolution that is essential to robust programs that successfully protect public health in the best possible ways. Additionally, California has never had citizen suit provisions of our air quality statutes. Adding such provisions now will potentially have profound and negative impacts on California’s regulatory programs. Various special interests will seek to move regulatory programs that are charged with protecting and balancing competing public interests to their own interests. Thus staff recommend a ‘**Support if amended**’ position, with amendments sought to ensure that the bill is workable, lacks unintended consequences, and allows clean air regulatory programs to evolve over time.

**SB 174**, authored by Senator Ricardo Lara (D- Bell Gardens), deals with heavy duty diesel vehicles. It provides that these vehicles cannot be registered in California without meeting the requirements in ARB’s Truck and Bus Rule. This rule is a key component of California’s efforts to cut diesel particulate emissions from the on-road fleet. It lays out a schedule of mandatory vehicle retirements, where older, dirtier vehicles must be removed from service over time. The District has supported this rule, and many California truckers have invested heavily in complying with the rule. Those who violate the rule put all of those in compliance at a competitive disadvantage.

Currently, ARB can proactively block the registration of vehicles that are found to be noncompliant. Yet the size of California's heavy duty fleet makes this enforcement mechanism cumbersome. SB 174 simplifies enforcement, and will increase regulatory compliance. It will allow ARB's limited enforcement staff to increase their focus on border crossing locations, to increase compliance of non-California trucks with regulatory requirements. Staff are recommending a **'Support'** position.

Finally, staff have learned of an additional bill that will likely be introduced shortly. We do not yet have a bill number or author for the measure. Nevertheless, the proposal is sufficiently problematic that we are bringing it to the Legislative Committee for your consideration. Californians Against Waste (CAW) is an organization that has worked for many years to cut solid waste. Thus, they are highly supportive of increased composting efforts and requirements that California has imposed on local jurisdictions. They are planning to pursue a legislative requirement that if an air district has a provision for Essential Public Services (EPS) in their permitting program, that any composting operation be automatically deemed to be an EPS.

CAW believes that classifying composting as an EPS will allow these facilities to receive free offsets through air district community banking programs, and make it easier for them to get permits. We believe that the former will occur in the Bay Area, and we believe this is problematic. Why should for-profit businesses, many of whom are already receiving grants or incentive funding, deplete the limited amount of offsets in our community bank that are reserved for public entities that truly are EPS?

The Air District acknowledges the importance of methane as a short-lived climate pollutant, and strongly supports reducing methane emissions by reducing disposal of organic materials in landfills. Indeed, we see this as a critical step in achieving our greenhouse gas emission reduction goals. Air districts are working cooperatively with ARB and CalRecycle on this very issue. However, staff note that composting can be a significant source of air toxics, fine particulates, volatile organic compounds, and nuisance odors. These facilities must be sited and operated with care. Yet this prospective bill would force an inappropriate 'solution' to a complex issue into statute. Staff recommend an **'Oppose'** position when such a measure is introduced.



BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison  
Reviewed by: Jean Roggenkamp

Attachment 4A: Bill Discussion List  
Assembly Bill No. 193  
Assembly Bill No. 378  
Assembly Bill No. 1014  
Assembly Bill No. 1132  
Assembly Bill No. 1274  
Assembly Bill No. 1647  
Senate Bill No. 4  
Senate Bill No. 41  
Senate Bill No. 49  
Senate Bill No. 174

# BAAQMD BILL DISCUSSION LIST

March 2017

BILL NO.	AUTHOR	SUBJECT	STATUS	POSITION (Positions in italics are staff recommendations)
AB 1	Frazier	Transportation infrastructure funding proposal; new fees and taxes.		
AB 13	Eggman	Directs \$85M for marine highway between Ports of Oakland and Stockton.		
AB 17	Holden	Free or reduced-fare transit passes to students.		
AB 18	E. Garcia	Clean Water, Climate and Coastal Protection and Outdoor Access for All: \$3B in bonds, with \$600M for climate adaptation and resiliency projects.		
AB 33	Quirk	Utilities to provide level 2 EV charging.		
AB 79	Levine	Phases out coal-fired electrical generation in CA by 2026.		
AB 151	Burke	Authorizes cap-and-trade past 2020; establishes Compliance Offsets Protocol Task Force; prioritizes offsets credits in disadvantaged communities.		
AB 179	Cervantes	Requires California Transportation Commission members to have expertise in various categories, including air pollution.		
AB 188	Salas	Allows EMFP Plus Up recipients to trade a pickup for a cleaner pickup.		
AB 193	Cervantes	Clean Reused Vehicle Rebate Project; rebates limited to consumers in disadvantaged communities.		<i>Oppose Unless Amended</i>
AB 196	Bigelow	Allows cap-and-trade funds to go to waste and wastewater systems, drinking water system losses, and pumps and pump efficiency.		
AB 246	Santiago	Hazardous waste facilities to install and maintain fence-line monitoring.		
AB 247	C. Garcia	Establishes 20-member OEHHA-convened Lead Advisory Taskforce, with one air district representative.		
AB 262	Bonta	Requires state agencies to incorporate GHG emissions in contracts.		
AB 302	Gipson	Cap-and-trade spot bill.		
AB 311	Mathis	Spot bill on methane from livestock.		
AB 378	C. Garcia	Extends cap-and-trade program to 2030.		<i>Support</i>

AB 388	Mullin	Allows cap-and-trade funds for wetlands restoration, flood protection, and carbon sequestration using dredge spoils.		
AB 398	E. Garcia	Specifies details on Dept. of Finance annual report on use of cap-and-trade funds, including benefits to residents of disadvantaged communities.		
AB 419	Salas	Requires CEC report on zero net energy residential building program.		
AB 421	Santiago	Specifies that air emissions are eligible for cost recovery under California's Hazardous Substances Account Act.		
AB 438	Caballero	Requires ARB in consultation with local air district to analyze GHG emissions from transporting construction aggregate from new or renewed permit mining.		
AB 476	Gibson	Increases vehicle weights for heavy-duty vehicles from 6,000 to 20,000 lbs, and also increases light and medium-duty vehicle weights.		
AB 498	Harper	Spot bill on fire rings at state and local beaches.		
AB 509	Frazier	Tire Recycling Incentive Program Act; new tire fee of up to \$1 per new tire.		
AB 544	Bloom	HOV lane spot bill.		
AB 555	Cunningham	Moyer program spot bill.		
AB 582	C. Garcia	ARB to work to detect defeat devices or other software to cheat emissions.		
AB 615	Cooper	Removes sunset on CVRP income eligibility requirements, and provisions that increase incentive for low-income purchasers.		
AB 630	Cooper	Codifies the EFMP Plus-Up program and expands it to areas with more than 1 million people; various modifications to EFMP and Plus-up programs.		
AB 655	O'Donnell	Renewable Portfolio Standard spot.		
AB 733	Berman	Allows local enhanced infrastructure finance districts to fund climate adaptation projects.		
AB 739	Chau	Requires that by 2030 30% of state heavy duty fleet purchases be ZEVs.		
AB 771	Quirk	Requires steps to attempt to make prescribed burning easier, with some limited involvement of ARB and local air districts.		
AB 863	Cervantes	In the cap-and-trade funded Affordable Housing and Sustainable Communities program, boosts workforce training and local entrepreneurs.		
AB 891	E. Garcia	Requires ARB to add cross-border air monitoring data into CalEnviroscreen.		
AB 920	Aguiar-Curry	Renewable Portfolio Standard spot.		
AB 954	Chiu	Has CalRecycle look at uniform food labeling to reduce organic waste.		

AB 964	Gomez	California Clean Vehicle Affordable Program; loans to low-income and high financial risk individuals to help them purchase clean vehicles.		
AB 1014	Cooper	Attempts to require testing of hospital backup generators only monthly.		<i>Support in Concept</i>
AB 1036	McCarty	Requires reporting on organics waste diversion goals to include progress on SB 1383 of 2016 (bill dealing with short-lived climate pollutants).		
AB 1073	E. Garcia	Extends from 2018 to 2023 the requirement that 20% of Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program go to deployment of existing technology.		
AB 1081	Burke	Eliminates sales tax on value of traded-in vehicle during new clean vehicle purchase.		
AB 1082	Burke	Requires utilities to install and operate EV charging equipment at schools.		
AB 1083	Burke	Requires utilities to install and operate EV charging equipment at state parks.		
AB 1088	Eggman	Requires CEC to increase efforts to involve renters and owners of multi-unit residential buildings in efficiency upgrade, EV infrastructure, and more.		
AB 1103	Obernolte	Allows bicycles to treat stop signs as yields when safe to do so.		
AB 1117	Fong	Prohibits lead agency in CEQA from evaluating aesthetics of a project.		
AB 1132	C. Garcia	Allows APCO to issue emergency abatement order in cases of imminent and substantial public endangerment.		<i>Support</i>
AB 1180	Holden	Increases tire fee by \$1.50 to fund municipal storm sewer projects.		
AB 1187	E. Garcia	Crowdsourcing and Citizen Science Act. Encourages CalEPA and ARB to have the public formulate their research agendas; collect, analyze, and interpret data; and ensure broad public participation.		
AB 1218	Obernolte	Removes sunset on CEQA provisions exempting certain bicycle projects.		
AB 1239	Holden	Codifies existing building standards that require new construction to be ready to install EV charging equipment.		
AB 1259	Calderon	Cap-and-trade funded Clean Bus, Truck and Offroad program spot bill.		
AB 1274	O'Donnell	Will become bill to exempt 7-8 yr. old vehicles from Smog Check, and increase funding for Moyer program using their exemption fee.		<i>Support</i>
AB 1301	Fong	Establishes mission of Joint Legislative Committee on Climate Change Policies; includes effects on gas and electric prices, and cost-effectiveness.		
AB 1317	Gray	Specifies that a Merced water district could receive Moyer funding.		

AB 1341	Calderon	Cuts sales tax on clean vehicle purchases by low-income; provides incentives for clean vehicles; requires ARB to implement comprehensive program to increase clean vehicles.		
AB 1342	Flora	Appropriates \$100M of cap-and-trade funds for healthy forests, \$100M for organic waste reduction and reuse, and \$100M for in-state recycling.		
AB 1369	Gray	Directs 25% of cap-and-trade funds to water storage projects.		
AB 1374	Salas	Defines biodiesel for fuel tax purposes.		
AB 1383	Fong	Requires ARB to do various things prior to adopting new GHG regulations.		
AB 1418	O'Donnell	Intent to promote growth of freight transportation consistent with goals of Sustainable Freight Strategy.		
AB 1433	Wood	Climate Adaptation and Resilience Based on Nature Act; tree thinning.		
AB 1452	Muratsuchi	Allows local authorities to ticket non-EVs parked in public space EV charging.		
AB 1469	Grayson	Requires public non-charter schools to provide free transportation to school.		
AB 1530	Gonzalez Fletcher	Amends Urban Forestry Act by adding new goals, and changing its definition of disadvantaged community from low-income to CalEnviroScreen-based.		
AB 1531	Berman	Expands Local Government Renewable Energy Self Generation Bill Credit Transfer Program.		
AB 1553	Gomez	California Pollution Control Financing Authority spot bill.		
AB 1608	Kalra	Establishes Vibrant Landscape Program to cut GHGs through land management and conservation.		
AB 1623	Acosta	ARB spot bill.		
AB 1640	E. Garcia	Requires each RTIP to direct 25% of funds to projects benefitting low income.		
AB 1645	Muratsuchi	Phases out use of hydrofluoric acid at refineries.		
AB 1646	Muratsuchi	Would require refineries to have automatic notifications, alarms, and alerts.		
AB 1647	Muratsuchi	Requires air districts to require refineries to install community monitors by 2020 and fence-line monitors by 2019, and make that real-time data public.		<i>Support if Amended</i>
AB 1648	Muratsuchi	Requires CalOSHA to increase the number of refinery safety inspectors.		
AB 1649	Muratsuchi	Codifies existing Governor's Interagency Task Force on Refinery Safety.		
AB 1660	Kalra	States legislative intent to improve environmental quality and conservation.		
AB 1663	C. Garcia	Corrects an obsolete reference in air pollution law.		

AB 1679	Burke	States legislative intent to increase ZEV charging infrastructure.		
AB 1680	Burke	Spot bill on energy efficiency and pollution reduction.		
AB 1681	Burke	Spot bill on new vehicle emission standards.		
AB 1683	Burke	Spot bill on CEQA.		
SB 1	Beall	Transportation infrastructure funding proposal; new fees and taxes.		
SB 4	Mendoza	\$600M Goods Movement and Clean Trucks Bond Act, with \$400M to ARB; \$200M for clean trucks in severe or extreme nonattainment areas only.		<i>Support if Amended</i>
SB 5	De Leon	\$3B in bonds; CA Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All; setasides for severely disadvantaged communities.		
SB 41	Galgiani	Allows owners of recalled Cleaire Long Mile filter systems an additional 5 years of operation, contrary to regulatory requirements from ARB.		<i>Oppose</i>
SB 49	De Leon	CA Environmental, Public Health, and Workers Defense Act of 2017; attempts to impose no backsliding requirements on ARB and air districts prior to potential federal rollbacks.		<i>Support if Amended</i>
SB 53	Hueso	Allows natural gas trucks to exceed weight limits by the amount of the difference between a diesel and a natural gas truck.		
SB 79	Allen	Cuts sales tax for purchasers of used electric and plug-in vehicles.		
SB 80	Wieckowski	Requires CEQA lead agencies to post material on the web.		
SB 174	Lara	Blocks registration of trucks not in compliance with air quality regulations.		<i>Support</i>
SB 242	Skinner	Intent to enhance Property Assessed Clean Energy program.		
SB 262	Wieckowski	Specifies that Office of Planning and Research climate adaptation advisory council members serve staggered 4-year terms.		
SB 263	Leyva	Requires Strategic Growth Council to establish 10 regional climate assistance centers to help disadvantaged communities compete for cap-and-trade funds.		
SB 276	Dodd	Exempts Healthy Soils Program (incentives for farmers that cut GHGs) from mitigating adverse impacts, and stops prioritizing criteria emission reductions.		
SB 338	Skinner	Intent to enact Clean Peak Reliability Requirement.		
SB 376	Bradford	Requires CEC Chair to report directly to legislature on various activities.		
SB 406	Leyva	HOV lane spot bill.		
SB 498	Skinner	Requires ARB to adopt 2021 EV targets for public and private fleets.		

SB 521	Leyva	Extends from 2018 to 2021 sunset on requirement that automotive service providers check tire inflation pressure.		
SB 560	Allen	Requires CalPERS and others to report on financial climate risks of their investment portfolios, and their carbon footprint.		
SB 563	Lara	Will become bill on residential wood-burning incentive program.		
SB 584	De Leon	Changes Renewable Portfolio Standard's from 50% in 2030 to 2025, and adds 100% renewables requirement by 2045.		
SB 638	Leyva	Requires heavy duty vehicles to undergo regular emissions testing in order to be registered with DMV.		
SB 659	Stern	Spot bill on Alternative Energy and Advanced Transportation Financing Act.		
SB 660	Newman	Allows private entities to provide funding to ARB to expedite testing and certification of vehicle aftermarket equipment.		
SB 702	Stern	Requires DGS to expand statewide bike-sharing program for state employees.		
SB 711	Hill	Local-State Sustainable Investment Incentive Program.		
SB 713	Anderson	Intent to provide legal relief to owners of commercial vehicles with faulty diesel particulate filters.		
SB 745	Stern	Spot bill on AB 32 (CA Global Warming Solutions Act of 2006).		
SB 760	Wiener	Establishes Division of Active Transportation in Caltrans, and incorporates 'complete streets' concept into Highway Design Manual.		
SB 721	De Leon	Requires continuing education for public agency employees with CEQA responsibilities.		
SB 775	Wieckowski	Requires ARB to consult with local agencies when designing GHG programs.		

**ASSEMBLY BILL**

**No. 193**

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**Introduced by Assembly Member Cervantes**

January 19, 2017

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An act to add Section 44274.9 to the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 193, as introduced, Cervantes. Air Quality Improvement Program: Clean Reused Vehicle Rebate Project.

Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing statutory authority, the state board has established the Clean Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to promote the production and use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles.

This bill would require the state board to establish the Clean Reused Vehicle Rebate Project, as a part of the Air Quality Improvement Program, to provide rebates or other incentives for the acquisition of an eligible used vehicle, as defined; the replacement or refurbishment of a battery and related components for an eligible used vehicle or an extended warranty for the battery or related components; or an extended service warranty to cover unexpected vehicle repairs not covered by the manufacturer's warranty related to unique problems in eligible used vehicles, as specified.

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



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

1 SECTION 1. Section 44274.9 is added to the Health and Safety  
2 Code, to read:  
3 44274.9. (a) For purposes of this section, the following terms  
4 mean the following:  
5 (1) “Eligible used vehicle” only includes the same categories  
6 of vehicles that are eligible for a rebate under the Clean Vehicle  
7 Rebate Project.  
8 (2) “Used vehicle” has the same meaning as set forth in Section  
9 665 of the Vehicle Code.  
10 (b) No later than July 1, 2019, the state board shall establish,  
11 as a part of the Air Quality Improvement Program, the Clean  
12 Reused Vehicle Rebate Project to provide an applicant with any  
13 of the following:  
14 (1) A rebate or other incentive with a value of up to one  
15 thousand eight hundred dollars (\$1,800) for the acquisition of an  
16 eligible used vehicle from a licensed dealer.  
17 (2) A rebate or other incentive for the replacement or  
18 refurbishment of a battery and related components for an eligible  
19 used vehicle, for an extended warranty for the battery and related  
20 components, or for both.  
21 (3) A rebate or other incentive for an extended service warranty  
22 to cover unexpected vehicle repairs not covered by the  
23 manufacturer’s warranty related to unique problems in eligible  
24 used vehicles.  
25 (c) A rebate or other incentive issued pursuant to this section  
26 shall be limited to one per vehicle.  
27 (d) Rebates or other incentives issued pursuant to this section  
28 shall be limited to low- and moderate-income consumers residing  
29 in disadvantaged communities, as identified pursuant to Section  
30 39711.  
31 (e) Notwithstanding subdivision (d), a rebate or other incentive  
32 available pursuant to paragraph (1) of subdivision (b) shall only  
33 be issued to an applicant who resides in one of the following:  
34 (1) A county where less than 2 percent of the total rebates of  
35 the Clean Vehicle Rebate Project, established as part of the Air  
36 Quality Improvement Program established pursuant to this article,  
37 have been issued.

1 (2) A district that has been designated by the state board as  
2 being in nonattainment and as not meeting the federal ambient air  
3 quality standards.

4 (f) The state board shall coordinate the Clean Reused Vehicle  
5 Rebate Project with the Clean Vehicle Rebate Project, established  
6 as part of the Air Quality Improvement Program established  
7 pursuant to this article, the enhanced fleet modernization program,  
8 established pursuant to Article 11 (commencing with Section  
9 44125) of Chapter 5, and the Charge Ahead California Initiative,  
10 established pursuant to Chapter 8.5 (commencing with Section  
11 44285), including, but not limited to, all of the following:

12 (1) Coordinating eligibility pursuant to this section with  
13 eligibility for the enhanced fleet modernization program.

14 (2) Ensuring appropriate outreach and targeting to low- and  
15 moderate-income households in an effort to encourage  
16 participation.

17 (3) Expanding financing mechanisms, including, but not limited  
18 to, a loan or loan-loss reserve credit enhancement program to  
19 increase consumer access to zero-emission and near-zero-emission  
20 vehicle financing and leasing options that can help lower  
21 expenditures on transportation and prequalification or point-of-sale  
22 rebates or other methods to increase participation rates among low-  
23 and moderate-income consumers.

24 (g) (1) The state board shall establish safeguards for the project  
25 established pursuant to this section to prevent both of the following:

26 (A) Fraudulent activity by the sellers and acquirers of eligible  
27 used vehicles.

28 (B) Practices that could prevent the intended recipients of rebates  
29 or other incentives from benefiting from this section.

30 (2) For purposes of this subdivision, “fraudulent activity” may  
31 include raising the price of eligible used vehicles in a manner that  
32 partially or completely captures a rebate or other incentive issued  
33 pursuant to this section.

**ASSEMBLY BILL**

**No. 378**

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**Introduced by Assembly Members Cristina Garcia, Holden, and  
Eduardo Garcia  
(Coauthors: Assembly Members Bloom, Bonta, Eggman, Friedman,  
Gomez, Jones-Sawyer, Kalra, McCarty, Reyes, Mark Stone,  
Thurmond, and Ting)**

February 9, 2017

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An act to amend Section 38562.5 of, and to add Section 38567 to, the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 378, as introduced, Cristina Garcia. California Global Warming Solutions Act of 2006: regulations.

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 act authorizes the state board to include the use of market-based compliance mechanisms. The act requires the state board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030.

The act requires the state board, when adopting rules and regulations to achieve greenhouse gas emissions reductions beyond the statewide greenhouse gas emissions limit and to protect the state's most impacted and disadvantaged communities, to follow specified requirements, consider the social costs of the emissions of greenhouse gases, and prioritize specified emission reduction rules and regulations.

This bill would additionally require the state board to consider and account for the social costs of the emissions and greenhouse gases when adopting those rules and regulations. The bill would authorize the state board to adopt or subsequently revise new regulations that establish a market-based compliance mechanism, applicable from January 1, 2021, to December 31, 2030, to complement direct emissions reduction measures in ensuring that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030.

This bill would require the state board, in ensuring that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030, to adopt the most effective and equitable mix of emissions reduction measures and ensure that emissions reduction measures collectively and individually support achieving air quality and other environmental and public health goals.

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

*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) It is a primary objective of the state to reduce greenhouse
- 4 gas emissions, which is critical for the protection of all areas of
- 5 the state but especially for the state's most disadvantaged
- 6 communities, which will be disproportionately impacted by climate
- 7 change and emissions from sources of greenhouse gases, including
- 8 short-lived climate pollutants, as well as criteria pollutants and
- 9 toxic air contaminants.
- 10 (b) While low-income communities and communities of color
- 11 in the state suffer from some of the worst air quality in the nation,
- 12 the state has been and must continue to be a leader in making
- 13 investments in historically disadvantaged communities.
- 14 (c) Achieving the state's climate and air quality goals in an
- 15 equitable and effective manner will require a mix of direct
- 16 regulations and incentives that hold major emitters accountable
- 17 for the social costs of their emissions, protect the state's economy,
- 18 and direct investments to communities across the state.
- 19 SEC. 2. Section 38562.5 of the Health and Safety Code is
- 20 amended to read:

1 38562.5. (a) When adopting rules and regulations pursuant  
2 to this division to achieve emissions reductions beyond the  
3 statewide greenhouse gas emissions limit and to protect the state’s  
4 most impacted and disadvantaged communities, the state board  
5 shall follow the requirements in subdivision (b) of Section 38562,  
6 consider *and account for* the social costs of the emissions of  
7 greenhouse gases, and prioritize both of the following:

8 (a)

9 (1) Emission reduction rules and regulations that result in direct  
10 emission reductions at large stationary sources of greenhouse gas  
11 emissions—sources and direct emission reductions from mobile  
12 sources.

13 (b)

14 (2) Emission reduction rules and regulations that result in direct  
15 emission reductions from sources other than those specified in  
16 subdivision (a). *paragraph (1).*

17 (b) *The state board may adopt or subsequently revise new*  
18 *regulations that establish a market-based compliance mechanism*  
19 *developed pursuant to Part 5 (commencing with Section 38570),*  
20 *applicable from January 1, 2021, to December 31, 2030, to*  
21 *complement direct emissions reduction measures in ensuring the*  
22 *reductions in greenhouse gas emissions required pursuant to*  
23 *Section 38566.*

24 SEC. 3. Section 38567 is added to the Health and Safety Code,  
25 to read:

26 38567. In furtherance of ensuring the reductions in greenhouse  
27 gas emissions required pursuant to Section 38566 and consistent  
28 with this division, the state board shall do all of the following:

29 (a) Adopt the most effective and equitable mix of emissions  
30 reduction measures to achieve the 2030 goal.

31 (b) Ensure that emissions reduction measures collectively and  
32 individually support achieving air quality and other environmental  
33 and public health goals.

**ASSEMBLY BILL**

**No. 1014**

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**Introduced by Assembly Member Cooper**

February 16, 2017

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An act to add Section 41514.1 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1014, as introduced, Cooper. Diesel backup generators: health facility.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would require a health facility, as defined, to conduct specified tests of its diesel backup generators. By adding to the duties of air districts, this 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.

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

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

1 SECTION 1. Section 41514.1 is added to the Health and Safety  
2 Code, to read:  
3 41514.1. (a) For purposes of this section, “health facility” has  
4 the same meaning as defined in Section 1250, but includes only  
5 those facilities described in subdivision (a), (b), (c), (d), (f), (g),  
6 or (k) of that section.  
7 (b) A health facility shall test each of its diesel backup  
8 generators in conformance with the most recent edition of the  
9 National Fire Protection Association 110: Standard for Emergency  
10 and Standby Power Systems related to testing and maintenance  
11 activities. These activities shall include inspection procedures for  
12 assessing the prime mover’s exhaust gas temperature against the  
13 minimum temperature recommended by the manufacturer.  
14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 a local agency or school district has the authority to levy service  
17 charges, fees, or assessments sufficient to pay for the program or  
18 level of service mandated by this act, within the meaning of Section  
19 17556 of the Government Code.

**ASSEMBLY BILL**

**No. 1132**

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**Introduced by Assembly Member Cristina Garcia**

February 17, 2017

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An act to add Section 42451.5 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as introduced, Cristina Garcia. Nonvehicular air pollution: order of abatement.

Existing law regulates the emission of air pollutants by stationary sources and authorizes the regional air quality management districts and air pollution control districts (air districts) to enforce those requirements. Existing law authorizes the governing boards and the hearing boards of air districts to issue an order for abatement, after notice and a hearing, whenever they find a violation of those requirements.

This bill would authorize the air pollution control officer, if he or she determines that a person has violated those requirements and the violation presents an imminent and substantial endangerment to the public health or welfare, or the environment, to issue an order for abatement pending a hearing before the hearing board of the air district. The bill would require the air pollution control officer to notify the alleged violator of the order and would establish a procedure for a postorder hearing.

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



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

1 SECTION 1. Section 42451.5 is added to the Health and Safety  
2 Code, to read:  
3 42451.5. (a) If the air pollution control officer determines that  
4 a person is constructing or operating any article, machine,  
5 equipment, or other contrivance without a permit required by this  
6 part, or is in violation of Section 41700 or 41701 or of any order,  
7 rule, or regulation prohibiting or limiting the discharge of air  
8 contaminants into the air and that the violation presents an  
9 imminent and substantial endangerment to the public health or  
10 welfare, or the environment, the air pollution control officer may  
11 issue an order for abatement to the person pending a hearing  
12 pursuant to Section 42450. The order shall be effective upon the  
13 notification of the person of the order. In notifying the person, the  
14 air pollution control officer shall also provide that person with an  
15 accusation specifying the grounds on which the order is issued and  
16 procedures by which the person may challenge the order.  
17 (b) Upon receipt by the air district of a notice of defense to the  
18 accusation from the person, the air district shall, within 15 days,  
19 set the matter for a hearing pursuant to this article, which shall be  
20 held as soon as possible, but not later than 30 days after the receipt  
21 of the notice.  
22 (c) The order shall remain in effect until the hearing is completed  
23 and the hearing board has made a final determination on the merits,  
24 which shall be made within 60 days after the completion of the  
25 hearing. If the determination is not transmitted within this period,  
26 the order shall be of no further effect.

**ASSEMBLY BILL**

**No. 1274**

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**Introduced by Assembly Member O'Donnell**

February 17, 2017

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An act to amend Section 44280 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1274, as introduced, O'Donnell. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program, which is administered by the State Air Resources Board. The program authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources. The program also authorizes funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals.

This bill would make nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 44280 of the Health and Safety Code, as
- 2 amended by Section 17 of Chapter 401 of the Statutes of 2013, is
- 3 amended to read:

1 44280. (a) There is hereby created the Carl Moyer Memorial  
2 Air Quality Standards Attainment Program. The program shall be  
3 administered by the state board in accordance with this chapter.  
4 The administration of the program may be delegated to the districts.  
5 (b) The program shall provide grants to offset the incremental  
6 cost of projects that reduce covered emissions from covered sources  
7 in ~~California~~. *the state*. Eligibility for grant awards shall be  
8 determined by the state board, in consultation with the districts,  
9 in accordance with this chapter.  
10 (c) The program *also* shall ~~also~~ provide funding for a fueling  
11 infrastructure demonstration program and for technology  
12 development efforts that are expected to result in commercially  
13 available technologies in the near-term that would improve the  
14 ability of the program to achieve its goals. The infrastructure  
15 demonstration and technology development portions of the program  
16 shall be managed by the commission, in consultation with the state  
17 board.  
18 (d) This section shall remain in effect only until January 1, 2024,  
19 and as of that date is repealed, unless a later enacted statute, that  
20 is enacted before January 1, 2024, deletes or extends that date.

**ASSEMBLY BILL**

**No. 1647**

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**Introduced by Assembly Member Muratsuchi**

February 17, 2017

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An act to add Section 42705.5 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as introduced, Muratsuchi. Petroleum refineries: air monitoring systems.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the State Air Resources Board or the air district to require the owner or the operator of an air pollution emission source to take any action that the state board or the air district determines to be reasonable for the determination of the amount of air pollution emissions from that source.

This bill would require an air district to require the owner or operator of a petroleum refinery to install a community air monitoring system, as defined, on or before January 1, 2020, and to install a fence-line monitoring system, as defined, on or before January 1, 2019. By adding to the duties of air districts, this bill would impose a state-mandated local program. The bill would require the owner or operator of a refinery to collect real-time data from these monitoring systems, to make that data available to the public at the time of collection in a publicly accessible format, and to maintain records of that data.

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.

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

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

1 SECTION 1. Section 42705.5 is added to the Health and Safety  
2 Code, to read:

3 42705.5. (a) For purposes of this section, the following  
4 definitions apply:

5 (1) “Community air monitoring system” means equipment that  
6 measures and records air pollutant concentrations in the ambient  
7 air at or near sensitive receptor locations near a petroleum refinery  
8 and that may be useful for estimating associated pollutant  
9 exposures and health risks and in determining trends in air pollutant  
10 levels over time.

11 (2) “Fence-line monitoring system” means equipment that  
12 measures and records air pollutant concentrations along the  
13 property boundary of a petroleum refinery and that may be useful  
14 for detecting or estimating the quantity of fugitive emissions, gas  
15 leaks, and other air emissions from the refinery.

16 (b) Notwithstanding Section 42708, a district shall require the  
17 owner or operator of a petroleum refinery to install the following  
18 monitoring systems, which shall be operated and maintained in  
19 accordance with the regional air monitoring plan approved by the  
20 district:

21 (1) A community air monitoring system, installed on or before  
22 January 1, 2020.

23 (2) A fence-line monitoring system, installed on or before  
24 January 1, 2019.

25 (c) The owner or operator of a petroleum refinery shall collect  
26 real-time data from the community air monitoring system and the  
27 fence-line monitoring system and shall maintain records of that  
28 data. This data shall be available to the public at the time of  
29 collection in a publicly accessible format.

1     SEC. 2. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 a local agency or school district has the authority to levy service  
4 charges, fees, or assessments sufficient to pay for the program or  
5 level of service mandated by this act, within the meaning of Section  
6 17556 of the Government Code.

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**Introduced by Senator Mendoza**December 5, 2016

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An act to add Chapter 12.495 (commencing with Section 8879.80) to Division 1 of Title 2 of the Government Code and to amend Section 2192 of the Streets and Highways Code, relating to goods movement, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

## LEGISLATIVE COUNSEL'S DIGEST

SB 4, as introduced, Mendoza. Goods Movement: allocation of federal funds: Goods Movement and Clean Trucks Bond Act.

(1) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement, and specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes. Proposition 1B also provided for the allocation of \$1 billion in bond funds to the State Air Resources Board for emission reductions, not otherwise required by law or regulation, from activities related to the movement of freight along California's trade corridors, which was allocated by the state board pursuant to the Goods Movement Emission Reduction Program.

This bill, subject to voter approval at the June 5, 2018, statewide primary election, would enact the Goods Movement and Clean Trucks Bond Act to authorize \$600,000,000 of state general obligation bonds

as follows: \$200,000,000 to the California Transportation Commission for projects and programs eligible for funding from the Trade Corridors Improvement Fund; \$200,000,000 to the State Air Resources Board for projects and programs consistent with the Goods Movement Emission Reduction Program; and \$200,000,000 to the State Air Resources Board for projects and programs to expand the use of zero- and near-zero emission trucks in areas of the state that are designated as severe or extreme nonattainment areas for ozone and particulate matter.

(2) Existing law requires the California Transportation Commission, in determining projects eligible for funding from the Trade Corridors Improvement Fund, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would revise the list of plans to be consulted by the commission in prioritizing projects for funding. The bill would expand eligible projects to include, among others, rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements. The bill would also identify specific amounts to be allocated from federal goods movement funds made available by the federal Fixing America’s Surface Transportation Act to certain categories of projects.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Chapter 12.495 (commencing with Section  
2 8879.80) is added to Division 1 of Title 2 of the Government Code,  
3 to read:

4  
5 CHAPTER 12.495. THE GOODS MOVEMENT AND CLEAN TRUCKS  
6 BOND ACT

7  
8 Article 1. General Provisions

9  
10 8879.80. (a) This chapter shall be known as the Goods  
11 Movement and Clean Trucks Bond Act.

12 (b) This chapter shall only become operative upon adoption by  
13 the voters at the June 5, 2018, statewide primary election.



1 8879.82. As used in this chapter, the following terms have the  
2 following meanings:

3 (a) “Board” has the meaning as described in Section 8879.87.

4 (b) “Committee” means the Goods Movement and Clean Trucks  
5 Bond Committee created pursuant to Section 8879.87.

6 (c) “Fund” means the Goods Movement and Clean Trucks Bond  
7 Fund created pursuant to Section 8879.83.

8

9 Article 2. Goods Movement and Clean Trucks Bond Fund and  
10 Program

11

12 8879.83. (a) The Goods Movement and Clean Trucks Bond  
13 Fund is hereby created in the State Treasury.

14 (b) The proceeds of bonds deposited in the fund shall be used,  
15 upon appropriation by the Legislature, to fund goods movement  
16 and clean trucks improvements as follows:

17 (1) Two hundred million dollars (\$200,000,000) to the California  
18 Transportation Commission for projects and programs eligible for  
19 funding from the Trade Corridors Improvement Fund (TCIF) under  
20 Section 2192 of the Streets and Highways Code and, to the extent  
21 practicable, pursuant to the existing TCIF guidelines of the  
22 commission. Priority shall be given to projects and programs  
23 identified under the Sustainable Freight Action Plan released in  
24 July 2016 pursuant to Executive Order B-32-15.

25 (2) Two hundred million dollars (\$200,000,000) to the State  
26 Air Resources Board for projects and programs consistent with  
27 the Goods Movement Emission Reduction Program (Chapter 3.2  
28 (commencing with Section 39625) of Part 2 of Division 26 of the  
29 Health and Safety Code). Priority shall be given to projects and  
30 programs identified under the Sustainable Freight Action Plan  
31 released in July 2016 pursuant to Executive Order B-32-15.

32 (3) Two hundred million dollars (\$200,000,000) to the State  
33 Air Resources Board for projects and programs to expand the use  
34 of zero- and near-zero emission trucks in areas of the state that are  
35 designated as severe or extreme nonattainment areas for ozone  
36 and particulate matter.

Article 3. Fiscal Provisions

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8879.85. Bonds in the total amount of six hundred million dollars (\$600,000,000), or so much thereof as is necessary, not including the amount of any refunding bonds, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

8879.86. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4), and all of the other provisions of that law as amended from time to time apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

8879.87. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Goods Movement and Clean Trucks Bond Committee is hereby created. For the purposes of this chapter, the Goods Movement and Clean Trucks Bond Committee is “the committee” as that term is used in the State General Obligation Bond Law. The committee consists of the Treasurer, the Controller, the Director of Finance, and the Secretary of Transportation, or a designated representative of each of those officials. The Treasurer shall serve as the chairperson of the committee. A majority of the committee may act for the committee.

(b) For the purposes of the State General Obligation Bond Law, the California Transportation Commission, with respect to paragraph (1) of subdivision (b) of Section 8879.83, and the State Air Resources Board, with respect to paragraphs (2) and (3) of subdivision (b) of Section 8879.83, is designated to be the “board.”

8879.88. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in Section

1 8879.83, and, if so, the amount of bonds to be issued and sold.  
2 Successive issues of bonds may be authorized and sold to carry  
3 out those actions progressively, and are not required to be sold at  
4 any one time.

5 8879.89. There shall be collected each year and in the same  
6 manner and at the same time as other state revenue is collected,  
7 in addition to the ordinary revenues of the state, a sum in an amount  
8 required to pay the principal of, and interest on, the bonds each  
9 year. It is the duty of all officers charged by law with any duty in  
10 regard to the collection of the revenue to do and perform each and  
11 every act that is necessary to collect that additional sum.

12 8879.90. Notwithstanding Section 13340, there is hereby  
13 appropriated from the General Fund in the State Treasury, for the  
14 purposes of this chapter, an amount that will equal the total of the  
15 following:

16 (a) The sum annually necessary to pay the principal of, and  
17 interest on, bonds issued and sold pursuant to this chapter, as the  
18 principal and interest become due and payable.

19 (b) The sum necessary to carry out Section 8879.91,  
20 appropriated without regard to fiscal years.

21 8879.91. For the purposes of carrying out this chapter, the  
22 Director of Finance may authorize the withdrawal from the General  
23 Fund of an amount not to exceed the amount of the unsold bonds  
24 that have been authorized by the committee to be sold for the  
25 purpose of carrying out this chapter. Any amounts withdrawn shall  
26 be deposited in the fund. Any moneys made available under this  
27 section shall be returned to the General Fund from proceeds  
28 received from the sale of bonds for the purpose of carrying out  
29 this chapter.

30 8879.92. The board may request the Pooled Money Investment  
31 Board to make a loan from the Pooled Money Investment Account,  
32 including other authorized forms of interim financing that include,  
33 but are not limited to, commercial paper, in accordance with  
34 Section 16312, for purposes of carrying out this chapter. The  
35 amount of the request shall not exceed the amount of the unsold  
36 bonds that the committee, by resolution, has authorized to be sold  
37 for the purpose of carrying out this chapter. The board shall execute  
38 any documents required by the Pooled Money Investment Board  
39 to obtain and repay the loan. Any amounts loaned shall be

1 deposited in the fund to be allocated by the board in accordance  
2 with this chapter.

3 8879.93. Notwithstanding any other provision of this chapter,  
4 or of the State General Obligation Bond Law, if the Treasurer sells  
5 bonds pursuant to this chapter that include a bond counsel opinion  
6 to the effect that the interest on the bonds is excluded from gross  
7 income for federal tax purposes, subject to designated conditions,  
8 the Treasurer may maintain separate accounts for the investment  
9 of bond proceeds and for the investment of earnings on those  
10 proceeds. The Treasurer may use or direct the use of those proceeds  
11 or earnings to pay any rebate, penalty, or other payment required  
12 under federal law or take any other action with respect to the  
13 investment and use of those bond proceeds required or desirable  
14 under federal law to maintain the tax-exempt status of those bonds  
15 and to obtain any other advantage under federal law on behalf of  
16 the funds of this state.

17 8879.94. All moneys deposited in the fund that are derived  
18 from premium and accrued interest on bonds sold pursuant to this  
19 chapter shall be reserved in the fund and shall be available for  
20 transfer to the General Fund as a credit to expenditures for bond  
21 interest, except that amounts derived from premium may be  
22 reserved and used to pay the cost of bond issuance prior to any  
23 transfer to the General Fund.

24 8879.95. Pursuant to Chapter 4 (commencing with Section  
25 16720) of Part 3 of Division 4, the cost of bond issuance shall be  
26 paid out of the bond proceeds, including premium, if any. To the  
27 extent the cost of bond issuance is not paid from premiums received  
28 from the sale of bonds, these costs shall be shared proportionately  
29 by each program funded through this chapter by the applicable  
30 bond sale.

31 8879.96. The bonds may be refunded in accordance with Article  
32 6 (commencing with Section 16780) of Chapter 4 of Part 3 of  
33 Division 4, which is a part of the State General Obligation Bond  
34 Law. Approval by the voters of the state for the issuance of the  
35 bonds described in this chapter includes the approval of the  
36 issuance of any bonds issued to refund any bonds originally issued  
37 under this chapter or any previously issued refunding bonds.

38 8879.97. The Legislature hereby finds and declares that,  
39 inasmuch as the proceeds from the sale of bonds authorized by  
40 this chapter are not “proceeds of taxes” as that term is used in

1 Article XIII B of the California Constitution, the disbursement of  
2 these proceeds is not subject to the limitations imposed by that  
3 article.

4 SEC. 2. Section 2192 of the Streets and Highways Code is  
5 amended to read:

6 2192. (a) (1) The Trade Corridors Improvement Fund, created  
7 pursuant to subdivision (c) of Section 8879.23 of the Government  
8 Code, is hereby continued in existence to receive revenues from  
9 state sources other than the Highway Safety, Traffic Reduction,  
10 Air Quality, and Port Security Bond Act of 2006. ~~This chapter  
11 shall govern expenditure of those other revenues.~~

12 (2) *Revenues apportioned to the state under Section 167 of Title  
13 23 of the United States Code from the national highway freight  
14 program, pursuant to the federal Fixing America's Surface  
15 Transportation Act ("FAST Act," Public Law 114-94) shall be  
16 allocated for projects approved pursuant to this chapter.*

17 (b) *This chapter shall govern the expenditure of those state and  
18 federal revenues described in subdivision (a).*

19 ~~(b) The moneys in the fund from these other sources~~

20 (c) *The funding described in subdivision (a) shall be available  
21 upon appropriation for allocation by the California Transportation  
22 Commission for infrastructure improvements in this state on  
23 federally designated Trade Corridors of National and Regional  
24 Significance, on the Primary Freight Network, and along other  
25 corridors that have a high volume of freight movement, as  
26 determined by the ~~commission~~ *commission and as identified in  
27 the state freight plan developed and adopted pursuant to Section  
28 13978.8 of the Government Code. In ~~determining~~ *prioritizing* the  
29 projects ~~eligible~~ for funding, the commission shall consult the  
30 ~~Transportation Agency's state freight plan as described in Section  
31 13978.8 of the Government Code, the State Air Resources Board's  
32 Sustainable Freight Strategy adopted by Resolution 14-2, and the  
33 trade infrastructure and goods movement plan submitted to the  
34 commission by the Secretary of Transportation and the Secretary  
35 for Environmental Protection. The commission shall also consult  
36 California Sustainable Freight Action Plan released in July 2016  
37 pursuant to Executive Order B-32-15, trade infrastructure and  
38 goods movement plans adopted by regional transportation planning  
39 agencies, adopted regional transportation plans required by state  
40 and federal law, and the ~~statewide applicable port master plan~~~~**

1 ~~when determining eligible projects for funding.~~ *plan. Eligible*  
2 *projects for the funding described in subdivision (a) shall further*  
3 *the state's economic, environmental, and public health objectives*  
4 *and goals for freight policy, as articulated in the plans to be*  
5 *consulted pursuant to this subdivision. Eligible projects for these*  
6 ~~funds include, but are not limited to, all of the following:~~ *are as*  
7 *follows:*

8 (1) ~~Highway~~ *Highway, local road, and rail capital and capacity*  
9 *improvements, rail landside access improvements, landside freight*  
10 *access improvements to airports, seaports, and land ports, and*  
11 *operational improvements to more efficiently accommodate the*  
12 *movement of freight, particularly for ingress and egress to and*  
13 *from the state's land ports of ~~entry~~ *entry, rail terminals, and*  
14 *seaports, including navigable inland waterways used to transport*  
15 *freight between seaports, land ports of entry, and airports, and to*  
16 *relieve traffic congestion along major trade or goods movement*  
17 *corridors.**

18 (2) *Freight rail system improvements to enhance the ability to*  
19 *move goods from seaports, land ports of entry, and airports to*  
20 *warehousing and distribution centers throughout California,*  
21 *including projects that separate rail lines from highway or local*  
22 *road traffic, improve freight rail mobility through mountainous*  
23 *regions, relocate rail switching yards, and other projects that*  
24 *improve the efficiency and capacity of the rail freight system.*

25 ~~(3) Projects to enhance the capacity and efficiency of ports.~~

26 (3) *Infrastructure improvement projects to enhance the capacity*  
27 *and efficiency of ports without having the effect of displacing*  
28 *workers in port operations.*

29 (4) *Truck corridor and capital and operational improvements,*  
30 ~~including~~ *including, but not limited to, dedicated truck facilities*  
31 *or truck toll facilities.*

32 (5) ~~Border~~ ~~access~~ *capital and operational improvements that*  
33 *enhance goods movement between California and Mexico and that*  
34 *maximize the state's ability to access ~~coordinated border~~  
35 ~~infrastructure~~ *funds made available to the state by federal law.**

36 (6) *Surface transportation and connector road capital and*  
37 *operational improvements to effectively facilitate the movement*  
38 *of goods, particularly for ingress and egress to and from the state's*  
39 *land ports of entry, airports, and seaports, to relieve traffic*  
40 *congestion along major trade or goods movement corridors.*

1 ~~(e) (1) the commission shall allocate funds for trade~~  
2 ~~infrastructure improvements from the fund consistent with Section~~  
3 ~~8879.52 of the Government Code and the Trade Corridors~~  
4 ~~Improvement Fund (TCIF) Guidelines adopted by the commission~~  
5 ~~on November 27, 2007, or as amended by the commission, and in~~  
6 ~~a manner that (A) addresses the state's most urgent needs, (B)~~  
7 ~~balances the demands of various land ports of entry, seaports, and~~  
8 ~~airports, (C) provides reasonable geographic balance between the~~  
9 ~~state's regions, and (D) places emphasis on projects that improve~~  
10 ~~trade corridor mobility while reducing emissions of diesel~~  
11 ~~particulate and other pollutant emissions.~~

12 *(d) (1) In evaluating the program of projects to be funded with*  
13 *funds described in paragraph (2) of subdivision (a), the commission*  
14 *shall evaluate the total potential economic and noneconomic*  
15 *benefits of the program of projects to California's economy,*  
16 *environment, and public health. The commission shall consult with*  
17 *the agencies identified in Executive Order B-32-15 and*  
18 *metropolitan planning organizations in order to utilize the*  
19 *appropriate models, techniques, and methods to develop the*  
20 *parameters for evaluating the program of projects. The commission*  
21 *shall allocate the funding described in paragraph (2) of subdivision*  
22 *(a) for trade infrastructure improvements as follows:*

23 *(A) One hundred fifty million dollars (\$150,000,000) shall be*  
24 *dedicated exclusively to fund improvements to California's existing*  
25 *or planned land ports of entry on the border with Mexico. The*  
26 *department, in consultation with the San Diego Association of*  
27 *Governments and the Imperial County Transportation Commission,*  
28 *shall nominate a program of projects for funding allocations that*  
29 *make border capital and operational improvements to enhance*  
30 *goods movement between California and Mexico and contribute*  
31 *to the reduction of emissions.*

32 *(B) Seventy million dollars (\$70,000,000) shall be dedicated*  
33 *exclusively to fund projects for the elimination, alteration, or*  
34 *improvement of hazardous railroad-highway grade crossings.*  
35 *Projects shall be jointly nominated by the department and a*  
36 *regional transportation agency.*

37 *(C) Three hundred sixty million dollars (\$360,000,000) shall*  
38 *be available for projects nominated by regional transportation*  
39 *agencies and other public agencies, including counties, cities, and*  
40 *port authorities, in consultation with the department, and consistent*

1 with corridor-based programming targets contained in the Trade  
2 Corridors Investment Fund (TCIF) Guidelines adopted by the  
3 commission on November 27, 2007, or as amended by the  
4 commission, to provide reasonable geographic targets for funding  
5 allocations without constraining what an agency may propose or  
6 what the commission may approve. However, the San Diego  
7 Association of Governments, the Imperial County Transportation  
8 Commission, and other public agencies in San Diego and Imperial  
9 Counties shall be excluded from nominating projects under this  
10 subparagraph.

11 (2) The commission shall proportionately adjust the amounts  
12 in subparagraphs (A), (B), and (C) of paragraph (1) if the amount  
13 of funds described in paragraph (2) of subdivision (a) is less than  
14 or greater than five hundred eighty million dollars (\$580,000,000).

15 (3) The commission shall adopt guidelines to allocate the  
16 funding described in subdivision (a) for trade infrastructure  
17 improvements in a manner that (A) addresses the state's most  
18 urgent needs, (B) balances the demands of various land ports of  
19 entry, seaports, and airports, (C) provides reasonable geographic  
20 balance between the state's regions, (D) places emphasis on  
21 projects that improve trade corridor mobility and safety while  
22 reducing emissions of diesel particulates, greenhouse gases, and  
23 other pollutants and reducing other negative community impacts,  
24 and (E) makes a significant contribution to the state's economy.  
25 The commission shall adopt any amendments to the 2007 guidelines  
26 no later than 90 days after the effective date of the act adding this  
27 paragraph in the 2017–18 Regular Session.

28 (4) In adopting amended guidelines, and developing and  
29 adopting the program of projects, the commission shall do all of  
30 the following:

31 (A) Accept nominations for projects to be included in the  
32 program of projects from regional and local transportation  
33 agencies and the department.

34 (B) Recognize the key role of the state in project identification  
35 and support integrating statewide goods movement priorities into  
36 the corridor approach.

37 (C) Give the highest priority for funding allocations to projects  
38 jointly nominated by the department and a regional or other public  
39 agency.

40 (2)



1 (5) In addition, the commission shall also consider the following  
2 factors when allocating ~~these funds~~: *funds under this section*:

3 (A) “Velocity,” which means the speed by which large cargo  
4 would travel from the land port of entry or seaport through the  
5 distribution system.

6 (B) “Throughput,” which means the volume of cargo that would  
7 move from the land port of entry or seaport through the distribution  
8 system.

9 (C) “Reliability,” which means a reasonably consistent and  
10 predictable amount of time for cargo to travel from one point to  
11 another on any given day or at any given time in California.

12 (D) “Congestion reduction,” which means the reduction in  
13 recurrent daily hours of delay to be achieved.

14 SEC. 3. Section 1 of this act shall become operative upon the  
15 adoption by the voters of the Goods Movement and Clean Trucks  
16 Bond Act, as set forth in Section 1 of this act.

17 SEC. 4. The Secretary of State shall submit the Goods  
18 Movement and Clean Trucks Bond Act, as set forth in Section 1  
19 of this act, to the voters at the June 5, 2018, statewide primary  
20 election.

AMENDED IN SENATE MARCH 15, 2017

**SENATE BILL**

**No. 41**

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**Introduced by Senator Galgiani**

December 5, 2016

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An act to add *and repeal* Section 39601.1 ~~to~~ of the Health and Safety Code, relating to *vehicular* air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 41, as amended, Galgiani. State Air Resources Board: *compliance*: regulations.

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. *The State Air Resources Board has adopted a regulation to significantly reduce emissions particulate matter, oxides of nitrogen, and other criteria air pollutants from existing diesel trucks and buses operating in the state, commonly known as the Truck and Bus Regulation.*

This bill would require the ~~State Air Resources Board~~ *state board*, until January 1, 2023, to deem a person, as defined, to be in compliance with ~~all applicable rules and regulations of the state board and, notwithstanding the inadequacy of any required equipment, technologies, or practices,~~ *the Truck and Bus Regulation* and would prohibit the state board from requiring a person to expend further moneys to achieve compliance with, or from seeking to enforce against that person, ~~the applicable rules and regulations,~~ *that regulation* if specified conditions are met.

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

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

1 SECTION 1. Section 39601.1 is added to the Health and Safety  
2 Code, to read:

3 39601.1. (a) For purposes of this section, ~~“person” has the~~  
4 ~~same meaning as in Section 39047.~~ *the following terms have the*  
5 *following meanings:*

6 (1) *“Equipment” means a Cleaire LongMile diesel particulate*  
7 *matter filter that meets all of the following criteria:*

8 (A) *Purchased to comply with the regulation.*

9 (B) *The warranty failed during the warranty period.*

10 (C) *The manufacturer is no longer in business.*

11 (2) *“Person” has the same meaning as in Section 39047.*

12 (3) *“Regulation” means Section 2025 of Title 13 of the*  
13 *California Code of Regulations, commonly known as the Truck*  
14 *and Bus Regulation.*

15 (b) *A person who purchased equipment shall be deemed to be*  
16 *in compliance with all applicable rules and regulations of the state*  
17 *board and, notwithstanding the inadequacy of any required*  
18 *equipment, technologies, or practices, the regulation, and the state*  
19 *board shall not require a that person to expend further moneys to*  
20 *achieve compliance with, or otherwise seek to enforce against that*  
21 *person, the applicable rules and regulations the regulation if all of*  
22 *the following occur:*

23 (1) *The regulation adopted by the state board adopts a rule or*  
24 *regulation pursuant to statute that requires a person to comply*  
25 *with that rule or the regulation by expending moneys on any*  
26 *equipment, technologies, or practices.*

27 (2) *A person person, in order to comply with the regulation, in*  
28 *fact expends has expended moneys on equipment, technologies,*  
29 *or practices, including as part of any early compliance program*  
30 *provided for in the rule or regulation.*

31 (3) *The equipment, technologies, or practices have equipment*  
32 *had been approved by a state board verification or certification*  
33 *program, process, or procedure at the time of the expenditure.*

34 (4) *The equipment, technologies, or practices subsequently*  
35 *prove or are The equipment subsequently was proved or declared*  
36 *by the state board to be inadequate to achieve compliance with*  
37 *the rule or regulation regulation.*

1     (5) *The specific use and design of the vehicle subject to the*  
2 *regulation make it ineligible for both of the following:*

3     (A) *To receive moneys pursuant to the Highway Safety, Traffic*  
4 *Reduction, Air Quality, and Port Security Bond Act of 2006*  
5 *(Chapter 12.49 (commencing with Section 8879.20), Div. 1, Title*  
6 *2, Gov. C.).*

7     (B) *The grace period the state board made available to*  
8 *purchasers of other equipment.*

9     (c) *This section shall remain in effect only until January 1, 2023,*  
10 *and as of that date is repealed.*

O

AMENDED IN SENATE FEBRUARY 22, 2017

**SENATE BILL**

**No. 49**

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**Introduced by ~~Senator De León~~ *Senators De León and Stern***

December 5, 2016

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~~An act relating to the Budget Act of 2016. An act to add Title 24 (commencing with Section 120000) to the Government Code, and to amend Sections 42501, 42504, 42505, and 42506 of the Health and Safety Code, relating to state prerogative.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 49, as amended, De León. ~~Budget Act of 2016. California Environmental, Public Health, and Workers Defense Act of 2017.~~

*(1) The federal Clean Air Act regulates the discharge of air pollutants into the atmosphere. The federal Clean Water Act regulates the discharge of pollutants into water. The federal Safe Drinking Water Act establishes drinking water standards for drinking water systems. The federal Endangered Species Act of 1973 generally prohibits activities affecting threatened and endangered species listed pursuant to that act unless authorized by a permit from the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate.*

*Existing state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and generally prohibits the taking of those species. The Protect California Air Act of*

*2003 prohibits air quality management districts and air pollution control districts from amending or revising their new source review rules or regulations to be less stringent than those rules or regulations that existed on December 30, 2002, except under certain circumstances. That act requires the state board to provide on its Internet Web site, and in writing for purchase by the public, a copy of the federal new source review regulations as they read on December 30, 2002, and a related document.*

*This bill would prohibit state or local agencies from amending or revising their rules and regulations implementing the above state laws to be less stringent than the baseline federal standards, as defined, and would require specified agencies to take prescribed actions to maintain and enforce certain requirements and standards pertaining to air, water, and protected species. The bill would make conforming changes to the Protect California Air Act of 2003. By imposing new duties on local agencies, this bill would impose a state-mandated local program.*

*(2) Existing law provides for the enforcement of laws regulating the discharge of pollutants into the atmosphere and waters of the state. Existing law provides for the enforcement of drinking water standards. Existing law provides for the enforcement of the California Endangered Species Act.*

*This bill would authorize a person acting in the public interest to bring an action to enforce certain standards and requirements implementing the above-mentioned state laws if specified conditions are satisfied. The bill would make the operation of this authorization contingent on the occurrence of certain events.*

*(3) Existing federal law generally establishes standards for workers' rights and worker safety.*

*Existing state law generally establishes standards for workers' rights and worker safety.*

*This bill would prohibit a state agency that implements those laws from amending or revising its rules and regulations in a manner that is less stringent in its protection of workers' rights or worker safety than standards established by federal law in existence as of January 1, 2016.*

*(4) Existing law authorizes a person to petition a court for the issuance of a writ of mandate to a public agency to compel the performance of an action required by law or to review a decision of the public agency.*

*This bill would expressly authorize a person to petition a court for a writ of mandate to compel a state or local agency to perform an act required by, or to review a state or local agency’s action for compliance with, this measure.*

*(5) This bill would require state agencies, on a semi-annual basis, to report to the Legislature on compliance with the above requirements.*

*(6) 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.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

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

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

1 SECTION 1. Title 24 (commencing with Section 120000) is  
2 added to the Government Code, to read:

3  
4 TITLE 24. CALIFORNIA ENVIRONMENTAL, PUBLIC  
5 HEALTH, AND WORKERS DEFENSE ACT OF 2017

6  
7 DIVISION 1. GENERAL PROVISION

8  
9 120000. This title shall be known, and may be cited, as the  
10 California Environmental, Public Health, and Workers Defense  
11 Act of 2017.

12  
13 DIVISION 2. ENVIRONMENT, NATURAL RESOURCES, AND  
14 PUBLIC HEALTH

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## CHAPTER 1. FINDINGS AND DECLARATIONS

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*120010. The Legislature finds and declares all of the following:*

*(a) For over four decades, California and its residents have relied on federal laws, including the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. Sec. 1251 et seq.), the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.), and the federal Endangered Species Act (16 U.S.C. Sec 1531 et seq.), along with their implementing regulations and remedies, to protect our state's public health, environment, and natural resources.*

*(b) These federal laws establish standards that serve as the baseline level of public health and environmental protection, while expressly authorizing states like California to adopt more protective measures.*

*(c) Beginning in 2017, a new presidential administration and United States Congress will be in control of one party that has signaled a series of direct challenges to these federal laws and the protections they provide, as well as to the underlying science that makes these protections necessary, and to the rights of the states to protect their own environment, natural resources, and public health as they see fit.*

*(d) It is therefore necessary for the Legislature to enact legislation that will ensure continued protections for the environment, natural resources, and public health in the state even if the federal laws specified in subdivision (a) are undermined, amended, or repealed.*

*120011. The purposes of this division are to do all of the following:*

*(a) Retain protections afforded under the federal laws specified in subdivision (a) of Section 120010 and regulations implementing those federal laws in existence as of January 1, 2016, or January 1, 2017, whichever is more stringent, regardless of actions taken at the federal level.*

*(b) Protect public health and welfare from any actual or potential adverse effect that reasonably may be anticipated to occur from pollution, including the effects of climate change.*

*(c) Preserve, protect, and enhance the environment and natural resources in California, including, but not limited to, the state's national parks, national wilderness areas, national monuments,*



1 national seashores, and other areas with special national or  
2 regional natural, recreational, scenic, or historic value.

3 (d) Ensure that economic growth will occur in a manner  
4 consistent with the protection of public health and the environment  
5 and preservation of existing natural resources.

6 (e) Ensure that any decision made by a public agency that may  
7 adversely impact public health, the environment, or natural  
8 resources is made only after careful evaluation of all the  
9 consequences of that decision and after adequate procedural  
10 opportunities for informed public participation in the  
11 decisionmaking process.

12  
13 *CHAPTER 2. DEFINITIONS*

14  
15 *120020. For purposes of this division, the following definitions*  
16 *apply:*

17 (a) “Baseline federal standards” means the authorizations,  
18 policies, objectives, rules, requirements, and standards contained  
19 in federal laws or federal regulations implementing the federal  
20 laws in existence as of January 1, 2016, or January 1, 2017,  
21 whichever is more stringent.

22 (b) “Baseline federal standards for other federal laws” means  
23 the authorizations, policies, objectives, rules, requirements, and  
24 standards contained in other federal laws or federal regulations  
25 implementing the other federal laws in existence as of January 1,  
26 2016, or January 1, 2017, whichever is more stringent.

27 (c) “Federal law” means any of the following:

28 (1) The federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

29 (2) The federal Endangered Species Act (16 U.S.C. Sec. 1531  
30 et seq.).

31 (3) The federal Safe Drinking Water Act (42 U.S.C. Sec. 300f  
32 et seq.).

33 (4) The Federal Water Pollution Control Act (33 U.S.C. Sec.  
34 1251 et seq.).

35 (d) “Other federal laws” means any other federal law not  
36 specified in paragraphs (1) to (4), inclusive, of subdivision (c)  
37 relating to environmental protection, natural resources, or public  
38 health.

## CHAPTER 3. OPERATIVE PROVISIONS

## Article 1. General

120030. (a) Except as authorized by state law, a state or local agency shall not amend or revise its rules and regulations to be less stringent than the baseline federal standards.

(b) Except as otherwise provided in state law, a state or local agency may establish rules and regulations for California that are more stringent than the baseline federal standards.

120031. To the extent authorized by federal law and except as authorized by state law, a state or local agency that is delegated the authority to enforce other federal laws or that implements the state law that is an analogue to the other federal laws shall not amend or revise its rules and regulations to be less stringent than the baseline federal standards for other federal laws, but may establish rules and regulations for California that are more stringent than the baseline federal standards for other federal laws.

## Article 2. Air

120040. The Legislature finds and declares the following:

(a) The California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) and the California Clean Air Act (Division 26 (commencing with Section 39000) of the Health and Safety Code) are the state analogue to the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(b) The State Air Resources Board, air quality management districts, and air pollution control districts in California formulate and adopt the state implementation plans (SIPs) for California under the federal Clean Air Act as well as regional and local air quality regulations, and issue permits governing the emission of certain substances, including greenhouse gases, into the air.

120041. Except as otherwise authorized by state law, all of the following apply:

(a) To ensure no backsliding as a result of any change in the federal Clean Air Act or its implementing regulations, the State Air Resources Board, air quality management districts, and air

1 *pollution control districts shall maintain and enforce all air quality*  
2 *requirements and standards that are at least as stringent as*  
3 *required by the baseline federal standards, in addition to those*  
4 *required under state law.*

5 *(b) To the extent that the state board has not established a*  
6 *standard or requirement for an air pollutant for which a standard*  
7 *or requirement exists in the baseline federal standards, the State*  
8 *Air Resources Board shall adopt the standard or requirement to*  
9 *be at least as stringent as the baseline federal standards.*

10 *(c) The State Air Resources Board, regional air quality*  
11 *management districts, and air pollution control districts shall*  
12 *adopt SIPs for California that meet requirements that are at least*  
13 *as stringent as those required by the applicable baseline federal*  
14 *standards, in addition to those required by state law.*

15 *(d) If the federal transportation conformity program becomes*  
16 *less stringent than the applicable baseline federal standards, the*  
17 *State Air Resources Board, air quality management districts, and*  
18 *air pollution control districts shall adopt and implement equivalent*  
19 *requirements that are at least as stringent as those required by*  
20 *the applicable baseline federal standards, in addition to those*  
21 *required by state law.*

22 *(e) If the United States Environmental Protection Agency no*  
23 *longer implements the prevention of significant deterioration*  
24 *program in accordance with the applicable baseline federal*  
25 *standards, then, where an air quality management district or air*  
26 *pollution control district has not received authority to issue*  
27 *prevention of significant deterioration permits, the State Air*  
28 *Resources Board shall immediately establish a state prevention*  
29 *of significant deterioration program to issue permits that are at*  
30 *least as stringent as the applicable baseline federal standards.*

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Article 3. Water

34 *120050. The Legislature finds and declares the following:*

35 *(a) The Porter-Cologne Water Quality Control Act (Division 7*  
36 *(commencing with Section 13000) of the Water Code) is the state*  
37 *analogue to the Federal Water Pollution Control Act (33 U.S.C.*  
38 *Sec. 1251 et seq.), otherwise known as the federal Clean Water*  
39 *Act.*

1 (b) *The California Safe Drinking Water Act (Chapter 4*  
2 *(commencing with Section 116270) of Part 12 of Division 103 of*  
3 *the Health and Safety Code) is the state analogue to the federal*  
4 *Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.).*

5 (c) *The State Water Resources Control Board administers water*  
6 *rights and, together with the regional water quality control boards,*  
7 *implements the federal Clean Water Act and the Porter-Cologne*  
8 *Water Quality Control Act to preserve, protect, enhance, and*  
9 *restore water quality by setting statewide policy, formulating and*  
10 *adopting water quality control plans, setting standards, issuing*  
11 *permits and waste discharge requirements, determining compliance*  
12 *with those permits and waste discharge requirements, and taking*  
13 *appropriate enforcement actions.*

14 (d) *The State Water Resources Control Board regulates public*  
15 *drinking water systems pursuant to the federal Safe Drinking Water*  
16 *Act and the California Safe Drinking Water Act to ensure the*  
17 *delivery of safe drinking water to Californians.*

18 120051. *Except as otherwise authorized by state law, the*  
19 *following apply:*

20 (a) (1) *To ensure no backsliding as a result of any change in*  
21 *the federal Clean Water Act, the State Water Resources Control*  
22 *Board and regional water quality control boards shall maintain*  
23 *and enforce all water supply and water quality standards that are*  
24 *at least as stringent as required by the applicable baseline federal*  
25 *standards, in addition to those required by state law.*

26 (2) *To ensure no backsliding as a result of any change in the*  
27 *federal Safe Drinking Water Act, the State Water Resources*  
28 *Control Board shall maintain and enforce all drinking water*  
29 *standards that are at least as stringent as required by the*  
30 *applicable baseline federal standards, in addition to those required*  
31 *by state law.*

32 (b) (1) *To the extent that the State Water Resources Control*  
33 *Board has not established a water supply or water quality standard*  
34 *or requirement for which a standard or requirement exists in the*  
35 *baseline federal standards, the State Water Resources Control*  
36 *Board shall adopt the standard or requirement to be at least as*  
37 *stringent as the baseline federal standards.*

38 (2) *To the extent that the State Water Resources Control Board*  
39 *has not established a drinking water standard or requirement for*  
40 *which a standard or requirement exists in the baseline federal*

1 standards, the State Water Resources Control Board shall adopt  
2 the standard or requirement to be at least as stringent as the  
3 baseline federal standards.

4 (c) (1) Waste discharge requirements and permits that are  
5 issued on and after January 1, 2018, shall be at least as protective  
6 of the environment and comply with all applicable water quality  
7 standards, effluent limitations, and restrictions as required by the  
8 applicable federal baseline standards, in addition to those required  
9 by state law.

10 (2) Drinking water supply permits that are issued on and after  
11 January 1, 2018, shall be at least as protective of public health  
12 and comply with all applicable drinking water standards as  
13 required by the applicable federal baseline standards, in addition  
14 to those required by state law.

15 (d) A water quality control plan adopted on or after January 1,  
16 2018, shall be at least as protective of the environment pursuant  
17 to, and in compliance with, all applicable water quality standards,  
18 effluent limitations, and restrictions as required by the applicable  
19 baseline federal standards, in addition to those required by state  
20 law.

21 (e) When a waste discharge requirement or water quality control  
22 plan is renewed or amended, any water quality standards, effluent  
23 limitations, restrictions, and conditions shall be at least as  
24 protective of the environment pursuant to, and in compliance with,  
25 all applicable water quality standards, effluent limitations, and  
26 restrictions as required by the applicable baseline federal  
27 standards, in addition to those required by state law.

28

29 *Article 4. Endangered and Threatened Species*

30

31 *120060. The Legislature finds and declares the following:*

32 (a) *The California Endangered Species Act (Chapter 1.5*  
33 *(commencing with Section 2050) of Division 3 of the Fish and*  
34 *Game Code) is the state analogue to the federal Endangered*  
35 *Species Act (16 U.S.C. Sec. 1531 et seq.).*

36 (b) *The California Endangered Species Act prohibits the taking*  
37 *of any species that the Fish and Game Commission determines to*  
38 *be endangered or threatened, unless the Department of Fish and*  
39 *Wildlife allows for take incidental to otherwise lawful activity*

1 pursuant to subdivision (b) of Section 2081 of the Fish and Game  
2 Code.

3 120061. Except as otherwise authorized by state law, both of  
4 the following apply:

5 (a) To ensure no backsliding as a result of any change to the  
6 federal Endangered Species Act, all native species not already  
7 listed pursuant to Article 2 (commencing with Section 2070) of  
8 Chapter 1.5 of Division 3 of the Fish and Game Code that are  
9 listed as endangered or threatened pursuant to the federal  
10 Endangered Species Act as of January 1, 2017, shall be listed as  
11 an endangered or threatened species, as appropriate, pursuant to  
12 Article 2 (commencing with Section 2070) of Chapter 1.5 of  
13 Division 3 of the Fish and Game Code. The Fish and Game  
14 Commission may review and modify the listing of species pursuant  
15 to this section.

16 (b) Any new or revised consistency determination or incidental  
17 take permit issued to a permittee on or after January 1, 2018, shall  
18 only authorize incidental take if it requires conditions at least as  
19 stringent as required by the relevant baseline federal standards,  
20 including, but not limited to, any federal incidental take statement,  
21 incidental take permit, or biological opinion in effect and  
22 applicable to a permittee or project as of January 1, 2016, or  
23 January 1, 2017, whichever is more stringent. This subdivision  
24 does not modify the requirements of Section 2081 of the Fish and  
25 Game Code.

26 120062. To the extent authorized by the federal Reclamation  
27 Act of 1902 (Public Law 57-161) and other federal law, the  
28 California Endangered Species Act shall apply to the operation  
29 of the federal Central Valley Project.

30

### 31 DIVISION 3. LABOR STANDARDS

32

#### 33 CHAPTER 1. DEFINITIONS

34

35 120100. For purposes of this division, the following definitions  
36 apply:

37 (a) "Federal law" means the federal Fair Labor Standards Act  
38 of 1938, as amended (29 U.S.C. Secs. 201 et seq.), the federal  
39 Occupational Safety and Health Act of 1970, as amended, (29  
40 U.S.C. Secs. 651 et seq.), the federal Mine Safety and Health Act

1 of 1969, as amended, (30 U.S.C. Secs. 801 et seq.), and other  
2 federal statutes relating to worker rights and protections and  
3 regulations, policies, guidance, standards, requirements, and  
4 specifications established pursuant to those federal statutes.

5 (b) “State agency” means a state agency designated by law to  
6 implement the federal law or its state analogue.

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CHAPTER 2. OPERATIVE PROVISIONS

10 120110. Except as authorized by state law, a state agency shall  
11 not amend or revise its rules or regulations in a manner that is  
12 less stringent in its protection of workers’ rights or worker safety  
13 than standards established pursuant to federal law in existence as  
14 of January 1, 2016.

15 120111. Except as otherwise provided in state law, a state  
16 agency may establish workers’ rights and worker safety standards  
17 for California that are more stringent than those provided in  
18 federal law in existence as of January 1, 2016.

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DIVISION 4. MISCELLANEOUS

22 120200. Every state agency, including the Department of  
23 Justice, shall undertake all feasible efforts using its authority under  
24 state and federal law to implement and enforce this title.  
25 Notwithstanding Section 10231.5, every state agency that takes  
26 steps to enforce this title shall submit a report to the Legislature,  
27 in compliance with Section 9795 of the Government Code, at least  
28 once every six months describing its compliance with this title.

29 120201. (a) (1) (A) In addition to the enforcement provisions  
30 provided pursuant to the California Global Warming Solutions  
31 Act of 2006 (Division 25.5 (commencing with Section 38500) of  
32 the Health and Safety Code) or Division 26 (commencing with  
33 Section 39000) of the Health and Safety Code, an action may be  
34 brought by a person in the public interest to enforce the standards  
35 or requirements adopted pursuant to subdivision (b) of Section  
36 120041 or to impose civil penalties for a violation of those  
37 standards or requirements pursuant to those acts, if both of the  
38 following are satisfied:

39 (i) The private action is commenced more than 60 days from  
40 the date that the person gave notice of an alleged violation that is

1 *the subject of the private action to the Attorney General and the*  
2 *district attorney, city attorney, or prosecutor in whose jurisdiction*  
3 *the violation is alleged to have occurred, and to the alleged*  
4 *violation.*

5 *(ii) Neither the Attorney General, a district attorney, a city*  
6 *attorney, nor a prosecutor commenced and is diligently prosecuting*  
7 *an action against the violation.*

8 *(B) A person bringing an action in the public interest pursuant*  
9 *to subparagraph (A) and a person filing an action in which a*  
10 *violation of those acts is alleged shall notify the Attorney General*  
11 *that the action has been filed.*

12 *(2) Paragraph (1) is operative only if either of the following*  
13 *occurs:*

14 *(A) The United States Environmental Protection Agency revised*  
15 *the standards or requirements described in subdivision (b) of*  
16 *Section 120041 to be less stringent than the applicable baseline*  
17 *federal standards.*

18 *(B) The federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) is*  
19 *amended to repeal the citizen suit provision set forth in Section*  
20 *7604 of Title 42 of the United States Code.*

21 *(b) (1) (A) In addition to the enforcement provisions provided*  
22 *pursuant to the Porter-Cologne Water Quality Control Act*  
23 *(Division 7 (commencing with Section 13000) of the Water Code),*  
24 *an action may be brought by a person in the public interest to*  
25 *enforce the standards or requirements adopted pursuant to*  
26 *paragraph (1) of subdivision (b) of Section 120051 or to impose*  
27 *civil penalties for a violation of those standards or requirements*  
28 *pursuant to that act, if the requirements set forth in clauses (i) and*  
29 *(ii) of subparagraph (A) of paragraph (1) of subdivision (a) are*  
30 *met.*

31 *(B) A person bringing an action in the public interest pursuant*  
32 *to subparagraph (A) and a person filing an action in which a*  
33 *violation of that act is alleged shall notify the Attorney General*  
34 *that the action has been filed.*

35 *(2) Paragraph (1) is operative only if either of the following*  
36 *occurs:*

37 *(A) The United States Environmental Protection Agency revised*  
38 *the standards or requirements described in paragraph (1) of*  
39 *subdivision (b) of Section 120051 to be less stringent than the*  
40 *applicable baseline federal standards.*



1 (B) *The federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.)*  
2 *is amended to repeal the citizen suit provision set forth in Section*  
3 *1365 of Title 33 of the United States Code.*

4 (c) (1) (A) *In addition to the enforcement provisions provided*  
5 *pursuant to the California Safe Drinking Water Act (Chapter 4*  
6 *commencing with Section 116270) of Part 12 of Division 104 of*  
7 *the Health and Safety Code), an action may be brought by a person*  
8 *in the public interest to enforce the standards or requirements*  
9 *adopted pursuant to paragraph (2) of subdivision (b) of Section*  
10 *120051 or to impose civil penalties for a violation of those*  
11 *standards or requirements pursuant to that act, if the requirements*  
12 *set forth in clauses (i) and (ii) of subparagraph (A) of paragraph*  
13 *(1) of subdivision (a) are met.*

14 (B) *A person bringing an action in the public interest pursuant*  
15 *to subparagraph (A) and a person filing an action in which a*  
16 *violation of that act is alleged shall notify the Attorney General*  
17 *that the action has been filed.*

18 (2) *Paragraph (1) is operative only if either of the following*  
19 *occurs:*

20 (A) *The United States Environmental Protection Agency revised*  
21 *the standards or requirements described in paragraph (2) of*  
22 *subdivision (b) of Section 120051 to be less stringent than the*  
23 *applicable baseline federal standards.*

24 (B) *The federal Safe Drinking Water Act (42 U.S.C. Sec. 300f*  
25 *et seq.) is amended to repeal the citizen suit provision set forth in*  
26 *Section 300j-8 of Title 42 of the United States Code.*

27 (d) (1) (A) *In addition to the enforcement provisions provided*  
28 *pursuant to the California Endangered Species Act (Chapter 1.5*  
29 *commencing with Section 2050) of Division 3 of the Fish and*  
30 *Game Code), an action may be brought by a person in the public*  
31 *interest to enforce the requirements of the California Endangered*  
32 *Species Act for a species listed pursuant to subdivision (a) of*  
33 *Section 120061 or to impose civil penalties for a violation of those*  
34 *requirements, if the requirements set forth in clauses (i) and (ii)*  
35 *of subparagraph (A) of paragraph (1) of subdivision (a) are met.*

36 (B) *A person bringing an action in the public interest pursuant*  
37 *to subparagraph (A) and a person filing an action in which a*  
38 *violation of that act is alleged shall notify the Attorney General*  
39 *that the action has been filed.*

1 (2) Paragraph (1) is operative only if either of the following  
2 occurs:

3 (A) The relevant federal agency revised the standards or  
4 requirements for the protection of species described in subdivision  
5 (a) of Section 120061 to be less protective than the applicable  
6 baseline federal standards.

7 (B) The federal Endangered Species Act (16 U.S.C. Sec. 1531  
8 et seq.) is amended to repeal the citizen suit provision set forth in  
9 Section 1540 of Title 16 of the United States Code.

10 (e) An action or proceeding may be brought pursuant to Section  
11 1085 or 1094.5 of the Code of Civil Procedure, as appropriate,  
12 on the grounds that a state or local agency has violated the  
13 requirements of this title or Section 42501 or 42504 of the Health  
14 and Safety Code.

15 (f) The court may award attorney’s fees pursuant to Section  
16 1021.5 of the Code of Civil Procedure, and expert fees and court  
17 costs pursuant to Section 1033 of the Code of Civil Procedure, as  
18 appropriate, for an action brought pursuant to this section.

19 120202. The provisions of this title are severable. If any  
20 provision of this title or its application is held invalid, that  
21 invalidity shall not affect other provisions or applications that can  
22 be given effect without the invalid provision or application.

23 SEC. 2. Section 42501 of the Health and Safety Code is  
24 amended to read:

25 42501. The Legislature finds and declares all of the following:

26 (a) For over 25 years, the federal Clean Air Act (42 U.S.C. Sec.  
27 7401, et seq.) has required major new and modified sources of air  
28 pollution to be subject to a new source review program for  
29 nonattainment areas and for the prevention of significant  
30 deterioration, in order to ensure that those sources use the requisite  
31 level of emission control, offset any new emissions, and comply  
32 with other requirements, as a means of ensuring that those new  
33 and modified sources do not adversely affect air quality.

34 (b) Requiring controls and emission offsets for new and  
35 modified sources ensures that industrial growth does not result in  
36 unacceptable levels of air pollution and that existing sources  
37 operate more cleanly over time by applying emission controls  
38 when those sources are overhauled or upgraded. Without these  
39 limits, air quality would degrade over time, and industrial growth,  
40 critical to the economic health of the state, would be foreclosed.

1 (c) The new source review program has been a cornerstone of  
2 the state’s efforts to reduce pollution from new and existing  
3 industrial sources by requiring those sources to use the requisite  
4 level of emission controls based on the attainment status of the  
5 area where the source is located.

6 (d) The U.S. Environmental Protection Agency (U.S. E.P.A.)  
7 initially promulgated, and subsequently has revised, the new source  
8 review program to carry out the requirements of the federal Clean  
9 Air Act for preconstruction review of new and modified sources  
10 of air pollutants by the states.

11 (e) On December 31, 2002, the U.S. E.P.A., under the direction  
12 of the President of the United States, promulgated regulations that  
13 substantially weaken the basic federal new source review program  
14 (67 Fed.Reg. 80186-80289 (Dec. 31, 2002)). In promulgating the  
15 regulatory amendments, the U.S. E.P.A. claims that the new source  
16 review program has impeded or resulted in the cancellation of  
17 projects that would maintain or improve reliability, efficiency, and  
18 safety. This claim is contradicted by California’s experience under  
19 the new source review programs of the air pollution control and  
20 air quality management districts.

21 (f) The amendments promulgated December 31, 2002, will  
22 drastically reduce the circumstances under which modifications  
23 at an existing source would be subject to federal new source review.  
24 The U.S. E.P.A. has also proposed a rule that will change the  
25 definition of “routine maintenance, repair and replacement.” If  
26 that rule is finalized, it will significantly worsen the situation.

27 (g) The newly revised and proposed federal new source review  
28 reneges on the promise of clean air embodied in the federal Clean  
29 Air Act, and threatens to undermine the air quality of the State of  
30 California and thereby threaten the health and safety of the people  
31 of the State of California.

32 (h) *Beginning in 2017, a new presidential administration and*  
33 *United States Congress will be in control of one party that has*  
34 *signaled a series of direct challenges to the federal Clean Air Act*  
35 *and the programs and protections they provide, as well as to the*  
36 *underlying science that makes these programs and protections*  
37 *necessary, and to the rights of the states to protect their own*  
38 *environment, natural resources, and public health as they see fit.*

39 (h)

1 (i) Section 107 of the federal Clean Air Act (42 U.S.C. Sec.  
 2 7407) provides that the state has primary responsibility for meeting  
 3 ambient air quality standards in all areas of the state, and that the  
 4 means to achieve the standards shall be set out in the state  
 5 implementation plan, or SIP.

6 (i)

7 (j) Section 116 of the federal Clean Air Act (42 U.S.C. Sec.  
 8 7416) preserves the right of states to adopt air pollution control  
 9 requirements that are more stringent than comparable federal  
 10 requirements. Moreover, the recent revisions to the federal new  
 11 source review regulations provide that the states may adopt  
 12 permitting programs that are “at least as stringent” as the new  
 13 federal “revised base program,” and that the federal regulations  
 14 “certainly do not have the goal of ‘preempting’ State creativity or  
 15 innovation.” (67 Fed.Reg. 80241 (Dec. 31, 2002)).

16 SEC. 3. Section 42504 of the Health and Safety Code is  
 17 amended to read:

18 42504. (a) ~~No An air-quality management district or air~~  
 19 ~~pollution control district may~~ shall not amend or revise its new  
 20 source review rules or regulations to be less stringent than those  
 21 that existed on ~~December 30, 2002, January 1, 2016, or January~~  
 22 ~~1, 2017, whichever is more stringent.~~ If the state board finds, after  
 23 a public hearing, that a district’s rules or regulations are not  
 24 equivalent to or more stringent than the rules or regulations that  
 25 existed on ~~December 30, 2002, January 1, 2016, or January 1,~~  
 26 ~~2017, whichever is more stringent,~~ the state board shall promptly  
 27 adopt for that district the rules or regulations that may be necessary  
 28 to establish equivalency, consistent with subdivision (b).

29 (b) (1) In amending or revising its new source review rules or  
 30 regulations, a district ~~may~~ shall not change any of the following  
 31 that existed on ~~December 30, 2002, January 1, 2017,~~ if the  
 32 amendments or revisions would exempt, ~~relax~~ relax, or reduce the  
 33 obligations of a stationary source for any of the requirements listed  
 34 in paragraph (2):

35 (A) The applicability determination for new source review.

36 (B) The definition of modification, major modification, routine  
 37 maintenance, or repair or replacement.

38 (C) The calculation methodology, ~~thresholds~~ threshold, or other  
 39 procedures of new source review.

1 (D) Any definitions or requirements of the new source review  
2 regulations.

3 (2) (A) Any requirements to obtain new source review or other  
4 permits to construct, prior to *the* commencement of construction.

5 (B) Any requirements for best available control technology  
6 (BACT).

7 (C) Any requirements for air quality impact analysis.

8 (D) Any requirements for recordkeeping, monitoring and  
9 reporting in a manner that would make recordkeeping, monitoring,  
10 or reporting less representative, enforceable, or publicly accessible.

11 (E) Any requirements for regulating any air pollutant covered  
12 by the new source review rules and regulations.

13 (F) Any requirements for public participation, including a public  
14 comment period, public notification, public hearing, or other  
15 opportunities or forms of public participation, prior to *the* issuance  
16 of permits to construct.

17 (c) In amending or revising its new source review rules or  
18 regulations, a district may change any of the items in paragraph  
19 (1) of subdivision (b) only if the change is more stringent than the  
20 new source review rules or regulations that existed on ~~December~~  
21 ~~30, 2002~~, *January 1, 2016, or January 1, 2017, whichever is more*  
22 *stringent*.

23 (d) Notwithstanding subdivisions (a), (b), and (c), a district may  
24 amend or revise a rule or regulation if a district board, at the time  
25 the amendments or revisions are adopted, makes its decision based  
26 upon substantial evidence in the record, the amendments or  
27 revisions are submitted to and approved by the state board after a  
28 public hearing, and each of the following conditions is met:

29 (1) The amended or revised rule or regulation will do one of  
30 the following:

31 (A) Will replace an existing rule or regulation that caused a risk  
32 to public health or safety from exposure to a toxic material, a  
33 dangerous condition, or an infectious disease with a rule or  
34 regulation that provides greater protection to public health or safety.

35 (B) Will replace an existing rule or regulation that has been  
36 found to be unworkable due to engineering or other technical  
37 problems with a rule or regulation that is effective.

38 (C) Will allow an amendment to an existing rule or regulation  
39 that otherwise will cause substantial hardship to a business,

1 industry, or category of sources, if all of the following criteria are  
2 met:

3 (i) The amendment is narrowly tailored to relieve the identified  
4 hardship.

5 (ii) The district provides equivalent reductions in emissions of  
6 air contaminants to offset any increase in emissions of air  
7 contaminants.

8 (iii) All reductions in emissions of air contaminants are real,  
9 surplus, quantifiable, verifiable, enforceable, and timely. For the  
10 purposes of this clause, reductions are timely if they occur no more  
11 than three years prior to, and no more than three years following,  
12 the occurrence of the increase in emissions of air contaminants.

13 (iv) Information regarding the reductions in emissions of air  
14 contaminants is available to the public.

15 (D) Is a temporary rule or regulation necessary to respond to  
16 an emergency consisting of a sudden, unexpected occurrence and  
17 demanding prompt action to prevent or mitigate loss of or damage  
18 to life, health, property, or essential services and the temporary  
19 rule or regulation does not extend beyond the reasonably  
20 anticipated duration of the emergency.

21 (E) Will not, if the district is in attainment with all national  
22 ambient air quality standards, impair or impede continued  
23 maintenance of those standards or progress toward achieving *the*  
24 attainment of state ambient air quality standards.

25 (2) The amended or revised rule or regulation will not exempt,  
26 relax, or reduce the obligation of any stationary source under the  
27 rules or regulations of the district, as those rules or regulations  
28 existed on ~~December 30, 2002~~, *January 1, 2017*, to obtain a permit  
29 or to meet best available control technology requirements. This  
30 paragraph only applies to a source that constituted a major source  
31 under the rules or regulations of a district that existed on ~~December~~  
32 ~~30, 2002~~, *January 1, 2017*, and does not apply to any individual  
33 best available control technology determination.

34 (3) The amended or revised rule or regulation is otherwise  
35 consistent with this division.

36 (4) The amended or revised rule or regulation is consistent with  
37 any guidance approved by the state board regarding environmental  
38 justice.

39 *SEC. 4. Section 42505 of the Health and Safety Code is*  
40 *amended to read:*

1 42505. For purposes of this chapter, each district’s ~~“existing~~  
2 ~~new~~ “new source review program” is comprised of those new  
3 source review rules and regulations for both nonattainment and  
4 prevention of significant deterioration for new, modified, repaired,  
5 or replaced sources that have been adopted by the district governing  
6 board on or prior to ~~December 30, 2002, January 1, 2017,~~ that  
7 have been submitted to the U.S. Environmental Protection Agency  
8 by the state board for inclusion in the state implementation plan  
9 and are pending approval or have been approved by the U.S.  
10 Environmental Protection Agency.

11 *SEC. 5. Section 42506 of the Health and Safety Code is*  
12 *amended to read:*

13 42506. ~~In order to~~ *To* assist in interpreting district rules and  
14 regulations governing new source review for nonattainment areas  
15 and for prevention of significant deterioration, the state board shall  
16 provide on its *Internet* Web site and in writing for purchase by the  
17 public, a copy of the federal new source review regulations as they  
18 existed on December 30, 2002, *January 1, 2016,* and *January 1,*  
19 *2017,* and the United States Environmental Protection Agency’s  
20 guidance document entitled, “New Source Review Workshop  
21 Manual: Prevention of Significant Deterioration and Nonattainment  
22 Area Permitting,” (October 1990 Draft).

23 *SEC. 6. The provisions of this act are severable. If any*  
24 *provision of this act or its application is held invalid, that invalidity*  
25 *shall not affect other provisions or applications that can be given*  
26 *effect without the invalid provision or application.*

27 *SEC. 7. No reimbursement is required by this act pursuant to*  
28 *Section 6 of Article XIII B of the California Constitution because*  
29 *a local agency or school district has the authority to levy service*  
30 *charges, fees, or assessments sufficient to pay for the program or*  
31 *level of service mandated by certain mandates in this act, within*  
32 *the meaning of Section 17556 of the Government Code.*

33 *However, if the Commission on State Mandates determines that*  
34 *this act contains other costs mandated by the state, reimbursement*  
35 *to local agencies and school districts for those costs shall be made*  
36 *pursuant to Part 7 (commencing with Section 17500) of Division*  
37 *4 of Title 2 of the Government Code.*

1 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~  
2 ~~changes relating to the Budget Act of 2016.~~

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**Introduced by Senators Lara and Leyva**January 23, 2017

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An act to amend Section 4156 of, and to add Section 4000.15 to, the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 174, as introduced, Lara. Diesel-fueled vehicles: registration.

Existing law prohibits a person from driving, moving, or leaving standing upon a highway any motor vehicle, as defined, that has been registered in violation of provisions regulating vehicle emissions.

This bill, effective January 1, 2020, would require the Department of Motor Vehicles to confirm, prior to the initial registration or the transfer of ownership and registration of a diesel-fueled vehicle with a gross vehicle weight rating of more than 14,000 pounds, that the vehicle is compliant with, or exempt from, applicable air pollution control technology requirements, pursuant to specified provisions. The bill would require the department to refuse registration, or renewal or transfer of registration, for certain diesel-fueled vehicles, based on weight and model year, that are subject to specified provisions relating to the reduction of emissions of diesel particulate matter, oxides of nitrogen, and other criteria pollutants from in-use diesel-fueled vehicles. The bill would authorize the department to allow registration, or renewal or transfer of registration, for any diesel-fueled vehicle that has been reported to the State Air Resources Board, and is using an approved exemption, or is compliant with applicable air pollution control technology requirements, pursuant to specified provisions.

Existing law authorizes the department, in its discretion, to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by the department and paid to

the department by the owner or other person in lawful possession of the vehicle.

This bill would additionally authorize the department to issue a temporary permit to operate a vehicle for which registration is otherwise required be refused under the provisions of the bill, as prescribed.

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

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

1 SECTION 1. Section 4000.15 is added to the Vehicle Code,  
2 to read:

3 4000.15. (a) Effective January 1, 2020, the department shall  
4 confirm, prior to the initial registration or the transfer of ownership  
5 and registration of a diesel-fueled vehicle with a gross vehicle  
6 weight rating of more than 14,000 pounds, that the vehicle is  
7 compliant with, or exempt from, applicable air pollution control  
8 technology requirements pursuant to Division 26 (commencing  
9 with Section 39000) of the Health and Safety Code and regulations  
10 of the State Air Resources Board adopted pursuant to that division.

11 (b) Except as otherwise provided in subdivision (c), for  
12 diesel-fueled vehicles subject to Section 43018 of the Health and  
13 Safety Code, as applied to the reduction of emissions of diesel  
14 particulate matter, oxides of nitrogen, and other criteria pollutants  
15 from in-use diesel-fueled vehicles, and Section 2025 of Title 13  
16 of the California Code of Regulations as if January 1, 2017, or as  
17 subsequently amended:

18 (1) The department shall refuse registration, or renewal or  
19 transfer of registration, for a diesel-fueled vehicle with a gross  
20 vehicle weight rating of 14,001 pounds to 26,000 pounds for the  
21 following vehicle model years:

22 (A) Effective January 1, 2020, vehicle model years 2004 and  
23 older.

24 (B) Effective January 1, 2021, vehicle model years 2007 and  
25 older.

26 (C) Effective January 1, 2023, vehicle model years 2010 and  
27 older.

28 (2) The department shall refuse registration, or renewal or  
29 transfer of registration, for a diesel-fueled vehicle with a gross

1 vehicle weight rating of more than 26,000 pounds for the following  
2 vehicle model years:

3 (A) Effective January 1, 2020, vehicle model years 2000 and  
4 older.

5 (B) Effective January 1, 2021, vehicle model years 2005 and  
6 older.

7 (C) Effective January 1, 2022, vehicle model years 2007 and  
8 older.

9 (D) Effective January 1, 2023, vehicle model years 2010 and  
10 older.

11 (c) (1) As determined by the State Air Resources Board,  
12 notwithstanding effective dates and vehicle model years identified  
13 in subdivision (b), the department may allow registration, or  
14 renewal or transfer of registration, for a diesel-fueled vehicle that  
15 has been reported to the State Air Resources Board, and is using  
16 an approved exemption, or is compliant with applicable air  
17 pollution control technology requirements pursuant to Division  
18 26 (commencing with Section 39000) of the Health and Safety  
19 Code and regulations of the State Air Resources Board adopted  
20 pursuant to that division, using an approved compliance option.

21 (2) The State Air Resources Board shall notify the department  
22 of the vehicles allowed to be registered pursuant to this subdivision.

23 SEC. 2. Section 4156 of the Vehicle Code is amended to read:

24 4156. (a) Notwithstanding any other provision of this code,  
25 and except as provided in subdivision (b), the department in its  
26 discretion may issue a temporary permit to operate a vehicle when  
27 a payment of fees has been accepted in an amount to be determined  
28 by, and paid to the department, by the owner or other person in  
29 lawful possession of the vehicle. The permit shall be subject to the  
30 terms and conditions, and shall be valid for the period of time, that  
31 the department shall deem appropriate under the circumstances.

32 (b) (1) The department shall not issue a temporary permit  
33 pursuant to subdivision (a) to operate a vehicle for which a  
34 certificate of compliance is required pursuant to Section 4000.3,  
35 and for which that certificate of compliance has not been issued,  
36 unless the department is presented with sufficient evidence, as  
37 determined by the department, that the vehicle has failed its most  
38 recent smog check inspection.

39 (2) ~~Not more than~~ *Only* one temporary permit may be issued  
40 pursuant to this subdivision to a vehicle owner in a two-year period.

1 (3) A temporary permit issued pursuant to paragraph (1) is valid  
2 for either 60 days after the expiration of the registration of the  
3 vehicle or 60 days after the date that vehicle is removed from  
4 nonoperation, whichever is applicable at the time that the temporary  
5 permit is issued.

6 (4) A temporary permit issued pursuant to paragraph (1) is  
7 subject to Section 9257.5.

8 (c) (1) *The department may issue a temporary permit pursuant*  
9 *to subdivision (a) to operate a vehicle for which registration may*  
10 *be refused pursuant to Section 4000.15.*

11 (2) *Only one temporary permit may be issued pursuant to this*  
12 *subdivision for any vehicle.*

13 (3) *A temporary permit issued pursuant to paragraph (1) is*  
14 *valid for either 90 days after the expiration of the registration of*  
15 *the vehicle or 90 days after the date that vehicle is removed from*  
16 *nonoperation, whichever is applicable at the time the temporary*  
17 *permit is issued.*

18 (4) *A temporary permit issued pursuant to paragraph (1) is*  
19 *subject to Section 9257.5.*