



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

DOUG KIM - CHAIR
JOHN BAUTERS
PAULINE RUSSO CUTTER
SCOTT HAGGERTY
KAREN MITCHOFF
BRAD WAGENKNECHT

MARGARET ABE-KOGA - VICE CHAIR
DAVID CANEPA
JOHN GIOIA
TYRONE JUE
JIM SPERING

WEDNESDAY
MARCH 27, 2019
9:30 A.M.

1ST FLOOR BOARD ROOM
375 BEALE STREET
SAN FRANCISCO, CA 94105

AGENDA

1. **CALL TO ORDER - ROLL CALL**

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

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.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

Public Comment on Agenda Items *The public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.*

2. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3 *For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have two minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

Staff/Phone (415) 749-

3. **APPROVAL OF THE MINUTES OF FEBRUARY 28, 2019**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of February 28, 2019.

4. **UPDATE ON MARCH 8, 2019, LEGISLATIVE TOUR OF WEST OAKLAND AND MARCH 18, 2019, LEGISLATIVE HEARING ON ASSEMBLY BILL (AB) 617 PROGRAM**

A. Abbs/5109

aabbs@baaqmd.gov

The Committee will receive an update on the tour of West Oakland provided to legislative staff, and on the March 18, 2019, AB 617 Hearing before the Assembly Natural Resources Committee.

5. **CONSIDERATION OF NEW BILLS**

A. Abbs/5109

aabbs@baaqmd.gov

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

6. **ASSEMBLY BILL (AB) 836 BAY AREA CLEAN AIR INCENTIVE PROGRAM**

A. Abbs/5109

aabbs@baaqmd.gov

The Committee will receive an update on the status of AB 836 (Wicks) an Air District sponsored bill to increase the number of publicly accessible clean air spaces during emergency events such as wildfires.

7. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Speakers who did not have the opportunity to address the Committee in the first round of comments on non-agenda matters will be allowed two minutes each to address the Committee on non-agenda matters.

8. **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)

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

Wednesday, April 24, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

10. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Chair.

CONTACT:

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

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
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 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.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT ANTICIPATED MEETINGS

MARCH 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Budget and Finance Committee	Friday	22	9:30 a.m.	1 st Floor, Board Room
Board of Directors Technology Implementation Office Steering Committee	Monday	25	9:30 a.m.	1 st Floor Board Room
Board of Directors Legislative Committee	Wednesday	27	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	28	9:30 a.m.	1 st Floor Board Room

APRIL 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Ad Hoc Building Oversight Committee Meeting	Wednesday	3	9:00 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting	Wednesday	3	9:30 a.m.	1 st Floor Board Room
Board of Directors Personnel Committee	Friday	5	9:30 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting	Wednesday	17	9:30 a.m.	1 st Floor Board Room
Board of Directors Climate Protection Committee	Monday	22	9:30 a.m.	1 st Floor Board Room
Board of Directors Budget and Finance Committee	Monday	22	10:30 a.m.	1 st Floor, Board Room
Board of Directors Legislative Committee	Wednesday	24	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	25	9:30 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Monday	29	9:30 a.m.	1 st Floor Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Doug Kim and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 18, 2018

Re: Approval of the Minutes of February 28, 2019

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of February 28, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of February 28, 2019.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Committee Meeting of February 28, 2019

AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of February 28, 2019

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
Thursday, February 28, 2019

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:37 a.m. Chair Kim announced that the Committee will meet monthly through May 2019, and in the fall as well.

Present: Chairperson Doug Kim; Vice Chairperson Margaret Abe-Koga; and Directors David Canepa, Pauline Russo Cutter, Scott Haggerty, Tyrone Jue, Karen Mitchoff, and Brad Wagenknecht.

Absent: Directors John Bauters, John Gioia, and Jim Spering.

Also Present: None.

2. PUBLIC COMMENT ON NON-AGENDA ITEMS, PURSUANT TO GOVERNMENT CODE SECTION 54954.3

No requests submitted.

3. APPROVAL OF THE MINUTES OF JANUARY 14, 2019

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Director Mitchoff, to **approve** the minutes of January 14, 2019; and the motion **carried** by the following vote of the Committee:

AYES: Cutter, Haggerty, Kim, Mitchoff, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Bauters, Canepa, Gioia, Jue, Spering.

4. CONSIDERATION OF NEW BILLS

Alan Abbs, Legislative Officer, explained that an updated Bill Discussion List had been published and distributed since the original release of this meeting packet, as more details about bills became available closer to this meeting date. The Committee and Air District staff discussed the following bills:

- **Assembly Bill (AB) 40 (Ting):** Requires the California Air Resources Board (CARB) to develop a strategy to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040. Mr. Abbs explained that staff’s previous recommendation had been to refrain from adopting a position until staff met with the bill’s authors to emphasize the importance of including air districts as stakeholders. He said that staff’s current recommendation is to ***Support If Amended***, if amendments that are in alignment with the Air District’s objectives are written.
- **AB 210 (Voepel):** Exempts motor vehicles manufactured prior to 1983 from smog check requirements. The Committee and staff discussed the motive for this bill, and Mr. Abbs said that staff recommends an ***Oppose*** position.
- **Senate Bill (SB) 210 (Leyva):** Creates a Heavy-Duty Vehicle Inspection & Maintenance Program and a “smog check” for non-gasoline vehicles in excess of 14,000 lbs. gross vehicle weight. Mr. Abbs explained that staff’s previous recommendation had been to refrain from adopting a position until staff met with the bill’s authors, and staff currently recommends a ***Support*** position.
- **AB 315 (C. Garcia):** Spot bill requiring CARB to require that stationary sources verify or certify the accuracy of their annual emissions reports by a 3rd-party verifier or certifier that is accredited by CARB.
- **AB 352 (E. Garcia):** Allows applicants of Greenhouse Gas Reduction Fund grant programs intended to improve air quality to include daytime population numbers in grant applications (Transformative Climate Communities Program.)
- **AB 423 (Gloria):** Requires the San Diego County Air Pollution Control District to have a specified membership and imposes a state-mandated local program. The Committee and staff discussed whether this bill will affect other air districts in California; and a request

was made for staff to emphasize to the Assemblymember the Air District’s desire to remain unaffected.

- **AB 661 (McCarty):** Spot bill that changes provisions pertaining to Best Available Control Technology and lowest-achievable emission rate requirements for air pollution from non-vehicular sources. The Committee and staff discussed the fact that the bill’s author is awaiting additional information from the Sacramento Metropolitan Air Quality Management District; whether air districts may combine their efforts surrounding this issue; and staff’s plan to monitor this bill.
- **AB 1038 (Muratsuchi):** Authorizes air districts to impose charges equal to the costs they expend in contracting with third parties to review the accuracy of scientific or engineering information provided by regulated facilities at the air districts’ request. Staff will seek clarification and report back to the Committee.
- **AB 1124 (Maienschien):** Requires, by June 13, 2019, employers to make respirators available to outdoor workers on any day they could be exposed to harmful levels of smoke from wildfires, or burning structures due to a wildfire, while working. The Committee and staff discussed liability and sensor concerns; shared respirators; and staff’s plan to have further discussions with the bill’s author.
- **AB 1406 (O’Donnell):** Spot bill that changes the provision authorizing CARB to offer assistance to local air quality management or air pollution control districts.
- **AB 1418 (Chiu):** Spot bill that changes the law establishing CARB’s 14 voting Governing Board members and vests CARB with regulatory jurisdiction over air quality issues.
- **AB 1430 (Garcia):** Requires CARB, among other agencies, provide an assessment of options for redefining the term “cost-effective” to the Legislature for the purposes of prioritizing public investment opportunities. Staff will propose to CARB the inclusion of greenhouse gasses within the Carl Moyer Program.
- **AB 1589 (Salas):** Spot bill that changes the Carl Moyer Memorial Air Quality Standards Attainment Program.
- **AB 1744 (Salas):** Requires CARB to prioritize the retrofit or replacement of the most polluting and oldest school buses that operate in air districts that are designated federal extreme nonattainment.
- **SB 45 (Allen):** Enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which would authorize the issuance of bonds to restore fire damaged areas, reduce wildfire risk, and promote climate resiliency. Staff has requested that the author include cooling and clean air centers in the bill’s language. The Committee and staff discussed the potential revenue these bonds may generate; whether this bill has a specific earmark; and whether school district bonds may serve as local matching funds.

- **SB 216 (Galgiani):** Adds a used heavy-duty truck exchange to the Carl Moyer Memorial Air Quality Standards Attainment Program, as an eligible project. The Committee and staff discussed whether this provision would serve the Bay Area; and staff’s plan to speak with the bill’s author.
- **SB 629 (McGuire):** Requires Air District Hearing Boards to send Notices of Hearings not less than 72 hours before the hearing to any person who requests the Notice, thereby making changes to conform the Notice provisions within the Notice provisions of the act. The Committee and staff discussed how this bill’s language may be amended to address emissions from wineries; and staff’s plan to refrain from taking a position until the revised language is released.

The Committee and staff also discussed:

- **SB 460 (Beall):** Authorizes the Director of the Department of Motor Vehicles to establish a biennial registration period for a vehicle, with subsequent renewals being required at biennial intervals thereafter.
- **Assembly Joint Resolution 7 (Gloria):** Green New Deal would comprehensively address the current climate emergency, transform the economy to one that places the health and wellness of communities at its center, promote ecological resilience, and restore biodiversity. The Committee and staff discussed the need for a definition of the Green New Deal; whether draft language exists; and federal, versus state, versions of the Green New Deal.
- **AB 617 Community Air Protection Program (CAPP):** Mr. Abbs announced the following: a legislative hearing will be held on March 18, 2019 in Sacramento, and Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, has been called to testify. Community leaders may testify as well. The Air District will host a tour of West Oakland on March 8, 2019 with Legislative Budget and Assembly staff; the West Oakland Environmental Indicators project site will be included on the tour. The Legislative Analyst’s Office has started writing opinion reports about AB 617 CAPP budgeting for Fiscal Year Ending 2019/2020 and adequately addressed the need for predictable, sustained funding for air districts.

NOTED PRESENT: Director Canepa was noted present at 9:41 a.m.; Committee Vice Chair Abe-Koga was noted present at 9:44 a.m.; and Director Jue was noted present at 9:49 a.m.

Public Comments

No requests received.

Committee Action

Director Wagenknecht motioned, and Director Canepa seconded, that the Committee recommend that the Board **adopt** the following positions on the following bills:

— **AB 40 (Ting)** – Support if amended.

The motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Haggerty, Jue, Kim, Mitchoff, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Gioia, Spering.

Director Canepa motioned, and Committee Vice Chair Abe-Koga seconded, that the Committee recommend that the Board **adopt** the following positions on the following bills:

— **AB 210 (Voepel)** – Oppose

The motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Haggerty, Jue, Kim, Mitchoff, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Gioia, Spering.

Director Mitchoff motioned, and Director Wagenknecht seconded, that the Committee recommend that the Board **adopt** the following positions on the following bills:

— **SB 210 (Leyva)** – Support.

The motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Haggerty, Jue, Kim, Mitchoff, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Gioia, Spering.

5. WILDFIRE SMOKE PUBLIC HEALTH BILL

Mr. Abbs announced that the Air District’s “Bay Area Clean Air Incentive Program” bill, AB 836, was recently introduced by Assemblymember, Buffy Wicks. Mr. Abbs remarked that, should this bill be expanded statewide, it should be on Assemblymember Wicks’ terms. He added that the first date this bill can be heard is March 23, 2019, at the Assembly Natural Resources Hearing, and that staff is creating fact sheets for the Natural Resources Committee. Mr. Abbs also said that several members of the Air District’s Legislative Committee have expressed an interest in attending the Hearing, but he recommends that they reach out to the Legislators directly.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

6. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

7. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

None.

8. TIME AND PLACE OF NEXT MEETING

Wednesday, March 27, 2019, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

9. ADJOURNMENT

The meeting adjourned at 10:44 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Doug Kim and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 19, 2019

Re: Update on March 8, 2019, Legislative Tour of West Oakland and March 18, 2019,
Legislative Hearing on Assembly Bill (AB) 617 Program

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On March 8, 2019, Air District staff and our community partners from the West Oakland Environmental Indicators Project (WOEIP) hosted a tour for legislative staff of the West Oakland area to learn more about our work under the AB 617 Community Air Protection Program. Legislative staff included staff from the Office of the Assembly Pro-Tem, the Office of Assembly Natural Resources Committee and Senator Skinner's office. The tour was followed by presentations from Air District staff and WOEIP about the progress towards developing an emissions reduction plan for the community of West Oakland.

On March 18, 2019, Air District staff was invited to an Assembly Natural Resources Committee (Natural Resources) hearing to talk about our work in West Oakland and Richmond, as well as receive presentations from Richmond and West Oakland community leaders. Jack P. Broadbent, Executive Officer/APCO, Greg Nudd, Deputy Air Pollution Control Office and Yvette DiCarlo, Acting Manager Planning Section, provided testimony. Attached for your reference is a copy of the hearing notice and Air District presentation to Natural Resources.

DISCUSSION

Alan Abbs, Legislative Officer, followed up with Natural Resources Committee members and staff on March 19, 2019, as part of his advocacy on AB 836, and will provide an update on those meetings to the Legislative Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 4A: Hearing Notice, March 18, 2019 Assembly Natural Resources
Attachment 4B: Air District Presentation – Implementing AB 617, San Francisco Bay Area

ASSEMBLY NATURAL RESOURCES COMMITTEE

ASSEMBLYMEMBER LAURA FRIEDMAN, Chair

March 18, 2019 – 2 p.m. or Upon Adjournment of Session – State Capitol, Room 447

OVERSIGHT HEARING

SUBJECT: Implementation of Assembly Bill 617: Are the Air Resources Board and air districts on track to deliver emissions reductions to California’s most pollution-burdened communities?

DRAFT AGENDA

1. Overview of AB 617: Richard Corey, California Air Resources Board (20 minutes)
2. West Oakland *and* Richmond:
 - a. Jack Broadbent, Bay Area Air Quality Management District (16 minutes)
 - b. Margaret Gordon, West Oakland Environmental Indicators Project (8 minutes)
 - c. Willie Robinson, Richmond NAACP (8 minutes)
3. Calexico/El Centro/Heber:
 - a. Matt Dessert, Imperial County Air Pollution Control District (8 minutes)
 - b. Luis Olmedo, Comite Civico Del Valle (Imperial County) (8 minutes)
4. Wilmington/West Long Beach Carson *and* East L.A./Boyle Heights/Commerce *and* San Bernardino/Muscoy:
 - a. Wayne Nastri, South Coast Air Quality Management District (24 minutes)
 - b. Jesse Marquez, Coalition for a Safe Environment (Wilmington) (8 minutes)
 - c. mark! Lopez, East Yard Communities for Environmental Justice (Commerce) (8 minutes)
 - d. Matt Abularach-Macias, CLCV California Voices Program (San Bernardino) (8 minutes)
5. Portside Environmental Justice Neighborhoods (San Diego):
 - a. Bob Kard, San Diego County Air Pollution Control District (8 minutes)
 - b. Diane Takvorian, Environmental Health Coalition (8 minutes)
6. South Central Fresno *and* Shafter:
 - a. Samir Sheikh, San Joaquin Valley Air Pollution Control District (16 minutes)
 - b. Kevin Hamilton, Central California Asthma Collaborative (Fresno) (8 minutes)
 - c. Cesar Aguirre, Central California Environmental Justice Network (Shafter) (8 minutes)
7. South Sacramento-Florin:
 - a. Alberto Ayala, Sacramento Metropolitan Air Quality Management District (8 minutes)
 - b. Steering committee member TBD (8 minutes)

Implementing AB 617

San Francisco Bay Area



Jack P. Broadbent
Executive Officer/Air Pollution Control Officer
March 18, 2019

AB 617 Communities

Year 1

West Oakland – action plan

Richmond - monitoring



Why West Oakland?



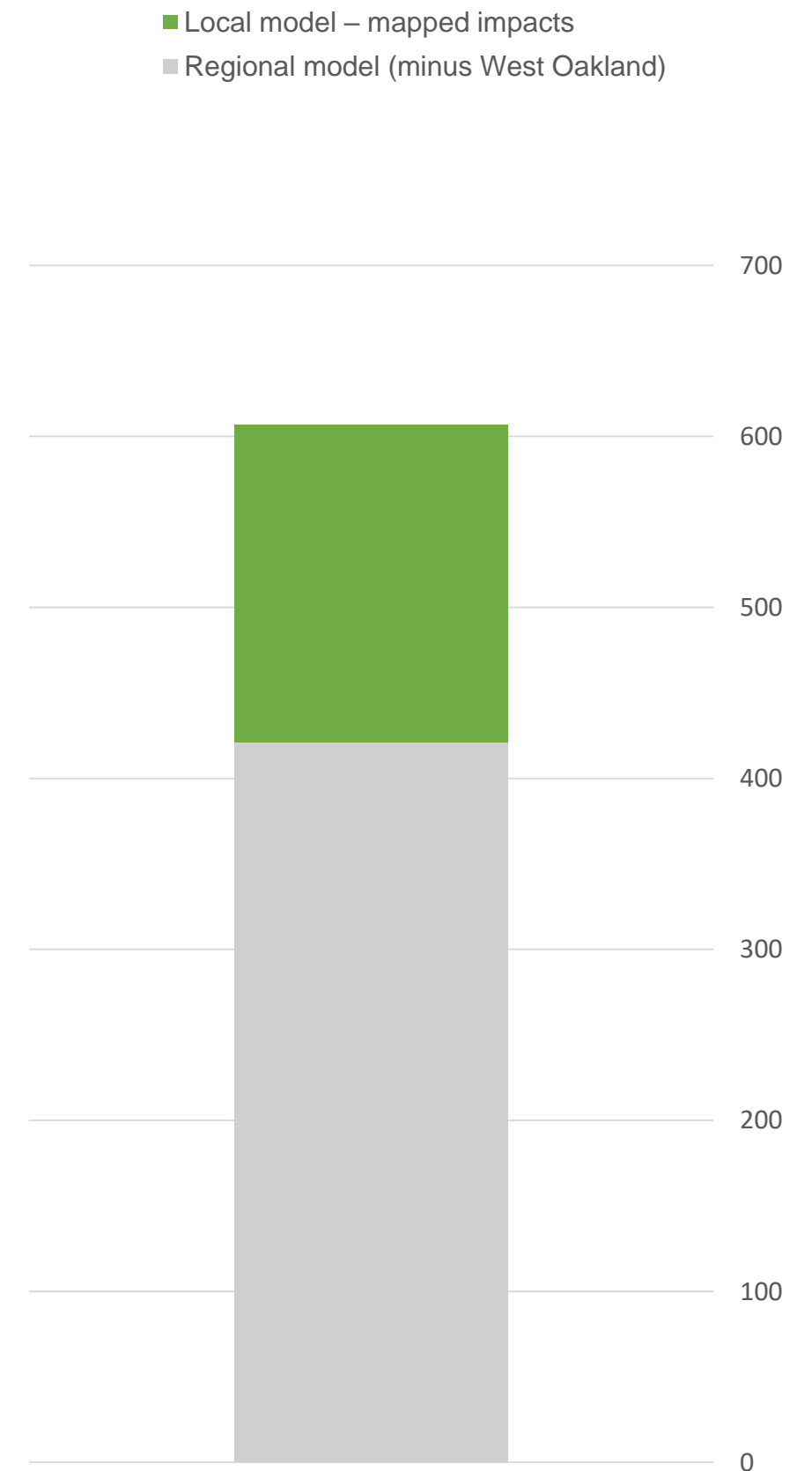
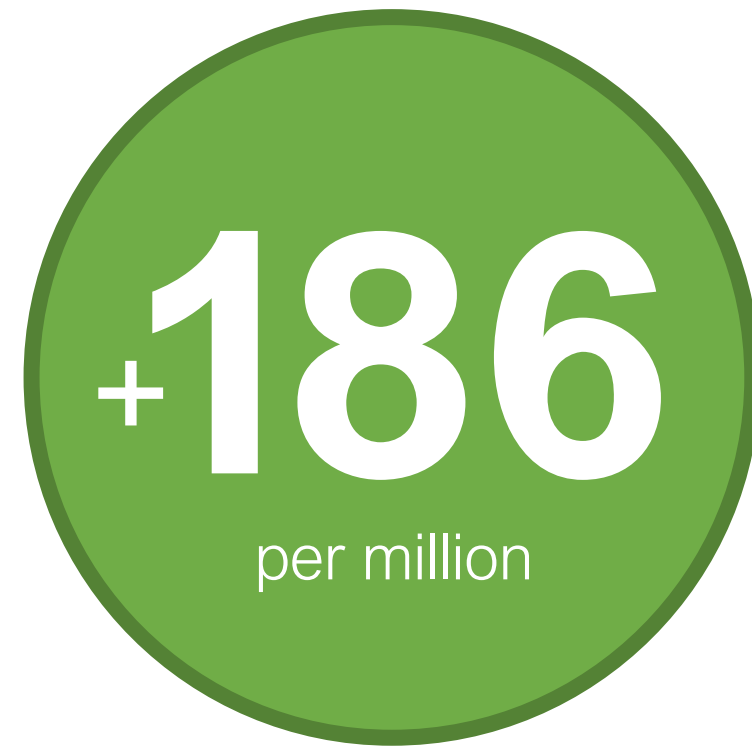
- West Oakland Indicators Project strong community partner to lead effort
- Very high mobile source emissions
 - Port of Oakland largest single source of DPM
 - Roadways contribute significantly to $PM_{2.5}$
- High health burdens and socio-economic vulnerabilities

Cancer Risk

Local Air Pollution: West Oakland

Top Contributors

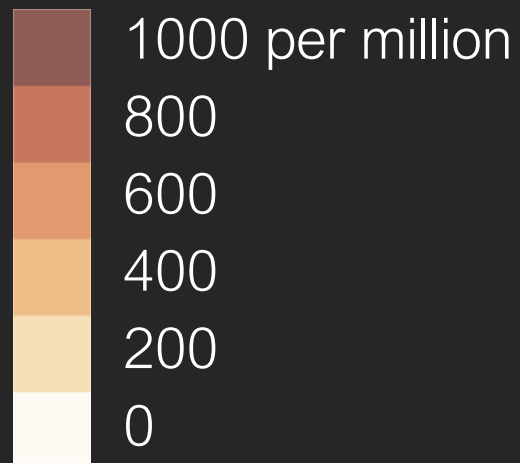
- Trucks (33%)
- Marine vessels (31%)
- Permitted facilities (10%)



Note: cancer risk from construction was not modeled

Modeled Impact of Local Sources on Residential

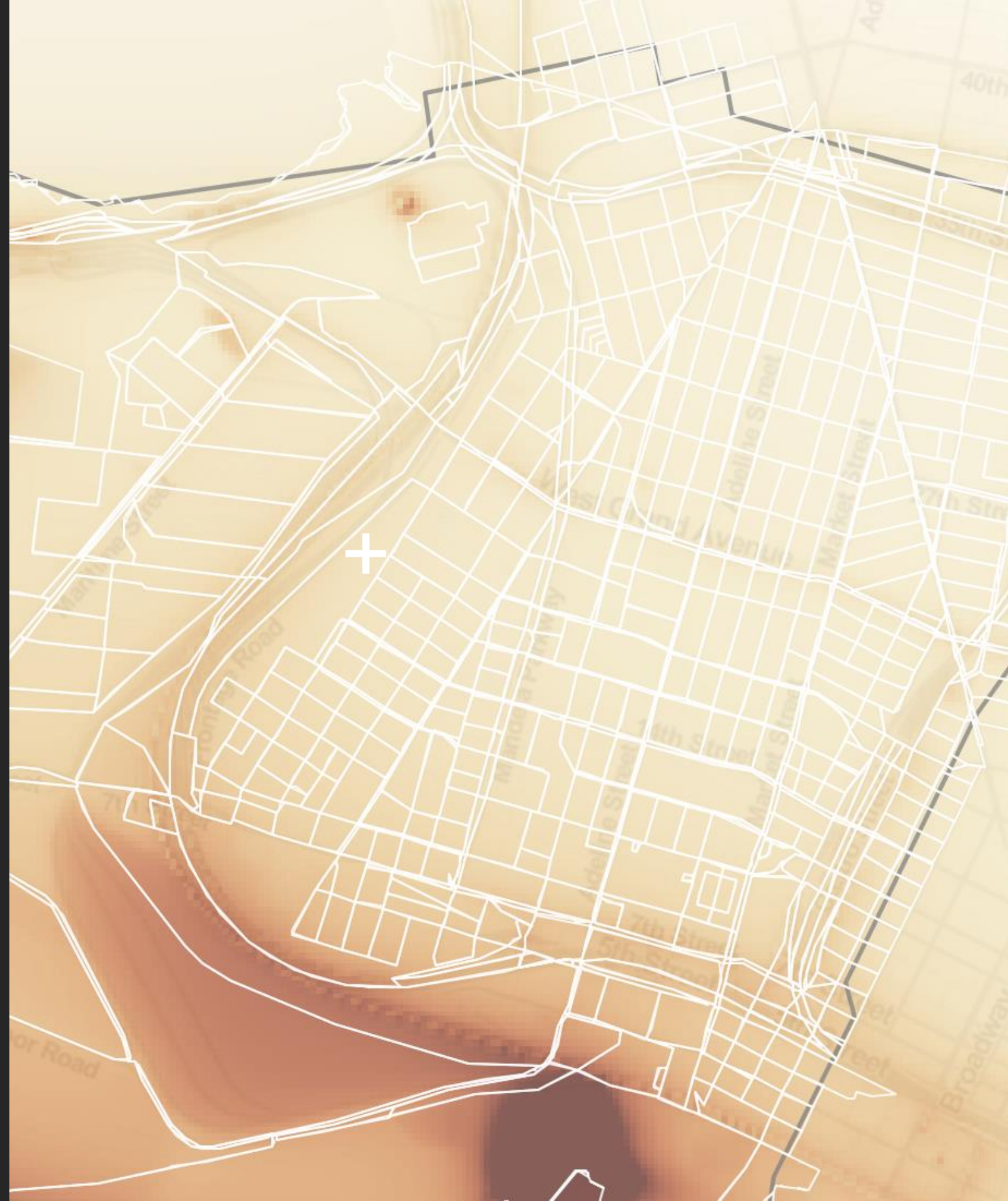
Cancer Risk



Top Contributors:

- Trucks (33%)
- Marine vessels (31%)
- Permitted facilities (10%)

DRAFT 2019-03-04



Highway			
Heavy/Medium HD trucks	20.3	11%	■
Passenger vehicles	5.3	3%	■
Light HD trucks	1.3	1%	■
Street			
Heavy/Medium HD trucks	23.1	12%	■
Passenger vehicles	5.3	3%	■
Light HD trucks	1.5	1%	■
Port			
Harbor craft	22.6	12%	■
OGV (berthing)	16.6	9%	■
OGV (maneuvering)	10.5	6%	■
Cargo handling	3.4	2%	■
Drayage trucks [†]	3.1	2%	■
Railyard (OGRE)	2.2	1%	■
Dredging	1.9	1%	■
Railyard (BNSF)	1.6	1%	■
Bunkering (tugs + pumps)	1.0	1%	■
Rail			
Railyard (UP)	18.2	10%	■
Rail lines	14.9	8%	■
Permitted			
Schnitzer (stationary)	13.4	7%	■
EBMUD	2.1	1%	■
Other facilities	1.3	1%	■
Other			
Schnitzer (trucks)	7.4	4%	■
Ferries	5.7	3%	■
Schnitzer (ships at berth)	2.3	1%	■
Truck-related businesses	1.0	1%	■

Action Plan Strategies

- Steering Committee is working to identify strategies
- Focus: Incompatible land uses, trucks, Port of Oakland, enforcement and clean technology



Challenges

Limited accountability

Responsible agencies not required to change policies that create air pollution impacts

Limited authority

Air District, who is accountable under AB 617, has no land use, mobile source authority

Limited enforcement of existing ordinances

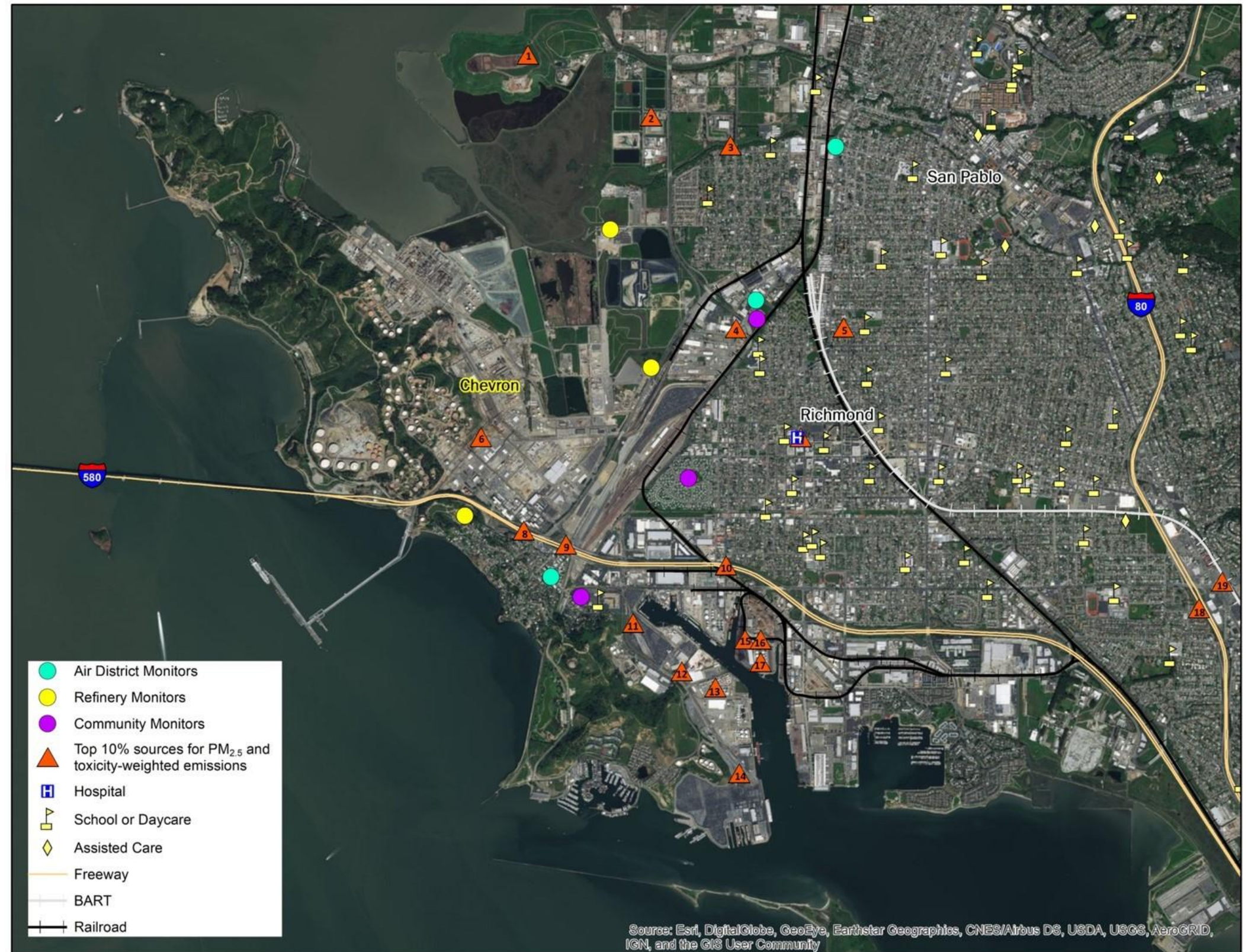
Nonconforming land uses, truck routes, parking, idling, and clean truck standards

Tight Timelines

Legal requirement to identify strategies early, capacity building, local technical assessment

Why Richmond?

- High emissions from stationary and mobile sources:
 - Refinery, chemical plant, landfills, water treatment facility, metal scrapping, marine terminals, freeways, port
- High health and socio-economic vulnerabilities
- Measured air quality does not fully explain observed health issues
- Data from monitoring is needed to identify air quality issues and related sources to build successful emission reduction strategies



COMMUNITY-LED PROCESS IN RICHMOND

CARRY SUCCESS FORWARD

Co-leads and Steering Committee will ensure an inclusive, transparent process with shared goals, creating a greater impact.



COMMUNITY SUMMIT

Community had an opportunity to shape their own process, including steering committee members and decision-making.



BUILT BY COMMUNITY

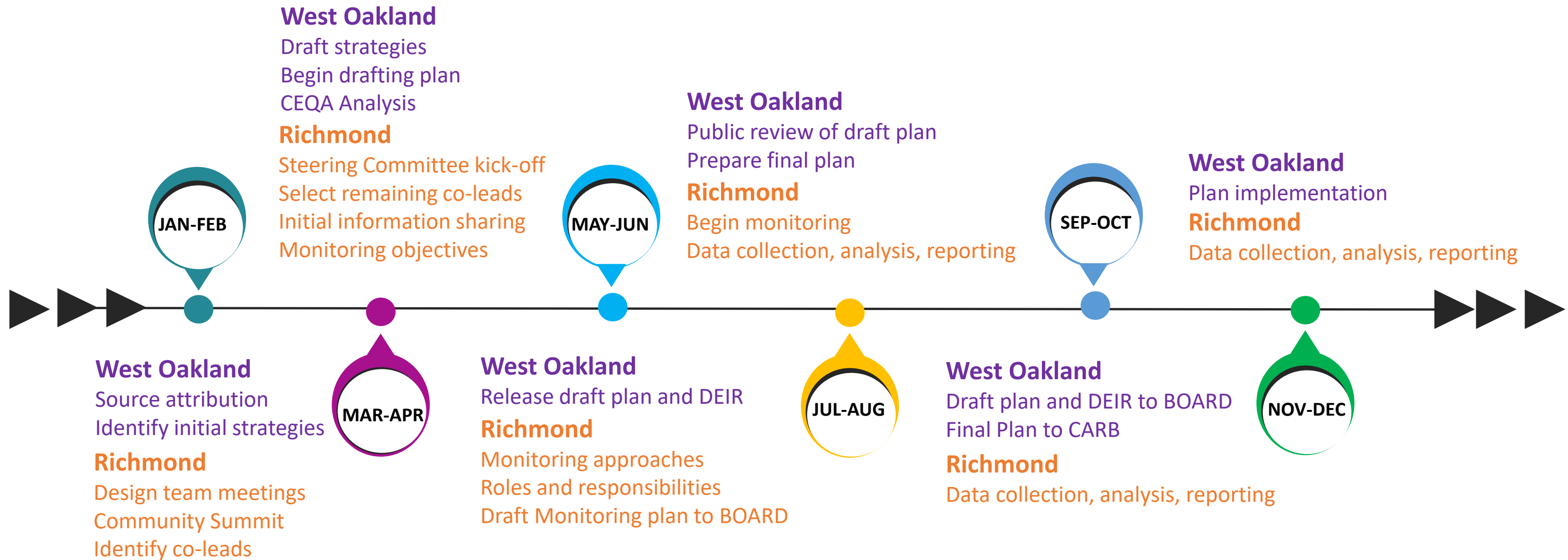
Process is community-developed, to build trusting relationships and authentic participation.

DESIGN TEAM

Community planned summit to get input on their design for steering committee process



2019 Milestones: Year 1 Communities



Funding Challenges

Program Component	Current Costs ¹ (2 communities)	Projected Cost ² (4 communities)
Community Monitoring	\$4.1 million	\$5.8 million
Emission Reduction Plans	\$2.1 million	\$3.5 million
Community Engagement	\$1.4 million	\$2.4 million
BARCT Review	\$0.3 million	\$0.3 million
Emissions Reporting	\$1.3 million	\$1.3 million
CTR Changes	\$0.8 million	\$2.4 million
Total	\$10.0 million	\$15.7 million

1. 1 CERP; 1 monitoring

2. existing communities, plus 1 additional CERP and 1 additional monitoring plan

AB 617 Proposed Changes

Phase 1: Build Capacity – up to 2 years

Build community relationships, form community collaboratives
Air District and community evaluates technical information, new modeling
Implement strategies identified by communities in needs assessments

Phase 2: Monitoring – up to 2 years *(if needed)*

Form Steering Committee
Community-led plan for monitoring
Collect community-scale actionable data, perform analyses to inform
Action Plan

Phase 3: Action Plan – 1 year

Form/continue Steering Committee
Set emission reduction targets
Develop emission reduction strategies

Implementing AB 617

San Francisco Bay Area

Questions?

Jack P. Broadbent
Executive Officer/Air Pollution Control Officer
March 18, 2019

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Doug Kim and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 21, 2019

Re: Consideration of New Bills

RECOMMENDED ACTION

Recommend the Board of Directors take the following positions on proposed legislation:

- **Senate Bill 44** – Nancy Skinner (D-Berkeley) - “Support” position if amendments include more explicit air district participation.
- **Senate Bill 45** – Ben Allen (D-Santa Monica) - “Support” position if amendments include “clean air centers” as a funding category.
- **Assembly Bill 1744** – Rudy Salas (D-Bakersfield) – “Oppose” position.

BACKGROUND

The Committee will discuss and review the attached list, as well as an updated list of bills introduced by the date of its meeting. The Committee will also consider the recommendations above, as well as any new recommendations resulting from amended bills submitted by its meeting date.

DISCUSSION

Staff will provide a brief summary of bills on the attached list, with a focus on the following bills:

Bills with Recommended Positions

SB 44 is authored by Senator Nancy Skinner (D-Berkeley) and has the catchy name “The Ditching Dirty Diesel Bill.” SB 44 was amended only recently and was not on the February Legislative Committee agenda. This bill requires the California Air Resources Board (CARB) to develop a plan for how the medium and heavy-duty vehicle sectors can help meet federal attainment goals for air quality, as well as help in reducing greenhouse gases GHG(s) emissions by 40% by 2030 and by 80% by 2050. It allows CARB to identify sectors that could move more quickly toward adopting clean medium and heavy-duty vehicle technologies, and most

importantly, would appropriate funds through 2025 to support the purchase of clean medium and heavy-duty vehicles by businesses across California. The exact appropriation request is unknown at this time, but could be as high as 10% of the annual Cap and Trade proceeds (roughly \$250 million per year). The Senator's staff believes the bill would be supportive of the Air District's Diesel Free By '33 initiative and has requested the Air District's support.

SB 45 is authored by Senator Ben Allen (D-Santa Monica) and proposes a statewide bond measure for popular vote in 2020. The bond proposes funding for various wildfire, flood, and drought measures including mitigation funding to support expansion of "cooling centers." We have proposed a slight amendment to include "clean air centers" in addition to cooling centers, which could provide a long term funding path for the Air District's clean air center bill. The Senator's staff has asked for the Air District's support, should the amendment be made. Staff recommends taking a "Support" position if the bill is amended to include clean air centers.

AB 1744 is authored by Assemblymember Rudy Salas (D-Bakersfield) and was recently amended to create an emission reduction credit program for criteria pollutants and diesel particulate matter for emission reductions created by vehicles subject to regulations that reduce diesel pm. These credits would then be used by low use equipment, single engine cranes, and other categories of diesel equipment as a way to show compliance with various regulations. Creation of ERCs from reductions dues to highly successful state and local diesel emission reduction plans would make it more difficult to achieve air quality goals, especially in our most burdened communities. Staff recommends taking an "Oppose" position on the bill.

Bills Recommended for Further Monitoring

SB 69, the Ocean Resiliency Act of 2019, is authored by Senator Scott Wiener (D-San Francisco). The majority of the bill is unrelated to air quality, however, one section proposes formally establishing a statewide Voluntary Vessel Speed Reduction Program per the below:

This bill would require the state board to develop and implement a voluntary vessel speed reduction incentive program for the Santa Barbara Channel and San Francisco Bay Area regions to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the state board to implement the program by July 1, 2020, and would require the state board to submit a report to the Legislature by December 31, 2022, regarding the implementation of the program.

The bill language further directs that CARB develop and implement the program without referring to any role by local air districts. Staff is working on a briefing for Senator Wiener and/or his staff by air districts that have current voluntary vessel speed reduction programs (Bay Area, South Coast, Ventura, and Santa Barbara), and prior to taking an official position we will want to verify the author's intent regarding the role of CARB and the air districts.

AB 661 is authored by Assemblymember Kevin McCarty (D-Sacramento) and was recently amended to become a wildfire smoke emergency response bill, which is attached. Parts of the bill seem to align with actions the Air District is currently undertaking relating to wildfire smoke, without a legislative requirement. But, as proposed, the bill has elements that would be very

problematic, including a requirement that the Air District would determine local agencies that were statutorily responsible to take actions based on the Air District's emergency plan, as well determining thresholds for individual action recommendations based on indoor air quality. Staff does not recommend taking a position on the bill, but will work with the author to ensure the bill does not run contrary to current Air District activities.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 5A: BAAQMD Bill Discussion List – as of March 14, 2019
Attachment 5B: 2019 Senate Bill 44 (Skinner)
Attachment 5C: 2019 Senate Bill 45 (Allen)
Attachment 5D: 2019 Assembly Bill 1744 (Salas)
Attachment 5E: 2019 Senate Bill 69 (Wiener)
Attachment 5F: 2019 Assembly Bill 661 (McCarty)

BAAQMD BILL DISCUSSION LIST

March 14, 2019

BILL NO.	AUTHOR	SUBJECT	STATUS	POSITION
AB 40	Ting	Zero emission vehicles: comprehensive strategy	Trans	Support
AB 126	Cooper	Air Quality Improvement Program (Spot)		
AB 148	Quirk-Silva	Regional transportation plans: sustainable community strategies	Trans	
AB 185	Grayson	California Transportation Commission: transportation policies: joint meetings	Trans	
AB 210	Voepel	Smog check: exemption	Trans	Oppose
AB 254	Quirk-Silva	Alternative fuel vehicles: flexible fuel vehicles	Trans	
AB 257	Mathis	Solid waste: woody biomass: disposal	Nat Res	
AB 285	Friedman	California Transportation Plan	Trans	
AB 293	E. Garcia	Greenhouse gases: offset protocols	Nat Res	
AB 296	Cooley	Climate change: Climate Innovation Commission	Nat Res	
AB 315	C. Garcia	Stationary Sources: emissions reporting (Spot)	Nat Res	
AB 343	Patterson	Forestry: fuels transportation program: biomass energy facility: grant program	Nat Res	
AB 345	Muratsuchi	State Air Resources Board (Spot)		
AB 352	E. Garcia	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: investment plan: Transformative Climate Communities Program	Nat Res	
AB 383	Mayes	Clean Energy Financing Clearinghouse	Nat Res	
AB 386	E. Garcia	Agricultural Working Poor Energy Efficient Housing Program	Nat Res	
AB 409	Limon	Climate change: agriculture: grant program	Nat Res	
AB 423	Gloria	San Diego County Air Pollution Control District: members	Nat Res	
AB 457	Quirk	Occupational safety and health: lead: permissible exposure levels	Labor	
AB 464	C. Garcia	California Global Warming Solutions Act of 2006 (Spot)	Nat Res	
AB 470	Limon	California Green Business Program	Nat Res	
AB 490	Salas	CEQA (Spot)		
AB 491	B. Rubio	Energy: hydrogen	Utility & Energy	
AB 556	Carrillo	Outdoor experiences: community access program: grant program	WP&W	
AB 639	Cervantes	Financing Lower Carbon Emissions: seaports	Jobs & Econ	
AB 661	McCarty	Best available control technology: lowest achievable emission rate requirements (Spot)		
AB 735	Melendez	Air Quality Improvement Program: Clean Vehicle Rebate Project	Trans	
AB 753	E. Garcia	Alternative and Renewable Fuel and Vehicle Technology Program: fuels	Trans	
AB 755	Holden	California tire fee: Stormwater Permit Compliance Fund	Nat Res	

AB 821	O'Donnell	Transportation: Trade Corridor Enhancement Account: project nomination: California Port Efficiency Program	Trans	
AB 836	Wicks	Bay Area Clean Air Incentive Program	Nat Res	Support
AB 839	Mullin	Climate adaptation: strategy: Adaptation through Resiliency, Economic vitality, and Equity Account	Nat Res	
AB 915	Mayes	California Renewables Portfolio Standards Program		
AB 939	Frazier	California Environmental Protection Agency: regulations	A&AR	
AB 966	Bonta	Greenhouse gases: cement production		
AB 970	Salas	California Department of Aging: grants: transportation	A<C, Trans	
AB 983	Boerner Horvath	Transportation electrification	U&E, E&C	
AB 1038	Muratsuchi	Air quality management districts: scientific and engineering review	Nat Res	
AB 1046	Ting	Charge Ahead California Initiative	Trans	
AB 1056	E. Garcia	Regional transportation plans: State Air Resources Board: report	Trans	
AB 1100	Kamlager- Dove	Electric vehicles: parking requirements		
AB 1115	Quirk-Silva	State Air Resources Board: climate action plans (Spot)		
AB 1124	Maienschein	Employment safety: outdoor works: wildfire smoke	L&E	
AB 1142	Friedman	Strategic Growth Council: transportation pilot projects: regional transportation	Trans	
AB 1143	Quirk	Energy: Fuels, Technology, and Equipment for Clean Heating (TECH) Initiative	U&E, Nat Res	
AB 1149	Fong	California Environmental Quality Act (Spot)		
AB 1156	E. Garcia	Methane: dairy and livestock: pilot financial mechanism	Nat Res	
AB 1167	Mathis	Greenhouse Gas Reduction fund: high-speed rail		
AB 1195	O'Donnell	California Global Warming Solutions Act of 2006: Low Carbon Fuel standard regulations		
AB 1236	Lackey	Public resources: greenhouse gases: utilities: recycling: California Environmental Quality Act		
AB 1238	Cunningham	Electric vehicle charging stations		
AB 1262	O'Donnell	California Global Warming Solutions Act of 2006: rules and regulations (Spot)		
AB 1276	Bonta	Green New Deal (Spot)		
AB 1284	Carrillo	Carbon neutrality		
AB 1347	Boerner Horvath	Electricity: renewable energy and zero-carbon resources: state and local government buildings		
AB 1350	Gonzalez	Youth Transit Pass program (Spot)		
AB 1371	Cunningham	California Renewables Portfolio Standard Program: offshore wind generation		
AB 1406	O'Donnell	State Air Resources Board (Spot)		
AB 1411	Reyes	Integrated action plan for sustainable freight		
AB 1418	Chiu	State Air Resources Board: membership (Spot)		
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act		
AB 1430	E. Garcia	State government: public investment opportunities: cost-effectiveness definition		

AB 1445	Gloria	Climate Change: emergency declaration and policy		
AB 1463	Gabriel	California Global Warming Solutions Act of 2006 (Spot)		
AB 1589	Salas	Carl Moyer Memorial Air Quality Standards Attainment Program (Spot)		
AB 1594	Bauer-Kahan	Vehicular air pollution: Zero-Emission Vehicle Incentive Program (Spot)		
AB 1621	Frazier	Alternative and Renewable Fuel and Vehicle Technology Program (Spot)		
AB 1655	O'Donnell	Hydrogen-fueled vehicles (Spot)		
AB 1673	Salas	California Environmental Quality Act (Spot)		
AB 1744	Salas	Schoolbuses: retrofit and replacement		
AB 1778	Boerner Horvath	Greenhouse Gas Reduction Fund: investment plan (Spot)		
AJR 7	Gloria	Green New Deal	Nat Res	
SB 1	Atkins	California Environmental, Public Health, and Worker Defense Act of 2019	EQ, Nat Res, Jud	
SB 43	Allen	Carbon taxes	EQ, G&F	
SB 44	Skinner	Medium-duty and heavy-duty vehicles: comprehensive strategy	Rules	
SB 45	Allen	Wildfire, Drought, and Flood Protection Bond Act of 2020	Nat Res & W	Support? (proposed)
SB 59	Allen	Automated vehicle technology: statewide policy	Trans	Support, if amended (proposed)
SB 69	Wiener	Ocean Resiliency Act of 2019	Rules	
SB 127	Wiener	Transportation funding: active transportation: complete streets	Trans	Support, if amended (proposed)
SB 168	Wieckowski	Climate change: Chief Officer of Climate Adaptation and Resilience	Gov & F	
SB 209	Dodd	Wildfire: California Wildfire Warning Center: weather monitoring	Gov Org	
SB 210	Leyva	Heavy-Duty Vehicle Inspections and Maintenance Program	EQ	
SB 216	Galgiani	Carl Moyer Memorial Air Quality Standards Attainment Program: used heavy-duty truck exchange	EQ, Trans	Support
SB 236	Wilk	Greenhouse Gas Reduction Fund (Spot)	Rules	
SB 319	Moorlach	State highways: Interstate Route 5: State Route 99: speed limits	Trans	
SB 400	Umberg	Reduction of greenhouse gases emissions: mobility options	EQ	
SB 460	Beall	DMV biennial registration	Trans	
SB 498	Hurtado	Transit and Intercity Rail Capital Program (Spot)	Rules	
SB 515	Caballero	California Renewables Portfolio Standard Program: bioenergy renewable feed-in tariff	EU&C	
SB 535	Moorlach	California Global Warming Solutions Act of 2006: scoping plan	EQ	
SB 613	Stern	Agriculture: greenhouse gas mitigation: Healthy Soils Program	Rules	
SB 629	McGuire	Air Districts: hearing boards: notice requirements (Spot)	Rules	
SB 662	Archuleta	Green electrolytic hydrogen	Rules	
SB 676	Bradford	Transportation electrification: electric vehicles	Rules	
SB 677	Allen	California Global Warming Solutions Act of 2006 (Spot)	Rules	

SB 682	Allen	Climate Change: radiative forcing management climate accounting protocol	Rules	
SB 736	Umberg	Airport Greenhouse Gas Reduction Account	Rules	

AMENDED IN SENATE MARCH 7, 2019

SENATE BILL

No. 44

Introduced by Senator Skinner

December 3, 2018

~~An act relating to vehicles.~~ *An act to add Section 43024.2 to the Health and Safety Code, relating to vehicular air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 44, as amended, Skinner. ~~Vehicles: traffic violations.~~ *Medium-duty and heavy-duty vehicles: comprehensive strategy.*

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. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects.

This bill would require the state board, no later than January 1, 2021, to develop a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles in the state that results in bringing the state into compliance with federal ambient air quality standards, a reduction of motor vehicle greenhouse gas emissions by 40% by 2030, and

reduction of motor vehicle greenhouse gas emissions by 80% by 2050, as specified. The bill would authorize the state board to establish a process to identify medium-duty and heavy-duty vehicle segments that can more quickly reduce motor vehicle emissions, consistent with the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program and a beachhead market analysis. The bill, if the state board does that identification, would require the state board to implement additional emissions reduction strategies and motor vehicle deployment goals consistent with the comprehensive strategy.

This bill would state that an unspecified amount of the annual proceeds of the Greenhouse Gas Reduction Fund will be appropriated in each annual Budget Act through the 2024–25 fiscal year to the state board for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program to support the commercialization of medium-duty and heavy-duty vehicles that reduce greenhouse gas emissions.

~~Existing law establishes various offenses for violations of traffic laws.~~

~~This bill would state the intent of the Legislature to enact legislation relating to penalties for traffic violations.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-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) *Diesel-fueled trucks are responsible for 33 percent of*
- 4 *statewide oxides of nitrogen emissions annually. These same trucks*
- 5 *emit more particulate matter than all of the state’s power plants.*
- 6 (b) *People who live near freeways and busy roadways are at*
- 7 *high risk for exposure to these health-threatening air pollutants*
- 8 *emitted by these medium- and heavy-duty vehicles.*
- 9 (c) *In 1998, the State Air Resources Board identified diesel*
- 10 *particulate matter as a toxic air contaminant based on published*
- 11 *evidence of a relationship between diesel exhaust exposure and*
- 12 *lung cancer.*
- 13 (d) *Diesel particulate matter also contributes to noncancer*
- 14 *health effects, like premature death, hospitalizations, and*
- 15 *emergency department visits for exacerbated chronic heart and*

1 lung disease, including asthma, increased respiratory symptoms,
2 and decreased lung function in children.

3 (e) Children are particularly vulnerable to the negative effect
4 of diesel because they have higher respiration rates than adults
5 and can increase their exposure to air pollutants relative to their
6 body weight.

7 (f) Children exposed to high levels of diesel exhaust are five
8 times more likely than other children to have underdeveloped
9 lungs.

10 (g) Increased respiratory symptoms, such as cough wheeze,
11 runny nose, and doctor-diagnosed asthma, have been linked to
12 traffic exposure.

13 (h) Studies have shown that children who live in high-density
14 traffic areas have higher rates of doctor visits for asthma and
15 increased use of asthma medication than children who live near
16 low-density traffic areas.

17 (i) Reducing emissions of these pollutants can have an
18 immediate beneficial impact on air quality and on public health.

19 (j) The largest source of the state's greenhouse gas emissions
20 comes from the transportation sector, accounting for nearly 50
21 percent of statewide emissions.

22 (k) While diesel-fueled trucks and buses make up just 3 percent
23 of the vehicles on the state's roads, they produce 23 percent of
24 greenhouse gas emissions from the transportation sector.

25 (l) The state can effectively reduce health-threatening criteria
26 air pollution and climate-threatening greenhouse gas emissions
27 by outlining a clear path to convert medium-duty and heavy-duty
28 vehicle segments, as well as off-road equipment, to cleaner
29 technologies and fuels.

30 (m) Providing consistent, multiyear funding is imperative to
31 reduced emissions of criteria air pollutants and greenhouse gases
32 associated with medium-duty and heavy-duty vehicles where this
33 technology is commercially available but still costs a premium
34 and to help support commercialization paths for new technologies
35 that are not currently market ready.

36 SEC. 2. Section 43024.2 is added to the Health and Safety
37 Code, to read:

38 43024.2. (a) No later than January 1, 2021, the state board
39 shall develop a comprehensive strategy for the deployment of

1 medium duty and heavy-duty vehicles in the state to meet the
2 following:

3 (1) Bringing the state into compliance with federal ambient air
4 quality standards.

5 (2) A reduction of motor vehicle greenhouse gas emissions by
6 40 percent by 2030.

7 (3) A reduction of motor vehicle greenhouse gas emissions by
8 80 percent by 2050.

9 (b) In developing the comprehensive strategy, the state board
10 shall do all of the following:

11 (1) Seek to maximize the reduction of criteria air pollutants.

12 (2) Identify regulation that could improve market acceptance,
13 spur technology advancements, and reduce technology costs.

14 (3) Identify research needs to address any data gaps.

15 (4) Identify areas where the state should coordinate with other
16 state agencies, districts, utilities providers, and technology
17 providers to implement measures identified as part of the
18 comprehensive strategy.

19 (5) Identify benefits to low-income communities and communities
20 disproportionately impacted by diesel pollution.

21 (6) Identify policies that provide advantages to fleets that reduce
22 greenhouse gas emissions early.

23 (c) (1) The state board, through a public process, may establish
24 a process to identify medium duty and heavy-duty vehicle segments
25 that can more quickly reduce motor vehicle emissions, consistent
26 with the state board's three-year heavy-duty vehicle investment
27 strategy required pursuant to the California Clean Truck, Bus,
28 and Off-Road Vehicle and Equipment Technology Program,
29 established pursuant to Section 39719.2, and with a beachhead
30 market analysis.

31 (2) Following the process described in paragraph (1), the state
32 board shall implement additional emissions reduction strategies
33 and motor vehicle deployment goals consistent with subdivision
34 (a).

35 SEC. 3. _____ of the annual proceeds of the Greenhouse Gas
36 Reduction Fund, created pursuant to Section 16428.8 of the
37 Government Code, shall be appropriated in the annual Budget Act
38 beginning in the 2019–20 fiscal year through the 2024–25 fiscal
39 year, inclusive, to the State Air Resources Board for programs
40 established pursuant to the California Clean Truck, Bus, and

1 *Off-Road Vehicle and Equipment Technology Program, established*
2 *pursuant to Section 39719.2 of the Health and Safety Code, to*
3 *support the commercialization of medium-duty and heavy-duty*
4 *vehicles that reduce greenhouse gas emissions.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~
6 ~~legislation relating to penalties for traffic violations.~~

O

SENATE BILL**No. 45**

Introduced by Senator AllenDecember 3, 2018

An act to add Division 46 (commencing with Section 80200) to the Public Resources Code, relating to public resources, 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, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 45, as introduced, Allen. Wildfire, Drought, and Flood Protection Bond Act of 2020.

The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide primary direct election, authorizes the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

This bill would provide for the submission of these provisions to the voters at the ____, 2020, ____ election.

This bill would declare that it is to take effect immediately as an urgency statute.

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. Division 46 (commencing with Section 80200)
2 is added to the Public Resources Code, to read:

3
4 DIVISION 46. WILDFIRE, DROUGHT, AND FLOOD
5 PROTECTION BOND ACT OF 2020

6
7 CHAPTER 1. GENERAL PROVISIONS

8
9 80200. This division shall be known, and may be cited, as the
10 Wildfire, Drought, and Flood Protection Bond Act of 2020.

11 80201. The people of California find and declare all of the
12 following:

13 (a) California’s changing climate creates increased risk of
14 catastrophic wildfire, drought, severe heat events, sea level rise,
15 as well as impacts to agriculture, water supply and water quality,
16 and the health of the forests, watershed, and wildlife.

17 (b) These risks and impacts vary by region and can overwhelm
18 the resources of local governments that must cope with severe
19 climate change-related events.

20 (c) Reducing vulnerability to fire, flood, drought, and other
21 climate-change related events require a statewide investment to
22 increase climate resilience of communities and natural systems.

23 80202. For purposes of this division, the following definitions
24 apply:

25 (a) “Committee” means the Wildfire, Drought, and Flood
26 Protection Finance Committee created pursuant to Section 80402.

27 (b) “Disadvantaged community” means a community with a
28 median household income less than 80 percent of the statewide
29 average.

30 (c) “Fund” means the Wildfire, Drought, and Flood Protection
31 Fund created pursuant to Section 80210.

1 80203. An amount that equals not more than 5 percent of the
2 funds allocated for a grant program pursuant to this division may
3 be used to pay the administrative costs of that program.

4 80204. (a) Except as provided in subdivision (b), up to 10
5 percent of funds allocated for each program funded by this division
6 may be expended, including, but not limited to, by grants, for
7 planning and monitoring necessary for the successful design,
8 selection, and implementation of the projects authorized under that
9 program. This section shall not otherwise restrict funds ordinarily
10 used by an agency for “preliminary plans,” “working drawings,”
11 and “construction” as defined in the annual Budget Act for a capital
12 outlay project or grant project. Planning may include feasibility
13 studies for environmental site cleanup that would further the
14 purpose of a project that is eligible for funding under this division.
15 Monitoring may include measuring greenhouse gas emissions
16 reductions and carbon sequestration associated with program
17 expenditures under this division.

18 (b) Funds used for planning projects that benefit disadvantaged
19 communities may exceed 10 percent of the funds allocated if the
20 state agency administering the moneys determines that there is a
21 need for the additional funding.

22 80205. To the extent feasible, a project that includes water
23 efficiencies, stormwater capture for infiltration or reuse, or carbon
24 sequestration features in the project design may be given priority
25 for grant funding under this division.

26 80206. Moneys allocated pursuant to this division shall not be
27 used to fulfill any mitigation requirements imposed by law.

28 80207. (a) To the extent feasible in implementing this division
29 and except as provided in subdivision (b), a state agency receiving
30 funding under this division shall seek to achieve wildlife
31 conservation objectives through projects on public lands or
32 voluntary projects on private lands. Projects on private lands shall
33 be evaluated based on the durability of the benefits created by the
34 investment. Funds may be used for payments for the protection or
35 creation of measurable habitat improvements or other
36 improvements to the condition of endangered or threatened species,
37 including through the development and implementation of habitat
38 credit exchanges.

39 (b) This section shall not apply to Chapter 3 (commencing with
40 Section 80230), Chapter 5 (commencing with Section 80250),

1 Chapter 6 (commencing with Section 80260), Chapter 8
2 (commencing with Section 80280), or Chapter 10 (commencing
3 with Section 80300).

4 80208. Funds provided pursuant to this division, and any
5 appropriation or transfer of those funds, shall not be deemed to be
6 a transfer of funds for the purposes of Chapter 9 (commencing
7 with Section 2780) of Division 3 of the Fish and Game Code.

8 80209. For grants awarded for projects that serve a
9 disadvantaged community, the administering entity may provide
10 advanced payments in the amount of 25 percent of the grant award
11 to the recipient to initiate the project in a timely manner. The
12 administering entity shall adopt additional requirements for the
13 recipient of the grant regarding the use of the advanced payments
14 to ensure that the moneys are used properly.

15 80210. (a) The proceeds of bonds issued and sold pursuant to
16 this division, exclusive of refunding bonds issued and sold pursuant
17 to Section 80412, shall be deposited in the Wildfire, Drought, and
18 Flood Protection Fund, which is hereby created in the State
19 Treasury.

20 (b) Proceeds of bonds issued and sold pursuant to this division
21 shall be allocated according to the following schedule:

- 22 (1) ____ dollars (\$____) for restoring fire damaged areas.
- 23 (2) ____ dollars (\$____) for reducing wildfire risk.
- 24 (3) ____ dollars (\$____) for creating healthy forests and
25 watersheds.
- 26 (4) ____ dollars (\$____) for reducing climate impacts on urban
27 areas and vulnerable populations.
- 28 (5) ____ dollars (\$____) for protecting water supply and water
29 quality.
- 30 (6) ____ dollars (\$____) for protecting rivers, lakes, and streams.
- 31 (7) ____ dollars (\$____) for reducing flood risks.
- 32 (8) ____ dollars (\$____) for protecting fish and wildlife and
33 natural resources from climate impacts.
- 34 (9) ____ dollars (\$____) for improving climate resilience of
35 agricultural lands.
- 36 (10) ____ dollars (\$____) for protecting coastal lands and
37 resources.

38 80211. The Legislature may enact legislation necessary to
39 implement programs funded by this division.

1 CHAPTER 2. RESTORING FIRE DAMAGED AREAS

2
3 80220. The sum of ____ dollars (\$____) shall be available for
4 appropriation by the Legislature for the restoration of wildfire
5 damaged areas. Eligible projects include, but are not limited to,
6 grants to public agencies for revegetation and other projects to
7 reduce erosion, flood, and mudslide risk, clean up of hazardous
8 sites, and habitat restoration.

9
10 CHAPTER 3. REDUCING WILDFIRE RISK

11
12 80230. The sum of ____ dollars (\$____) shall be available
13 for appropriation by the Legislature for the reduction in the risk
14 of wildfire threat to lives, properties, and natural habitats. Eligible
15 projects include, but are not limited to, grants to assist with any
16 of the following:

- 17 (a) Structure and community retrofit projects.
- 18 (b) Improvement in the alert and evacuation systems.
- 19 (c) Establishment of urban-wildland buffers in high fire hazard
20 areas.
- 21 (d) Science-based vegetation treatment programs near urban
22 areas.

23
24 CHAPTER 4. CREATING HEALTHY FOREST AND WATERSHEDS

25
26 80240. The sum of ____ dollars (\$____) shall be available
27 for appropriation by the Legislature for the protection and
28 restoration of forests, including redwoods, conifers, oak woodlands,
29 chaparral, deserts, and other habitat types to ensure the long-term
30 ecological health of these natural systems, to reduce risk of extreme
31 wildfires, floods, and other climate impacts, and to improve water
32 supply and water quality, carbon sequestration, community access,
33 and other public benefits.

34
35 CHAPTER 5. REDUCING CLIMATE RISKS IN URBAN AREAS AND
36 ON VULNERABLE POPULATIONS

37
38 80250. The sum of ____ dollars (\$____) shall be available
39 for appropriation by the Legislature for the reduction of climate
40 impacts on urban areas and vulnerable populations. Eligible

1 projects include, but are not limited to, urban greening, urban
2 forestry projects, and other projects to reduce urban heat island
3 effects, to establish cooling centers, and to safeguard vulnerable
4 populations.

5

6 CHAPTER 6. PROTECTING WATER SUPPLY AND WATER QUALITY

7

8 80260. The sum of ____ dollars (\$____) shall be available
9 for appropriation by the Legislature for the protection of
10 California’s water supply and water quality. Eligible projects
11 include, but are not limited to, the following:

- 12 (a) Safe drinking water projects.
- 13 (b) Water quality projects.
- 14 (c) Sustainable groundwater management projects.

15

16 CHAPTER 7. PROTECTING RIVERS, LAKES, AND STREAMS

17

18 80270. The sum of ____ dollars (\$____) shall be available
19 for appropriation by the Legislature for the protection and
20 restoration of rivers, lakes, and streams. Eligible projects include,
21 but are not limited to, the following:

- 22 (a) River parkway projects.
- 23 (b) Projects to implement the Lake Tahoe Environmental
24 Improvement Program.
- 25 (c) Projects to restore the Salton Sea authorized pursuant to
26 Public Law 105-372, the Salton Sea Reclamation Act of 1998.
- 27 (d) Projects for the acquisition or restoration of public lands
28 within the Los Angeles River Watershed.

29

30 CHAPTER 8. REDUCING FLOOD RISK

31

32 80280. The sum of ____ dollars (\$____) shall be available
33 for appropriation by the Legislature for the reduction of flood risks,
34 including the establishment of flood corridors, bypasses, and
35 associated infrastructure.

1 CHAPTER 9. PROTECTING FISH AND WILDLIFE FROM CLIMATE
2 IMPACTS

3
4 80290. The sum of ____ dollars (\$____) shall be available
5 for appropriation by the Legislature for the protection of
6 California’s fish and wildlife resources. Eligible projects include,
7 but are not limited to, the following:

- 8 (a) Salmon and other fishery restoration projects.
- 9 (b) Projects to protect wetlands and wildfire refuges for
10 migratory birds.
- 11 (c) Establishment, protection, and restoration of wildlife
12 corridors and habitat linkages.
- 13 (d) Conservation actions on private lands.

14
15 CHAPTER 10. IMPROVING CLIMATE RESILIENCE OF
16 AGRICULTURAL LANDS

17
18 80300. The sum of ____ dollars (\$____) shall be available
19 for appropriation by the Legislature for the improvement in climate
20 resilience of agricultural lands. Eligible projects include, but are
21 not limited to, the following:

- 22 (a) Grants to promote practices on farms and ranches that
23 improve agricultural and open space soil health, carbon
24 sequestration, and erosion control, water quality and water
25 retention.
- 26 (b) California Farmland Conservancy Program established
27 pursuant to Division 10.2 (commencing with Section 10200) of
28 the Public Resources Code.

29
30 CHAPTER 11. PROTECTING COASTAL LANDS AND RESOURCES

31
32 80310. The sum of ____ dollars (\$____) shall be available
33 for appropriation by the Legislature for the protection of coastal
34 lands, waters and natural resources, and wildlife from climate
35 impacts. Eligible projects include, but are not limited to, projects
36 to restore coastal wetlands and projects to address sea level rise
37 and temperature increase.

CHAPTER 12. FISCAL PROVISIONS

1
2
3 80400. (a) Bonds in the total amount of ____ dollars (\$____),
4 and any additional bonds authorized, issued, and appropriated in
5 accordance with this division pursuant to other provisions of law,
6 not including the amount of any refunding bonds issued in
7 accordance with Section 80412, may be issued and sold to provide
8 a fund to be used for carrying out the purposes expressed in this
9 division and to reimburse the General Obligation Bond Expense
10 Revolving Fund pursuant to Section 16724.5 of the Government
11 Code. The bonds, when sold, issued, and delivered, shall be and
12 constitute a valid and binding obligation of the State of California,
13 and the full faith and credit of the State of California is hereby
14 pledged for the punctual payment of both the principal of, and
15 interest on, the bonds as the principal and interest become due and
16 payable.

17 (b) The Treasurer shall sell the bonds authorized by the
18 committee pursuant to this section. The bonds shall be sold upon
19 the terms and conditions specified in a resolution to be adopted
20 by the committee pursuant to Section 16731 of the Government
21 Code.

22 80401. The bonds authorized by this division shall be prepared,
23 executed, issued, sold, paid, and redeemed as provided in the State
24 General Obligation Bond Law (Chapter 4 (commencing with
25 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
26 Code), as amended from time to time, and all of the provisions of
27 that law apply to the bonds and to this division.

28 80402. (a) Solely for the purpose of authorizing the issuance
29 and sale, pursuant to the State General Obligation Bond Law
30 (Chapter 4 (commencing with Section 16720) of Part 3 of Division
31 4 of Title 2 of the Government Code), of the bonds authorized by
32 this division, the Wildfire, Drought, and Flood Protection Finance
33 Committee is hereby created. For purposes of this division, the
34 Wildfire, Drought, and Flood Protection Finance Committee is the
35 “committee” as that term is used in the State General Obligation
36 Bond Law.

37 (b) The committee consists of the Director of Finance, the
38 Treasurer, and the Controller. Notwithstanding any other law, any
39 member may designate a representative to act as that member in

1 his or her place for all purposes, as though the member were
2 personally present.

3 (c) The Treasurer shall serve as the chairperson of the
4 committee.

5 (d) A majority of the committee may act for the committee.

6 80403. The committee shall determine whether or not it is
7 necessary or desirable to issue bonds authorized by this division
8 in order to carry out the actions specified in this division and, if
9 so, the amount of bonds to be issued and sold. Successive issues
10 of bonds may be authorized and sold to carry out those actions
11 progressively, and it is not necessary that all of the bonds
12 authorized to be issued be sold at any one time.

13 80404. For purposes of the State General Obligation Bond
14 Law, “board,” as defined in Section 16722 of the Government
15 Code, means the Secretary of the Natural Resources Agency.

16 80405. There shall be collected each year and in the same
17 manner and at the same time as other state revenue is collected,
18 in addition to the ordinary revenues of the state, a sum in an amount
19 required to pay the principal of, and interest on, the bonds each
20 year. It is the duty of all officers charged by law with any duty in
21 regard to the collection of the revenue to do and perform each and
22 every act that is necessary to collect that additional sum.

23 80406. Notwithstanding Section 13340 of the Government
24 Code, there is hereby appropriated from the General Fund in the
25 State Treasury, for the purposes of this division, an amount that
26 will equal the total of the following:

27 (a) The sum annually necessary to pay the principal of, and
28 interest on, bonds issued and sold pursuant to this division, as the
29 principal and interest become due and payable.

30 (b) The sum that is necessary to carry out the provisions of
31 Section 80409, appropriated without regard to fiscal years.

32 80407. The board may request the Pooled Money Investment
33 Board to make a loan from the Pooled Money Investment Account,
34 including other authorized forms of interim financing that include,
35 but are not limited to, commercial paper, in accordance with
36 Section 16312 of the Government Code for the purpose of carrying
37 out this division. The amount of the request shall not exceed the
38 amount of the unsold bonds that the committee has, by resolution,
39 authorized to be sold for the purpose of carrying out this division,
40 excluding refunding bonds authorized pursuant to Section 80412,

1 less any amount loaned and not yet repaid pursuant to this section
2 and withdrawn from the General Fund pursuant to Section 80409
3 and not yet returned to the General Fund. The board shall execute
4 those documents required by the Pooled Money Investment Board
5 to obtain and repay the loan. Any amounts loaned shall be
6 deposited in the fund to be allocated in accordance with this
7 division.

8 80408. Notwithstanding any other provision of this division,
9 or of the State General Obligation Bond Law, if the Treasurer sells
10 bonds that include a bond counsel opinion to the effect that the
11 interest on the bonds is excluded from gross income for federal
12 tax purposes under designated conditions or is otherwise entitled
13 to any federal tax advantage, the Treasurer may maintain separate
14 accounts for the bond proceeds invested and for the investment
15 earnings on those proceeds, and may use or direct the use of those
16 proceeds or earnings to pay any rebate, penalty, or other payment
17 required under federal law or take any other action with respect
18 to the investment and use of those bond proceeds, as may be
19 required or desirable under federal law in order to maintain the
20 tax-exempt status of those bonds and to obtain any other advantage
21 under federal law on behalf of the funds of this state.

22 80409. For the purposes of carrying out this division, the
23 Director of Finance may authorize the withdrawal from the General
24 Fund of an amount or amounts not to exceed the amount of the
25 unsold bonds that have been authorized by the committee to be
26 sold for the purpose of carrying out this division, excluding
27 refunding bonds authorized pursuant to Section 80412, less any
28 amount loaned pursuant to Section 80407 and not yet repaid and
29 any amount withdrawn from the General Fund pursuant to this
30 section and not yet returned to the General Fund. Any amounts
31 withdrawn shall be deposited in the fund to be allocated in
32 accordance with this division. Any moneys made available under
33 this section shall be returned to the General Fund, with interest at
34 the rate earned by the moneys in the Pooled Money Investment
35 Account, from proceeds received from the sale of bonds for the
36 purpose of carrying out this division.

37 80410. All moneys deposited in the fund that are derived from
38 premium and accrued interest on bonds sold pursuant to this
39 division shall be reserved in the fund and shall be available for
40 transfer to the General Fund as a credit to expenditures for bond

1 interest, except that amounts derived from premiums may be
2 reserved and used to pay the cost of bond issuance before any
3 transfer to the General Fund.

4 80411. Pursuant to Chapter 4 (commencing with Section
5 16720) of Part 3 of Division 4 of Title 2 of the Government Code,
6 the cost of bond issuance shall be paid or reimbursed out of the
7 bond proceeds, including premiums, if any. To the extent the cost
8 of bond issuance is not paid from premiums received from the sale
9 of bonds, these costs shall be allocated proportionally to each
10 program funded through this division by the applicable bond sale.

11 80412. The bonds issued and sold pursuant to this division
12 may be refunded in accordance with Article 6 (commencing with
13 Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of
14 the Government Code, which is a part of the State General
15 Obligation Bond Law. Approval by the voters of the state for the
16 issuance of the bonds under this division shall include approval
17 of the issuance of any bonds issued to refund any bonds originally
18 issued under this division or any previously issued refunding bonds.
19 Any bond refunded with the proceeds of a refunding bond as
20 authorized by this section may be legally defeased to the extent
21 permitted by law in the manner and to the extent set forth in the
22 resolution, as amended from time to time, authorizing that refunded
23 bond.

24 80413. The proceeds from the sale of bonds authorized by this
25 division are not “proceeds of taxes” as that term is used in Article
26 XIII B of the California Constitution, and the disbursement of these
27 proceeds is not subject to the limitations imposed by that article.

28 SEC. 2. Section 1 of this act shall take effect upon the approval
29 by the voters of the Wildfire, Drought, and Flood Protection Bond
30 Act of 2020.

31 SEC. 3. Section 1 of this act shall be submitted to the voters
32 at the ____, 2020, statewide ____ election in accordance with
33 provisions of the Government Code and the Elections Code
34 governing the submission of a statewide measure to the voters.

35 SEC. 4. This act is an urgency statute necessary for the
36 immediate preservation of the public peace, health, or safety within
37 the meaning of Article IV of the Constitution and shall go into
38 immediate effect. The facts constituting the necessity are:

- 1 In order to fund wildfire, drought, and flood protection programs
- 2 at the earliest possible date, it is necessary that this act take effect
- 3 immediately.

O

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL**No. 1744****Introduced by Assembly Member Salas**

February 22, 2019

~~An act to amend Section 44299.91 of the Health and Safety Code, relating to vehicular air pollution.~~ *An act to add Section 43013.4 to the Health and Safety Code, relating to vehicular air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1744, as amended, Salas. ~~Schoolbuses: retrofit and replacement.~~ *State Air Resources Board: regulations: emissions reduction credit program.*

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Pursuant to that authority, the State Air Resources Board has adopted a regulation to significantly reduce emissions of 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 board to develop and implement an emissions reduction credit program, as specified, for any regulation to reduce emissions of diesel particulate matter, oxides of nitrogen, and other criteria air pollutants from in-use, heavy-duty diesel-fueled vehicles.

~~Existing law establishes various programs for the reduction of vehicular air pollution, including the Lower-Emission School Bus Program adopted by the State Air Resources Board. The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of~~

~~2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of \$19.925 billion of general obligation bonds for specified purposes, including \$200 million for schoolbus retrofit and replacement purposes. Existing law requires the state board to allocate those bond moneys for the schoolbus retrofit and replacement program to air pollution control and air quality management districts by prioritizing the retrofit or replacement of the most polluting schoolbuses in small air districts first and then medium air districts, as specified. Existing law requires each allocation to provide sufficient funding for at least one project to be implemented as part of the Lower-Emission School Bus Program.~~

~~This bill instead would require the state board to prioritize the retrofit or replacement of the most polluting and oldest schoolbuses that operate in air districts that are designated federal extreme nonattainment, followed by small air districts, and then medium air districts, 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 43013.4 is added to the Health and Safety
- 2 Code, to read:
- 3 43013.4. (a) The state board shall develop and implement an
- 4 emissions reduction credit program for a regulation to reduce
- 5 emissions of diesel particulate matter, oxides of nitrogen, and
- 6 other criteria air pollutants from in-use, heavy-duty diesel-fueled
- 7 vehicles. The emissions reduction credit program shall include all
- 8 of the following criteria:
- 9 (1) Results in reductions of diesel particular matter, oxides of
- 10 nitrogen, and other criteria air pollutants that are real, permanent,
- 11 quantifiable, verifiable, and enforceable by the state board.
- 12 (2) Be based on the amount of emissions that are created from
- 13 vehicles subject to a regulation to reduce emissions of diesel
- 14 particulate matter, oxides of nitrogen, and other criteria air
- 15 pollutants from in-use, heavy-duty diesel-fueled vehicles.
- 16 (3) Allows an emissions reduction credit to be used in any
- 17 compliance year for owners and operators of any of the following:
- 18 (A) A low-mileage construction truck operated for less than
- 19 5,000 miles per year in the state each compliance year.

1 (B) A vehicle operated for less than 5,000 miles per year that
2 is either of the following:

3 (i) A truck owned by a contractor licensed through the
4 Contractors' State License Board.

5 (ii) A single-engine crane with a load rating of 15 tons or more.

6 (b) If the state board makes a determination at a public hearing
7 that the implementation of this section would violate the current
8 state implementation plan, as required by the federal Clean Air
9 Act (42 U.S.C. Sec. 7401 et seq.), the state board shall delay the
10 implementation of this section until the state board has submitted
11 an amended state implementation plan to the United States
12 Environmental Protection Agency for approval.

13 SECTION 1. ~~Section 44299.91 of the Health and Safety Code~~
14 ~~is amended to read:~~

15 ~~44299.91. Of the funds appropriated pursuant to Item~~
16 ~~3900-001-6053 of Section 2.00 of the Budget Act of 2007 and for~~
17 ~~the purposes of this chapter, the state board shall allocate the funds~~
18 ~~in accordance with all of the following:~~

19 ~~(a) All schoolbuses in operation in the state of model year 1976~~
20 ~~or earlier shall be replaced.~~

21 ~~(b) (1) The funds remaining after the allocation made pursuant~~
22 ~~to subdivision (a) shall be apportioned to districts based on the~~
23 ~~number of schoolbuses of model years 1977 to 1986, inclusive,~~
24 ~~that are in operation within each district consistent with subdivision~~
25 ~~(i).~~

26 ~~(2) Each district shall determine the percentage of its allocation~~
27 ~~to spend between replacement of schoolbuses of model years 1977~~
28 ~~to 1986, inclusive, and retrofit of schoolbuses of any model year.~~
29 ~~Of the funds spent by a district for replacement of schoolbuses~~
30 ~~pursuant to this paragraph, a district shall replace the oldest~~
31 ~~schoolbuses of model years 1977 to 1986, inclusive, within the~~
32 ~~district. Of the funds spent by a district for retrofit of schoolbuses~~
33 ~~pursuant to this paragraph, a district shall retrofit the most polluting~~
34 ~~schoolbuses within the district.~~

35 ~~(c) All schoolbuses replaced pursuant to this section shall be~~
36 ~~serapped.~~

37 ~~(d) These funds shall be administered by either the State Energy~~
38 ~~Resources Conservation and Development Commission or the~~
39 ~~district.~~

- 1 ~~(e) If a district's funds, including accrued interest, are not~~
2 ~~committed by an executed contract as reported to the state board~~
3 ~~on or before June 30, 2012, then those funds shall be transferred,~~
4 ~~on or before January 1, 2013, to another district that demonstrates~~
5 ~~an ability to expend the funds by January 1, 2014. In implementing~~
6 ~~this section, the state board, in consultation with the districts, shall,~~
7 ~~by September 30, 2012, establish a list of potential recipient~~
8 ~~districts, prioritizing districts consistent with subdivision (i).~~
- 9 ~~(f) Each allocation made pursuant to this section to a district~~
10 ~~shall provide enough funding for at least one project to be~~
11 ~~implemented pursuant to the Lower-Emission School Bus Program~~
12 ~~adopted by the state board. In the event a district has unspent funds~~
13 ~~as of January 1, 2014, the district shall work with the state board~~
14 ~~to transfer the unspent funds to an alternative district with existing~~
15 ~~demand consistent with subdivision (i).~~
- 16 ~~(g) Funds made available pursuant to this chapter to a district~~
17 ~~shall be expended by June 30, 2014.~~
- 18 ~~(h) All funds not expended by a district by June 30, 2014, shall~~
19 ~~be returned to the state board.~~
- 20 ~~(i) Beginning January 1, 2020, funds authorized by the state~~
21 ~~board shall be allocated to districts by prioritizing to retrofit or~~
22 ~~replace the most polluting and oldest schoolbuses that operate in~~
23 ~~districts that are designated as federal extreme nonattainment,~~
24 ~~followed by small districts first, and then medium districts, as~~
25 ~~defined by the state board. Each allocation shall provide sufficient~~
26 ~~funding for at least one project to be implemented pursuant to the~~
27 ~~Lower-Emission School Bus Program adopted by the state board.~~
28 ~~If a district has unspent funds within six months of the expenditure~~
29 ~~deadline, the district shall work with the state board to transfer~~
30 ~~those funds to an alternative qualifying district with existing~~
31 ~~demand.~~

AMENDED IN SENATE MARCH 6, 2019

SENATE BILL**No. 69**

Introduced by Senator Wiener
(Coauthor: Assembly Member Levine)

January 9, 2019

An act to amend ~~Section 36002 of the Public Resources Code, Sections 5930 and 6922 of, to add Sections 5930.5 and 6921.5 to, and to add and repeal Section 1127 of, the Fish and Game Code, to add Chapter 9 (commencing with Section 39950) to Part 2 of Division 26 of the Health and Safety Code, to amend Sections 4582.71, 10001, 10004, 10005, and 71205.3 of, to add Sections 5814.5, 5818.3, 35626, 35633, and 35634 to, and to add Chapter 5 (commencing with Section 35655) to Division 26.5 of, the Public Resources Code, and to amend Section 13170.3 of, to add Sections 11916, 13170.4, and 13247.5 to, and to add Article 4.5 (commencing with Section 13278) to Chapter 4 of Division 7 of, the Water Code, relating to ~~ocean resources management~~: public resources.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 69, as amended, Wiener. ~~Ocean resources management: state policy~~: Resiliency Act of 2019.

(1) Existing law requires the Fish and Game Commission to establish fish hatcheries for the purposes of stocking the waters of California with fish, and requires the Department of Fish and Wildlife to maintain and operate those hatcheries.

This bill would require the department to undertake a pilot project to assess the effectiveness of parentage-based tagging, as defined, in improving the management of central valley Chinook salmon hatcheries and in rebuilding salmon runs and the California salmon fishing

industry. The bill would require the department to enter into an agreement with the University of California, or a similar entity with a proven record of working with parentage-based tagging, to assist in the design, implementation, and evaluation of the pilot project. The bill would require the department to begin implementation of the pilot project by July 1, 2021, and to conclude the pilot project no later than 5 years after implementation of the pilot project has begun. The bill would require the department to submit to the Legislature a report by July 1, 2021, summarizing progress in implementing the pilot project and a final report no later than one year after the conclusion of the pilot project summarizing the results of the pilot project.

(2) Existing law requires the Department of Fish and Wildlife to examine, from time to time, all dams in all rivers and streams in the state naturally frequented by fish.

This bill would instead specify that the department is required to undertake this duty at least every 5 years. The bill would also require the department on or before January 1, 2022, and every 5 years thereafter, to identify dams within the state for removal that are a priority for removal to protect and conserve fish and wildlife in accordance with a specified state policy. The bill would require the department, in consultation with the Department of Water Resources, to develop a schedule and funding proposal to initiate the removal of those dams identified by the department.

(3) The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act requires the Department of Fish and Wildlife, with the advice of the Advisory Committee on Salmon and Steelhead Trout and the Commercial Salmon Trollers Advisory Committee, to prepare and maintain a detailed and comprehensive program composed of specified elements for the protection and increase of salmon, steelhead trout, and anadromous fisheries. The act requires the department to consult with every public agency whose policies or decisions may affect the goals of the program. The act declares it the policy of the state and the department to encourage specified nonprofit salmon release and return operations operated by, or on behalf of, licensed commercial salmon fishermen for the purpose of enhancing California's salmon populations and increasing the salmon harvest by commercial and recreational fishermen. The act requires the department, to the extent that funds and personnel are available, to cooperate with fishing organizations in the siting and establishment of those operations to ensure the protection of natural spawning stocks of native salmon.

This bill would require department, in coordination with the above-described advisory committees, to develop, as an element of the program, a policy by January 1, 2022, for the use of releases, including in-river and ocean net pen releases, of salmon produced in state managed and comanaged hatcheries during periods of drought or in other circumstances that result in significantly abnormal levels of mortality during onsite releases. The bill would also require the department, no later than January 1, 2022, in consultation with those advisory committees, to develop and implement at least one additional ocean-based offsite hatchery salmon release operation.

(4) Existing law requires the Director of Fish and Wildlife to identify and list those streams and watercourses in the state, meeting designated conditions, for which minimum flow levels need to be established in order to assure the continued viability of stream-related fish and wildlife resources. Existing law requires the director to prepare proposed streamflow requirements for each identified stream or watercourse and, upon completion of the proposed streamflow requirements for any individual stream or watercourse, to transmit these proposed requirements to the State Water Resources Control Board. Existing law requires the Department of Fish and Wildlife to initiate studies to develop those requirements for those streams or watercourses in each fiscal year for which funds are appropriated and to complete studies on each stream or watercourse within 3 years. Existing law declares legislative intent that the department develop a program that will initiate studies on at least 10 streams or watercourses in each fiscal year. Existing law requires the department to impose and collect a filing fee of \$850 from a user of water for certain types of permit applications filed with the state board to defray the cost of identifying streams and providing those studies. Existing law requires the state board to forward these fees to the department every 6 months.

This bill would name the list of streams and watercourses identified by the director for these purposes as the California Endangered Rivers List. The bill would require the department to develop a program that will initiate studies on at least 3 streams or watercourses in each fiscal year. The bill would require the department to return the filing fees collected in a fiscal year to the state board for deposit in the Water Rights Fund if the department fails to initiate studies on at least 3 streams or watercourses in that fiscal year.

(5) Existing law establishes the State Air Resources Board and vests the state board with regulatory jurisdiction over air quality issues.

This bill would require the state board to develop and implement a voluntary vessel speed reduction incentive program for the Santa Barbara Channel and San Francisco Bay area regions to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the state board to implement the program by July 1, 2020, and would require the state board to submit a report to the Legislature by December 31, 2022, regarding the implementation of the program.

(6) Existing law requires the Natural Resources Agency to update all of the state's existing wetlands inventory resources in order to prepare a study to accomplish specified goals, and to report the study to the Legislature no later than January 1, 2003.

This bill would require the agency to inventory the state's existing coastal wetlands resources and prepare a new study that meets these goals, and to submit the study to the Legislature on or before January 1, 2023. The bill would require the study to be updated, at a minimum, once every 5 years after January 1, 2023.

(7) Under existing law, the Budget Act of 2018, \$6,000,000 was appropriated to the State Coastal Conservancy for support or local assistance to implement a beneficial reuse pilot program for dredged sediment in the Redwood City Harbor. Under existing law, this money is available for encumbrance or expenditure until June 30, 2020, and for liquidation until June 30, 2023.

This bill would require the conservancy to submit a report, as provided, to the Legislature on that pilot program on or before December 31, 2022, and, upon appropriation by the Legislature, would require the conservancy to develop, in coordination with the United States Army Corps of Engineers, a beneficial reuse program to place and reuse dredged sediment for coastal wetland restoration projects.

(8) Existing law requires the Ocean Protection Council, in consultation with the State Coastal Conservancy and other relevant entities, to the extent funds are available from bonds or other sources, to establish and administer the Ocean Acidification and Hypoxia Reduction Program for the purposes of achieving specified goals.

On or before December 1, 2022, this bill would require the council to submit a report, as provided, to the Legislature and relevant state entities on the state's progress toward meeting specified goals regarding use of low-trophic mariculture to mitigate and adapt to climate change impacts, such as ocean acidification and warming and sea level rise, and acceleration of local restoration plans to restore 8,000 acres of

San Francisco Bay shellfish, native oyster reefs, and kelp forests to sequester carbon, combat ocean acidification, and protect shorelines from sea level rise.

(9) Existing law, subject to the availability of funding, authorizes the Ocean Protection Council to develop an ocean acidification and hypoxia science task force to ensure that decisionmaking is supported by the best available science, and requires the council to take specified actions to address ocean acidification and hypoxia, as prescribed, and, beginning January 1, 2018, and annually thereafter, at its first meeting of the year, adopt recommendations for further actions that may be taken to address ocean acidification and hypoxia.

This bill would require the council to, on or before December 31, 2020, establish a representative statewide advisory group to advise the state on its policy, management, science, and communications priorities and strategies to address ocean acidification and hypoxia. The bill would require the Secretary of the Natural Resources Agency to direct the council to, on or before December 31, 2021, conduct a statewide vulnerability assessment to identify the risks ocean acidification poses to the state's biological resources, communities, and economies within the context of other ongoing environmental changes and hazards, and to identify priorities and options for actions to improve the state's adaptive capacity to address ocean acidification and hypoxia.

(10) Existing law requires the Natural Resources Agency to update every 3 years the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors.

This bill would require the Secretary of the Natural Resources Agency to implement a comprehensive, coordinated, and proactive program for ocean and coastal habitats to enhance the state's ability to adapt to the unavoidable impacts of climate change, as specified. The bill would provide that these provisions shall be implemented only to the extent that implementation of these provisions is consistent with federal law.

(11) Existing law, the Marine Invasive Species Act, requires the State Lands Commission to adopt specified regulations that require an owner or operator of a vessel carrying, or capable of carrying, ballast water that operates in the waters of the state to implement and comply with an interim performance standard, as prescribed, for specified periods and the final performance standard for the discharge of ballast water

of zero detectable living organisms for all organism size classes by January 1, 2030.

This bill would require the State Water Resources Control Board, instead of the commission, to adopt these regulations, as specified.

(12) Existing law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Under existing law, the department operates the State Water Resources Development System, also known as the State Water Project, composed of the state water facilities, including Oroville Dam.

Existing law requires the incorporation into certain water projects of features that the department determines necessary or desirable for the preservation of fish and wildlife, and necessary or desirable to permit, on a year-round basis, full utilization of the project for the enhancement of fish and wildlife and for recreational purposes to the extent that those features are consistent with other uses of the project, if any.

This bill would require the department to immediately reinstate the effort, as described in a specified proposed settlement for Oroville Dam and related facilities, to select a final alternative and a final project design for the retrofit of Thermalito Afterbay to improve downstream temperature conditions on the Feather River for salmon and other species. The bill would require, on or before March 31, 2020, the department to appoint and convene an advisory committee to assist in the selection of a preferred alternative and a final project design for the Thermalito Afterbay retrofit. The bill would require the department to annually submit a report to the Legislature regarding progress toward the selection of a preferred alternative and a final project design for the Thermalito Afterbay retrofit.

(13) Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the 9 California regional water quality control boards are the principal state agencies with responsibility for the coordination and control of water quality in the state. The act requires the state board to formulate and adopt state policies for water quality control and to formulate, adopt, and review a water quality control plan for the ocean waters of the state, known as the California Ocean Plan, and a water quality control plan for enclosed bays and estuaries, known as the California Enclosed Bays and Estuaries Plan, as prescribed. The act required the state board, on or before January 1, 2013, to either amend the California Ocean Plan,

or adopt separate standards, to address water quality objectives and effluent limitations that are specifically appropriate to brackish groundwater treatment system facilities that produce municipal water supplies for local use.

This bill would require the state board, on or before December 31, 2022, to amend the California Ocean Plan and the California Enclosed Bays and Estuaries Plan to include water quality objectives and effluent limitations that specifically address ocean acidification and hypoxia. The bill would require the water quality objectives and effluent limitations to include implementation provisions, including, but not limited to, requiring all publicly operated wastewater treatment facilities that discharge to waters subject to the plans to adopt, incorporate, or improve denitrification protocols. By imposing additional requirements on publicly operated wastewater treatment facilities, the bill would impose a state-mandated local program. The bill would also require the state board to rescind a specified resolution relating to the California Ocean Plan.

(14) Existing law establishes the Marine Managed Areas Improvement Act, which, among other things, prescribes 6 classifications for designating managed areas in the marine and estuarine environments to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea, including state water quality protection areas. The act defines state water quality protection areas for the purposes of the act as including areas of special biological significance.

This bill would prohibit waste from being discharged into areas of special biological significance, as provided. The bill would authorize the California regional water quality control boards, notwithstanding that prohibition, to approve waste discharge requirements or water quality certifications for limited-term activities in areas of special biological significance in accordance with specified conditions. The bill would require the State Water Resources Control Board to provide guidance to the regional boards on how to designate state water quality protection areas and would require a regional board to designate one state water quality protection area annually until all marine protected areas in the regional board's jurisdiction have an associated state water quality protection area.

(15) The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted

to, and approved by, the Department of Forestry and Fire Protection. The act requires the department, upon receipt of a timber harvesting plan, to transmit a copy to, among other entities, the appropriate California regional water quality control board, and prohibits a timber harvesting plan from being approved if the appropriate regional board finds, based on substantial evidence, that the timber operations proposed in the plan will result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to federal law, that causes or contributes to a violation of the regional water quality control plan. The act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations, as provided, to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources.

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the regional boards prescribe waste discharge requirements for the discharge of waste that could affect the quality of the waters of the state.

This bill would instead prohibit a timber harvesting plan from being approved unless the appropriate regional board finds that the timber operations proposed in the plan will not result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to federal law, that causes or contributes to a violation of the regional water quality control plan, basin plan, approved total maximum daily load requirement, or approved waste discharge requirement.

The bill would impose various forest practice requirements on a person who discharges sediment into a Class I, II, or III watercourse pursuant to a timber harvesting plan and would require the regional boards to incorporate those requirements into any applicable waste discharge requirements to manage controllable sources of sediment, achieve water quality objectives, and protect beneficial uses. The bill would provide that any requirements in the forest practice rules adopted by the State Board of Forestry and Fire Protection that contain more stringent sediment control standards shall prevail over the requirements established in the bill, and would incorporate definitions from the forest practice rules and regulations into the bill's provisions.

The bill would require a regional board, upon receipt of a timber harvesting plan submitted by the Department of Forestry and Fire Protection, to expeditiously review the plan for consistency with any applicable regional water quality control plan, basin plan, approved

total maximum daily load requirement, or approved waste discharge requirement, and to notify the department of any inconsistencies it finds.

(16) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law, the California Ocean Resources Management Act of 1990, declares that it is the policy of the State of California to take specified actions related to the preservation, protection, development, and enhancement of the state’s ocean resources and ensure coordinated management of ocean resources with appropriate federal, state, and local agencies:~~

~~This bill would make nonsubstantive changes in these provisions:~~

~~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. *This act shall be known, and may be cited, as the*
- 2 *Ocean Resiliency Act of 2019.*
- 3 SEC. 2. *The Legislature finds and declares all of the following:*
- 4 (a) *Coastal and ocean ecosystems are significantly impacted*
- 5 *by climate change, which harms the industries and communities*
- 6 *that depend on those ecosystems. These effects are expected to*
- 7 *worsen without immediate and sustained action.*
- 8 (b) *Ocean acidification, hypoxia, and other changing ocean*
- 9 *conditions in California waters present a significant and direct*
- 10 *threat to marine life and ecosystems, fisheries, and farmed shellfish,*
- 11 *negatively impact many shell-forming species, including oysters,*
- 12 *mussels, abalone, crabs, and the microscopic plankton that form*
- 13 *the base of the oceanic food chain, and cause significant changes*
- 14 *in behavior and physiology of fish and invertebrates.*
- 15 (c) *Scientific evidence suggests that well-designed marine*
- 16 *protected area networks can contribute to the protection and*
- 17 *resilience of marine species as ocean conditions change. California*
- 18 *has invested significant resources in establishing a globally*

1 *recognized marine protected area network, which protects marine*
2 *species and habitats, and safeguards California’s coastal resources*
3 *and economy.*

4 *(d) It is the policy of the state that the protection, enhancement,*
5 *and management of coastal and ocean resources and anadromous*
6 *fishery resources are critical to enhance climate resiliency and to*
7 *improve the state’s ability to mitigate and adapt to the impacts of*
8 *climate change. The protection, enhancement, and management*
9 *of physical, biological, and chemical function of these resources*
10 *can result in enhanced ecosystem function and carbon*
11 *sequestration, which removes carbon from the atmosphere, while*
12 *reducing ocean acidification and other harmful changes to ocean*
13 *chemistry.*

14 *(e) The protection of riparian areas that facilitate the growth*
15 *of anadromous fisheries is critically important for ocean and*
16 *coastal ecosystem health and resilience. Most of the rivers in the*
17 *State of California are known to be impaired by sediment pollution,*
18 *and research and scientific evidence demonstrate that*
19 *inappropriate timber harvesting practices are responsible for*
20 *extensive water quality impairment due to ineffective and*
21 *inconsistent oversight.*

22 *(f) Enhancing the resilience of coastal and ocean resources*
23 *provides multiple public benefits, including, but not limited to,*
24 *assisting with adaptation to the impacts of climate change,*
25 *improving water quality and ecosystem health, conserving public*
26 *trust fisheries resources, improving coastal economies, and helping*
27 *communities become more resilient to climate change impacts.*

28 *SEC. 3. Section 1127 is added to the Fish and Game Code, to*
29 *read:*

30 *1127. (a) The department shall undertake a pilot project to*
31 *assess the effectiveness of parentage-based tagging, as defined in*
32 *subdivision (k), in improving the management of central valley*
33 *Chinook salmon hatcheries and in rebuilding salmon runs and the*
34 *California salmon fishing industry.*

35 *(b) The pilot project shall do all of the following:*

36 *(1) Include the development and implementation of a genetic*
37 *testing protocol using parentage-based tagging to provide data*
38 *required to evaluate and improve hatchery and salmon*
39 *management.*

1 (2) Compare parentage-based tagging with the current tagging
2 technologies used by central valley hatcheries.

3 (3) Evaluate the extent to which parentage-based tagging can
4 increase the flexibility of hatchery managers to release juvenile
5 salmon at optimal times.

6 (4) Evaluate whether earlier releases of hatchery-spawned
7 juvenile salmon during high river flows can significantly increase
8 the survival of juvenile hatchery salmon, both to increase spawning
9 populations and to benefit the sport and commercial salmon fishing
10 industry.

11 (5) Include the genetic testing of adult salmon, maintenance of
12 a database of adult salmon that have been genetically tested, and
13 analysis of the results of the pilot project.

14 (6) Make data and analysis completed for the pilot project
15 publicly available in a timely manner on an internet website.

16 (c) The department shall enter into an agreement with the
17 University of California, or a similar entity with a proven record
18 of working with parentage-based tagging, to assist in the design,
19 implementation, and evaluation of the pilot project. This
20 subdivision shall apply to the University of California only if the
21 Regents of the University of California, by resolution, make it
22 applicable to the university.

23 (d) The department shall begin implementation of the pilot
24 project by July 1, 2021. The pilot project shall conclude no later
25 than five years after implementation of the pilot project has begun.

26 (e) The department shall select the central valley hatchery or
27 hatcheries to be included in the pilot project. The department may
28 modify hatchery facilities and operations as required to implement
29 the pilot project.

30 (f) The department may collaborate with federal hatchery
31 managers in designing and implementing the pilot project.

32 (g) The pilot project shall not include the use of parentage-based
33 tagging to manage salmon fisheries.

34 (h) The department shall form an advisory committee for the
35 pilot project, including scientists and representatives from salmon
36 fishing community nongovernmental organizations. The department
37 and the entity that the department enters into an agreement with
38 pursuant to subdivision (c) shall consult with the advisory
39 committee during the design, implementation, and evaluation of
40 the pilot project.

1 (i) (1) (A) No later than July 1, 2021, the department shall
2 submit a report to the Legislature summarizing the progress in
3 implementing the pilot project.

4 (B) No later than one year after the conclusion of the pilot
5 project, the department shall submit a final report to the
6 Legislature that summarizes the results of the pilot project,
7 including potential benefits for juvenile salmon survival and the
8 salmon fishing industry, and includes recommendations, as
9 appropriate, to expand the use of parentage-based tagging and to
10 modify the use of existing tagging technology. Before submitting
11 the final report to the Legislature, the department shall submit a
12 copy of the final draft to the advisory committee formed pursuant
13 to subdivision (h) and provide the advisory committee an
14 opportunity to review and provide comments on the final draft.
15 The department may take the advisory committee's comments into
16 consideration and may revise the final draft based on those
17 comments before submitting the final report to the Legislature.

18 (2) The reports to be submitted pursuant to paragraph (1) shall
19 be submitted in compliance with Section 9795 of the Government
20 Code.

21 (j) It is the intent of the Legislature that the cost of the pilot
22 project shall be shared equally between the department and the
23 contractors of the State Water Project.

24 (k) For purposes of this section, "parentage-based tagging"
25 means a genetic-based fish tagging method that involves DNA
26 testing of broodstock whereby parent fish used for hatchery
27 production are genetically sampled at spawning, allowing the
28 parentage of adult salmon to be determined when they are
29 harvested in the recreational or commercial fisheries, or after they
30 return to spawn.

31 (l) This section shall become inoperative on July 1, 2028, and,
32 as of January 1, 2029, is repealed.

33 SEC. 4. Section 5930 of the Fish and Game Code is amended
34 to read:

35 5930. The department shall, ~~from time to time~~, at least every
36 five years, examine all dams in all rivers and streams in this State
37 state naturally frequented by fish.

38 SEC. 5. Section 5930.5 is added to the Fish and Game Code,
39 to read:

1 5930.5. (a) On or before January 1, 2022, and every five years
2 thereafter, the department shall identify dams within the state for
3 removal that are a priority for removal to protect and conserve
4 fish and wildlife in accordance with the policy stated in Section
5 1600.

6 (b) On or before January 1, 2025, the department, in
7 consultation with the Department of Water Resources, shall
8 develop a schedule and funding proposal to initiate the removal
9 of dams identified pursuant to subdivision (a).

10 SEC. 6. Section 6921.5 is added to the Fish and Game Code,
11 to read:

12 6921.5. No later than January 1, 2022, the department shall,
13 in consultation with the Advisory Committee on Salmon and
14 Steelhead Trout and the Commercial Salmon Trollers Advisory
15 Committee, develop and implement at least one additional
16 ocean-based offsite hatchery salmon release operation.

17 SEC. 7. Section 6922 of the Fish and Game Code is amended
18 to read:

19 6922. The program shall include, but is not limited to, all of
20 the following elements:

21 (a) Identification of streams where the natural production of
22 salmon and steelhead trout can be increased primarily through the
23 improvement of stream and streambank conditions without effect
24 on land ownership, land use practices, or changes in streamflow
25 operations.

26 (b) Identification of streams where the natural production of
27 salmon and steelhead trout can be increased only through the
28 improvement of land use practices or changes in streamflow
29 operations.

30 (c) Identification of streams where the protection of, and increase
31 in, salmon and steelhead trout resources require, as a result of
32 significant prior loss of stream habitat, the construction of artificial
33 propagation facilities.

34 (d) A program element for evaluating the effectiveness of the
35 program.

36 (e) Recommendations for an organizational structure, staffing,
37 budgeting, long-term sources of funding, changes in state statutes
38 and regulations and federal and local government policy and such
39 other administrative and legislative actions as the department finds
40 to be necessary to accomplish the purposes of this chapter.

1 (f) Identification of measures to protect and increase the
 2 production of other anadromous fisheries consistent with policies
 3 set forth in Section 6902.

4 (g) Identification of alternatives to, or mitigation of, manmade
 5 factors which cause the loss of juvenile and adult fish in
 6 California’s stream system.

7 (h) *Development of a policy by January 1, 2022, for the use of*
 8 *releases, including in-river and ocean net pen releases, of salmon*
 9 *produced in state managed and comanaged hatcheries during*
 10 *periods of drought or in other circumstances that result in*
 11 *significantly abnormal levels of mortality during onsite releases.*
 12 *In developing this policy, the department shall coordinate with the*
 13 *Advisory Committee on Salmon and Steelhead Trout and the*
 14 *Commercial Salmon Trollers Advisory Committee and may*
 15 *coordinate with other state agencies, the United States Fish and*
 16 *Wildlife Service, and the National Marine Fisheries Service.*

17 SEC. 8. Chapter 9 (commencing with Section 39950) is added
 18 to Part 2 of Division 26 of the Health and Safety Code, to read:

19
 20 CHAPTER 9. VOLUNTARY VESSEL SPEED REDUCTION INCENTIVE
 21 PROGRAM
 22

23 39950. (a) *The state board shall develop and implement a*
 24 *voluntary vessel speed reduction incentive program for the Santa*
 25 *Barbara Channel and San Francisco Bay area regions to reduce*
 26 *air pollution, the risk of fatal vessel strikes on whales, and harmful*
 27 *underwater acoustic impacts.*

28 (b) *As part of the program, the state board shall do all of the*
 29 *following:*

30 (1) *Collect data on ship speeds in other regions of the California*
 31 *coast in order to analyze the program for future refinement or*
 32 *expansion, or both.*

33 (2) *Provide financial incentives to program participants during*
 34 *peak ozone and whale seasons.*

35 (3) *Provide financial incentives to program participants based*
 36 *on percent of distance traveled by a participating vessel through*
 37 *a vessel speed reduction zone established by the state board at 10*
 38 *knots or less.*

39 (c) *The state board may impose additional qualifying criteria*
 40 *on individual transit speeds, for example, maximum speed in transit*

1 *or maximum transit average speed, in order to receive financial*
2 *incentives under the program.*

3 *(d) The state board shall provide financial incentives pursuant*
4 *to this section upon appropriation by the Legislature of funds made*
5 *available for this program.*

6 *(e) The state board shall implement the program by July 1,*
7 *2020, and report to the Legislature regarding the implementation*
8 *of the program by December 31, 2022. The report required by this*
9 *subdivision shall be submitted in compliance with Section 9795*
10 *of the Government Code.*

11 *SEC. 9. Section 4582.71 of the Public Resources Code is*
12 *amended to read:*

13 4582.71. (a) A timber harvesting plan ~~may~~ *shall* not be
14 approved ~~if unless~~ the appropriate regional water quality control
15 board ~~finds, based on substantial evidence,~~ *finds* that the timber
16 operations proposed in the plan will *not* result in a discharge into
17 a watercourse that has been classified as impaired due to ~~sediment~~
18 *sediment*, pursuant to subsection (d) of Section 303 of the Federal
19 Water Pollution Control Act, that causes or ~~contributes,~~ *contributes*
20 to a violation of the regional water quality control ~~plan.~~ *plan, basin*
21 *plan, approved total maximum daily load requirement, or approved*
22 *waste discharge requirement.*

23 (b) The exercise of a regional water quality control board's
24 authority pursuant to subdivision (a) may be delegated to the
25 executive officer of that regional water quality control board as
26 long as the executive officer's determination is subject to review
27 by that regional water quality control board upon request of the
28 person that has submitted the timber harvesting plan or upon
29 motion of that regional water quality control board.

30 (c) If the appropriate regional water quality control board makes
31 a finding ~~pursuant to subdivision (a),~~ *that a timber harvesting plan*
32 *will result in a discharge into a watercourse that has been*
33 *classified as impaired due to sediment, pursuant to subsection (d)*
34 *of Section 303 of the Federal Water Pollution Control Act, that*
35 *causes or contributes to a violation of the regional water quality*
36 *control plan, basin plan, approved total maximum daily load*
37 *requirement, or approved waste discharge requirement, the*
38 executive officer of that regional water quality control board shall,
39 before the close of the public comment period under Section
40 4582.7, notify the director in writing of the finding and advise the

1 director that the *timber harvesting plan* ~~may~~ *shall* not be approved.
2 If the issues that lead to a regional water quality control board's
3 finding pursuant to subdivision (a) cannot be resolved during the
4 director's determination period under Section 4582.7 or a longer
5 period that is mutually agreeable to the director and the person
6 that submitted the timber harvesting plan, the director shall deny
7 the timber harvesting plan and return the plan to the person that
8 submitted it. The director shall advise the person that submitted
9 the timber harvesting plan of the reasons why the plan is being
10 returned.

11 *SEC. 10. Section 5814.5 is added to the Public Resources Code,*
12 *to read:*

13 *5814.5. (a) It is the policy of the state that all state government*
14 *coastal wetland programs and policies ensure an overall net gain*
15 *of coastal wetlands.*

16 *(b) The agency shall inventory the state's existing coastal*
17 *wetlands resources and prepare a study that meets the goals*
18 *specified in paragraphs (1) to (8), inclusive, of subdivision (a) of*
19 *Section 5814. On or before January 1, 2023, the agency shall*
20 *submit the study to the Legislature, pursuant to Section 9795 of*
21 *the Government Code. The agency, in coordination with the State*
22 *Coastal Conservancy, the Department of Fish and Wildlife, and*
23 *the state's wetland and riparian area monitoring program and*
24 *surface water ambient monitoring program, shall include both of*
25 *the following in the study:*

26 *(1) A determination of a baseline for coastal wetlands, including*
27 *intertidal and subtidal eelgrass beds.*

28 *(2) An implementation plan to achieve an annual net gain of*
29 *ecologically functioning coastal wetlands within the state.*

30 *(c) The agency shall update the study described in subdivision*
31 *(b), at a minimum, once every five years after January 1, 2023.*

32 *(d) For purposes of this section, "coastal wetlands" means*
33 *lands within the coastal zone that may be covered periodically or*
34 *permanently with shallow water and includes saltwater marshes,*
35 *freshwater marshes, open or closed brackish water marshes,*
36 *swamps, mudflats, and fens.*

37 *SEC. 11. Section 5818.3 is added to the Public Resources Code,*
38 *to read:*

39 *5818.3. (a) On or before December 31, 2022, the State Coastal*
40 *Conservancy shall submit a report to the Legislature, pursuant to*

1 *Section 9795 of the Government Code, on the conservancy's*
2 *beneficial reuse pilot program for dredged sediment in Redwood*
3 *City Harbor that received six million dollars (\$6,000,000) pursuant*
4 *to Item 3760-101-0001 of Section 2.00 of Chapter 29 of the Statutes*
5 *of 2018. The report shall include how these funds were used, how*
6 *these funds were leveraged with federal partnerships, the benefits*
7 *obtained by the pilot program, budget estimates to make the pilot*
8 *program permanent, and recommendations to the Legislature on*
9 *how to improve the pilot program.*

10 *(b) Upon appropriation by the Legislature, the State Coastal*
11 *Conservancy, in partnership with the United States Army Corps*
12 *of Engineers, shall develop a beneficial reuse program to place*
13 *and reuse dredged sediment for coastal wetland restoration*
14 *projects.*

15 *SEC. 12. Section 10001 of the Public Resources Code is*
16 *amended to read:*

17 *10001. The Director of Fish and ~~Game~~ Wildlife shall establish*
18 *a California Endangered Rivers List. The director shall identify*
19 *and ~~list~~ include in the California Endangered Rivers List those*
20 *streams and watercourses throughout the state for which minimum*
21 *flow levels need to be established in order to assure the continued*
22 *viability of stream-related fish and wildlife resources. The director*
23 *shall include in ~~this identification list~~ the California Endangered*
24 *Rivers List those streams and watercourses the director determines*
25 *are significant, along with a statement of findings as to why that*
26 *stream or watercourse was selected. ~~The identification list~~*
27 *California Endangered Rivers List required by this section shall*
28 *rank the streams and watercourses beginning with those where the*
29 *need for establishing minimum flow levels is the greatest. The*
30 *director, ~~at his discretion~~, director may revise the ~~list~~ California*
31 *Endangered Rivers List and may add or delete streams or*
32 *watercourses as circumstances require. ~~The initial identification~~*
33 *list required by this section shall be completed no later than January*
34 *1, ~~1984~~. The director shall annually post the California*
35 *Endangered Rivers List on the Department of Fish and Wildlife's*
36 *internet website.*

37 *SEC. 13. Section 10004 of the Public Resources Code is*
38 *amended to read:*

39 *10004. The Department of Fish and ~~Game~~ Wildlife shall initiate*
40 *studies to develop proposed streamflow requirements for those*

1 streams or watercourses in each fiscal year for which funds are
 2 appropriated *from revenues from fees imposed pursuant to Section*
 3 *10005* and shall complete studies on each stream or watercourse
 4 within three years. ~~It is the intent of the Legislature that the~~ *The*
 5 department *shall* develop a program that will initiate studies on at
 6 least ~~10~~ *three* streams or watercourses in each fiscal year.

7 *SEC. 14. Section 10005 of the Public Resources Code is*
 8 *amended to read:*

9 10005. (a) The Department of Fish and ~~Game~~ *Wildlife* shall
 10 impose and collect a filing fee of eight hundred fifty dollars (\$850)
 11 to defray the costs of identifying streams and providing studies
 12 pursuant to ~~Division 10 (commencing with Section 10000) of the~~
 13 ~~Public Resources Code.~~ *this division.*

14 (b) The filing fee shall be proportional to the cost incurred by
 15 the Department of Fish and ~~Game~~ *Wildlife* and shall be annually
 16 reviewed and adjustments recommended to the Legislature in an
 17 amount necessary to pay the costs of the Department of Fish and
 18 ~~Game~~ *Wildlife* as specified in subdivision (a).

19 (c) Any user of water, including a person or entity holding
 20 riparian or appropriative rights, shall pay the filing fee to the
 21 Department of Fish and ~~Game~~ *Wildlife* upon application to the
 22 State Water Resources Control Board for any permit, transfer,
 23 extension, or change of point of diversion, place of use, or purpose
 24 of use, if there is a diversion of water from any waterway where
 25 fish reside. No permit, or other entitlement identified in ~~this section~~
 26 *section*, is effective until the filing fee is paid. The State Water
 27 Resources Control Board shall, every six months, forward all fees
 28 collected to the ~~department~~ *Department of Fish and Wildlife* and
 29 provide the location for each entitlement for which a filing fee has
 30 been collected.

31 (d) The fee imposed by this section shall not be imposed on the
 32 following applications filed with the State Water Resources Control
 33 Board:

34 (1) Small domestic use registrations and livestock stockpond
 35 certificates submitted pursuant to Article 2.7 (commencing with
 36 Section 1228) of Chapter ~~2~~ *1 of Part 2* of Division 2 of the Water
 37 Code.

38 (2) The first application for an extension of time for an
 39 individual permit if no change in point of diversion, place of use,
 40 or purpose of use is included in the application.

1 (3) Water applications—~~which~~, *that*, in the opinion of the
2 Department of Fish and ~~Game~~, *Wildlife*, are filed for administrative
3 and technical clarification purposes only.

4 (4) Water applications or petitions, the primary purpose of which
5 is to benefit fish and wildlife resources. The determination of the
6 benefit to fish and wildlife shall be made, in writing, by the
7 Department of Fish and ~~Game~~ *Wildlife* in order to be exempt from
8 the fee.

9 (e) If an applicant or petitioner files multiple applications or
10 petitions for the same appropriation, transfer, extension, or change,
11 and the State Water Resources Control Board reviews and
12 considers the applications or petitions together, only one filing fee
13 is required for those applications or petitions.

14 (f) *If the Department of Fish and Wildlife fails to initiate studies*
15 *for at least three streams or watercourses in a fiscal year in*
16 *accordance with Section 10004, the Department of Fish and*
17 *Wildlife shall return any filing fees received pursuant to subdivision*
18 *(c) for that fiscal year to the State Water Resources Control Board.*
19 *The State Water Resources Control Board shall deposit any funds*
20 *received pursuant to this subdivision in the Water Rights Fund*
21 *and may use those funds, upon appropriation by the Legislature,*
22 *for the purposes specified in Section 1257.5 of the Water Code.*

23 SEC. 15. Section 35626 is added to the Public Resources Code,
24 to read:

25 35626. (a) *On or before December 1, 2022, the council shall*
26 *submit a report to the Legislature, pursuant to Section 9795 of the*
27 *Government Code, and relevant state entities on the state's*
28 *progress toward meeting the following goals:*

29 (1) *Using low-trophic mariculture, such as shellfish, kelp, and*
30 *seaweed production, to mitigate and adapt to climate change*
31 *impacts, such as ocean acidification and warming and sea level*
32 *rise.*

33 (2) *Accelerating local restoration plans to restore 8,000 acres*
34 *of San Francisco Bay shellfish, native oyster reefs, and kelp forests*
35 *to sequester carbon, combat ocean acidification, and protect*
36 *shorelines in the face of sea level rise.*

37 (b) *The report described in subdivision (a) shall include, at a*
38 *minimum, all of the following:*

39 (1) *A report on the state's progress toward meeting the goals*
40 *described in paragraphs (1) and (2) of subdivision (a) and the*

1 main barriers to reaching these goals both statewide and within
2 the state's regions.

3 (2) Consideration of the beneficial use of low-trophic
4 mariculture systems to help address ocean acidification, habitat
5 loss, nitrification, and pollution; movement of marine sediments,
6 sea level rise, and storm preparedness; and food security and
7 access to farming opportunities.

8 (3) A discussion of potential improvements to the current
9 leasing, permitting, and oversight processes in connection with
10 the low-trophic mariculture industry, including, but not limited
11 to, all of the following:

12 (A) The potential of pilot programs to test such potential
13 improvements.

14 (B) Increased funding to relevant agencies and the feasibility
15 of transitioning to a fee-for-service model in different aspects of
16 the low-trophic mariculture industry.

17 (C) The increased use of experimental or proof-of-concept
18 permits.

19 (D) Improved federal partnerships.

20 (4) Workforce development and access to capital among
21 potential mariculturists.

22 (5) Ultimate potential size and scope of the low-trophic
23 mariculture industry, both statewide and within the state's regions,
24 and future goal setting.

25 SEC. 16. Section 35633 is added to the Public Resources Code,
26 to read:

27 35633. On or before December 31, 2020, the council shall
28 establish a representative statewide advisory group that includes
29 the diverse interests that will affect and be affected by ocean
30 acidification and technical and policy experts, including fishing,
31 aquaculture, agriculture, Indian tribes, municipalities, counties,
32 water management, conservation, and wastewater treatment
33 experts, representatives of relevant state and, if possible, federal
34 agencies, and scientists from relevant disciplines. The statewide
35 advisory group shall advise the state on its policy, management,
36 science, and communications priorities and strategies to address
37 ocean acidification and hypoxia.

38 SEC. 17. Section 35634 is added to the Public Resources Code,
39 to read:

1 35634. *The Secretary of the Natural Resources Agency shall*
2 *direct the council to, on or before December 31, 2021, conduct a*
3 *statewide vulnerability assessment to identify the risks ocean*
4 *acidification poses to the state’s biological resources, communities,*
5 *and economies within the context of other ongoing environmental*
6 *changes and hazards, and to identify priorities and options for*
7 *action to improve the state’s adaptive capacity to address ocean*
8 *acidification and hypoxia.*

9 *SEC. 18. Chapter 5 (commencing with Section 35655) is added*
10 *to Division 26.5 of the Public Resources Code, to read:*

11
12 *CHAPTER 5. NATURAL RESOURCES AGENCY BLUE CARBON*
13 *STRATEGY*
14

15 35655. *This chapter shall be known, and may be cited, as the*
16 *Natural Resources Agency Blue Carbon Strategy.*

17 35656. *For purposes of this chapter, “secretary” means the*
18 *Secretary of the Natural Resources Agency.*

19 35657. (a) *The secretary shall implement a comprehensive,*
20 *coordinated, and proactive program for ocean and coastal habitats*
21 *to enhance the state’s ability to adapt to the unavoidable impacts*
22 *of climate change, with a special focus on vulnerable communities,*
23 *ecological habitats, and industries that are disproportionately*
24 *affected by climate change.*

25 (b) *In implementing the program described in subdivision (a),*
26 *the secretary shall emphasize a blue carbon strategy to improve*
27 *ocean and coastal habitats and ecosystems’ abilities to sequester*
28 *carbon, especially by ensuring a healthy biomass of ocean*
29 *vegetation and associated food webs. The strategy shall include,*
30 *at a minimum, policies that identify and reduce ocean acidification*
31 *hot spots, improve water quality in the state’s marine protected*
32 *areas, improve the ecological health of coastal ecosystems, remove*
33 *barriers to improve river flows, and protect and restore ocean and*
34 *coastal vegetated habitats that are important for carbon storage,*
35 *including coastal marshes, seagrass meadows, and kelp forests.*

36 (c) *To maximize impact and coordination, the secretary shall*
37 *coordinate with, among other entities, the State Air Resources*
38 *Board, the California Environmental Protection Agency, the*
39 *council, the Office of Planning and Research, the State Water*

1 *Resources Control Board, and appropriate state conservancies to*
2 *implement this section.*
3 *35658. The secretary shall use the best available science,*
4 *including the following plans or reports, to implement this chapter:*
5 *(a) The plan adopted pursuant to Section 71153.*
6 *(b) The California Ocean Acidification Action Plan developed*
7 *pursuant to subdivision (b) of Section 35631.*
8 *(c) The California's Fourth Climate Change Assessment report.*
9 *(d) The Ready California Fisheries for Climate Change*
10 *report.*
11 *35659. To maximize the impact, coordination, and efficient*
12 *implementation of this chapter, the secretary shall do all of the*
13 *following:*
14 *(a) Coordinate with the Governor's cabinet members to*
15 *implement this chapter.*
16 *(b) Communicate and enter into agreements with other states*
17 *and international coalitions to further the policies of this chapter.*
18 *(c) Upon appropriation by the Legislature of funds under*
19 *Chapter 4.1 (commencing with Section 39710) of Part 2 of Division*
20 *26 of the Health and Safety Code, direct the State Coastal*
21 *Conservancy to work with other state conservancies and the State*
22 *Water Resources Control Board to develop and implement a*
23 *climate resiliency grant program to assist with the implementation*
24 *of this chapter.*
25 *(d) Use information and resources made available pursuant to*
26 *Section 71360.*
27 *(e) On or before March 31, 2021, and on or before March 31*
28 *of every year thereafter, present progress on implementation of*
29 *this chapter to appropriate policy and budget committees of the*
30 *Legislature.*
31 *(f) Support efforts of, and coordinate with, the Department of*
32 *Fish and Wildlife, the Department of Water Resources, and the*
33 *State Water Resources Control Board to support healthy riparian*
34 *corridors that improve water quality, water flow, and enhanced*
35 *species protections.*
36 *(g) Work with the council to implement the California Ocean*
37 *Acidification Action Plan developed pursuant to subdivision (b)*
38 *of Section 35631.*

1 (h) Identify and suggest regulatory and statutory changes
2 required to minimize existing policies that reduce the ability for
3 the coast and ocean ecosystems to adapt to climate change.

4 35660. The provisions of this chapter shall be implemented
5 only to the extent that implementation of the provisions of this
6 chapter is consistent with federal law.

7 SEC. 19. Section 71205.3 of the Public Resources Code is
8 amended to read:

9 71205.3. (a) ~~The commission~~ board shall adopt regulations
10 that do all of the following:

11 (1) Except as provided in Section 71204.7, require an owner or
12 operator of a vessel carrying, or capable of carrying, ballast water
13 that operates in the waters of the state to implement the interim
14 performance standards for the discharge of ballast water
15 recommended in accordance with Table x-1 of the California State
16 Lands Commission Report on Performance Standards for Ballast
17 Water Discharges in California Waters, as approved by the
18 commission on January 26, 2006.

19 (2) Except as provided in Section 71204.7, require an owner or
20 operator of a vessel carrying, or capable of carrying, ballast water
21 that operates in the waters of the state to comply with the interim
22 performance standards by the applicable following date:

23 (A) Upon first arrival at a California port for new vessels
24 constructed on or after January 1, ~~2020~~ 2021.

25 (B) As of the first scheduled drydocking on or after January 1,
26 ~~2020~~ 2021, for all other vessels.

27 (3) Notwithstanding Section 71204.7, require an owner or
28 operator of a vessel carrying, or capable of carrying, ballast water
29 that operates in the waters of the state to meet the final performance
30 standard for the discharge of ballast water of zero detectable living
31 organisms for all organism size classes by January 1, 2030.

32 (b) (1) Not less than 18 months ~~prior to~~ before January 1, 2020,
33 and January 1, 2030, the commission, in consultation with the
34 board, the United States Coast Guard, and the advisory panel
35 described in subdivision (b) of Section 71204.9, shall prepare, or
36 update, and submit to the Legislature a review of the efficacy,
37 availability, and environmental impacts, including the effect on
38 water quality, of currently available technologies for ballast water
39 treatment systems. If technologies to meet the performance
40 standards are determined in a review to be unavailable, the

1 commission shall include in that review an assessment of why the
2 technologies are unavailable.

3 (2) (A) The requirement for submitting a report imposed under
4 this subdivision is inoperative on January 1, 2024, for the interim
5 performance standards, and January 1, 2034, for the final
6 performance standard, pursuant to Section 10231.5 of the
7 Government Code.

8 (B) A report to be submitted pursuant to this subdivision shall
9 be submitted in compliance with Section 9795 of the Government
10 Code.

11 *SEC. 20. Section 11916 is added to the Water Code, to read:*

12 *11916. (a) The Department of Water Resources shall*
13 *immediately reinitiate the effort, as described in the proposed 2006*
14 *Federal Energy Regulatory Commission settlement for Oroville*
15 *Dam and related facilities, to select a final alternative and a final*
16 *project design for the retrofit of Thermalito Afterbay. The purpose*
17 *of this retrofit is to improve downstream temperature conditions*
18 *on the Feather River for salmon and other species. This subdivision*
19 *does not modify either of the following:*

20 *(1) The requirement for authorization from the Federal Energy*
21 *Regulatory Commission for the selected Thermalito Afterbay*
22 *retrofit alternative before construction may begin.*

23 *(2) The financing proposal for the Thermalito Afterbay retrofit,*
24 *as provided in the proposed 2006 Federal Energy Regulatory*
25 *Commission settlement.*

26 *(b) On or before March 31, 2020, the Department of Water*
27 *Resources shall appoint and convene an advisory committee to*
28 *assist in the selection of a preferred alternative and a final project*
29 *design for the Thermalito Afterbay retrofit. To the extent*
30 *practicable, this advisory committee shall be consistent with the*
31 *Ecological Committee included in the proposed 2006 Federal*
32 *Energy Regulatory Commission settlement, except that the*
33 *Department of Water Resources may appoint additional members*
34 *to the advisory committee that are not included in the Ecological*
35 *Committee.*

36 *(c) The Department of Water Resources shall annually submit*
37 *a report to the Legislature in compliance with Section 9795 of the*
38 *Government Code regarding progress toward the selection of a*
39 *preferred alternative and a final project design for the Thermalito*
40 *Afterbay retrofit. This requirement shall become inoperative upon*

1 *the approval of a renewed Federal Energy Regulatory Commission*
2 *license for Oroville Dam and related facilities.*

3 *SEC. 21. Section 13170.3 of the Water Code is amended to*
4 *read:*

5 13170.3. (a) On or before January 1, 2013, the state board
6 shall either amend the California Ocean Plan, or adopt separate
7 standards, to address water quality objectives and effluent
8 limitations that are specifically appropriate to brackish groundwater
9 treatment system facilities that produce municipal water supplies
10 for local use.

11 (b) On or before December 31, 2020, the state board shall
12 rescind Resolution No. 2012-0012.

13 (c) Waste shall not be discharged into areas of special biological
14 significance, as defined in subdivision (f) of Section 36700 of the
15 Public Resources Code. Waste discharges shall be located a
16 sufficient distance from areas of special biological significance
17 to ensure maintenance of natural water quality conditions in those
18 areas.

19 (d) Notwithstanding subdivision (c), a regional board may
20 approve waste discharge requirements or water quality
21 certifications for limited-term activities in areas of special
22 biological significance in accordance with both of the following
23 conditions:

24 (1) Water quality degradation shall be limited to the shortest
25 possible time.

26 (2) The waste discharge activities shall not permanently degrade
27 water quality.

28 (e) On or before December 31, 2022, the state board shall
29 provide guidance to the regional boards on how to designate state
30 water quality protection areas, as defined in subdivision (f) of
31 Section 36700 of the Public Resources Code. On or before
32 December 31, 2023, and each year thereafter, a regional board
33 with a marine protected area, as defined in subdivision (c) of
34 Section 2852 of the Fish and Game Code, within its jurisdiction
35 that does not have an associated state water quality protection
36 area shall designate one state water quality protection area
37 annually until all marine protected areas in the jurisdiction have
38 an associated state water quality protection area.

39 *SEC. 22. Section 13170.4 is added to the Water Code, to read:*

1 13170.4. (a) On or before December 31, 2022, the state board
2 shall amend the California Ocean Plan and the California
3 Enclosed Bays and Estuaries Plan to include water quality
4 objectives and effluent limitations that specifically address ocean
5 acidification and hypoxia.

6 (b) In conjunction with the development of the water quality
7 objectives and effluent limitations pursuant to subdivision (a), the
8 state board shall develop implementation provisions for complying
9 with those objectives and limitations. The implementation
10 provisions shall include, but are not limited to, requiring all
11 publicly operated wastewater treatment facilities that discharge
12 to waters subject to the California Ocean Plan or the California
13 Enclosed Bays and Estuaries Plan to adopt, incorporate, or
14 improve denitrification protocols to meet the water quality
15 objectives and effluent limitations adopted pursuant to subdivision
16 (a).

17 SEC. 23. Section 13247.5 is added to the Water Code, to read:

18 13247.5. (a) Upon receipt of a timber harvesting plan
19 submitted by the Department of Forestry and Fire Protection
20 pursuant to subdivision (a) of Section 4582.6 of the Public
21 Resources Code, a regional board shall expeditiously review the
22 plan for consistency with any applicable regional water quality
23 control plan, basin plan, approved total maximum daily load
24 requirement, or approved waste discharge requirement.

25 (b) If, while reviewing a timber harvesting plan pursuant to
26 subdivision (a), a regional board makes a finding of inconsistency
27 with a regional water quality control plan, basin plan, approved
28 total maximum daily load requirement, or approved waste
29 discharge requirement, the regional board shall notify the
30 Department of Forestry and Fire Protection in accordance with
31 subdivision (c) of Section 4582.71 of the Public Resources Code.

32 (c) If a regional board transmits a finding pursuant to
33 subdivision (b), the regional board shall include a description of
34 the specific components of the timber harvesting plan that are
35 inconsistent with the applicable regional water quality control
36 plan, basin plan, approved total maximum daily load requirement,
37 or approved waste discharge requirement and a recommendation
38 for how the plan could be revised to achieve consistency.

39 SEC. 24. Article 4.5 (commencing with Section 13278) is added
40 to Chapter 4 of Division 7 of the Water Code, to read:

1
2 *Article 4.5. Dischargers of Sediment Into Class I, II, and III*
3 *Watercourses*
4

5 *13278. A person who discharges sediment into a Class I*
6 *watercourse pursuant to a timber harvesting plan is subject to all*
7 *of the following requirements within the watercourse and lake*
8 *protection zone (WLPZ) for the Class I watercourse:*

9 *(a) The minimum WLPZ width shall be 150 feet from the*
10 *watercourse transition line or lake transition line. At least 85*
11 *percent overstory canopy shall be retained within 100 feet of the*
12 *watercourse transition line or lake transition line, with a 30-foot*
13 *no-cut buffer existing in the first 30 feet measured from the*
14 *watercourse transition line or lake transition line, and at least 65*
15 *percent overstory canopy within the remainder of the WLPZ,*
16 *composed of a minimum of 30 percent conifers. The overstory*
17 *canopy shall be comprised of at least 25 percent overstory conifer*
18 *canopy postharvest.*

19 *(b) Recruitment of large woody debris to a Class I watercourse*
20 *shall be ensured by retaining the 10 largest-diameter conifers, live*
21 *or dead, on each side of the watercourse, per 330 feet of stream*
22 *channel length, within 50 feet of the watercourse transition line*
23 *or lake transition line.*

24 *(c) All new crossings across a Class I watercourse shall either*
25 *span the Class I watercourse or use an arched culvert with a*
26 *natural bottom.*

27 *(d) Where an inner gorge extends beyond a WLPZ for a Class*
28 *I watercourse and slopes are greater than 55 percent, a special*
29 *management zone shall be established beyond the WLPZ where*
30 *the use of even-aged regeneration methods is prohibited. This zone*
31 *shall extend upslope to the first major break in slope where the*
32 *slope is less than 55 percent for a distance of 100 feet or more, or*
33 *300 feet as measured from the watercourse transition line or lake*
34 *transition line, whichever is less. Within this zone, the methods*
35 *and retention standards described in Sections 913.2, 933.2, and*
36 *953.2 of Title 14 of the California Code of Regulations shall apply.*

37 *13278.1. A person who discharges sediment into a Class II*
38 *watercourse pursuant to a timber harvesting plan is subject to all*
39 *of the following requirements within the watercourse and lake*
40 *protection zone (WLPZ) for the Class II watercourse:*

1 (a) At least 85 percent overstory canopy shall be retained within
2 50 feet of the watercourse transition line or lake transition line.
3 In an additional outer zone, overstory canopy closure shall be at
4 least 65 percent. The overstory canopy in each zone shall be
5 comprised of at least 25 percent overstory conifer canopy
6 postharvest. The outer zone shall be 25 feet in width where the
7 side slope class is less than 30 percent. The outer zone shall be 50
8 feet in width where the side slope class is 30 to 50 percent,
9 inclusive. The outer zone shall be 75 feet in width where the side
10 slope class is greater than 50 percent.

11 (b) Recruitment of large woody debris to Class II watercourses
12 shall be ensured by retaining the five largest-diameter conifers,
13 live or dead, on each side of the watercourse per 330 feet of stream
14 channel length, within 50 feet of the watercourse transition line
15 or lake transition line.

16 (c) All permanent Class II watercourse crossings that are
17 constructed or reconstructed shall be placed in the bottom of the
18 natural channel and capable of capturing low flows.

19 (d) Where an inner gorge extends beyond a WLPZ for a Class
20 II watercourse and slopes are greater than 55 percent, a special
21 management zone shall be established beyond the WLPZ where
22 the use of even-aged regeneration methods is prohibited. This zone
23 shall extend upslope to the first major break in slope where the
24 slope is less than 55 percent for a distance of 100 feet or more, or
25 200 feet as measured from the watercourse transition line or lake
26 transition line, whichever is less. Within this zone, the methods
27 and retention standards described in Sections 913.2, 933.2, and
28 953.2 of Title 14 of the California Code of Regulations shall apply.

29 13278.2. A person who discharges sediment into a Class III
30 watercourse pursuant to a timber harvesting plan is subject to all
31 of the following requirements within the watercourse and lake
32 protection zone (WLPZ) for the Class III watercourse:

33 (a) At least a 25-foot protection zone shall be maintained on
34 each side of the watercourse for slopes less than 30 percent and
35 at least a 50-foot protection zone on each side of the watercourse
36 shall be maintained for slopes equal to or greater than 30 percent.
37 All trees situated within the channel zone and trees that have boles
38 that overlap the edge of the channel zone shall be retained. Within
39 the protection zones, at least 50 percent of the understory
40 vegetation shall be left postharvest in an evenly distributed

1 condition. All regeneration conifers, snags, large woody debris,
2 and hardwoods shall be retained within the Class III protection
3 zones except when removal is necessary for yarding and crossings.

4 (b) Commercial timber operations may yard through a Class
5 III riparian management zone. Burning for purposes of site
6 preparation shall not be initiated in the protection zones and new
7 construction of tractor roads shall not be commenced.
8 Ground-based equipment shall not be permitted on slopes greater
9 than 50 percent, and ground-based operations shall be limited to
10 existing stable tractor roads that show no visible evidence of
11 sediment deposition being transported into the adjacent
12 watercourse or to the use of feller bunchers or shovel yarding.

13 (c) All permanent Class III watercourse crossings that are
14 constructed or reconstructed shall be placed in the bottom of the
15 natural channel and capable of capturing low flows.

16 13278.3. A person who discharges sediment into a Class I, II,
17 or III watercourse pursuant to a timber harvesting plan is subject
18 to all of the following requirements within the watercourse and
19 lake protection zone (WLPZ) for the Class I, II, or III watercourse:

20 (a) All permanent Class I, II, or III watercourse crossings that
21 are constructed or reconstructed shall accommodate the estimated
22 100-year flood flow, including debris and sediment loads.

23 (b) Use of any unpaved road segments within or appurtenant
24 to a timber harvesting plan area shall cease when precipitation is
25 sufficient to generate overland flow off the road surface or when
26 use of any portion of the road results in rutting of the road surface.
27 In either of these instances, road use shall not resume until the
28 road is dry. Access for road inspection and access to correct
29 emergency road-related problems or to respond to human
30 emergency situations shall be allowed at any time by a vehicle
31 rated one ton or less.

32 (c) While participating in a timber harvesting plan preharvest
33 inspections review team, a person subject to this section shall place
34 a high priority on the appropriate classification of all Class I, II,
35 and III watercourses and identification and remediation of
36 road-related sources of sediment likely to recruit into watercourses.

37 (d) Areas proposed for timber operations shall be assessed for
38 erosion potential using all available tools and methods, including,
39 but not limited to, soils and features maps, ocular assessment,
40 Light Detection and Ranging (LIDAR), aerial photos, and satellite

1 *imagery. Road construction and reconstruction shall not be*
2 *undertaken on erosive and unstable areas. Timber harvesting*
3 *activity shall not be undertaken on ground that shows evidence of*
4 *high erosion potential, including, but not limited to, slide areas,*
5 *areas shown to be slipping, and areas of disrupted ground.*

6 *(e) Historic erosion sites and sites with a high potential for*
7 *erosion shall be stabilized, if feasible.*

8 *13278.4. A California regional water quality control board*
9 *shall incorporate the requirements of this article into any*
10 *applicable waste discharge requirements adopted pursuant to*
11 *Section 13263 to manage controllable sources of sediment, achieve*
12 *water quality objectives, and protect beneficial uses.*

13 *13278.5. Any requirements in the forest practice rules adopted*
14 *by the State Board of Forestry and Fire Protection pursuant to*
15 *Section 4551 of the Public Resources Code that contain more*
16 *stringent sediment control standards than those established in this*
17 *article shall prevail.*

18 *13278.6. For purposes of this article, the following definitions*
19 *shall apply:*

20 *(a) “Canopy” has the same meaning as defined in Section 895.1*
21 *of Title 14 of the California Code of Regulations.*

22 *(b) “Channel zone” has the same meaning as defined in Section*
23 *895.1 of Title 14 of the California Code of Regulations.*

24 *(c) “Class I watercourse” has the same meaning as described*
25 *in Section 916.6 of Title 14 of the California Code of Regulations.*

26 *(d) “Class II watercourse” has the same meaning as described*
27 *in Section 916.6 of Title 14 of the California Code of Regulations.*

28 *(e) “Class III watercourse” has the same meaning as described*
29 *in Section 916.6 of Title 14 of the California Code of Regulations.*

30 *(f) “Dry” means a road surface that is well drained and is not*
31 *rutting, discharging fine sediments, or causing a visible turbidity*
32 *increase in a ditch or on a road surface that drains into a Class*
33 *I, II, or III watercourse.*

34 *(g) “Inner gorge” has the same meaning as defined in Section*
35 *895.1 of Title 14 of the California Code of Regulations.*

36 *(h) “Overstory” has the same meaning as defined in Section*
37 *895.1 of Title 14 of the California Code of Regulations.*

38 *(i) “Permanent watercourse crossing” has the same meaning*
39 *as defined in Section 895.1 of Title 14 of the California Code of*
40 *Regulations.*

1 (j) “Person” has the same meaning as defined in Section 4525
2 of the Public Resources Code.

3 (k) “Regeneration method” has the same meaning as defined
4 in Section 895.1 of Title 14 of the California Code of Regulations.

5 (l) “Riparian” has the same meaning as defined in Section 895.1
6 of Title 14 of the California Code of Regulations.

7 (m) “Site preparation” has the same meaning as defined in
8 Section 895.1 of Title 14 of the California Code of Regulations.

9 (n) “Slide area” has the same meaning as defined in Section
10 895.1 of Title 14 of the California Code of Regulations.

11 (o) “Snag” has the same meaning as defined in Section 895.1
12 of Title 14 of the California Code of Regulations.

13 (p) “Timber harvesting plan” means the plan filed pursuant to
14 Section 4582 of the Public Resources Code.

15 (q) “Timber operations” has the same meaning as defined in
16 Section 4527 of the Public Resources Code.

17 (r) “Understory” has the same meaning as defined in Section
18 895.1 of Title 14 of the California Code of Regulations.

19 (s) “Watercourse” has the same meaning as defined in Section
20 895.1 of Title 14 of the California Code of Regulations.

21 (t) “Watercourse and Lake Protection Zone (WLPZ)” has the
22 same meaning as defined in Section 895.1 of Title 14 of the
23 California Code of Regulations.

24 (u) “Watercourse transition line” has the same meaning as
25 defined in Section 895.1 of Title 14 of the California Code of
26 Regulations.

27 (v) “Woody debris” has the same meaning as defined in Section
28 895.1 of Title 14 of the California Code of Regulations.

29 (w) “Yarding” has the same meaning as defined in Section
30 895.1 of Title 14 of the California Code of Regulations.

31 SEC. 25. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

36 ~~SECTION 1. Section 36002 of the Public Resources Code is~~
37 ~~amended to read:~~

38 ~~36002. The Legislature further finds and declares all of the~~
39 ~~following:~~

- 1 ~~(a) It is the policy of the State of California to do all of the~~
2 ~~following:~~
- 3 ~~(1) Assess the long-term values and benefits of the conservation~~
4 ~~and development of ocean resources and uses with the objective~~
5 ~~of restoring or maintaining the health of the ocean ecosystem and~~
6 ~~ensuring the proper management of renewable and nonrenewable~~
7 ~~resources.~~
 - 8 ~~(2) Encourage ocean resources development that is~~
9 ~~environmentally sound, sustainable, and economically beneficial.~~
 - 10 ~~(3) Provide for efficient and coordinated resources management~~
11 ~~in state and federal waters.~~
 - 12 ~~(4) Assert the interests of this state in cooperation with federal~~
13 ~~agencies in the sound management of ocean resources.~~
 - 14 ~~(5) Promote research, study, and understanding of ocean~~
15 ~~processes and resources to acquire the scientific information~~
16 ~~necessary to understand the ocean ecosystem and life-support~~
17 ~~systems and the relationships of ocean development activities and~~
18 ~~associated impacts on ocean and coastal resources of the state and~~
19 ~~adjacent zones of federal jurisdiction.~~
 - 20 ~~(6) Encourage research and development of innovative,~~
21 ~~environmentally compatible marine technologies for protection,~~
22 ~~exploration, and utilization of ocean resources.~~
- 23 ~~(b) It is further the policy of the State of California to develop~~
24 ~~and maintain an ocean resources planning and management~~
25 ~~program to promote and ensure coordinated management of federal~~
26 ~~resources and uses with those in state waters, and with adjacent~~
27 ~~states, to ensure effective participation in federal planning and~~
28 ~~management of ocean resources and uses that may affect this state,~~
29 ~~and to coordinate state agency management of ocean resources~~
30 ~~with local government management of coastal zone uses and~~
31 ~~resources above the mean high tide line.~~

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL**No. 661****Introduced by Assembly Member McCarty**

February 15, 2019

An act to ~~amend Section 40723~~ *add Chapter 6.5 (commencing with Section 42730) to Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 661, as amended, McCarty. ~~Best available control technology; lowest achievable emission rate requirements. Wildfire Smoke Air Pollution Emergency Plan.~~

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 requires an air district to review whether the best available control technology or lowest achievable emission rate requirements have been achieved and whether the requirements should be required for the source category or source if the owner or operator demonstrates that specified conditions are true. Existing law requires an air district after conducting that review to revise the best available control technology or lowest achievable emission rate requirements to a level achievable by that source if the air district determines that those requirements are not achievable by a source.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

This bill would require air districts to prepare a wildfire smoke air pollution emergency plan as an informational source for local agencies

and the public during a wildfire smoke air pollution emergency, as specified. The bill would authorize air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects with respect to wildfire smoke impact control measures. By requiring air districts to develop a wildfire smoke air pollution emergency plan, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. Chapter 6.5 (commencing with Section 42730)
2 is added to Part 4 of Division 26 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 6.5. WILDFIRE SMOKE AIR POLLUTION EMERGENCY
6 PLAN
7

8 42730. (a) (1) Every district shall prepare a wildfire smoke
9 air pollution emergency plan as an informational source for local
10 agencies and the public during a wildfire smoke air pollution
11 emergency.

12 (2) A district shall develop the wildfire smoke air pollution
13 emergency plan in coordination with its county health officer and
14 in consultation with all of the following:

15 (A) Local offices of emergency management or emergency
16 services.

17 (B) School districts.

18 (C) Regional planning agencies.

19 (b) The plan prepared pursuant to this section shall include,
20 but need not be limited to, all of the following:

1 (1) Recommendations and guidelines that will be health
2 protective during wildfire smoke air pollution emergencies that
3 include all of the following:

4 (A) Air quality thresholds for action on indoor and outdoor air
5 quality.

6 (B) Strategies, protocols, and guidelines for the monitoring at
7 schools of air quality using low-cost sensors and other air quality
8 monitoring information.

9 (C) A short-term air quality metric that is advisory and provides
10 details of the health effects of the wildfire smoke that occur on a
11 time scale of less than 24 hours.

12 (D) Tiered recommendations based on the intensity of the
13 wildfire smoke air pollution emergency using different thresholds.

14 (2) An identification of the local agency statutorily responsible
15 to take action at different thresholds.

16 (3) Recommendations and best practices for private businesses
17 and public agencies to reduce or modify certain activities that
18 contribute to the worsening of air pollution during a wildfire smoke
19 air pollution emergency.

20 (4) Specific strategies to address vulnerable populations,
21 including, but not limited to, all of the following:

22 (A) School-age children.

23 (B) The elderly.

24 (C) People experiencing homelessness.

25 (D) People who work outdoors.

26 (E) People with health issues that are exacerbated by a wildfire
27 smoke air pollution emergency.

28 42732. (a) A district board shall adopt the plan prepared
29 pursuant to Section 42730 to be eligible for any available funding
30 to implement the plan.

31 (b) A district may work with local agencies to implement
32 recommendations in the plan prepared pursuant to Section 42730.

33 42734. A district may conduct public education, marketing,
34 demonstration, monitoring, research, and evaluation programs
35 or projects with respect to wildfire smoke impact control measures.

36 SEC. 2. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made
39 pursuant to Part 7 (commencing with Section 17500) of Division
40 4 of Title 2 of the Government Code.

1 SECTION 1. ~~Section 40723 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~40723. (a) It is the intent of the Legislature that, when a district~~
4 ~~establishes best available control technology or lowest achievable~~
5 ~~emission rate requirements based in part on vendor representations,~~
6 ~~the requirements be achievable for the applicable source category.~~

7 ~~(b) Upon the request of any owner or operator of equipment~~
8 ~~that is subject to best available control technology or lowest~~
9 ~~achievable emission rate requirements, the district shall review~~
10 ~~whether the applicable requirements have been achieved and~~
11 ~~whether the requirements should be required for the source category~~
12 ~~or source if the owner or operator demonstrates that all of the~~
13 ~~following conditions are true:~~

14 ~~(1) The owner or operator purchased equipment that was subject~~
15 ~~to or intended by the manufacturer or vendor to satisfy federal,~~
16 ~~state, or local district rules or permitting requirements that impose~~
17 ~~best available control technology or lowest achievable emission~~
18 ~~rate requirements.~~

19 ~~(2) An express warranty was provided to the owner or operator~~
20 ~~by the manufacturer or vendor that the equipment would achieve~~
21 ~~the best available control technology or lowest achievable emission~~
22 ~~rate requirements, or any specified emission rate or standard~~
23 ~~intended to satisfy those requirements.~~

24 ~~(3) The owner or operator made a reasonable effort, for a~~
25 ~~reasonable period of time, to operate the equipment in accordance~~
26 ~~with the operating conditions specified by the equipment~~
27 ~~manufacturer or vendor.~~

28 ~~(4) The equipment failed to meet the best available control~~
29 ~~technology or lowest achievable emission rate requirements~~
30 ~~covered by the warranty provided by the equipment manufacturer~~
31 ~~or vendor.~~

32 ~~(5) The applicable best available control technology or lowest~~
33 ~~achievable emission rate requirements were established primarily~~
34 ~~on the basis of the representations and data provided by the~~
35 ~~equipment manufacturer or vendor.~~

36 ~~(e) (1) If, after conducting a review pursuant to subdivision~~
37 ~~(b), the district determines that the applicable best available control~~
38 ~~technology or lowest achievable emission rate requirements are~~
39 ~~not achievable by a source, the district shall revise those~~
40 ~~requirements to a level achievable by that source.~~

1 ~~(2) If, after conducting a review pursuant to subdivision (b), the~~
2 ~~district determines that the applicable best available control~~
3 ~~technology or lowest achievable emission rate requirements are~~
4 ~~not achievable by a source category, the district shall revise those~~
5 ~~requirements to a level achievable by that source category.~~

6 ~~(d) This section shall be implemented in a manner consistent~~
7 ~~with applicable federal and state statutes, regulations, and~~
8 ~~requirements for the establishment of best available control~~
9 ~~technology and lowest achievable emission rate requirements.~~

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Doug Kim and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 19, 2019

Re: Assembly Bill (AB) 836 Bay Area Clean Air Incentive Program

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In response to successive 2017 and 2018 wildfire events in the Bay Area and beyond, the Bay Area Air Quality Management District (Air District) has developed a California Legislative Proposal to provide designated ventilated spaces for the public during emergency air quality events.

DISCUSSION

The Committee will receive an update on the status of an Air District sponsored bill, Assembly Bill (AB) 836 – Buffy Wicks (D-Oakland), to increase the number of publicly accessible clean air spaces during emergency events such as wildfires.

Staff will provide an update on outreach to legislators and stakeholders, and feedback from the March 25, 2019, Assembly Natural Resources Committee hearing.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 6A: 2019 Assembly Bill 836 (Wicks)
Attachment 6B: AB 836 – Fact Sheet

ASSEMBLY BILL**No. 836**

Introduced by Assembly Member WicksFebruary 20, 2019

An act to add Article 6 (commencing with Section 40280) to Chapter 4 of Part 3 of Division 26 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

AB 836, as introduced, Wicks. Bay Area Clean Air Incentive Program.

(1) 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 establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma.

This bill would establish the Bay Area Clean Air Incentive Program, to be administered by the district, to provide funding through a grant program to retrofit ventilation systems to create a network of clean air centers within the boundaries of the district in order to mitigate the adverse public health impacts due to wildfires and other smoke events, as specified. The bill would specify that moneys for the program would be available upon appropriation. By adding to the duties of the Bay Area Air Quality Management District, the bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the Bay Area Air Quality Management District.

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Article 6 (commencing with Section 40280) is
2 added to Chapter 4 of Part 3 of Division 26 of the Health and Safety
3 Code, to read:

4

5 Article 6. Bay Area Clean Air Incentive Program

6

7 40280. (a) (1) The Bay Area Clean Air Incentive Program is
8 hereby established to be administered by the bay district to provide
9 funding through a grant program to retrofit ventilation systems to
10 create a network of clean air centers within the boundaries of the
11 bay district in order to mitigate the adverse public health impacts
12 due to wildfires and other smoke events.

13 (2) Moneys for the program shall be available upon
14 appropriation by the Legislature.

15 (b) Qualified applicants shall include, but need not be limited
16 to, all of the following:

- 17 (1) Schools.
- 18 (2) Community centers.
- 19 (3) Senior centers.
- 20 (4) Sports centers.
- 21 (5) Libraries.

22 (c) The bay district shall develop guidelines for the program in
23 consultation with the cities, counties, public health agencies, school
24 districts, and other stakeholders located within the boundaries of
25 the bay district. The guidelines shall address all of the following:

- 1 (1) Location of the applicant.
- 2 (2) Size of the applicant's facility.
- 3 (3) Facility ventilation characteristics that could provide
- 4 healthier indoor air quality in the event of a localized smoke
- 5 impact.

6 SEC. 2. The Legislature finds and declares that a special statute
7 is necessary and that a general statute cannot be made applicable
8 within the meaning of Section 16 of Article IV of the California
9 Constitution because of the unique circumstances that the Bay
10 Area was significantly affected by smoke impacts during the
11 wildfires of the last several years.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

Assembly Bill 836

Clean Air Centers Pilot Program

Assemblymember Buffy Wicks (AD-15)

THIS BILL

AB 836 will create a pilot program in the Bay Area that provides designated ventilated spaces to the public during emergency air quality events.

THE ISSUE

In the past few years, wildfires in California have burned over 1.5 million acres of public and private forest land and destroyed over 24,000 homes.

The 2017 and 2018 wildfires demonstrated how catastrophic wildfire events impact the quality of air for residents, even those who live hundreds of miles away from the burned area. This toxic air, which often contains elevated levels of wood smoke and contaminants from burned structures, vehicles, and consumer products, can travel the length of the state, causing negative health impacts to children, elderly, and individuals with existing respiratory problems.

The health impact of such wildfire smoke can be devastating. According to the Centers for Disease Control and Prevention (CDC), people who have heart or lung diseases, chest pain, or asthma are at higher risk from wildfire smoke. The CDC also notes that older adults are more likely to be affected by smoke due to their increased risk of heart and lung diseases. Moreover, children are more likely to be affected by smoke because their airways are still developing and they breathe more air per pound of body weight than adults.

In addition, Bay Area residents are especially vulnerable to wildfire smoke and

contaminated air because of the high prevalence of asthma in the region. As data from the California Department of Health show, six of the Bay Area's nine counties have a higher prevalence of asthma than the state average.

SOLUTION

AB 836 has two components. It will:

- Direct the Bay Area Air Quality Management District to work with public health departments, cities, counties, school districts, and other non-governmental stakeholders to identify and publicize the accessible "clear air centers" during wildfire or other smoke events.
- Establish an incentive program administered by the Bay Area Air Quality Management District that would make funding available to facilities to improve their air filtration systems to become clean air centers.

Clean air centers would be identified as having ventilation systems with air filtration accessible to local communities and include publicly accessible spaces, such as schools, community and senior centers, and libraries.

This pilot program would apply to all nine Bay Area counties.

With public health concerns from contaminated air quality, AB 836 would provide better coordination in local communities and healthier indoor environments during emergency smoke events. It will fill a gap in the current wildfire smoke response efforts in affected communities and help mitigate adverse health effects from air pollution.

SUPPORT

Bay Area Air Quality Management District

CONTACT

Samantha Huynh
Office of Assemblymember Wicks
Samantha.Huynh@asm.ca.gov
(916) 319-2015