



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR
DAVID CANEPA
JOHN GIOIA
TYRONE JUE
KAREN MITCHOFF
BRAD WAGENKNECHT

JOHN BAUTERS – VICE CHAIR
PAULINE RUSSO CUTTER
SCOTT HAGGERTY
DOUG KIM
JIM SPERING

WEDNESDAY
OCTOBER 9, 2019
9:30 A.M.

1ST FLOOR YERBA BUENA ROOM #109
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 MAY 22, 2019**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of May 22, 2019.

4. **RECAP OF THE 2019 LEGISLATIVE YEAR**

A. Abbs/5109

aabbs@baaqmd.gov

Staff will report on the outcome of key legislative proposals in 2019, particularly measures with Air District adopted positions.

5. **ASSEMBLY BILL (AB) 836 (WICKS) – WILDFIRE SMOKE CLEAN AIR CENTERS FOR VULNERABLE POPULATIONS INCENTIVE PILOT PROGRAM**

A. Abbs/5109

aabbs@baaqmd.gov

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

6. **2020 LEGISLATIVE PRIORITIES**

A. Abbs/5109

aabbs@baaqmd.gov

The Committee and staff will discuss potential legislative activities in 2020.

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**

Monday, November 4, 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

OCTOBER 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting	Wednesday	2	10:30 a.m.	The Waterfront Hotel Spinnaker Room 10 Washington St. Oakland, CA 94607
Board of Directors Technology Implementation Office (TIO) Steering Committee	Friday	4	9:30 a.m.	1 st Floor Board Room
Board of Directors Legislative Committee	Wednesday	9	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Executive Committee - CANCELLED	Wednesday	16	9:30 a.m.	1 st Floor Board Room
Board of Directors Personnel Committee	Wednesday	16	9:30 a.m.	1 st Floor Board Room
Board of Directors Budget & Finance Committee - CANCELLED	Wednesday	23	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	24	9:30 a.m.	1 st Floor Board Room
Advisory Council Meeting	Monday	28	10:00 a.m.	1 st Floor Board Room
Board of Directors Community & Public Health Committee	Wednesday	30	9:30 a.m.	1 st Floor Board Room

NOVEMBER 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Legislative Committee	Monday	4	9:30 a.m.	1 st Floor Board Room
Board of Directors Nominating Committee - CANCELLED AND RESCHEDULED TO WEDNESDAY, NOVEMBER 20, 2019	Wednesday	6	9:00 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting - CANCELLED	Wednesday	6	9:30 a.m.	1 st Floor Board Room
Board of Directors Executive Committee	Wednesday	6	9:30 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Monday	18	9:30 a.m.	1 st Floor Board Room
Board of Directors Nominating Committee	Wednesday	20	9:00 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting	Wednesday	20	9:30 a.m.	1 st Floor Board Room
Board of Directors Climate Protection Committee - CANCELLED	Thursday	21	9:30 a.m.	1 st Floor Board Room
Board of Directors Budget & Finance Committee	Monday	25	9:30 a.m.	1 st Floor Board Room
Board of Directors Mobile Source Committee - CANCELLED	Thursday	28	9:30 a.m.	1 st Floor Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 3, 2019

Re: Approval of the Minutes of May 22, 2019

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of May 22, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of May 22, 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 May 22, 2019

AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of May 22, 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
Wednesday, May 22, 2019

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:34 a.m.

Present: Chairperson Doug Kim; and Directors John J. Bauters, David J. Canepa, John Gioia, Tyrone Jue, Karen Mitchoff, and Brad Wagenknecht.

Absent: Vice Chairperson Margaret Abe-Koga; and Directors Pauline Russo Cutter, Scott Haggerty, 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 APRIL 24, 2019

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Mitchoff made a motion, seconded by Director Wagenknecht, to **approve** the minutes of April 24, 2019; and the motion **carried** by the following vote of the Committee:

AYES: Canepa, Gioia, Jue, Kim, Mitchoff, Wagenknecht.
NOES: None.
ABSTAIN: Bauters.
ABSENT: Abe-Koga, Cutter, Haggerty, 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 that passed in their respective appropriation committees during the previous week:

- **Senate Bill (SB) 629 (McGuire):** Spot bill that currently addresses air district hearing boards’ noticing requirements but is anticipated to become language amending Section 40824 (Air Pollution from Agricultural Sources) of the Health and Safety Code, relating to non-vehicular pollution. Discussion: Mr. Abbs stated that the topic of the bill has yet to be changed, and that the author has promised to meet with him before such changes are made. Air District staff’s recommendation was to **OPPOSE** with possible Air District-provided amendments, should future amendments weaken air district authority to regulate stationary sources. However, after much discussion, the Committee decided to take no official position, but provided direction to Air District staff to communicate to the author the Air District’s opposition to a bill that would weaken air district authority to regulate stationary sources.
- **Assembly Bill (AB) 423 (Gloria):** Requires the San Diego County Air Pollution Control District to have a specified governing board membership. Discussion: Mr. Abbs reported that this bill currently only affects the San Diego Air Pollution Control District.
- **AB 661 (McCarty):** Requires the Sacramento Metropolitan Air Quality Management District 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. Additionally, it authorizes air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects, with respect to wildfire smoke impact control measures. Discussion: Mr. Abbs stated that this bill currently only affects the Sacramento Metropolitan Air Quality Management District, but it may be expanded to other parts of the state, or the entire state, in the future.
- **SB 44 (Skinner):** Requires the California Air Resources Board (CARB) to update its 2016 Mobile Source Strategy to include a comprehensive strategy for reducing motor vehicle greenhouse gas emissions from the medium-duty and heavy-duty vehicle sectors by 2030 and 2050. The Committee currently **SUPPORTS** (if amended) this bill.

- **SB 69 (Wiener):** Requires CARB, in coordination with affected air districts, 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. Discussion: Mr. Abbs said that this bill would help secure annual funding for air districts to promote and run vessel speed reduction programs.
- **SB 210 (Leyva):** Requires CARB to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program; requires CARB to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for non-gasoline, heavy-duty, on-road, motor vehicles; creates the Truck Emission Check Fund; and requires CARB to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state. The Committee currently SUPPORTS this bill.
- **SB 216 (Galgiani):** Adds a used heavy-duty truck exchange as an eligible project (under the Carl Moyer Memorial Air Quality Standards Attainment Program); requires CARB to hold a public workshop on the heavy-duty truck exchange and to help air pollution control and air quality management districts add a heavy-duty truck exchange as an eligible project under the program. Discussion: Mr. Abbs stated it would be very unlikely that this type of program would be used in the Bay Area.

Bills of interest to the Air District that did not pass appropriations and are now inactive:

- **AB 144 (Aguiar-Curry):** Requires the Strategic Growth Council, in consultation with stakeholders and relevant permitting agencies, to prepare and submit a report to the Legislature that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets. The scoping plan would be required to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.
- **AB 345 (Muratsuchi):** Requires all new oil and gas development or enhancement operation, not on federal land, to be located at least 2,500 feet from a residence, school, childcare facility, playground, hospital, or health clinic.
- **SB 45 (Allen):** Enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which would authorize the issuance of bonds in the amount of \$4,300,000,000, 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. The Air District had added language to the bill that might have provided the Air District with clean air center funding.

- **SB 460 (Beall):** Authorizes the Director of Motor Vehicles, on or after January 1, 2020, to establish a biennial registration period for a vehicle, with subsequent renewals being required at biennial intervals thereafter, as specified.
- **SB 682 (Allen):** Requires the state board, by January 1, 2021, to adopt a climate accounting protocol to evaluate the potential of proposed climate mitigation and restoration actions in reducing radiative forcing and excess heat in the atmosphere, in order to reduce the global and regional mean temperatures.

Discussion of other bills:

- **SB 535 (Moorlach):** Requires CARB to submit a report that assesses greenhouse gas emissions associated with wildfire and forest management activities, which must include information regarding the greenhouse gas, criteria air pollutant, and short-lived climate pollutant emissions from wildfires and forest fires; an assessment of the increased severity of wildfires and forest fires from the impacts of climate change; and a calculation of the increase in the emissions of criteria air pollutants, greenhouse gases, and short-lived climate pollutants based on the increased severity of wildfires and forest fires assessed. Discussion: Director Mitchoff asked why this Committee was not asked to take a position on this bill, and Mr. Abbs said that this bill does not apply to air districts, but to CARB.

Public Comments

No requests received.

Committee Action

The original staff recommendation regarding SB 629 was disregarded; no action was taken; receive and file.

5. ASSEMBLY BILL 836 WICKS – WILDFIRE SMOKE CLEAN AIR CENTERS FOR VULNERABLE POPULATIONS INCENTIVE PROGRAM

Mr. Abbs summarized the following:

- This bill, championed by the Air District, establishes the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program, to be administered by CARB. Funding will be provided through a grant program to retrofit ventilation systems to create a network of clean air centers, in order to mitigate the adverse public health impacts due to wildfires and other smoke events.
- The bill came out of Assembly Appropriations Committee with one amendment – *“CARB shall prioritize applications to the program where the project is located in an area with a high cumulative smoke exposure burden; CARB shall give priority to a school maintained by a local educational agency that has at least 40 percent of its pupils being from low-income families...”*

- The bill is scheduled for an Assembly Floor vote next week; A budget bill must be approved by both houses by June 15, 2019, and signed by the Governor before July 1, 2019.
- The bill received many letters of support.
- Director Canepa advocated for this bill with staff from the Offices of Assemblymember Ting and Senator Wiener.
- The Assembly Committee on Appropriations’ analysis of this bill is included in the agenda packet.
- A budget appropriation is now needed, and whether any funds are budgeted for this program remains to be seen.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the future of Senator Ben Allen’s proposed Wildfire, Drought, and Flood Protection Bond (SB 45), which would have financed projects to restore fire damaged areas and reduce wildfire risk, among other things, but did not pass Senate Appropriations.

Committee Action

None; receive and file.

6. SACRAMENTO LEGISLATIVE UPDATE

Mr. Abbs reported that initial budget discussions have begun. The Committee received copies of the Assembly and Senate’s 2019-2020 Proposed Cap and Trade Expenditure Plans, and the Governor’s May revision of his 2019-2020 Cap and Trade Expenditure Plan, as they relate to requested AB 617 (Community Air Protection Program) funding and other expenditures from the Greenhouse Gas Reduction Fund. The 2019-2020 proposed expenditure plans generally reflected budgeted expenditures less than 2018-2019 allocations. Negotiations between all three bodies are anticipated to close by June 15, 2019.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the breakdown of the Assembly’s proposed \$275 million allocation for the investment category of “Air Toxic and Criteria Pollutants”; speculation as to

which house (Assembly or Senate) may prioritize/champion AB 617 funding; how SB 44 (Skinner) will be important because it will require a comprehensive strategy to reduce medium and heavy-duty vehicle emissions, and may generate more funding opportunities for Air District programs; discretionary versus non-discretionary spending of Cap and Trade funds; and whether the Committee should take action on any of the proposed expenditure plans.

Committee Action

None; receive and file.

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Director Bauters requested that updated “Bill Discussion Lists,” pertaining to Legislative Committee items entitled “Consideration of New Bills,” be uploaded to the website for public distribution prior to the Legislative Committee meetings, and not solely given to Committee members at said meetings.

9. TIME AND PLACE OF NEXT MEETING

The Committee and staff discussed the request to not schedule Legislative Committee meetings that conflict with Metropolitan Transportation Commission meetings, as this affects the attendance of several current Legislative Committee members.

At the Call of the Committee Chair.

10. ADJOURNMENT

The meeting adjourned at 10:24 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 3, 2019

Re: Recap of the 2019 Legislative Year

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Committee will discuss and review the attached list, as well as an updated list of bill activity provided at the meeting.

DISCUSSION

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

Assembly Bill (AB) 1714 was a “gut and amend” bill from Assemblymember Cecilia Aguiar-Curry (D-Winters) that started as a bill on state health care budgeting in the beginning of 2019. The bill was amended in the waning days of session, seeking to exempt wine fermentation tanks from air quality regulations. At the time of the amendments, the bill had already made it through the Assembly and was in the Senate. However, the bill required a rule waiver to be heard in Senate Environmental Quality, prior to going to a full Senate Floor vote. The amendments were made at the request of the Wine Institute, and the Bay Area Air Quality Management District (Air District) was not informed in advance, only finding out through normal bill review. This was a tactic the Wine Institute also tried at the same time last year by attempting to amend another Assembly bill in the final days of the 2018 session. As the Committee is aware, from previous meetings, Senator McGuire (D-Healdsburg) had contemplated a wine fermentation bill earlier this year, but ultimately did not proceed after hosting a meeting with the Wine Institute and several air districts in May 2019.

AB 1714, as amended, conflicted with air district responsibilities under the Federal Clean Air Act in several ways, and the Air District took an oppose position in accordance with previous committee discussion and direction. Ultimately, the bill received a rules waiver but did not receive a hearing in Senate Environmental Quality. The bill may still be heard in 2020.

Senate Bill (SB) 44 by Senator Nancy Skinner (D-Berkeley) requires the California Air Resources Board to develop a comprehensive strategy for the deployment of medium- and heavy-duty vehicles in the state, for the purpose of bringing the state into compliance with federal ambient air quality standards and reducing motor vehicle greenhouse gas emissions from the medium- and heavy-duty vehicle sector. The bill would authorize the state board to establish a process to identify medium- and heavy-duty vehicle segments that can more quickly reduce motor vehicle emissions, and to implement additional emissions reduction strategies and motor vehicle deployment goals consistent with the comprehensive strategy. The Air District supported this bill throughout the legislative year, and it was recently signed by the Governor.

SB 210 by Senator Connie Leyva (D-Chino) establishes a heavy-duty vehicle inspection and maintenance program, similar to smog check programs, for light duty vehicles. The Air District supported this bill throughout the legislative year, and it was recently signed by the Governor.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 4A: BAAQMD Bill Discussion List, as of October 2, 2019
Attachment 4B: 2019 Assembly Bill 1714 (Aguiar-Curry)
Attachment 4C: 2019 Senate Bill 44 (Skinner)
Attachment 4D: 2019 Senate Bill 210 (Leyva)

BAAQMD Bill Discussion List

As of October 2, 2019

BILL #	AUTHOR	SUBJECT	STATUS	DESCRIPTION
AB 40	Ting	Air Quality Improvement Program: Clean Vehicle Rebate Program	Trans - 2 YEAR	Support (original version) Subject Change
AB 126	Cooper	Air Quality Improvement Program: Clean Vehicle Rebate Program	Trans - 2 YEAR	
AB 144	Aguiar-Curry	Public Resource Management: Organic Waste	Approps. Suspense - 2 YEAR	
AB 148	Quirk-Silva	Regional Transportation Plans: Sustainable Community Strategies	Trans - 2 YEAR	
AB 185	Grayson	California Transportation Commission: Transportation and Transportation-related Policies: Joint Meetings	Governor's Desk	
AB 210	Voepel	Smog Check: Exemption	Trans - 2 YEAR	Oppose
AB 257	Mathis	Solid Waste: Woody Biomass: Collection and Conversion	Approps. Suspense - 2 YEAR	
AB 285	Friedman	California Transportation Plan	Governor's Desk	
AB 293	E. Garcia	Greenhouse Gases: Offset Protocols	Signed by Governor	
AB 296	Cooley	Climate Change: Climate Innovation Grant Program: Voluntary Tax Contributions	Vetoed by Governor	
AB 343	Patterson	Forestry: Fuels Transportation Program: Grant Program	Approps. Suspense - 2 YEAR	
AB 345	Muratsuchi	Oil and Gas: Operations: Location Restrictions	Approps. Suspense - 2 YEAR	
AB 352	E. Garcia	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020	Senate EQ	
AB 383	Mayes	Clean Energy Financing Clearinghouse	Approps. Suspense - 2 YEAR	
AB 386	E. Garcia	Agricultural Working Poor Energy Efficient Housing Program	Governor's Desk	
AB 409	Limón	Climate Change: Agriculture: Agriculture Climate Adaptation Tools Programs: Grants	Approps. Suspense - 2 YEAR	
AB 423	Gloria	San Diego County Air Pollution Control District: Members and Duties	Governor's Desk	
AB 457	Quirk	Occupational Safety and Health: Lead: Permissible Exposure Levels	Inactive File - 2 YEAR	
AB 464	C. Garcia	California Global Warming Solutions Act of 2006	Nat Res - 2 YEAR	
AB 470	Limón	California Green Business Program	Approps. Suspense - 2 YEAR	
AB 490	Salas	California Environmental Quality Act: Affordable Housing Development Projects: Administrative and Judicial Streamlining	Nat Res - 2 YEAR	
AB 491	B. Rubio	Energy: Hydrogen	Approps. Suspense - 2 YEAR	
AB 556	Carrillo	Outdoor Experiences: Community Access program: Grant Program	Governor's Desk	
AB 639	Cervantes	Task Force on Addressing Workforce Impacts of Transitioning Seaports to a Lower Carbon Economy: California Workforce Development Board: Informational Report	Inactive File - 2 YEAR	
AB 661	McCarty	Wildfire Smoke Air Pollution Emergency Plan: Sacramento Metropolitan AQMD	Signed by Governor	
AB 735	Melendez	Vehicular Air Pollution: Child Labor	Trans - 2 YEAR	

BILL #	AUTHOR	SUBJECT	STATUS	DESCRIPTION
AB 755	Holden	California Tire Fee: Stormwater Permit Compliance Fund	Inactive File	
AB 784	Mullin	Sales and Use Taxes: Exemption: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: Transit Buses	Governor's Desk	
AB 821	O'Donnell	Transportation: Trade Corridor Enhancement Account: Project Nomination: California Port Efficiency Program	Trans - 2 YEAR	
AB 836	Wicks	Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program	Signed by Governor	Support
AB 839	Mullin	Climate Adaptation Strategy: Strategic Resiliency Framework: Resiliency Through Adaptation, Economic Vitality, and Equity Account.	Approps. Suspense - 2 YEAR	
AB 915	Mayes	California Renewables Portfolio Standards Program	U. & E. - 2 YEAR	
AB 935	R. Rivas	Oil and Gas: Facilities and Operations: Monitoring and Reporting	Nat Res - 2 YEAR	
AB 939	Frazier	Administrative Procedures Act: Major Regulations	A. & A.R. - 2 YEAR	
AB 966	Bonta	Cement Plants	Nat Res - 2 YEAR	
AB 970	Salas	California Department of Aging: Grants: Transportation	Governor's Desk	
AB 983	Boerner Horvath	Transportation Electrification	U. & E. - 2 YEAR	
AB 1046	Ting	Air Quality Improvement Program: Clean Vehicle Rebate Program	Approps. Suspense - 2 YEAR	Similar to AB 40 & AB 126
AB 1100	Kamlager-Dove	Electric Vehicles: Parking Requirements	Governor's Desk	
AB 1115	Quirk-Silva	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard Regulations	Nat Res - 2 YEAR	
AB 1124	Maienschein	Employment Safety: Outdoor Workers: Wildfire Smoke	Inactive File	
AB 1142	Friedman	Regional Transportation Plans: Transportation Network Companies.	Approps. Suspense - 2 YEAR	
AB 1143	Quirk	Energy: Renewable Gas Building Program	U. & E. - 2 YEAR	
AB 1156	E. Garcia	Methane: Dairy and Livestock: Pilot Financial Mechanism: Environmental Credit Insurance Program	Approps. Suspense - 2 YEAR	
AB 1167	Mathis	Greenhouse Gas Reduction Fund: High-speed Rail: Forestry and Fire Protection	Failed Trans. Reconsideration granted.	Trans - Failed passage. Reconsideration granted.
AB 1195	O'Donnell	California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard regulations	Governor's Desk	
AB 1236	Lackey	Public Resources: Greenhouse Gases: Recycling: California Environmental Quality Act	Approps. Suspense - 2 YEAR	
AB 1238	Cunningham	Electric Vehicle Charging Stations	Trans - 2 YEAR	
AB 1262	O'Donnell	California Sustainable Freight Action Plan	Approps. Suspense - 2 YEAR	
AB 1276	Bonta	Green New Deal	Print - 2 YEAR	
AB 1284	Carrillo	Carbon Neutrality	Nat Res - 2 YEAR	

BILL #	AUTHOR	SUBJECT	STATUS	DESCRIPTION
AB 1298	Mullin	Climate Resiliency, Fire Risk Reduction, Recycling, Groundwater and Drinking Water Supply, Clean Beaches, and Jobs Infrastructure Bond Act of 2020	W., P., & W.	
AB 1299	Salas	Petroleum Refineries: Air Monitoring Systems.	Third Reading - 2 YEAR	
AB 1347	Boerner Horvath	Electricity: Renewable Energy and Zero-carbon Resources: State and Local Government Buildings	U. & E. - 2 YEAR	
AB 1350	Gonzalez	Youth Transit Pass Pilot Program	Trans - 2 YEAR	
AB 1371	Cunningham	California Renewables Portfolio Standard Program: Offshore Wind Generation	U. & E. - 2 YEAR	
AB 1406	O'Donnell	Alternative and Renewable Fuel and Vehicle Technology Program	Approps. Suspense - 2 YEAR	
AB 1411	Reyes	Integrated Action Plan for Sustainable Freight	Trans - 2 YEAR	
AB 1418	Chiu	Transportation Electrification: Electric School Buses	U. & E. - 2 YEAR	
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act	Approps. Suspense - 2 YEAR	
AB 1430	E. Garcia	State Government: Public Investment Opportunities: Cost-effectiveness Definition	Approps. Suspense - 2 YEAR	
AB 1445	Gloria	Climate Change: Emergency Declaration and Policy	Print - 2 YEAR	
AB 1463	Gabriel	California Global Warming Solutions Act of 2006	Print - 2 YEAR	
AB 1500	Carrillo	Hazardous Substances	Approps. Suspense - 2 YEAR	
AB 1578	L. Rivas	School Pavement to Parks Grant Program	Governor's Desk	
AB 1589	Salas	Carl Moyer Memorial Air Quality Standards Attainment Program : Heavy-duty Off-road Equipment	Approps. Suspense - 2 YEAR	
AB 1594	Bauer-Kahan	Heavy Duty Vehicles: Electric Vehicle Charging Stations: Ports	Trans - 2 YEAR	
AB 1621	Frazier	Alternative and Renewable Fuel and Vehicle Technology Program	Print - 2 YEAR	
AB 1655	O'Donnell	Hydrogen Fuel	Nat Res - 2 YEAR	
AB 1673	Salas	California Environmental Quality Act: Judicial Challenge: Litigation Transparency: Identification of Contributors	Nat Res - 2 YEAR	
AB 1714	Aguiar-Curry	Emissions Limitations: Wine Fermentation	E. Q. - 2 YEAR	
AB 1744	Salas	State Air Resources Board: Regulations: Emission Reduction Credit Program	Trans - 2 YEAR	Oppose
AB 1778	Boerner Horvath	Greenhouse Gas Reduction Fund: Investment Plan	Print - 2 YEAR	
AJR 7	Gloria	Green New Deal	Rules	
AJR 10	Reyes	Federal Clean Air Act	Filed with Secretary of State. Chaptered.	Relative to vehicular air pollution
SB 1	Atkins, Portantino, Stern	California Environmental, Public Health, and Worker Defense Act of 2019	Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.	

BILL #	AUTHOR	SUBJECT	STATUS	DESCRIPTION
SB 43	Allen	Carbon Intensity and Pricing: Retail Products	Rev & Tax - 2 YEAR	
SB 44	Skinner	Medium-duty and Heavy-duty Vehicles: Comprehensive Strategy	Signed by Governor	Support
SB 45	Allen	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020	Amended. Re-referred to Approps.	Support, if amended
SB 59	Allen	California Transportation Commission: Advisory Committee: Autonomous Vehicle Technology	Approps. Suspense - 2 YEAR	
SB 69	Wiener	Ocean Resiliency Act of 2019	Approps. Suspense - 2 YEAR	
SB 127	Wiener	Transportation Funding: Active Transportation: Complete Streets	Governor's Desk	
SB 168	Wieckowski	Climate Change: Chief Climate Resilience Officer	Approps. Suspense - 2 YEAR	
SB 209	Dodd	Office of Emergency Services: Wildfire Forecast and Threat Intelligence Integration Center	Signed by Governor	
SB 210	Leyva	Heavy-Duty Vehicle Inspections and Maintenance Program	Signed by Governor	Support
SB 216	Galgiani	Carl Moyer Memorial Air Quality Standards Attainment Program: Used Heavy-duty Truck Exchange	Approps. Suspense - 2 YEAR	
SB 236	Wilk	Low Carbon Innovation Grant Program: Low Carbon Innovation Panel	B., P. & E.D. - 2 YEAR	
SB 293	Skinner	Infrastructure Financing Districts: Formation: Issuance of Bonds: City of Oakland	Governor's Desk	
SB 319	Moorlach	State Highways: Dept of Transportation: German Autobahn Report	Rules	
SB 369	Hertzberg	Vehicle Repair Assistance Program: Safe Parking Program Participants	Trans - 2 YEAR	
SB 400	Umberg	Reduction of Greenhouse Gases Emissions: Mobility Options	Signed by Governor	
SB 460	Beall	Vehicles: Biennial Registration	Approps. Suspense - 2 YEAR	
SB 498	Hurtado	Trade Corridors Improvement Fund: Grant Program: Short-line Railroads	Trans - 2 YEAR	
SB 515	Caballero	Public Utilities Commission: High Hazard Zone Fuel: Report	Approps. Suspense - 2 YEAR	
SB 535	Moorlach	Greenhouse Gases: Wildfires and Forest Fires: Air Emissions	Approps. Suspense - 2 YEAR	
SB 613	Stern	State Agency Greenhouse Gas Emissions Reduction Report Cards	Approps. Suspense - 2 YEAR	
SB 629	McGuire	Air Districts: Hearing Boards: Notice Requirements	Nat Res - 2 YEAR	
SB 662	Archuleta	Green Electrolytic Hydrogen	U. & E. - 2 YEAR	
SB 676	Bradford	Transportation Electrification: Electric Vehicles: Grid Integration	Signed by Governor	
SB 682	Allen	Climate Change: Radiative Forcing Management Climate Accounting Protocol	Approps. Suspense - 2 YEAR	

AMENDED IN SENATE AUGUST 28, 2019

AMENDED IN ASSEMBLY APRIL 3, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1714

**Introduced by Assembly Member ~~Blanca Rubio Aguiar-Curry~~
(Coauthor: Assembly Member Blanca Rubio)**

February 22, 2019

~~An act to add Sections 13335.1 and 13335.3 to the Government Code, relating to state government. An act to add Article 8.5 (commencing with Section 41990) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1714, as amended, ~~Blanca Rubio Aguiar-Curry. State budget. Emissions limitations: wine fermentation.~~

(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 requires each district to attain ambient air standards for specified air pollutants, including, among others, ozone.

This bill would require the State Air Resources Board to convene a working group with a specified membership for the purposes of reviewing the state of air pollution control technologies, operational or maintenance standards, and work practices that may be applied to wine fermentation tanks, and the costs and benefits of those technologies, standards, and practices. The bill also would require the state board to review options for the reduction of emissions from wine fermentation tanks that, to the maximum extent feasible, preserve and protect the

quality, taste, and other unique attributes associated with wine while complying with air quality standards and objectives and would require the state board to provide air districts a summary of all cost-effective options to achieve the emissions reductions from wine fermentation tanks in addition to those options' respective abilities to preserve and protect the quality, taste, and other unique attributes associated with wine.

This bill would require air districts, as specified, when an air district adopts a rule or issues a permit requiring air pollution control technology to be installed on wine fermentation tanks, to include as part of that action specified findings. By adding to the duties of air districts when adopting a rule on wine fermentation tanks, the bill would impose a state-mandated local program.

This bill would require the state board to allocate \$1,000,000, available upon appropriation, to the University of California Davis School of Viticulture and Enology for a study that makes recommendations on options to address air emissions from wine fermentation tanks in a manner that is in full compliance with state and federal air quality laws, as specified. The bill would require the study to be prepared and submitted to the Governor and the Legislature, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Under existing law, a state agency for which an appropriation is made is generally required to submit to the Department of Finance for approval a complete and detailed budget setting forth all proposed expenditures and estimated revenues for the ensuing fiscal year.~~

~~The bill would require the budget of the State Department of Health Care Services submitted to the department, to utilize performance-based budgeting, as defined, for all programs administered by the State Department of Health Care Services, as specified.~~

~~(2) The California Constitution requires the Governor to submit annually to the Legislature a budget itemizing state expenditures and estimating state revenues and requires the Legislature to pass the Budget Bill by midnight on June 15.~~

~~This bill would require, for the budget submitted by the Governor to the Legislature for the 2020–21 fiscal year and each fiscal year thereafter, that the Department of Finance require the State Department of Health Care Services to use performance-based budgeting for the applicable fiscal year.~~

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

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

1 SECTION 1. Article 8.5 (commencing with Section 41990) is
2 added to Chapter 3 of Part 4 of Division 26 of the Health and
3 Safety Code, to read:

4
5 Article 8.5. Wine Fermentation
6

7 41990. (a) The Legislature finds and declares all of the
8 following:

9 (1) The wine industry in California is an important and iconic
10 part of the agricultural industry in the state.

11 (2) The wine industry employs 325,000 state residents, generates
12 \$57.6 billion in annual economic activity in the state, pays \$7.6
13 billion in state taxes, attracts 23.6 million tourist visits annually,
14 and generates \$7.2 billion in annual tourism expenditures.

15 (3) Clean air is vital to our communities and to the state as a
16 whole.

17 (b) It is the intent of the Legislature that the purpose of this
18 article is to ensure there is a full, open, thorough, and public
19 process for emissions limitations on wine facilities that is consistent
20 with state and federal clean air laws while ensuring districts take
21 into account considerations unique to the wine industry in the
22 state.

23 41991. The state board shall do all of the following:

24 (a) Convene a working group, for the purposes of reviewing the
25 state of air pollution control technologies, operational or
26 maintenance standards, and work practices that may be applied
27 to wine fermentation tanks, and the costs and benefits of those
28 technologies, standards, and practices, with a membership that
29 consists of all of the following:

30 (1) Members of the public.

- 1 (2) *Experts from the wine industry.*
- 2 (3) *Public health and environmental experts.*
- 3 (4) *One or more districts in which wineries are located in the*
- 4 *state.*

5 (b) *Review options for the reduction of emissions from wine*
 6 *fermentation tanks that, to the maximum extent feasible, preserve*
 7 *and protect the quality, taste, and other unique attributes*
 8 *associated with wine while complying with air quality standards*
 9 *and objectives.*

10 (c) *Provide districts a summary of all cost-effective options to*
 11 *achieve the emissions reductions from wine fermentation tanks in*
 12 *addition to those options' respective abilities to preserve and*
 13 *protect the quality, taste, and other unique attributes associated*
 14 *with wine.*

15 41992. *Consistent with federal law, when a district adopts a*
 16 *rule or issues a permit requiring air pollution control technology*
 17 *to be installed on wine fermentation tanks, the district shall include*
 18 *as part of that action all of the following:*

19 (a) *Either of the following:*

20 (1) *A finding that the results of the study described in Section*
 21 *41993 demonstrate that the air pollution control technology will*
 22 *not affect the quality, sanitation, style, or marketability of the wine*
 23 *expected to be fermented in the tank.*

24 (2) *A finding, if the study described in Section 41993 has not*
 25 *been completed, that the air pollution control technology is not*
 26 *expected to affect the quality, sanitation, style, or marketability of*
 27 *the wine expected to be fermented in the tank based on the best*
 28 *judgment of the district in consultation with the working group*
 29 *established pursuant to subdivision (a) of Section 41991.*

30 (b) *A finding that disposal is readily available and cost effective*
 31 *for the sludges, condensates, discharges, or other wastes produced*
 32 *by the air pollution control technology.*

33 (c) *A finding that operational or maintenance standards or work*
 34 *practices will not achieve emission reductions equivalent to the*
 35 *net reductions expected from installation of the air pollution*
 36 *control technology.*

37 (d) *A finding that the installation of the air pollution control*
 38 *technology is required by federal law.*

39 41993. (a) (1) *The state board shall allocate one million*
 40 *dollars (\$1,000,000), available upon appropriation by the*

1 *Legislature, to the University of California Davis School of*
2 *Viticulture and Enology for a study that makes recommendations*
3 *on options to address air emissions from wine fermentation tanks*
4 *in a manner that is in full compliance with state and federal air*
5 *quality laws. The study shall be prepared and submitted to the*
6 *Governor and the Legislature.*

7 *(2) No later than January 1, 2021, a report shall be submitted*
8 *to the Governor and Legislature describing the status of the study*
9 *and future steps required, if any.*

10 *(b) The study shall be performed in consultation and cooperation*
11 *with the state board, districts, and experts from the wine industry.*

12 *(c) The study shall review all of the following:*

13 *(1) The effects of air pollution control technology on wine*
14 *fermentation tanks that contain multiple vintages and multiple*
15 *varietals, on aging, on consumer and market preference changes,*
16 *and on varying tank designs.*

17 *(2) A representative sample of wine types, wine styles, and*
18 *anticipated wine styles that may be driven by consumers.*

19 *(3) Tank size variability and impact.*

20 *(4) The potential contamination risks of ducted versus unducted*
21 *air pollution control technology.*

22 *(5) Impacts, if any, on wine flavor, quality, and marketability.*

23 *(6) Potential alternatives to air pollution control technology*
24 *that achieve the equivalent or greater in emissions reductions.*

25 *(7) Options for the disposal of captured ethanol.*

26 *(8) Effects of related laws, such as the federal FDA Food Safety*
27 *Modernization Act (Public Law 111-353).*

28 *(9) Effects on worker safety and associated wine equipment.*

29 *(d) The study shall be made available for public comment prior*
30 *to being submitted to the Governor and Legislature pursuant to*
31 *subdivision (a).*

32 *(e) A report to be submitted pursuant to this section shall be*
33 *submitted in compliance with Section 9795 of the Government*
34 *Code.*

35 *41994. This article does not apply to a district that had a rule*
36 *in effect as of January 1, 2020, that imposes an emissions limit on*
37 *wine fermentation tanks.*

38 *SEC. 2. No reimbursement is required by this act pursuant to*
39 *Section 6 of Article XIII B of the California Constitution because*
40 *a local agency or school district has the authority to levy service*

1 *charges, fees, or assessments sufficient to pay for the program or*
2 *level of service mandated by this act, within the meaning of Section*
3 *17556 of the Government Code.*

4 SECTION 1. ~~Section 13335.1 is added to the Government~~
5 ~~Code, to read:~~

6 ~~13335.1. (a) As used in this article, “performance-based~~
7 ~~budgeting” means a system of budgeting that uses information on~~
8 ~~performance to inform resource allocation decisions, thereby~~
9 ~~establishing clear accountability.~~

10 ~~(b) The purpose of performance-based budgeting is to inform~~
11 ~~policy, fiscal, and oversight decisions by the Governor and~~
12 ~~Members of the Legislature; to focus managers, supervisors, and~~
13 ~~rank-and-file workers on achieving desired goals; and to~~
14 ~~communicate to the public the value of public programs, progress~~
15 ~~toward desired results, and the choices available to improve the~~
16 ~~expenditure of public funds.~~

17 ~~(c) The State Department of Health Care Services shall submit~~
18 ~~to the department for approval a complete and detailed budget at~~
19 ~~the time and in the form prescribed by the plan developed by the~~
20 ~~department pursuant to Section 13335.3 that sets forth all proposed~~
21 ~~expenditures and estimated revenues for the ensuing fiscal year.~~

22 ~~(d) A budget submitted to the department pursuant to subdivision~~
23 ~~(c) shall use performance-based budgeting to make clear to~~
24 ~~policymakers and the public the value and results of existing~~
25 ~~operations and proposed changes.~~

26 ~~(e) A budget using performance-based budgeting shall identify~~
27 ~~and update all of the following:~~

28 ~~(1) The mission and goals of the State Department of Health~~
29 ~~Care Services.~~

30 ~~(2) The activities and programs focused on achieving those~~
31 ~~goals.~~

32 ~~(3) Performance metrics that reflect desired outcomes for~~
33 ~~existing and proposed activities and a targeted performance level~~
34 ~~for the following year.~~

35 ~~(4) Prior year performance data and an explanation of deviation~~
36 ~~from previous year targets.~~

37 ~~(5) Proposed changes in statute, including the creation of~~
38 ~~incentives or elimination of disincentives that could improve~~
39 ~~outcomes or hold down costs.~~

1 ~~(6) A description of the impacts and consequences to parties~~
2 ~~affected by a program proposed for modification or elimination.~~

3 ~~SEC. 2. Section 13335.3 is added to the Government Code, to~~
4 ~~read:~~

5 ~~13335.3. (a) Beginning with the budget submitted by the~~
6 ~~Governor to the Legislature pursuant to Section 12 of Article IV~~
7 ~~of the California Constitution for the 2020-21 fiscal year, the~~
8 ~~department shall require the State Department of Health Care~~
9 ~~Services to use performance-based budgeting for the applicable~~
10 ~~fiscal year.~~

11 ~~(b) The Legislative Analyst's Office shall review the adequacy~~
12 ~~of performance metrics and progress toward targeted outcomes~~
13 ~~with regard to programs administered by the State Department of~~
14 ~~Health Care Services in preparing its review of the Governor's~~
15 ~~budget proposal.~~



Senate Bill No. 44

CHAPTER 297

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

[Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 44, Skinner. Medium- 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 California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects, including, but not limited to, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology.

This bill would require the state board, no later than January 1, 2021, and at least every 5 years thereafter, in consultation with the Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development and in collaboration with relevant stakeholders, to update the state board's 2016 mobile source strategy to include a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles in the state for the purpose of bringing the state into compliance with federal ambient air quality standards and reducing motor vehicle greenhouse gas emissions from the medium-duty and heavy-duty vehicle sector. The bill would require the state board to recommend reasonable and achievable goals, based on specified factors, for reducing emissions from medium-duty and heavy-duty vehicles by 2030 and 2050, respectively, as part of the comprehensive strategy. The bill also would require the state board to include other specified information in the updates to the 2016 mobile source strategy. 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, with a beachhead market analysis.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Diesel-fueled trucks are responsible for 33 percent of statewide oxides of nitrogen emissions annually. These same trucks emit more particulate matter than all of the state's powerplants.

(b) People who live near freeways and busy roadways are at high risk for exposure to these health-threatening air pollutants emitted by these medium- and heavy-duty vehicles.

(c) In 1998, the State Air Resources Board identified diesel particulate matter as a toxic air contaminant based on published evidence of a relationship between diesel exhaust exposure and lung cancer.

(d) Diesel particulate matter also contributes to noncancer health effects, like premature death, hospitalizations, and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children.

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

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

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

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

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

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

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

(l) Nearly all of the diesel-related air quality challenges can be attributed to old diesel-fueled trucks still operating on California's roads, which has prompted the State Air Resources Board to take actions to address these air quality challenges, making some progress in moving California toward cleaner medium- and heavy-duty vehicles, including, but not limited to, the following measures:

(1) The On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Section 2025 of Title 13 of the California Code of Regulations), adopted on September 28, 2006, requires nearly all diesel-fueled trucks and buses that operate in California to be upgraded or replaced with 2010 model year engines or equivalent by January 1, 2023.

(2) The In-Use Off-Road Diesel-Fueled Fleets Regulation (Section 2025 of Title 13 of the California Code of Regulations), adopted on July 26, 2007,

aims to reduce diesel particulate matter and oxides of nitrogen emissions from existing off-road heavy-duty diesel vehicles operating in California, such as vehicles used in construction, mining, and industrial operations.

(m) However, the state must take additional actions to immediately reduce health-threatening criteria air pollution and climate-threatening greenhouse gas emissions by outlining a clear path to convert medium- and heavy-duty vehicle segments, as well as off-road equipment, to cleaner technologies and fuels.

(n) Actions to reduce pollution and greenhouse gas emissions may include, but are not limited to, vehicle replacement, improved engine efficiency, fuels replacement, mode shifting, and operational efficiencies, including changes to vehicle deployment schedules.

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

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

43024.2. (a) (1) No later than January 1, 2021, and at least every five years thereafter, the state board, in consultation with the Department of Transportation, the State Energy Resources Conservation and Development Commission, and the Governor's Office of Business and Economic Development and in collaboration with relevant stakeholders, shall update the state board's 2016 mobile source strategy to include a comprehensive strategy for the deployment of medium duty and heavy-duty vehicles in the state for the purpose of bringing the state into compliance with federal ambient air quality standards and reducing motor vehicle greenhouse gas emissions from the medium duty and heavy-duty vehicle sector. The state board shall recommend reasonable and achievable goals for reducing emissions from medium duty and heavy-duty vehicles by 2030 and 2050, respectively, as part of the comprehensive strategy based on factors that include, but are not limited to, the state's overarching emissions reduction goal established in Section 38566, the goals established in the California Sustainable Freight Action Plan completed in response to Executive Order No. B-32-15, technological feasibility, and cost-effectiveness.

(2) The state board's updates to the mobile source strategy shall include both of the following:

(A) An identification of policies that provide advantages to fleets that reduce greenhouse gas emissions earlier than required by law.

(B) The coordination of plans for the attainment of federal ambient air quality standards with relevant greenhouse gas emissions reduction goals.

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

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

(2) Identify regulation that could improve market acceptance, spur technology advancements, reduce technology costs, and support the

commercialization and deployment of medium duty and heavy-duty vehicles that reduce emissions of greenhouse gases.

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

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

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

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

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

(d) The state board shall submit the updated mobile source strategy to the relevant policy and fiscal committees of the Legislature.



Senate Bill No. 210

CHAPTER 298

An act to add Chapter 5.5 (commencing with Section 44150) to Part 5 of Division 26 of the Health and Safety Code, and to amend Section 27153 of, and to add Sections 4000.17, 4156.5, 24019, 27158.1, and 27158.2 to, the Vehicle Code, relating to vehicular air pollution.

[Approved by Governor September 20, 2019. Filed with Secretary of State September 20, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 210, Leyva. Heavy-Duty Vehicle Inspection and Maintenance Program.

(1) Existing law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

This bill would require the state board, in consultation with the bureau and other specified entities, to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program. The bill would require the state board, no later than 2 years after the completion of the pilot program, to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state board to assess a fee and penalties as part of the program, as specified. The bill would create the Truck Emission Check (TEC) Fund, with all the moneys deposited in the fund to be available upon appropriation. The bill would require the state board, at least 60 days prior to the first hearing of the state board to consider the adoption of any rules or regulations initially implementing the program, to submit those proposed rules and regulations to the Joint Legislative Budget Committee and to the appropriate policy committees of the Legislature.

This bill would require the state board, upon the implementation of the Heavy-Duty Vehicle Inspection and Maintenance Program, to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state. This bill would additionally require the state board, within 4 years following full implementation, to provide on its internet website 2 biennial reports, including information

regarding enforcement and operational downtime in addition to an estimate of the emissions reduced and cost-effectiveness.

(2) Existing law generally requires the registration of vehicles by the Department of Motor Vehicles. Under existing law, a violation of the Vehicle Code is an infraction, unless otherwise specified.

This bill, no later than one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require the department to confirm that a heavy-duty vehicle, as specified, is compliant with, or exempt from, the program prior to the initial registration, the transfer of ownership, or the renewal of registration, except as specified. The bill would require the state board to notify the department of the vehicles allowed to be registered pursuant to these provisions.

This bill would authorize the department to issue a temporary permit, valid for a specified period and subject to certain conditions, to operate a vehicle for which registration may be refused pursuant to the above-described provisions, as specified. The bill would require the payment of a \$50 fee, as specified, for the temporary permit, to be deposited in the Truck Emission Check (TEC) Fund.

This bill, commencing one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require a legal owner or registered owner of the heavy-duty vehicle to maintain a certificate of compliance with the vehicle, with exceptions, and would make a violation of this provision subject to a notice issued by an officer to correct the violation, as specified. The bill would require the driver of the vehicle to present the certificate of compliance for examination upon demand by a peace officer.

This bill would prohibit the operation of a heavy-duty vehicle on a public road in this state if that vehicle has an illuminated malfunction indicator light displaying a specified engine symbol, and would make a violation of this provision subject to a notice issued by an officer to correct the violation on the basis of its designation as a mechanical violation. The bill would specify that a violation of this requirement is a correctable violation if the correction is made, as specified.

This bill would prohibit the operation of a heavy-duty vehicle in a manner resulting in the escape of visible smoke, except during active regeneration. The bill would specify that a violation of this requirement is a correctable violation if the correction is made, as specified.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Communities in the state are too often exposed to unhealthy air. Communities near hubs of activity, such as warehouses and distribution centers, ports, highways, and roads with high levels of truck traffic, bear the burden of heavy-duty trucks that are not maintained.

(2) Trade corridors, such as those in the Inland Empire and Central Valley, consist of some of the most environmentally disadvantaged cities in the state.

(3) As of 2016, heavy-duty trucks operating in the state emitted nearly 60 percent of all oxides of nitrogen emissions from onroad mobile sources, which are the most significant contributor to both federal ozone and fine particulate matter (PM_{2.5}) air quality standard violations across the state. Heavy-duty diesel trucks are also the largest source of diesel particulate matter emissions in the state. Diesel particulate matter is a carcinogen and toxic air contaminant. Risks are particularly high in urban areas and along busy roadways where trucks operate.

(4) Statewide, about 12 million residents live in communities that exceed the federal ozone and PM_{2.5} standards. The health and economic impacts of exposure to elevated levels of ozone and PM_{2.5} in the state are considerable. Meeting air quality standards will pay substantial dividends in terms of reducing costs associated with emergency room visits and hospitalizations, lost work and school days, and, most importantly, premature mortality.

(5) While the state has made significant progress in improving air quality through existing programs by the state and air pollution control and air quality management districts, further action must be taken to achieve our public health, air quality, and climate goals.

(6) The Heavy-Duty Vehicle Inspection and Maintenance Program established by Section 44152 of the Health and Safety Code is a key step in achieving the state's goals to improve public health and meeting our environmental imperatives.

(b) (1) It is the intent of the Legislature that the Heavy-Duty Vehicle Inspection and Maintenance Program be developed in partnership between affected state agencies, the public, industry, and other stakeholders to address the inspection of, tampering with, and maintenance of emissions control systems. It is further the intent of the Legislature that the State Air Resources Board work with other relevant agencies in conducting a pilot program prior to the full-scale implementation of the Heavy-Duty Vehicle Inspection and Maintenance Program in order for this program to be developed in a way that minimizes costs to truck owners and fleets; provides a level playing field for industry through effective enforcement; and provides flexibility for the program to adapt as truck technology and industry evolves.

(2) It is the intent of the Legislature that the State Air Resources Board minimize the duplication of programs and program requirements related to heavy-duty vehicle inspection and maintenance. It is further the intent of

the Legislature that, to the extent feasible, the creation and implementation of the Heavy-Duty Vehicle Inspection and Maintenance Program established by Section 44152 of the Health and Safety Code minimizes duplicative programs and program requirements in a way that reduces compliance requirements and costs to truck owners and fleets.

(3) It is the intent of the Legislature, in enacting Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code, that, if the procedure described in subparagraph (B) of paragraph (1) of subdivision (a) of Section 44152 of the Health and Safety Code requires onsite testing, the procedure should be available in geographic locations and in a quantity similar to commercial vehicle enforcement facilities throughout the state. This paragraph does not prevent the State Air Resources Board from locating these testing procedure sites at other public or privately operated locations or from making a remote testing procedure available.

SEC. 2. Chapter 5.5 (commencing with Section 44150) is added to Part 5 of Division 26 of the Health and Safety Code, to read:

CHAPTER 5.5. HEAVY-DUTY VEHICLE INSPECTION AND MAINTENANCE PROGRAM

44150. For purposes of this chapter, “program” means the Heavy-Duty Vehicle Inspection and Maintenance Program established pursuant to Section 44152.

44152. (a) No later than two years after the completion of the pilot program required by Section 44156 and to the extent authorized by federal law, the state board, in consultation with the bureau and the Department of Motor Vehicles, shall adopt and implement a regulation for a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles with a gross vehicle weight rating of more than 14,000 pounds, as defined by the state board, including, but not limited to, single-vehicle fleets and other vehicles that are registered in another state but operate on California roads. In adopting a regulation implementing the program, the state board shall do all of the following:

(1) (A) Establish test procedures for different motor vehicle model years and emissions control technologies that measure the effectiveness of the control of emissions of oxides of nitrogen and particulate matter. The procedures may include, but are not limited to, procedures for the use of onboard diagnostics system data and test procedures that measure the effectiveness of the control of emissions of greenhouse gases.

(B) In establishing the test procedures pursuant to this paragraph, the state board shall ensure that at least one test procedure does not result in charges, in aggregate, including the compliance fee required pursuant to Section 44154, imposed on owners of vehicles subject to the program that exceed the maximum allowable amount of the compliance fee specified in Section 44154, except for the necessary repair costs to bring a vehicle into

compliance with the program. The state board shall ensure that this testing procedure is reasonably accessible to those owners.

(2) Require a motor vehicle to pass the test procedures in order to register or operate in the state. The state board may establish in the regulation full or partial exemptions from the requirements of this section for categories of vehicles it determines on the basis of substantial evidence that the economic costs of compliance substantially outweigh the benefits of compliance, including public health benefits.

(3) Allow a streamlined process for the owner or operator of a vehicle fleet who has an established compliance history with the program, including, but not limited to, the use of the electronic transmission of emissions data in lieu of the annual physical testing of the vehicles as determined by the state board. The streamlined process shall not include an exemption from the requirements of paragraph (2).

(4) Establish program validation methods for evaluating program effectiveness, fraud investigation, and research purposes.

(5) Develop and implement enforcement methods to ensure continuing compliance with this section and Section 27153 of the Vehicle Code. The enforcement methods may include, but are not limited to, all of the following:

- (A) Visual inspections.
- (B) Functional inspections.
- (C) Requiring emissions testing of vehicles.

(6) Develop, in coordination with the Department of Motor Vehicles, an information technology database to collect and track vehicle test data, assess the data to determine compliance, and regularly generate lists of compliant vehicle identification numbers and transmit them to the Department of Motor Vehicles in order for annual vehicle registration notices to be issued.

(7) Exempt all of the following:

- (A) Zero-emission motor vehicles.
- (B) A publicly owned authorized emergency vehicle operated by a peace officer, as defined in Section 830 of the Penal Code, only as necessary to ensure the ability to respond to emergencies.

(C) An authorized emergency vehicle, as defined in Section 165 of the Vehicle Code, and used for fighting fires or responding to emergency fire calls by entities described in paragraph (2) of subdivision (b) of, or subdivision (c) or (d) of, Section 165 of the Vehicle Code, only as necessary to ensure the ability to respond to emergencies.

(D) A publicly owned authorized emergency vehicle used by an emergency medical technician-paramedic, as defined in Section 1797.84, only as necessary to ensure the ability to respond to emergencies.

(E) A tactical vehicle operated by the military as necessary for testing or training purposes.

(F) New vehicles certified to meet the most stringent optional reduced emissions of oxides of nitrogen emission standard for four years from the time inspections begin under the program.

(b) The state board may establish licensing standards for persons engaged in the business of the inspection, diagnosis, and repair of heavy-duty motor

vehicles. The board also may establish qualification standards or approval, operational, or licensure standards for testing equipment, including protocols, hardware, and software used for the submission of vehicle test data to the state board or its contractors.

(c) (1) As part of the program, the state board shall develop a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate. The state board shall issue the certificate to the legal owner, registered owner, or designee of a vehicle that, at the discretion of the state board, meets the requirements of the program so that vehicle owners and operators may easily demonstrate proof of compliance, as required pursuant to Sections 27158.1 and 27158.2 of the Vehicle Code.

(2) The Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate shall contain information determined to be necessary by the state board that includes, but need not be limited to, all of the following:

- (A) Date issued.
- (B) Date of expiration.
- (C) Name and residence or business address or mailing address of the legal owner or registered owner.
- (D) Vehicle identification number assigned to the vehicle.
- (E) Description of the vehicle that includes the year, make, and model of the vehicle.

(d) The Department of Transportation, the Department of Food and Agriculture, and the Department of the California Highway Patrol may provide any necessary information to help facilitate the installation of equipment necessary to implement the program.

(e) The state board, the Department of Motor Vehicles, and the Department of Food and Agriculture may develop initiatives for outreach and education to help ensure compliance with the program.

(f) (1) The state board shall request a permit to deploy equipment on the state highway system, as defined in Article 3 (commencing with Section 300) of Chapter 2 of Division 1 of the Streets and Highways Code, in accordance with Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code and in cooperation with the Department of the California Highway Patrol.

(2) If the Department of Transportation denies a permit requested by the state board pursuant to paragraph (1), the Department of Transportation shall provide the state board the necessary information regarding how equipment can be deployed in a manner consistent with both the requirements of the program and other laws.

(g) The state board may inspect vehicles subject to this section in conjunction with the safety and weight enforcement activities of the Department of the California Highway Patrol or at other locations selected by the state board in consultation with the Department of the California Highway Patrol. Inspection locations may include instate private facilities where fleet vehicles are serviced or maintained. The state board and the Department of the California Highway Patrol may conduct these inspections

cooperatively or independently, and the state board may contract for assistance in the conduct of these inspections.

(h) (1) (A) The state board may issue a citation to the owner of a vehicle in violation of this section or a regulation promulgated pursuant to this section. The state board may require the operator of a vehicle to submit to a test procedure and may specify that refusal to submit is an admission constituting proof of a violation. The state board may require that, when a citation has been issued pursuant to this section, the owner of a vehicle in violation of the regulation shall be required to correct every deficiency specified in the citation within a timeframe determined by the state board, but that is not less than 45 days.

(B) A vehicle used exclusively in the conduct of agricultural operations shall be required to correct deficiencies specified in the citation within a timeframe determined by the state board that is not less than 75 days from the date of the citation.

(2) When deciding whether to issue a citation, the state board may take into account whether the owner of the vehicle has obtained a temporary permit to operate the vehicle pursuant to Section 4156.5 of the Vehicle Code.

(3) Except as provided in paragraph (4), a vehicle found in violation of this section or a regulation promulgated pursuant to this section shall not be prohibited from being used during this time.

(4) Notwithstanding paragraph (3), a vehicle found to have willfully tampered emission controls, including the vehicle's onboard diagnostics system, shall not be operated.

(i) The state board shall provide an owner cited as violating this section an opportunity for an administrative hearing consistent with the process established pursuant to Article 3 (commencing with Section 60065.1) and Article 4 (commencing with Section 60075.1) of Subchapter 1.25 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations. Following notice and an opportunity for an administrative hearing, the state board, at its discretion, may use the procedure set forth in subdivision (j) of Section 44011.6 for a vehicle owner cited pursuant to this section.

(j) After an order imposing an administrative penalty becomes final pursuant to the hearing procedures identified in subdivision (i) and no petition for a writ of mandate has been filed within the time allotted for seeking judicial review of the order, the state board may apply to the Superior Court for the County of Sacramento for a judgment in the amount of the administrative penalty. The application, which shall include a certified copy of the final order of the administrative hearing officer, shall constitute a sufficient showing to warrant the issuance of the judgment.

(k) Upon the implementation of the program, the state board shall provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state, including attainment of a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate.

(l) Upon the full implementation of the program, the state board shall sunset the requirements of the Periodic Smoke Inspection Program in Chapter

3.6 (commencing with Section 2190) of Division 3 of Title 13 of the California Code of Regulations.

(m) Within four years following the full implementation of the program, the state board shall provide two biennial reports on its internet website. This report shall include, but is not limited to, enforcement, operational downtime, and an estimate of emissions reduced and cost-effectiveness.

44154. (a) (1) The state board shall assess a compliance fee, not to exceed thirty dollars (\$30), to fund the reasonable costs of implementing the program. A fee assessed pursuant to this section shall be limited exclusively to covering the costs of the program and shall be structured to ensure the equitable distribution of any costs among feepayers.

(2) The compliance fee and the maximum amount allowable shall be adjusted annually based on the California Consumer Price Index as compiled and reported by the Department of Labor Relations.

(b) All fees collected by the state board pursuant to this chapter shall be deposited in the Truck Emission Check (TEC) Fund, which is hereby created in the State Treasury. All moneys in the fund shall be available upon appropriation by the Legislature to the state board for the regulatory purposes of the program.

(c) All penalty moneys collected by the state board pursuant to this chapter shall be deposited in the Air Pollution Control Fund.

44156. (a) In order to implement the program, the state board, in consultation with the bureau, the Department of Transportation, the Department of Motor Vehicles, the Department of the California Highway Patrol, other interested state agencies, and stakeholders as part of a public process, shall implement a pilot program that develops and demonstrates technologies that show potential for readily bringing vehicles into the program. The state board shall report the findings of the pilot program on its internet website.

(b) No later than two years following the completion of the pilot program required pursuant to this section, and before adopting and implementing the program, the state board shall report to the transportation and environmental committees of the Legislature on the following:

(1) A review of all investigated test procedures, hardware and software, and an assessment of which pathway was found to be the most cost effective, enforceable, and least burdensome for compliant truck operators, including, but not limited to, the estimated operational downtime associated with each test method.

(2) A comprehensive enforcement strategy to ensure the fair application of the program.

(3) A description of how the agency will harmonize the program with existing regulations to ensure stakeholders do not face duplicative requirements.

(4) Steps the state board will take to ensure emission reductions attributed to this program will be accounted for and credited in planning and technical documents including, but not limited to, the state implementation plan, scoping plans, and emissions models.

44158. At least 60 days prior to the first hearing of the state board considering the adoption of any rules or regulations first implementing the program, the state board shall submit the then-current draft of those proposed rules and regulations to the Joint Legislative Budget Committee, the Senate Committee on Environmental Quality, the Senate Committee on Transportation, the Assembly Committee on Natural Resources, and the Assembly Committee on Transportation.

SEC. 3. Section 4000.17 is added to the Vehicle Code, immediately following Section 4000.15, to read:

4000.17. (a) For purposes of this section, “heavy-duty vehicle” means a nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds, as defined by the State Air Resources Board pursuant to Section 44152 of the Health and Safety Code.

(b) No later than one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program (Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code), the department shall confirm prior to the initial registration, the transfer of ownership, or the renewal of registration that a heavy-duty vehicle is compliant with, or exempt from, the Heavy-Duty Vehicle Inspection and Maintenance Program.

(c) Subdivision (b) does not apply to a transfer of ownership and registration under any of the following circumstances:

(1) A motor vehicle registered to a sole proprietorship is transferred to the proprietor as owner.

(2) The transfer is between companies the principal business of which is leasing motor vehicles, if there is no change in the lessee or operator of the motor vehicle or between the lessor and the person who has been, for at least one year, the lessee’s operator of the motor vehicle.

(3) The transfer is between the lessor and lessee of the motor vehicle, if there is no change in the lessee or operator of the motor vehicle.

(4) An additional individual is added as a registered owner of the motor vehicle.

(d) The State Air Resources Board shall notify the department of the motor vehicles allowed to be registered pursuant to this section.

SEC. 4. Section 4156.5 is added to the Vehicle Code, to read:

4156.5. (a) Except as provided in subdivision (b), the department in its discretion may issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to, the department by the owner or other person in lawful possession of the vehicle, for a vehicle for which registration may be refused pursuant to Section 4000.17. The permit shall be subject to the terms and conditions that the department shall deem appropriate under the circumstances.

(b) The department shall not issue a temporary permit pursuant to subdivision (a) to operate a vehicle for which a certificate of compliance is required pursuant to Section 4000.17, and for which that certificate of compliance has not been issued, unless the department is presented with sufficient evidence, as determined by the department, that the vehicle has

failed its most recent inspection pursuant to the Heavy-Duty Vehicle Inspection and Maintenance Program (Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code).

(c) Only one temporary permit may be issued pursuant to this section for any vehicle, unless otherwise approved by the State Air Resources Board.

(d) A temporary permit issued pursuant to this section is valid for either 60 days after the expiration of the registration of the vehicle or 60 days after the date that vehicle is removed from nonoperation, whichever is applicable at the time the temporary permit is issued.

(e) (1) A fee of fifty dollars (\$50) shall be paid for a temporary permit issued pursuant to this section.

(2) The fee authorized pursuant to paragraph (1) shall be adjusted annually based on the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) After deducting its administrative costs, the department shall deposit fees collected pursuant to paragraph (1) in the Truck Emission Check (TEC) Fund created pursuant to Section 44154 of the Health and Safety Code, to be used for regulatory activities under the Heavy-Duty Vehicle Inspection and Maintenance Program (Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code).

SEC. 5. Section 24019 is added to the Vehicle Code, to read:

24019. (a) A nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds shall not be operated on a public road in this state if that vehicle has an illuminated malfunction indicator light (MIL) displaying the International Standards Organization (ISO) 2575 engine symbol F01, consistent with subdivision (d) of Section 1971.1 of Title 13 of the California Code of Regulations.

(b) A violation of this section shall be considered a mechanical violation under Section 40610. A peace officer shall not stop a vehicle solely on suspicion of a violation of this section.

(c) (1) A violation of this section is a correctable violation pursuant to Article 4 (commencing with Section 40610) of Chapter 2 of Division 17. Except as provided in subdivision (d), an owner or operator of a vehicle found to be in violation of this section shall have 45 days to correct the violation and the vehicle shall not be prohibited from being used during this time.

(2) Except as provided in subdivision (d), an owner or operator of a vehicle that is used exclusively in the conduct of agricultural operations and that is found to be in violation of this section shall have a time period determined by the State Air Resources Board that is not less than 75 days from the date of the citation to correct the violation and the vehicle shall not be prohibited from being used during that time.

(d) Notwithstanding subdivision (c), a vehicle found to have willfully tampered emission controls, including the vehicle's onboard diagnostics system, shall not be operated.

SEC. 6. Section 27153 of the Vehicle Code is amended to read:

27153. (a) A motor vehicle shall not be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil, or fuel residue.

(b) A nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds shall not be operated in a manner resulting in the escape of visible smoke, except during active regeneration.

(c) (1) A violation of this section is a correctable violation pursuant to Article 4 (commencing with Section 40610) of Chapter 2 of Division 17. Except as provided in paragraph (2) and subdivision (d), an owner or operator of a vehicle found to be in violation of this section shall have 45 days to correct the violation and the vehicle shall not be prohibited from being used during this time.

(2) Except as provided in subdivision (d), an owner or operator of a vehicle that is used exclusively in the conduct of agricultural operations and that is found to be in violation of this section shall have a time period determined by the State Air Resources Board that is not less than 75 days from the date of the citation to correct the violation and the vehicle shall not be prohibited from being used during that time.

(d) Notwithstanding subdivision (c), a vehicle found to have willfully tampered emission controls, including the vehicle's onboard diagnostics system, shall not be operated.

(e) This section applies to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 7. Section 27158.1 is added to the Vehicle Code, to read:

27158.1. (a) Commencing one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program (Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code), a legal owner or registered owner of a nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds shall maintain a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate, as described in Section 44152 of the Health and Safety Code, or a facsimile or electronic copy of that certificate of compliance, with the vehicle for which the certificate is issued.

(b) Subdivision (a) does not apply when a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate is necessarily removed from the vehicle for the purpose of renewal or when the vehicle is left unattended.

(c) A violation of this section shall be cited in accordance with Section 40610.

SEC. 8. Section 27158.2 is added to the Vehicle Code, to read:

27158.2. (a) The driver of a nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds shall present a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate, as described in Section 44152 of the Health and Safety Code, or other evidence of that certificate of compliance, of the vehicle under the driver's immediate control for examination upon demand by any peace officer.

(b) The driver of the vehicle described in subdivision (a) shall not present to any peace officer a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate not issued for that vehicle.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 3, 2019

Re: Assembly Bill (AB) 836 (Wicks) – Wildfire Smoke Clean Air Centers for Vulnerable
Populations Incentive Pilot Program

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

As of the last Legislative Committee meeting, on May 22, 2019, Assembly Bill (AB) 836 – Buffy Wicks (D-Oakland) had been referred to the Assembly Suspense File. Over the summer, the bill successfully made it off suspense and was voted off the Assembly Floor and through the Senate without a single “no” vote. On October 2, 2019, the Governor signed Assembly Bill 836. We received support throughout the process from the below organizations, as noted in the final bill analysis:

350 Silicon Valley
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics, California Chapter
American Heart Association
American Lung Association Coalition
American Lung Association in California
Asian Pacific Environmental Network
Bay Area Regional Health Inequities Initiative
BREATHE California
Butte County Air Quality Management District
California Air Pollution Control Officers Association
California Health Care Climate Alliance
California League of Conservation Voters
California Thoracic Society
Center for Climate Change and Health
City of Oakland
Coalition for Clean Air
County of San Diego
Environmental Working Group

Feather River Air Quality Management District
League of California Cities
Regional Asthma Management and Prevention
Sierra Club California
South Coast Air Quality Management District
TreePeople
Union of Concerned Scientists

During the Senate Appropriations process, at the request of the Chairperson, Senator Anthony Portantino (D-La Cañada Flintridge), we provided amended language to underscore that future program funding would be prioritized in areas to serve low income and racially and ethnically diverse populations. We also accepted a program sunset in five years, as a pilot program. This can be changed through future legislative action, if long term funding becomes available. The final bill, as signed by the Governor, is attached.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 5A: 2019 Assembly Bill 836 (Wicks), as Chaptered
Attachment 5B: Press Release: Governor Newsom Signs Bills to Enhance Wildfire Mitigation, Preparedness and Response Efforts

Assembly Bill No. 836

CHAPTER 393

An act to add and repeal Chapter 9.5 (commencing with Section 39960) of Part 2 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

[Approved by Governor October 2, 2019. Filed with Secretary of State October 2, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 836, Wicks. Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program.

Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would establish until January 1, 2025, the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program, to be administered by the state board, to provide funding through a grant program to retrofit ventilation systems to create a network of clean air centers 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, and that the implementation of these provisions is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

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

SECTION 1. Chapter 9.5 (commencing with Section 39960) is added to Part 2 of Division 26 of the Health and Safety Code, to read:

CHAPTER 9.5 WILDFIRE SMOKE CLEAN AIR CENTERS FOR VULNERABLE POPULATIONS INCENTIVE PILOT PROGRAM

39960. (a) (1) The Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program is hereby established to be administered by the state board to provide funding through a grant program to retrofit ventilation systems to create a network of clean air centers in order to mitigate the adverse public health impacts due to wildfires and other smoke events.

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

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

- (1) Schools.
- (2) Community centers.
- (3) Senior centers.
- (4) Sports centers.
- (5) Libraries.

(c) The state board shall develop guidelines and eligibility criteria for the program in consultation with districts, cities, counties, public health agencies, school districts, and other stakeholders. The guidelines and eligibility criteria shall consider all of the following:

(1) Identification of vulnerable populations, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income communities, as defined in Section 39713.

(2) Location of the applicant's facility relative to local vulnerable populations.

(3) Capacity of the applicant's facility.

(4) Facility ventilation characteristics that could provide healthier indoor air quality in the event of a localized smoke impact.

(d) (1) The state board shall prioritize applications to the program where the project is located in an area with documented high cumulative smoke exposure burden.

(2) Within areas described in paragraph (1), the state board shall give priority to a school maintained by a local educational agency that has at least 40 percent of its pupils being from low-income families, as specified pursuant to Title I of the federal Elementary and Secondary Act of 1965 (20 U.S.C. Sec. 6301 et seq.).

39961. (a) Implementation of this chapter is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

(b) This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

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Governor Newsom Signs Bills to Enhance Wildfire Mitigation, Preparedness and Response Efforts

Published: Oct 02, 2019

New laws reflect key recommendations made by Governor's Strike Force Report on Wildfires & build on \$1 billion wildfire and emergency investment in the budget

In July, Governor signed a catastrophic wildfire and safety bill, moving the state toward a safer, more reliable and affordable energy future

SACRAMENTO – Today, Governor Gavin Newsom signed a series of bills aimed at improving California's wildfire prevention, mitigation and response efforts and continuing progress toward our clean energy goals. The 22 bills cover various areas for a comprehensive approach to these issues, and reflect recommendations in of the [Governor's Strike Force](#) report released in June. The report provided guidance on how the state can build a safe, reliable and affordable energy future.

"This has been a top priority in my Administration since day one, and we were able to work collaboratively and effectively with the Legislature to ensure California has a framework for today and for future generations," said Governor Newsom. "Given the realities of climate change and extreme weather events, the work is not done but these bills represent important steps forward on prevention, community resilience, and utility oversight. I commend the Legislature for making progress on these difficult issues."

The Governor's Strike Force report included the following areas of focus:

- Catastrophic Wildfire Prevention and Response
- Mitigating Climate Change through Clean Energy Policies
- Fair Allocation of Catastrophic Wildfire Damages
- A More Effective California Public Utilities Commission (CPUC) with the Tools to Manage a Changing Utility Market
- Holding PG&E Accountable and Building a Utility that Prioritizes Safety

Below is a list of bills the Governor signed to address recommendations made in the report, producing tangible results for all Californians.

Catastrophic Wildfire Prevention and Response

The Strike Force report recommended the administration, the CPUC, local communities, and utilities work together to reduce the incidence and severity of wildfires. The following legislation will step up both community resilience and the state's response capabilities:

- AB 38 by Assemblymember Jim Wood (D-Santa Rosa) provides mechanisms to develop best practices for community-wide resilience against wildfires through home hardening, defensible space, and other measures.
- SB 190 by Senator Bill Dodd (D-Napa) includes a specific requirement to develop best models for defensible space and additional standards for home hardening and construction materials to increase the resilience of communities.
- SB 70 by Senator Jim Nielsen (R-Gerber) requires IOUs to include information about consideration of undergrounding utility lines in their Wildfire Mitigation Plans (WMPs).
- SB 167 by Senator Bill Dodd (D-Napa) requires IOUs to improve their WMPs by including specified requirements to mitigate the impacts of Public Safety Power Shutoffs (PSPS).
- SB 247 by Senator Bill Dodd (D-Napa) requires increased oversight of the IOUs' WMPs, enhances requirements for fair wages and improves safety by ensuring a skilled and trained workforce.
- SB 209 by Senator Bill Dodd (D-Napa) requires establishment of a new weather technology center modeled after the state's intelligence fusion centers.

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- AB 836 by Assemblymember Buffy Wicks (D-Oakland) establishes a program for retrofits of air ventilation systems to create community clean air centers, prioritizing areas with high cumulative smoke exposure burden.
- AB 661 by Assemblymember Kevin McCarty (D-Sacramento) requires the Sacramento Metropolitan Air Quality Management District to prepare a wildfire smoke air pollution emergency plan to serve as an informational source for local agencies and the public during an air pollution emergency caused by wildfire smoke.
- SB 560 by Senator Mike McGuire (D-Healdsburg) will mitigate impacts of PSPS.
- SB 160 by Senator Hannah-Beth Jackson (D-Santa Barbara) will improve engagement with culturally diverse communities for local emergency planning.
- SB 670 by Senator Mike McGuire (D-Healdsburg) will improve the coordination of emergency communication systems during 9-1-1 outages.
- SB 632 by Senator Cathleen Galgiani (D-Stockton) sets a deadline for completion of CAL FIRE's vegetation management environmental review.
- AB 1823 by Assemblymember Laura Friedman (D-Glendale) which facilitates fuel reduction and other forest health projects.

Mitigating Climate Change Through Clean Energy Policies

The Strike Force report recommended that, given climate change is a core driver of heightened wildfire risk, the state must continue the transition to clean energy, mitigate risk and build resilience. The following legislation will ensure that California continues to make progress toward its clean energy goals:

- SB 520 by Senator Robert Hertzberg (D-Van Nuys) establishes requirements for an energy provider of last resort given the increasing number of customers receiving power from entities other than IOUs.
- SB 255 by Senator Steven Bradford (D-Gardena) requires additional reporting to the CPUC of efforts of community choice aggregators to comply with contracting diversity guidelines, and encourages other load-serving entities to participate.
- SB 155 by Senator Steven Bradford (D-Gardena) improves CPUC oversight of renewable procurement and long-term energy supply contracts.
- AB 1144 by Assemblymember Laura Friedman (D-Glendale) requires use of a portion of the Self-Generation Incentive Program, which provides incentives for battery storage, to provide additional benefits for community resiliency.
- AB 1584 by Assemblymember Bill Quirk (D-Hayward) supports load-serving entities' decisions to take actions that benefit the grid and recognizes resources that serve overall needs.

A More Effective CPUC with the Tools to Manage a Changing Utility Market

The Strike Force report recommended an increased focus on effective safety regulation at the CPUC. The following legislation strengthens utility regulation by expanding the CPUC's safety review process:

- SB 550 by Senator Jerry Hill (D-San Mateo) provides requirements for additional CPUC safety reviews, conducted together with the CPUC's review of utility asset transactions.
- AB 1362 by Assemblymember Patrick O'Donnell (D-Long Beach) which requires posting of information by load serving entities to increase consumer access to information about their energy bills.

Additional Legislation

- AB 1699 by Assemblymember Marc Levine (D-San Rafael) prohibits a mobile internet service provider from impairing or degrading the lawful internet traffic of first response agencies during an emergency.
- AB 1513 by Assemblymember Chris Holden (D-Pasadena) makes several technical and clarifying changes to current law which concern programs under the jurisdiction of, and the authority of, the California Public Utilities Commission and other energy programs to address the increasing threat of wildfires and utility liability related to those fires.

In July, the Legislature passed and the Governor [signed](#) wildfire safety and accountability legislation, which moved our state toward a safer, more affordable and reliable energy future. [AB 1054](#) created a more fair allocation of catastrophic wildfire damages and will hold PG&E accountable for prioritizing safety, and required the California Public Utilities Commission to take a number of actions.

Governor Newsom has made wildfire prevention and mitigation a top priority since taking office. The Governor proactively declared a [state of emergency](#) to fast-track 35 [critical forest-management projects](#) to protect more than 200 of California's highest-risk communities and [redirected National Guard members](#) from the border to undertake fire prevention activities throughout the state. The governor also included \$1 billion in additional funding in the state budget to enhance our state's preparedness and expand our capacity to respond to emergencies. The budget included 13 new fire engines. He also:

- Invested \$127.2 million to expand CAL FIRE'S fleet with C-130 air tankers and modified Black Hawk helicopters for nighttime firefighting operations,
- Signed an executive order [authorizing the surge of almost 400 seasonal firefighters](#) to CAL FIRE this year,
- Began overdue modernization of California's [9-1-1 system](#),
- Announced the selection of the first two contracts for the [Wildfire Innovation Sprint](#), intended to modernize the way the state contracts for acquisition and development of technology systems, with the goal of getting cutting-edge firefighting technology in the hands of emergency responders by next fire season,
- Supporting local fire operations, including \$2 million for the Butte County Fire Department to maintain its current level of service and continue operation of one year-round fire station through its cooperative agreement with CAL FIRE,
- Partnered with the federal government to secure state access to remote sensor-based technology to detect wildfire ignitions, including securing delegation of authority from the Secretary of Defense to fly infrared equipped Unmanned Aerial System in support of CAL FIRE missions,
- Invested \$210 million Greenhouse Gas Reduction Fund for forest health and fire prevention projects and programs to enable CAL FIRE to complete more fuel reduction projects and increase the pace and scale of fire prevention, and
- Developed and implemented the Forestry Corps Program, to operate four Forestry Corps crews that will undertake forest health and hazardous fuel reduction projects in areas of high fire risk.
- During his [State of the State Address](#), the Governor announced the creation of a Strike Force to develop a comprehensive strategy within 60 days, to address the destabilizing effects of catastrophic wildfires on California's energy future.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 3, 2019

Re: 2020 Legislative Priorities

RECOMMENDED ACTION

The Committee will receive a report on potential legislative activities in 2020, providing direction as necessary.

DISCUSSION

With 2020 being the second year of the two-year legislative cycle, and with the upcoming primary and general elections, it will be a busy year. Looking ahead, below are some areas the Bay Area Air Quality Management District (Air District) plans to be involved in.

Bond Ballot Measures

The Legislature has already sent a bill to place a \$15 billion school modernization bond measure on the March 2020 ballot. Individual legislators, including Assemblymember Eduardo Garcia (D-Coachella), Assemblymember Kevin Mullin (D-South San Francisco), and Senator Ben Allen (D-Santa Monica), are also currently working on climate/water/wildfire bond measure bills for the fall 2020 general election; Assembly Bill (AB) 352, AB 1298, and Senate Bill (SB) 45, respectively. Each of the current versions of the bills are in the \$4-5 billion range, with funding categories in AB 352 and SB 45 having significant overlap, and also identify funding for wildfire smoke clean air centers. The three bills are in various stages of a stakeholder input process and may eventually be combined into a single bill, or identical Assembly and Senate bills. The Air District is participating in stakeholder discussions as they occur. To make the fall general election, a bill will need to get to the Governor by late April 2020. If the measure is on the ballot, it will be interesting to see if the education bond influences people's willingness for the state to take on further debt. The Governor has also stated that he would like a "wildfire resilience" bond on the fall 2020 ballot, but it is unknown if this would be a separate bond from the three above.

State Budget

The Fiscal Year Ending (FYE) 2021 budget process has already begun behind the scenes, but will really start rolling with the Governor's first budget proposal in early January 2020. As in previous years, we will be interested in funding for AB 617 implementation, to support our

ongoing work in West Oakland and Richmond/San Pablo, as well as capacity building in other communities to support potential future inclusion into the AB 617 program. It will also be important to maintain, or increase, AB 617 incentive funding levels, in order to expedite emission reductions in our most impacted communities.

In the summer of 2018, air districts received a two-year promise of AB 617 implementation funding at a level of \$50 million in each year, with the Air District receiving \$10 million of that funding each year. While not specifically promised, air districts received \$245 million in incentive funding each year to replace older diesel equipment, as well as supporting emission reduction projects at some stationary sources, with the Air District receiving \$42 million each year. As part of our efforts to sustain or increase incentive and implementation funding, we will be working with other air districts to educate our state elected officials on the importance of the program, including tours highlighting our work to date, and hearing from our community partners.

The majority of funding for the AB 617 program, as well as other incentive funding we receive, comes from the Greenhouse Gas Reduction Fund (i.e. Cap-and-Trade). As the committee may have noticed from news reports during the negotiations for the FYE 2020 budget, the Governor and Legislature agreed to use GGRF funding in the amount of \$130 million per year for 10 years to fund operational costs of drinking water programs in communities without safe drinking water. This could foretell a worrying trend of accessing GGRF funding for programs without clear climate and air pollution benefits. Advocating for GGRF funding between programs with clear climate and air pollution benefits is already a zero-sum game, and it will be important to be active in promoting our programs to the Legislature to ensure stable funding.

We will also continue to seek funding for support of our clean air center legislation, separate from any funding that may be available from future bond measures.

Federal Activities

Working with the South Coast Air Quality Management District, we have had some initial discussions with legislators and staff at the federal level about ways the Air District could be involved in future infrastructure, transportation, and air quality funding discussions, as well as advocacy for state and local air quality programs. As an example, Senator Jeff Merkley (D-Oregon) has introduced a series of wildfire smoke funding bills, including a bill to provide clean air center funding that we have asked Senators Harris and Feinstein to support. Other California legislators have been working on bills or ideas related to transportation corridor electrification, vessel speed reduction, extension of electric vehicle tax credits, and renewable energy generation. There is also an ongoing attempt to rollback regulations critical to air districts in California in which the Air District can provide expertise to a significant number of California representatives. While we may not be successful in securing immediate funding, educating and advocating with our sister agencies may provide benefits in future years.

Two-Year Bills

As previously discussed, several bills we have been following will be able to continue their legislative journey in 2020, and we will take the opportunity to advocate as necessary before the Legislature reconvenes, as well as during the normal legislative process. Bills in this category include the Wine Institute bill, AB 1714; the Ocean Protection bill, SB 69; and the recently amended AB 40, which would restrict Clean Vehicle Rebate Project (CVRP) rebates to only cars from manufacturers siding with California on the clean car standards.

Potential Air District-Sponsored Bills

Staff is currently considering ideas for potential bills to sponsor. As we get further along, we will agendaize these for further discussion later in fall 2020. Ideas include the following:

- Expansion of indirect source or magnet source authority: The West Oakland Emissions Reduction Plan has identified this as a task for the Air District to explore. We believe current authority provided in the Health and Safety Code limits the Air District in our ability to develop magnet source regulations due to its linkage to criteria pollutants and ambient air quality standards, to the passage of Proposition 26 requiring a supermajority vote to pass new fees and taxes, and to air district limitations on regulating mobile sources. A previous legislative effort by the California Air Pollution Control Officers Association (CAPCOA) in 2005, to include air toxics under magnet source authority, was unsuccessful. More information on this can be discussed at the meeting.
- In consideration of issues associated with construction of the Stratford School, staff has been asked to look at potential legislative ideas that would prevent similar scenarios in the future. Oversight of public school construction is very robust at the state and local level, but does not appear to be as strong when addressing construction of private schools and charter schools. After a school is operating, however, Health and Safety Code Section 42301.7 provides a mechanism to notice a school, parents of school children, and the nearby community when a stationary source within 1,000 feet requests a permit or permit modification under certain conditions. One potential option that could be explored would be to add a requirement in the Health and Safety Code requiring a notification process related to new school construction, which would likely duplicate notification provided during public school construction but provide new notification for private school and charter school construction. Staff would also need to explore whether changes to the Health and Safety Code are the best remedy, and whether it would be more appropriate for an air district or a land use agency to oversee the requirement. More information on this will be discussed at the meeting.
- Board members have previously suggested potential requirements related to new school construction, and major modifications required to improve HVAC systems, to filter wildfire smoke and other particulates. This would likely require changes to Title 24 building standards. Title 24 standards are updated approximately every five years and incremental changes may be possible without a legislative effort. More information on this will be discussed at the meeting.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 6A: Health and Safety Code Section 42301.7



State of California

HEALTH AND SAFETY CODE

Section 42301.7

42301.7. (a) If the air pollution control officer determines there is a reasonably foreseeable threat of a release of an air contaminant from a source within 1,000 feet of the boundary of a school that would result in a violation of Section 41700 and impact persons at the school, the officer shall, within 24 hours, notify the administering agency and the fire department having jurisdiction over the school.

(b) The administering agency may, in responding to a reasonably foreseeable threat of a release, do any of the following:

(1) Review the facility's risk management and prevention plan prepared pursuant to Section 25534 to determine whether the program should be modified, and, if so, require submission of appropriate modifications. Notwithstanding any other provision of law, the administering agency may order modification and implementation of a revised risk management and prevention plan at the earliest feasible date.

(2) If the facility has not filed a risk management and prevention plan with the administering agency, require the preparation and submission of a plan to the administering agency pursuant to Section 25534. Notwithstanding any other provision of law, the administering agency may require the filing of a risk management and prevention plan and its implementation at the earliest feasible date.

(c) The air pollution control officer may, in responding to a reasonably foreseeable threat of a release, do any of the following:

(1) If necessary, issue an immediate order to prevent the release or mitigate the reasonably foreseeable threat of a release in violation of Section 41700 pending a hearing pursuant to Section 42450 when there is a substantial probability of an injury to persons at a school resulting from a release that makes it reasonably necessary to take immediate action to prevent, reduce, or mitigate that injury. The officer may not issue such an order unless there is written concurrence to issue the order by a representative of the administering agency.

(2) Apply to the district board for issuance of an order for abatement pursuant to Section 42450.

(d) Nothing in this section limits any existing authority of any district.

(Added by Stats. 1988, Ch. 1589, Sec. 9.)