



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR
BRIAN BARNACLE
NOELIA CORZO
JUAN GONZALEZ
DAVID HUDSON

TYRONE JUE – VICE-CHAIR
KEN CARLSON
JOELLE GALLAGHER
ERIN HANNIGAN

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

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LEGISLATIVE COMMITTEE MEETING AGENDA

MONDAY, FEBRUARY 27, 2023

9:00 AM

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **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.

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. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (Item 4)

4. Approval of the Minutes of the Legislative Committee Meeting of December 12, 2022

The Committee will consider approving the draft minutes of the Legislative Committee meeting of December 12, 2022.

ACTION ITEM(S)

5. Approval of the Legislative Platform for 2023

This is an action item for the Committee to consider approving the attached Legislative Platform for 2023. This item will be presented by Alan Abbs, Legislative Officer.

6. State Legislative Update and Consideration of New Bills

This is an action item for the Committee to consider recommending that the Board of Directors take positions on high-priority bills where appropriate. This item will be presented by Alan Abbs, Legislative Officer.

Staff recommends the following positions on current legislation:

- *Support Assembly Bill (AB) 849 (Garcia) - Community emissions reduction programs.*
- *Support Senate Bill (SB) 563 (Archuleta) - Air pollution control districts and air quality management districts: independent special districts: funding.*
- *Work with Author - SB 415 (Durazo) - Air quality: rules and regulations: socioeconomic impacts assessment.*
- *Work with Author - SB 674 (Gonzalez) - Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.*

INFORMATIONAL ITEM(S)

7. State Legislative Budget Update

This is an informational item to provide the Committee with an update of the activities related to the state budget. This item will be presented by Alan Abbs, Legislative Officer.

8. Air District-Sponsored Bills

This is an informational item to provide the Committee with a summary and status of Air District sponsored and co-sponsored bills. This item will be presented by Alan Abbs, Legislative Officer.

OTHER BUSINESS

9. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Committee.

10. Committee Member Comments

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)

11. Time and Place of Next Meeting

Wednesday, March 15, 2023, at 375 Beale Street, San Francisco, CA 94105 at 3:30 p.m. The meeting will also be webcast for members of the public.

12. Adjournment

The Committee meeting shall be adjourned by the 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

- 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 Air 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, Suma Peesapati, at (415) 749-4967 or by email at speesapati@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 MEETINGS**

FEBRUARY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Legislative Committee	Monday	27	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	27	5:30 p.m.	Webcast only pursuant to Assembly Bill 361

MARCH 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Mtg. / Retreat	Wednesday	1	9:30 a.m.	The Towers Emeryville 2000 Powell St. Tenant Lounge Emeryville, CA 94608
Board of Directors Finance & Administration Committee - CANCELLED	Wednesday	1	1:00 p.m.	1 st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	8	9:00 a.m.	1st Floor, Yerba Buena and Ohlone Rooms
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	8	1:00 p.m.	1st Floor, Yerba Buena and Ohlone Rooms
Board of Directors Meeting	Wednesday	15	9:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	15	1:00 p.m.	1 st Floor Board Room
Board of Directors Legislative Committee	Wednesday	15	3:30 p.m.	1 st Floor Board Room
Community Advisory Council Meeting	Thursday	16	6:00 p.m.	1 st Floor Board Room
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	20	5:30 p.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: Philip M. Fine
Executive Officer/APCO

Date: February 27, 2023

Re: Approval of the Minutes of the Legislative Committee Meeting of December 12,
2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee meeting of December 12, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee meeting of December 12, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of December 12, 2022

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

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Monday, December 12, 2022

This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021.) Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Vice Chairperson, Rob Rennie, called the meeting to order at 1:03 p.m.

Roll Call:

Present: Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Margaret Abe-Koga, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Sergio Lopez, and Brad Wagenknecht.

Absent: None.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF OCTOBER 3, 2022

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Hudson made a motion, seconded by Director Wagenknecht, to **approve** the Minutes of October 3, 2022; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Hannigan, Haubert, Hopkins, Hudson, Lopez, Rennie, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Cutter.

5. APPROVAL OF THE MINUTES OF NOVEMBER 14, 2022

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Hudson made a motion, seconded by Director Wagenknecht, to **approve** the Minutes of November 14, 2022; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Hannigan, Haubert, Hopkins, Hudson, Lopez, Rennie, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Cutter.

6. POTENTIAL LEGISLATIVE ACTIVITIES FOR 2023

Alan Abbs, Legislative Officer, gave the staff presentation *Potential Legislative Activities for 2023*, including; outcome; outline; requested action; 2023 Legislative Session; refinery penalties; school siting; Brown Act teleconferencing provisions; commuter benefits; vessel speed reduction (VSR) for ocean-going vessels; Board composition; Goods Movement-related port cargo fee; installation of heat pumps; and Advisory Council stipend.

NOTED PRESENT: Chair Cutter was noted present at 1:10 p.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed concerns about homeowners who one day may be prohibited from using electric heat pumps *and* gas-powered appliances; whether the Air District can prevent or monitor Bay Area residents' use of gas-powered appliances that are purchased from out of state; whether establishing a stipend for the Air District's Advisory Council requires legislation; whether the proposed language in the Goods Movement-related port cargo fee bill is significantly different

from that of similar federal bills that failed in the past; whether other ports are supportive of the proposed bill regarding speed reduction for ocean-going vessels, and how this bill may result in job loss; whether to keep pursuing the school siting bill, as it has died twice before; and concerns over potential difficulties that may result from the implementation of Assembly Bill (AB) 2449, and the suggestion of asking Assembly Member Lee to sponsor a bill that would combat AB 2449 and continue to allow remote participation in public meetings.

Committee Action

Chair Cutter made a motion, seconded by Director Wagenknecht, to **recommend** that the Board endorses these nine Legislative Activities for 2023:

- Refinery Penalties (sponsor);
- School Siting for Private and Charter Schools (act as potential co-sponsor or major supporter);
- Brown Act Teleconferencing Provisions (support any legislative efforts to address these concerns);
- Commuter Benefits (potential sponsorship or co-sponsorship);
- Vessel Speed Reduction for Ocean-Going Vessels (potential co-sponsor or major supporter);
- Air District Board Composition (no recommendation at this time);
- Goods Movement-Related Port Cargo Fee (potential co-sponsorship or major supporter);
- Installation of Heat Pumps in Neighborhoods with Homeowners’ Associations (potential Air District sponsorship or co-sponsorship); and
- Air District Advisory Council Meeting Stipend (sponsor)

The motion carried by the following vote of the Committee:

AYES:	Abe-Koga, Cutter, Hannigan, Hopkins, Lopez, Rennie, Wagenknecht.
NOES:	Hudson.
ABSTAIN:	None.
ABSENT:	Haubert.

7. 2022 GENERAL ELECTION UPDATE

Mr. Abbs gave remarks regarding the preliminary results of the California General Election in November, including: Bay Area members of the California Assembly and Senate, the status of Proposition 30 failed, and the special session convened by the Governor on December 5 to consider and act upon legislation necessary to deter price gouging by oil companies by imposing a financial penalty on excessive margins.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

9. COMMITTEE MEMBERS' COMMENTS

None.

10. TIME AND PLACE OF NEXT MEETING

At the end of the meeting, it was announced that the next meeting would be held at the Call of the Chair, but after the meeting adjourned, the next meeting was scheduled for Monday, February 27, 2023, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

11. ADJOURNMENT

The meeting adjourned at 2:12 p.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: Philip M. Fine
Executive Officer/APCO

Date: February 27, 2023

Re: Approval of the Legislative Platform for 2023

RECOMMENDED ACTION

The Legislative Committee (Committee) will consider approving the attached Legislative Platform for 2023.

BACKGROUND

The Legislative Platform is an attempt to provide overall advocacy principles to the Committee and Board of Directors, as well as provide guidance to Air District staff for this legislative year.

DISCUSSION

The platform is divided into three sections – state budget, state legislation, and federal legislation and regulatory activity. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. 2023 Legislative Platform



Legislative Platform (2023)

State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, Assembly Bill (AB) 118, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Program Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The 2022-23 budget includes statewide funding in the amount of \$60 million (M) for implementation, \$240M for incentives, and \$10M for community grants.
3. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020-21 for \$5M. Subsequent budgets have absorbed clean air center funding into a concept called "resilience centers." The Air District will strongly advocate for continued funding of resilience centers and clean air centers.
4. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 has provided funding for air districts to support prescribed fire and other forest health activities by land managers, which has been continuously funded since then. The Air District will continue to advocate for this funding.
5. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
6. **Low-Carbon Transportation Incentives:** Support proposals for mobile source incentive programs that accelerate the turnover of older and more polluting diesel engines with cleaner alternatives, including zero-emission alternatives, that reduce emissions of greenhouse gases, criteria pollutants and precursors, and toxic air contaminants.
7. **Commercial Harbor Craft Funding:** The 2022-23 budget includes \$60M to reduce emissions from commercial harbor craft subject to regulation by the California Air Resources Board (CARB). The Air District will continue to strongly advocate for additional funding for this program.



Legislative Platform (2023)

State Legislation

1. **Vehicle Emissions and Reducing Vehicle Miles Traveled:** Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.
2. **Climate Change:** Support legislative proposals that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
3. **AB 617 Community Air Protection Program:** Support legislative proposals that seek to reduce emissions and exposure in overburdened communities consistent with the framework of the Federal Clean Air Act and California Clean Air Act.
4. **Wildfire Smoke Public Health Response:** Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.
5. **Emergency Backup Generation:** Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.
6. **Toxic Air Emissions:** Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of exposure to air toxic emissions in the Bay Area Region.
7. **Wildfire Smoke Mitigation/Prescribed Fire:** Support legislative proposals to proactively reduce smoke from catastrophic wildfires through responsible fuel management policies, including the use of prescribed fire.
8. **Stationary Source Greenhouse Gas Authority:** Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas limits.
9. **Land Use:** Monitor legislative proposals that have the potential to directly affect local and regional air quality goals.



Legislative Platform (2023)

Federal Legislation and Regulatory Activity

1. **Federal Funding for Air District Clean Air Programs:** Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.
2. **Wildfire Smoke Public Health Response:** Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.
3. **Clean Transportation Programs:** Support efforts to secure funding for clean transportation infrastructure in the Bay Area in federal transportation bills and economic stimulus bills.
4. **Clean Energy Programs:** Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
5. **Particulate Matter Standards:** Support EPA's proposal to set a more health-protective particulate matter standard consistent with the scientific evidence.
6. **Vehicle Emission Standards:** Support efforts to retain stringent vehicle emission standards that align with current California standards for light-, medium-, and heavy-duty vehicles. Support efforts to retain California vehicle emission standard authority.
7. **Climate Change:** Support federal level efforts, including legislative efforts, that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
8. **Leaded Aviation Gas:** Support efforts to cause EPA to adopt the proposed endangerment finding for leaded aviation gas. Support additional regulatory and incentive programs to promote use of lower lead and no-lead alternatives.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 27, 2023

Re: State Legislative Update and Consideration of New Bills

RECOMMENDED ACTION

Approve staff's recommendation of SUPPORT for the following bills:

- Assembly Bill (AB) 849 (Garcia) – Community emissions reduction programs.
- Senate Bill (SB) 563 (Archuleta) – Air pollution control districts and air quality management districts: independent special districts: funding.

Approve staff's recommendation of WORK WITH AUTHOR for the following bills:

- SB 415 (Durazo) – Air quality: rules and regulations: socioeconomic impacts assessment.
- SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

BACKGROUND

This is the first year of the two-year 2023-2024 Legislative Session. February 17, 2023, was the last day for bills to be introduced. Bills can be heard in committee 31 days after being introduced, with most bills being heard in committee beginning in mid-March.

Attached is the matrix of bills that the Air District is currently tracking and has been arranged by category.

DISCUSSION

Staff will provide the Committee with a brief summary and status of bills listed on the attached list and will recommend bills to support, oppose, and work with the author during the session. Staff will review other bills that may be of interest to the Committee.

Specifically, staff will plan to discuss the following bills:

AB 849 (Garcia) – Community emissions reduction programs.

CapitolTrack Summary: Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed. Current law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority. This bill would additionally require the air district, in adopting a community emissions reduction program, to consult with other relevant state agencies.

If passed, AB 849 would provide AB 617 Community Steering Committees with a state budget allocation separate from allocations to air districts. The bill would require other relevant state agencies to implement and enforce measures assigned to them as a part of the community emissions reduction program unless the relevant state agency finds that those measures are infeasible at a public meeting of its governing body.

This bill requires a majority vote in both the Assembly and Senate. The earliest this bill can be heard is March 17, 2023.

Staff Recommendation: Support

SB 312 (Wiener) – State highways: true warm mix asphalt.

CapitolTrack Summary: Current law authorizes the Department of Transportation to construct, improve, and maintain state highways. Current law authorizes the department to provide for the payment of extra compensation to a contractor on a road project, as a bonus for completion prior to the specified time. Until January 1, 2029, this bill would require the department to also provide for the payment of extra compensation, as specified, to a contractor on a road project, as a bonus for using true warm mix asphalt, as defined by this bill. The bill would require the department to submit specified reports to the Legislature on certain findings related to true warm mix asphalt.

If passed, SB 312 would until January 1, 2029, require Caltrans to provide for the payment of extra compensation, as specified, to a contractor on a road project, as a bonus for using true warm mix asphalt, as defined by the bill.

This bill requires a majority vote in both the Assembly and Senate. The earliest this bill can be heard is March 9, 2023.

Staff Recommendation: None at this time

SB 411 (Portantino) – Open meetings: teleconferences: bodies with appointed membership.

CapitolTrack Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the Ralph M. Brown Act.

If passed, SB 411 would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed, and which board, commission, or advisory body is otherwise subject to the act. This bill is an emergency bill that could go into effect as soon as it is signed by the Governor.

This bill requires a two-thirds vote in both the Assembly and Senate. The earliest this bill can be heard is March 12, 2023.

Staff Recommendation: None, at this time.

SB 415 (Durazo) – Air quality: rules and regulations: socioeconomic impacts assessment.

CapitolTrack Summary: Current law requires a local air pollution control district or an air quality management district (local air district) that intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations to perform, except as specified, an assessment of the socioeconomic impacts of the proposed adoption, amendment, or repeal of the rule or regulation, as provided. Current law defines “socioeconomic impacts” to include, among other things, the type of industries or business, including small business, affected by the rule or regulation, the impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation,

and the range of probable costs, including costs to industry or business, including small business, of the rule or regulation. This bill would authorize a local air district to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would require a local air district to ensure that a prospective third-party contractor includes in its proposal for the assessment specified information, including, among other things, a conflicts statement and a proposed schedule and budget for the assessment. This bill would expand the definition of “socioeconomic impacts” to include the disproportionate impact, if any, of the proposed adoption, amendment, or repeal of the rule or regulation on Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Alaska Native, gay, lesbian, bisexual, and transgender individuals and women.

If passed, SB 415 would expand the definitions and requirements of a socioeconomic impact assessment conducted by an air district or the California Air Resources Board.

This bill requires a majority vote in both the Assembly and Senate. The earliest this bill can be heard is March 12, 2023.

Staff Recommendation: Work with Author

SB 563 (Archuleta) – Air pollution control districts and air quality management districts: independent special districts: funding.

CapitolTrack Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. This bill would designate a district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

If passed, SB 563 would designate an air pollution control district or air quality management district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

This bill requires a majority vote in both the Assembly and Senate. The earliest this bill can be heard is March 18, 2023.

Staff Recommendation: Support

SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

CapitolTrack Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems,

to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format. This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period. The bill would require the monitoring systems to monitor certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information.

If passed, SB 674 would make changes to existing fenceline monitoring requirements at refineries, including equipment, reporting, and emergency response.

This bill requires a majority vote in both the Assembly and Senate. The earliest this bill can be heard is March 19, 2023.

Staff Recommendation: Work with Author

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. Bills of Interest Matrix - As of February 21, 2023
2. AB 849 (Garcia) - Bill Text - As Introduced on 2/14/2023
3. SB 312 (Wiener) - Bill Text - As Introduced on 2/6/2023
4. SB 411 (Portantino) - Bill Text - As Introduced on 2/9/2023
5. SB 415 (Durazo) - Bill Text - As Introduced on 2/9/2023
6. SB 563 (Archuleta) - Bill Text - As Introduced on 2/15/2023
7. SB 674 (Gonzalez) - Bill Text - As Introduced on 2/16/2023

Bill #	Author	Subject	Last Amended	Last Status - As of 2/21/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1265	Gallagher	Low Carbon Fuel Standard regulations: repeal.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Climate Change
AB 1305	Gabriel	Voluntary carbon offset disclosures.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Climate Change
AB 1638	Fong, Mike	Workforce development: climate change.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Climate Change
AB 1689	Grayson	Greenhouse gases: built environment: decarbonization.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Climate Change
AB 30	Ward	Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.		1/26/2023-Referred to Com. on W., P., & W.	1/26/2023-A. W., P., & W.			Low	Climate Change
AB 397	Essayli	California Global Warming Solutions Act of 2006: scoping plan.		2/9/2023-Referred to Com. on NAT. RES.	2/9/2023-A. NAT. RES.			Low	Climate Change
AB 43	Holden	Greenhouse gas emissions: building materials: credit trading platform and compliance system.		12/6/2022-From printer. May be heard in committee January 5.	12/5/2022-A. PRINT			Low	Climate Change
AB 45	Boerner Horvath	Coastal resources: coastal development permits: blue carbon demonstration projects: new development: greenhouse gas emissions.		1/26/2023-Referred to Com. on NAT. RES.	1/26/2023-A. NAT. RES.			Low	Climate Change
AB 882	Davies	Coastal resources: Climate Ready Program: State Coastal Conservancy.		2/15/2023-From printer. May be heard in committee March 17.	2/14/2023-A. PRINT			Low	Climate Change
AB 9	Muratsuchi	California Global Warming Solutions Act of 2006: emissions limit.		1/26/2023-Referred to Com. on NAT. RES.	1/26/2023-A. NAT. RES.			Low	Climate Change
SB 12	Stern	California Global Warming Solutions Act of 2006: emissions limit.		2/10/2023-Set for hearing March 15.	1/18/2023-S. E.Q.			Low	Climate Change
SB 253	Wiener	Climate Corporate Data Accountability Act.		2/10/2023-Set for hearing March 15.	2/9/2023-S. E.Q.			Low	Climate Change
SB 306	Caballero	Equitable Building Decarbonization Program: direct install program.		2/15/2023-Referred to Com. on E., U. & C.	2/15/2023-S. E. U., & C.			Low	Climate Change
SB 308	Becker	Carbon sequestration: state goals.		2/15/2023-Referred to Com. on RLS.	2/2/2023-S. RLS.			Low	Climate Change
SB 422	Portantino	Environmental quality: greenhouse gas emissions: permit streamlining.		2/14/2023-From printer. May be acted upon on or after March 16.	2/13/2023-S. RLS.			Low	Climate Change
SB 511	Blakespear	Greenhouse gas emissions inventories.		2/15/2023-From printer. May be acted upon on or after March 17.	2/14/2023-S. RLS.			Low	Climate Change
SB 682	Skinner	Low-carbon cement and concrete.		2/17/2023-From printer. May be acted upon on or after March 19.	2/16/2023-S. RLS.			Low	Climate Change
SJR 2	Gonzalez	Climate change: Fossil Fuel Non-Proliferation Treaty.		2/17/2023-Introduced. Referred to Com. on RLS.	2/17/2023-S. RLS.			Low	Climate Change
AB 1550	Bennett	Green hydrogen.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
AB 1561	Gallagher	Reformulated gasoline regulations.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
AB 1591	Wallis	Energy: petroleum pricing.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
AB 1614	Gabriel	Gasoline fueling stations: phase out: study.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
AB 1623	Muratsuchi	Clean energy resources.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
AB 1687	Dable, Megan	Generators attached to recreational vehicles.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
AB 3	Zbur	Offshore wind energy.		12/6/2022-From printer. May be heard in committee January 5.	12/5/2022-A. PRINT			Low	Energy
AB 631	Hart	Oil and gas.		2/10/2023-From printer. May be heard in committee March 12.	2/9/2023-A. PRINT			Low	Energy
AB 998	Connolly	Biomass energy facilities: State Energy Resources Conservation and Development Commission: report.		2/16/2023-From printer. May be heard in committee March 18.	2/15/2023-A. PRINT			Medium	Energy
ABX1 1	Ting	Oil refineries: maintenance.		12/5/2022-Read first time. To print.	12/5/2022-A. PRINT			Low	Energy
ABX1 2	Fong, Vince	Motor Vehicle Fuel Tax Law: suspension of tax.		12/5/2022-Read first time. To print.	12/5/2022-A. PRINT			Low	Energy
ABX1 3	Bains	Petroleum refineries: imports.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Energy
SB 233	Skinner	Energy: new zero-emission vehicles and electric vehicle supply equipment: bidirectional capability.		2/1/2023-Referred to Com. on RLS.	1/24/2023-S. RLS.			Low	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program.		2/14/2023-From printer. May be acted upon on or after March 16.	2/13/2023-S. RLS.			Low	Energy
SB 493	Min	Air pollution: alternative vehicles and electric and hydrogen infrastructure.		2/15/2023-From printer. May be acted upon on or after March 17.	2/14/2023-S. RLS.			Low	Energy
SB 5	Nguyen	Motor Vehicle Fuel Tax Law: limitation on adjustment.		1/18/2023-Referred to Com. on GOV. & F.	1/18/2023-S. GOV. & F.			Low	Energy
SB 507	Gonzalez	Electric vehicle charging station infrastructure: assessments.		2/15/2023-From printer. May be acted upon on or after March 17.	2/14/2023-S. RLS.			Low	Energy
SB 556	Gonzalez	Oil and gas wells: oversight: health protection zones.		2/16/2023-From printer. May be acted upon on or after March 18.	2/15/2023-S. RLS.			Low	Energy
SB 746	Eggman	Energy conservation contracts: alternate energy equipment: hydrogen.		2/17/2023-Introduced. Read first time. To Com. on RLS. for assignment. To print.	2/17/2023-S. RLS.			Low	Energy
SBX1 2	Skinner	Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin.		12/5/2022-Introduced. Read first time. Referred to Com. on RLS.	12/5/2022-S. RLS.			Low	Energy
SBX1 3	Grove	Oil imports: air quality emissions data.		1/4/2023-Read first time.	12/6/2022-S. RLS.			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 2/21/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1195	Calderon	Climate Change Preparedness, Resiliency, and Jobs for Communities Program: climate-beneficial projects: grant funding.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Environmental Justice
AB 1224	Bryan	Environmental justice.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Environmental Justice
AB 1681	Bryan	Environmental justice.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Environmental Justice
AB 1609	Garcia	Air pollution: motor vehicles: district fees.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT	Potential Sponsor/ Co-Sponsor		Medium	General-Air District
AB 536	Wilson	Bay Area Air Quality Management Advisory Council: compensation.		2/17/2023-Referred to Com. on NAT. RES.	2/17/2023-A. NAT. RES.		Air District-Sponsored	High	General-Air District
AB 650	Arambula	San Joaquin Valley Unified Air Pollution Control District: board.		2/10/2023-From printer. May be heard in committee March 12.	2/9/2023-A. PRINT			Low	General-Air District
AB 849	Garcia	Community emissions reduction programs.		2/15/2023-From printer. May be heard in committee March 17.	2/14/2023-A. PRINT		Propose Support	Medium	General-Air District
AB 985	Arambula	Air pollution: mobile and stationary sources.		2/16/2023-From printer. May be heard in committee March 18.	2/15/2023-A. PRINT			Low	General-Air District
SB 415	Durazo	Air quality: rules and regulations: socioeconomic impacts assessment.		2/10/2023-From printer. May be acted upon on or after March 12.	2/9/2023-S. RLS.		Propose Work With Author	Medium	General-Air District
SB 563	Archuleta	Air pollution control districts and air quality management districts: independent special districts: funding.		2/16/2023-From printer. May be acted upon on or after March 18.	2/15/2023-S. RLS.		Propose Support	Medium	General-Air District
SB 674	Gonzalez	Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.		2/17/2023-From printer. May be acted upon on or after March 19.	2/16/2023-S. RLS.		Propose Work With Author	Medium	General-Air District
AB 1012	Quirk-Silva	State Air Resources Board: mobile source regulations: lifecycle analysis.		2/16/2023-From printer. May be heard in committee March 18.	2/15/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1045	Hart	Vehicle air pollution: State Air Resources Board: regulations.		2/16/2023-From printer. May be heard in committee March 18.	2/15/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1267	Ting	Zero-emission vehicle incentive programs: diesel and gasoline superusers.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Transportation electrification: grant recipients: data reporting.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1372	Alvarez	Vehicle air pollution: medium- and heavy-duty vehicles: land ports of entry.		2/17/2023-Introduced. To print.	2/17/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1374	Alvarez	Greenhouse Gas Reduction Fund: investment plan.		2/17/2023-Introduced. To print.	2/17/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1401	Garcia	Air Quality Improvement Program.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1585	Ward	Air pollution: Clean Cars 4 All Program.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 287	Garcia	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: competitive grant programs: funding objectives.		2/2/2023-Referred to Com. on NAT. RES.	2/2/2023-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 321	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.		2/9/2023-Referred to Com. on REV. & TAX.	2/9/2023-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 579	Ting	Schoolbuses: zero-emission vehicles.		2/17/2023-Referred to Com. on ED.	2/17/2023-A. ED.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 627	Jackson	Heavy-duty trucks: grant program: operating requirements.		2/17/2023-Referred to Coms. on TRANS. and B. & F.	2/17/2023-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 769	Bauer-Kahan	Personal Income Tax Law: Corporation Tax Law: credits: carbon reduction.		2/14/2023-From printer. May be heard in committee March 16.	2/13/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 772	Jackson	Electric vehicle chargers.		2/14/2023-From printer. May be heard in committee March 16.	2/13/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 858	Muratsuchi	California Climate Cashback Program.		2/15/2023-From printer. May be heard in committee March 17.	2/14/2023-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 953	Connolly	Coastal resources: voluntary vessel speed reduction and sustainable shipping program.		2/15/2023-From printer. May be heard in committee March 17.	2/14/2023-A. PRINT		Air-District Co-Sponsor	High	GGRF, Incentive Programs, Mobile Source, Cap and Trade
ACA 2	Alanis	Public resources: Water and Wildfire Resiliency Act of 2023.		12/6/2022-From printer. May be heard in committee January 5.	12/5/2022-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicle air pollution: Zero-Emission Aftermarket Conversion Project.		2/15/2023-Referred to Coms. on E.Q. and TRANS.	2/15/2023-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 32	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		12/6/2022-From printer. May be acted upon on or after January 5.	12/5/2022-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.		2/17/2023-From printer. May be acted upon on or after March 19.	2/16/2023-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 709	Allen	Greenhouse Gas Reduction Fund: investment plan.		2/17/2023-From printer. May be acted upon on or after March 19.	2/16/2023-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.		2/17/2023-Introduced. Read first time. To Com. on RLS. for assignment. To print.	2/17/2023-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1153	Alvarez	San Diego Unified Port District.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Other
AB 1176	Zbur	Local government.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Other
AB 1183	Holden	Streamlined construction projects: construction permits: notice.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Other
AB 1216	Muratsuchi	Wastewater treatment plants: monitoring of emissions.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 2/21/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1348	Grayson	Local government: open meetings.		2/17/2023-From printer. May be heard in committee March 19.	2/16/2023-A. PRINT			Low	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT	Potential Sponsor/ Co-Sponsor		Medium	Other
AB 1504	McCarty	Planning and zoning: adoption of regulations: electric vehicle charging stations.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1529	Gabriel	Electric vehicle charging stations.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1534	Irwin	Methane emissions: municipal solid waste landfills: remote sensing data.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1535	Mathis	The Energy, Environment, and Economy Council.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1579	Garcia	Vehicles: batteries.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1580	Carrillo, Juan	Air pollution: electric vehicle infrastructure.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 16	Dixon	Motor Vehicle Fuel Tax Law: adjustment suspension.		12/6/2022-From printer. May be heard in committee January 5.	12/5/2022-A. PRINT			Low	Other
AB 1660	Ta	Cosmetic products: perfluoroalkyl and polyfluoroalkyl substances (PFAS).		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1700	Hoover	California Environmental Quality Act: population growth and noise impacts: housing projects.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1702	Hart	Active Transportation Program.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 1743	Bennett	Less-Than-Zero-Emissions Incentive Program.		2/17/2023-Read first time. To print.	2/17/2023-A. PRINT			Low	Other
AB 221	Ting	Budget Act of 2023.		1/26/2023-Referred to Com. on BUDGET.	1/26/2023-A. BUDGET			High	Other
AB 241	Reyes	Clean Transportation Program.		1/14/2023-From printer. May be heard in committee February 13.	1/13/2023-A. PRINT			Low	Other
AB 53	Fong, Vince	Motor Vehicle Fuel Tax Law: suspension of tax.		12/6/2022-From printer. May be heard in committee January 5.	12/5/2022-A. PRINT			Low	Other
AB 557	Hart	Open meetings: local agencies: teleconferences.		2/17/2023-Referred to Com. on L. GOV.	2/17/2023-A. L. GOV.			Medium	Other
AB 585	Rivas, Robert	California Global Warming Solutions Act of 2006: state board.		2/10/2023-From printer. May be heard in committee March 12.	2/9/2023-A. PRINT			Low	Other
AB 6	Friedman	Transportation planning.		12/6/2022-From printer. May be heard in committee January 5.	12/5/2022-A. PRINT			Low	Other
AB 69	Waldron	Transportation: traffic signal synchronization: roadway improvement projects.		2/2/2023-Referred to Com. on TRANS.	2/2/2023-A. TRANS.			Low	Other
AB 817	Pacheco	Local government: open meetings.		2/14/2023-From printer. May be heard in committee March 16.	2/13/2023-A. PRINT			Medium	Other
SB 15	Grove	Oil imports: air quality emissions data.		12/6/2022-From printer. May be acted upon on or after January 5.	12/5/2022-S. RLS.			Low	Other
SB 30	Umberg	Transportation: zero-emission vehicle signage.		1/18/2023-Referred to Com. on RLS.	12/5/2022-S. RLS.			Low	Other
SB 312	Wiener	State highways: true warm mix asphalt.		2/15/2023-Referred to Coms. on TRANS. and E.Q.	2/15/2023-S. TRANS.			Medium	Other
SB 397	Wahab	Rest stops: electric vehicle charging stations and alternative fuel sources.		2/10/2023-From printer. May be acted upon on or after March 12.	2/9/2023-S. RLS.			Low	Other
SB 411	Portantino	Open meetings: teleconferences: bodies with appointed membership.		2/10/2023-From printer. May be acted upon on or after March 12.	2/9/2023-S. RLS.			Medium	Other
SB 48	Becker	Building performance standards.		1/18/2023-Referred to Com. on RLS.	12/5/2022-S. RLS.			Low	Other
SB 529	Gonzalez	Electric vehicle sharing services: public housing facilities and affordable multifamily housing properties.		2/15/2023-From printer. May be acted upon on or after March 17.	2/14/2023-S. RLS.			Low	Other
SB 537	Becker	Open meetings: local agencies: teleconferences.		2/15/2023-From printer. May be acted upon on or after March 17.	2/14/2023-S. RLS.			Medium	Other
SB 69	Cortese	California Environmental Quality Act: judicial and administrative proceedings: limitations.		2/10/2023-Set for hearing March 15.	1/18/2023-S. E.Q.			Low	Other
SB 72	Skinner	Budget Act of 2023.		1/11/2023-From printer.	1/10/2023-S. BUDGET & F.R.			High	Other
SB 781	Stern	Methane emissions: low-methane natural gas.		2/17/2023-Introduced. Read first time. To Com. on RLS. for assignment. To print.	2/17/2023-S. RLS.			Low	Other
SB 823	Smallwood-Cuevas	Electrical corporations: Discounted Electric Vehicle Charging Payment Card Program.		2/17/2023-Introduced. Read first time. To Com. on RLS. for assignment. To print.	2/17/2023-S. RLS.			Low	Other
SB 84	Gonzalez	Clean Transportation Program.		1/25/2023-Referred to Com. on RLS.	1/13/2023-S. RLS.			Low	Other
SB 849	Stern	Air pollution: emissions from ports.		2/17/2023-Introduced. Read first time. To Com. on RLS. for assignment. To print.	2/17/2023-S. RLS.	Potential Sponsor/ Co-Sponsor		Medium	Other
SBX1.1	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		12/5/2022-Introduced. Read first time. Referred to Com. on RLS.	12/5/2022-S. RLS.			Low	Other
AB 54	Aguiar-Curry	Department of Food and Agriculture: research funding: winegrapes: smoke exposure.		1/26/2023-Referred to Com. on AGRI.	1/26/2023-A. AGRI.			Low	Wildfire/Smoke/PSPS

Total Active Bills 114

Low: 96
Medium: 14
High: 4

ASSEMBLY BILL

No. 849

Introduced by Assembly Member Garcia

February 14, 2023

An act to amend Section 44391.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 849, as introduced, Garcia. Community emissions reduction programs.

Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Existing law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Existing law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Existing law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Existing law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed.

Existing law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority.

This bill would additionally require the air district, in adopting a community emissions reduction program, to consult with other relevant state agencies. By imposing additional duties on air districts, this bill would impose a state-mandated local program. The bill would require other relevant state agencies to implement and enforce measures assigned to them as a part of the community emissions reduction program unless the relevant state agency finds that those measures are infeasible at a public meeting of its governing body.

Existing law requires the state board to provide grants to community-based organizations for technical assistance and to support community participation in the implementation of the community emissions reduction program. In the implementation of the requirement for community participation, various air districts have established AB 617 community steering committees for each location selected by the state board for the preparation of a community emissions reduction program.

This bill would specify that grants provided include allocations of funds to serve as a budget for the AB 617 community steering committees for administrative items.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

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

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

- 1 SECTION 1. Section 44391.2 of the Health and Safety Code,
- 2 as amended by Section 1 of Chapter 340 of the Statutes of 2022,
- 3 is amended to read:

1 44391.2. (a) For purposes of this section, the following
2 provisions shall apply:

3 (1) “*AB 617 Community Steering Committee*” means a
4 committee established by an air district for each location selected
5 by the state board pursuant to subdivision (c) to support the
6 community participation requirement pursuant to subdivision (d).

7 ~~(1)~~

8 (2) “Disadvantaged community” means a community identified
9 as disadvantaged pursuant to Section 39711.

10 ~~(2)~~

11 (3) “Sensitive receptors” includes the same locations as specified
12 in paragraph (5) of subdivision (a) of Section 42705.5.

13 (b) On or before October 1, 2018, the state board shall prepare,
14 in consultation with the Scientific Review Panel on Toxic Air
15 Contaminants, the districts, the Office of Environmental Health
16 Hazard Assessment, environmental justice organizations, affected
17 industry, and other interested stakeholders, a statewide strategy to
18 reduce emissions of toxic air contaminants and criteria air
19 pollutants in communities affected by a high cumulative exposure
20 burden. The state board shall update the statewide strategy at least
21 once every five years. In preparing the statewide strategy, the state
22 board shall conduct at least one public workshop in each of the
23 northern, central, and southern parts of the state. The statewide
24 strategy shall include criteria for the development of community
25 emissions reduction programs. The criteria presented in the
26 statewide strategy shall include, but are not limited to, all of the
27 following:

28 (1) An assessment and identification of communities with high
29 cumulative exposure burdens for toxic air contaminants and criteria
30 air pollutants. The assessment shall prioritize disadvantaged
31 communities and sensitive receptor locations based on one or more
32 of the following: best available modeling information, existing air
33 quality monitoring information, existing public health data based
34 on consultation with the Office of Environmental Health Hazard
35 Assessment, and the monitoring results obtained pursuant to
36 Section 42705.5.

37 (2) A methodology for assessing and identifying the contributing
38 sources or categories of sources, including, but not limited to,
39 stationary and mobile sources, and an estimate of their relative

1 contribution to elevated exposure to air pollution in impacted
2 communities identified pursuant to paragraph (1).

3 (3) An assessment of whether a district should update and
4 implement the risk reduction audit and emissions reduction plan
5 developed pursuant to Section 44391 for any facility to achieve
6 emissions reductions commensurate with its relative contribution,
7 if the facility's emissions either cause or significantly contribute
8 to a material impact on a sensitive receptor location or
9 disadvantaged community, based on any data available for
10 assessment pursuant to paragraph (1) or other relevant data.

11 (4) An assessment of the existing and available measures for
12 reducing emissions from the contributing sources or categories of
13 sources identified pursuant to paragraph (2), including, but not
14 limited to, best available control technology, as defined in Section
15 40405, best available retrofit control technology, as defined in
16 Section 40406, and best available control technology for toxic air
17 contaminants, as defined in Section 39666.

18 (c) (1) Based on the assessment and identification pursuant to
19 paragraph (1) of subdivision (b), the state board shall select,
20 concurrent with the statewide strategy, locations around the state
21 for preparation of community emissions reduction programs. The
22 state board shall select additional locations annually thereafter, as
23 appropriate.

24 (2) (A) Within one year of the state board's selection, the
25 district encompassing any location selected pursuant to this
26 subdivision shall adopt, in consultation with the state board, *other*
27 *relevant state agencies*, individuals, community-based
28 organizations, affected sources, and local governmental bodies in
29 the affected community, a community emissions reduction program
30 to achieve emissions reductions for the location selected using
31 cost-effective measures identified pursuant to paragraph (4) of
32 subdivision (b).

33 (B) A district, with the agreement of the state board and a
34 majority of the persons who are designated by the district to
35 participate in the development and adoption of the community
36 emissions reduction program, may take up to one additional year
37 to adopt a community emissions reduction program pursuant to
38 subparagraph (A).

39 (3) The community emissions reduction programs shall be
40 consistent with the statewide strategy and include emissions

1 reduction targets, specific reduction measures, a schedule for the
2 implementation of measures, and an enforcement plan.

3 (4) The community emissions reduction programs shall be
4 submitted to the state board for review and approval within 60
5 days of the receipt of the program. Programs that are rejected shall
6 be resubmitted within 30 days. To the extent that a program, in
7 whole or in part, is not approvable, the state board shall initiate a
8 public process to discuss options for achieving an approvable
9 program. Concurrent with the public process to achieve an
10 approvable program, the state board shall develop and implement
11 the applicable mobile source elements in the draft program to
12 commence achievement of emissions reductions.

13 (5) The community emissions reduction programs shall result
14 in emissions reductions in the community, based on monitoring
15 or other data.

16 (6) In implementing a community emissions reduction program,
17 ~~the district and district~~, the ~~state board~~ *board, and other relevant*
18 *state agencies* shall be responsible for measures consistent with
19 their respective authorities. *A relevant state agency shall implement*
20 *the measures assigned to it as a part of the community emissions*
21 *reduction program unless that agency finds that those measures*
22 *are infeasible at a public meeting of its governing body.*

23 (7) A district encompassing a location selected pursuant to this
24 subdivision shall prepare an annual report summarizing both of
25 the following:

26 (A) The results and actions taken to further reduce emissions
27 pursuant to the community emissions reduction program.

28 (B) Updates to the community emissions reduction program
29 made to ensure consistency with updates to the statewide strategy
30 prepared pursuant to subdivision (b).

31 (8) Compliance with a community emissions reduction program
32 prepared pursuant to this section, including its implementation,
33 shall be enforceable by ~~the district and district~~, state board, *and*
34 *other relevant state agencies*, as applicable. *A relevant state agency*
35 *shall enforce the measures assigned to it as a part of the community*
36 *emissions reduction program unless that agency finds that those*
37 *measures are infeasible at a public meeting of its governing body.*

38 (d) The state board shall provide grants to community-based
39 organizations for technical assistance and to support community
40 participation in the implementation of this section and Section

1 ~~42705.5~~. 42705.5, including providing the AB 617 Community
2 Steering Committee established by an air district for each location
3 selected pursuant to this subdivision an allocation of funds to serve
4 as a budget for administrative items, including, but not limited to,
5 translation services, meeting venue costs, meeting coordination,
6 training, and stipends, as authorized by the air district, for
7 members of the committee.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 a local agency or school district has the authority to levy service
11 charges, fees, or assessments sufficient to pay for the program or
12 level of service mandated by this act, within the meaning of Section
13 17556 of the Government Code.

14 However, if the Commission on State Mandates determines that
15 this act contains other costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

O

Introduced by Senators Wiener and Ashby

February 6, 2023

An act to add and repeal Part 9 (commencing with Section 71470) of Division 34 of the Public Resources Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 312, as introduced, Wiener. State highways: true warm mix asphalt.

Existing law authorizes the Department of Transportation to construct, improve, and maintain state highways. Existing law authorizes the department to provide for the payment of extra compensation to a contractor on a road project, as a bonus for completion prior to the specified time.

Until January 1, 2029, this bill would require the department to also provide for the payment of extra compensation, as specified, to a contractor on a road project, as a bonus for using true warm mix asphalt, as defined by this bill. The bill would require the department to submit specified reports to the Legislature on certain findings related to true warm mix asphalt.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Climate change poses a serious threat to the environment,
- 4 our economy, and the well-being of communities in California and
- 5 around the world.

1 (b) The United States manufacturing sector produces the
2 materials that are critical to rebuilding and strengthening the
3 nation’s infrastructure, but is responsible for nearly one-third of
4 United States greenhouse gas emissions from industrial processes.

5 (c) Despite California’s push for an all-electric vehicle fleet
6 starting in 2035, cars will still have tires, and will still need to
7 travel on roads. Transportation infrastructure materials will
8 continue to be a significant source of emissions productions, unless
9 we embrace technologies in the marketplace to manufacture them
10 in a more sustainable manner.

11 (d) Approximately 26,000,000 tons of hot mix asphalt (HMA)
12 pavement material are produced in the state annually. Typical
13 asphalt mix production temperatures range from 300 to 350 degrees
14 Fahrenheit, which is accomplished by heating the liquid asphalt
15 cement and aggregate using a fossil fuel, such as natural gas, to
16 allow for appropriate mixing of the materials.

17 (e) Warm mix asphalt (WMA) is the generic term for a variety
18 of technologies that allow producers of HMA to lower the
19 production temperature at which the material is mixed and placed
20 on the road. True WMA is that product which is manufactured at
21 temperatures of 275 degrees and lower.

22 (f) The use of true WMA provides multiple benefits, including
23 significant reductions in fossil fuel use and the emissions of
24 greenhouse gases during the asphalt mixing and production process;
25 reductions or elimination of smoke, odors, and other byproduct
26 pollutant gases and particulates; and optimized compaction at
27 reduced temperatures and the extension of road life, leading to
28 further greenhouse gas emission reductions and significant cost
29 savings for the state related to increased long-term performance
30 and the potential to increase recycling uptake. Benefits improve
31 as production temperatures decrease.

32 (g) The University of California Pavement Research Center has
33 studied true WMA pavement extensively. The center found that
34 the use of true WMA has clear benefits when compared to HMA,
35 including the benefits identified above, and improved workability,
36 better conditions for workers, and better performance on projects
37 with long hauls or where mixes are placed under cool conditions.

38 SEC. 2. Part 9 (commencing with Section 71470) is added to
39 Division 34 of the Public Resources Code, to read:

1 PART 9. TRUE WARM MIX ASPHALT

2
3 71470. For the purpose of this part, the following definitions
4 apply:

5 (a) “Department” means the Department of Transportation.

6 (b) “True warm mix asphalt” means a hot mix asphalt that is
7 heated to no more than 275 degrees Fahrenheit during mixing and
8 production.

9 71471. The department shall provide for the payment of extra
10 compensation to a contractor on a contract for a road project, as a
11 bonus for using true warm mix asphalt, in accordance with the
12 following:

13 (a) The department shall pay a bonus of three dollars (\$3) per
14 ton for true warm mix asphalt that is heated to a temperature of
15 251 to 275, inclusive, degrees Fahrenheit during mixing and
16 production.

17 (b) The department shall pay a bonus of five dollars per (\$5)
18 per ton for true warm mix asphalt that is heated to no more than
19 250 degrees Fahrenheit during mixing and production.

20 71472. (a) The department shall submit a report to the
21 Legislature on or before January 1, 2026, and every two years
22 thereafter, containing all the following information:

23 (1) The reduction in carbon dioxide resulting from the use of
24 true warm mix asphalt.

25 (2) The increase in use of true warm mix asphalt as a result of
26 the extra compensation required by this article.

27 (b) A report to be submitted pursuant to subdivision (a) shall
28 be submitted in compliance with Section 9795 of the Government
29 Code.

30 71473. This part shall remain in effect only until January 1,
31 2029, and as of that date is repealed.

O

Introduced by Senator Portantino
(Coauthor: Senator Menjivar)
(Coauthor: Assembly Member Luz Rivas)

February 9, 2023

An act to add Section 54953.4 to the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 411, as introduced, Portantino. Open meetings: teleconferences: bodies with appointed membership.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice,

agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.

This bill would authorize a legislative body to use alternate teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. The bill would alternatively define “legislative body” for this purpose to mean a board, commission, or advisory body of a local agency, the membership of which board, commission, or advisory body is appointed and which board, commission, or advisory body is otherwise subject to the act.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 54953.4 is added to the Government
2 Code, to read:

1 54953.4. (a) (1) A legislative body included in subdivision
2 (c) may use teleconferencing without complying with paragraph
3 (3) of subdivision (b) of Section 54953 if the legislative body
4 complies with paragraph (2) of this section.

5 (2) A legislative body that holds a meeting pursuant to this
6 subdivision shall do all of the following:

7 (A) In each instance in which notice of the time of the
8 teleconferenced meeting is otherwise given or the agenda for the
9 meeting is otherwise posted, the legislative body shall also give
10 notice of the means by which members of the public may access
11 the meeting and offer public comment. The agenda shall identify
12 and include an opportunity for all persons to attend via a call-in
13 option or an internet-based service option.

14 (B) In the event of a disruption that prevents the legislative body
15 from broadcasting the meeting to members of the public using the
16 call-in option or internet-based service option, or in the event of
17 a disruption within the local agency's control that prevents
18 members of the public from offering public comments using the
19 call-in option or internet-based service option, the legislative body
20 shall take no further action on items appearing on the meeting
21 agenda until public access to the meeting via the call-in option or
22 internet-based service option is restored. Actions taken on agenda
23 items during a disruption that prevents the legislative body of a
24 neighborhood council from broadcasting the meeting may be
25 challenged pursuant to Section 54960.1.

26 (C) The legislative body shall not require public comments to
27 be submitted in advance of the meeting and must provide an
28 opportunity for the public to address the legislative body and offer
29 comment in real time.

30 (D) Notwithstanding Section 54953.3, an individual desiring to
31 provide public comment through the use of an internet website, or
32 other online platform, not under the control of the legislative body,
33 that requires registration to log in to a teleconference may be
34 required to register as required by the third-party internet website
35 or online platform to participate.

36 (E) (i) A legislative body that provides a timed public comment
37 period for each agenda item shall not close the public comment
38 period for the agenda item, or the opportunity to register, pursuant
39 to subparagraph (D), to provide public comment until that timed
40 public comment period has elapsed.

1 (ii) A legislative body that does not provide a timed public
2 comment period, but takes public comment separately on each
3 agenda item, shall allow a reasonable amount of time per agenda
4 item to allow public members the opportunity to provide public
5 comment, including time for members of the public to register
6 pursuant to subparagraph (D), or otherwise be recognized for the
7 purpose of providing public comment.

8 (iii) A legislative body that provides a timed general public
9 comment period that does not correspond to a specific agenda item
10 shall not close the public comment period or the opportunity to
11 register, pursuant to subparagraph (D), until the timed general
12 public comment period has elapsed.

13 (3) This subdivision shall not be construed to require the
14 legislative body to provide a physical location from which the
15 public may attend or comment.

16 (b) The legislative body shall comply with all other requirements
17 of Section 54953.

18 (c) As used in this section, “legislative body” means a board,
19 commission, or advisory body of a local agency, the membership
20 of which board, commission, or advisory body is appointed and
21 which board, commission, or advisory body is otherwise subject
22 to this chapter. As used in this subdivision, “advisory body”
23 includes, but is not limited to, a neighborhood council that is an
24 advisory body with the purpose to promote more citizen
25 participation in government and make government more responsive
26 to local needs that is established pursuant to the charter of a city
27 with a population of more than 3,000,000 people that is subject to
28 this chapter.

29 SEC. 2. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 54953.4 to the Government Code,
31 imposes a limitation on the public’s right of access to the meetings
32 of public bodies or the writings of public officials and agencies
33 within the meaning of Section 3 of Article I of the California
34 Constitution. Pursuant to that constitutional provision, the
35 Legislature makes the following findings to demonstrate the interest
36 protected by this limitation and the need for protecting that interest:

37 During the COVID-19 public health emergency, audio and video
38 teleconference were widely used to conduct public meetings in
39 lieu of physical location meetings, and those public meetings have
40 been productive, increased public participation by all members of

1 the public regardless of their location and ability to travel to
2 physical meeting locations, increased the pool of people who are
3 able to serve on these bodies, and protected the health and safety
4 of civil servants and the public. Extending the operation of
5 teleconference as conducted during the COVID-19 public health
6 emergency for bodies of local agencies with appointed membership
7 will continue these benefits.

8 SEC. 3. The Legislature finds and declares that Section 1 of
9 this act, which adds Section 54953.4 to the Government Code,
10 furthers, within the meaning of paragraph (7) of subdivision (b)
11 of Section 3 of Article I of the California Constitution, the purposes
12 of that constitutional section as it relates to the right of public
13 access to the meetings of local public bodies or the writings of
14 local public officials and local agencies. Pursuant to paragraph (7)
15 of subdivision (b) of Section 3 of Article I of the California
16 Constitution, the Legislature makes the following findings:

17 During the COVID-19 public health emergency, audio and video
18 teleconference were widely used to conduct public meetings in
19 lieu of physical location meetings, and those public meetings have
20 been productive, increased public participation by all members of
21 the public regardless of their location and ability to travel to
22 physical meeting locations, increased the pool of people who are
23 able to serve on these bodies, and protected the health and safety
24 of civil servants and the public. Extending the operation of
25 teleconference as conducted during the COVID-19 public health
26 emergency for bodies of local agencies with appointed membership
27 will continue these benefits.

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

32 Virtual meetings have allowed much easier access to appointed
33 bodies of local agencies with far more members of the public
34 participating in each meeting. This has created greater equity in
35 the process and fostered the health of our democracy. In-person
36 meetings may jeopardize the health and safety of vulnerable
37 citizens due to ongoing risks of COVID-19 and other illnesses.

O

Introduced by Senator DurazoFebruary 9, 2023

An act to amend Section 40728.5 of, and to add Sections 40728.7 and 40728.9 to, the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as introduced, Durazo. Air quality: rules and regulations: socioeconomic impacts assessment.

Existing law requires a local air pollution control district or an air quality management district (local air district) that intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations to perform, except as specified, an assessment of the socioeconomic impacts of the proposed adoption, amendment, or repeal of the rule or regulation, as provided. Existing law defines "socioeconomic impacts" to include, among other things, the type of industries or business, including small business, affected by the rule or regulation, the impact of the rule or regulation on employment and the economy of the region affected by the adoption of the rule or regulation, and the range of probable costs, including costs to industry or business, including small business, of the rule or regulation.

This bill would authorize a local air district to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would require a local air district to ensure that a prospective third-party contractor includes in its proposal for the assessment specified information, including, among other things, a conflicts statement and a proposed schedule and budget for the assessment. This bill would expand the definition of "socioeconomic impacts" to include the disproportionate impact, if any, of the proposed

adoption, amendment, or repeal of the rule or regulation on Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Alaska Native, gay, lesbian, bisexual, and transgender individuals and women. The bill would require a local air district or the third-party contractor, if no disproportionate impact is identified, to describe the basis for its conclusion that there is no disproportionate impact. By expanding the definition of “socioeconomic impact” for purposes of a socioeconomic impacts assessment conducted by a local air district, this bill would increase the requirements on local officials, thereby imposing a state-mandated local program.

This bill would additionally require the State Air Resources Board, except as specified, to conduct an assessment of the socioeconomic impacts, as defined, of a proposed adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, as provided, and similarly authorize the state board to contract with a third party to conduct the required assessment of socioeconomic impacts, or portion thereof, as provided. The bill would specify minimum standards for the assessment of socioeconomic impacts, and would require the state board or a third-party contractor to include in the assessment of socioeconomic impacts, specified information and analysis, including, but not limited to, the disproportionate impacts analysis described above. The bill would prohibit the state board from approving an assessment of socioeconomic impacts that fails to meet those requirements.

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

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

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

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

- 1 SECTION 1. Section 40728.5 of the Health and Safety Code
- 2 is amended to read:
- 3 40728.5. (a) Whenever a district intends to propose the
- 4 adoption, amendment, or repeal of a rule or regulation that will

1 significantly affect air quality or emissions limitations, ~~that agency~~
2 *the district board* shall, to the extent data are available, perform
3 an assessment of the socioeconomic impacts of the *proposed*
4 adoption, amendment, or repeal of the rule or regulation. The
5 district board shall actively consider the socioeconomic ~~impact of~~
6 ~~regulations~~ *impacts of the proposed adoption, amendment, or*
7 *repeal of the rule or regulation* and make a good faith effort to
8 minimize adverse socioeconomic ~~impacts, as defined below:~~
9 *impacts*. This section does not apply to the adoption, amendment,
10 or repeal of ~~any a~~ rule or regulation that results in ~~any a~~ less
11 restrictive emissions limit if the action does not interfere with the
12 district's adopted plan to attain ambient air quality standards, or
13 does not result in any significant increase in emissions.

14 ~~(b) For purposes of this section, "socioeconomic impact" means~~
15 ~~the following:~~

16 ~~(1) The type of industries or business, including small business,~~
17 ~~affected by the rule or regulation.~~

18 ~~(2) The impact of the rule or regulation on employment and~~
19 ~~the economy of the region affected by the adoption of the rule or~~
20 ~~regulation.~~

21 ~~(3) The range of probable costs, including costs to industry or~~
22 ~~business, including small business, of the rule or regulation.~~

23 ~~(4) The availability and cost-effectiveness of alternatives to the~~
24 ~~rule or regulation being proposed or amended.~~

25 ~~(5) The emission reduction potential of the rule or regulation.~~

26 ~~(6) The necessity of adopting, amending, or repealing the rule~~
27 ~~or regulation to attain state and federal ambient air standards~~
28 ~~pursuant to Chapter 10 (commencing with Section 40910).~~

29 ~~(e)~~

30 ~~(b)~~ To the extent that information on the socioeconomic ~~impact~~
31 ~~of a~~ *impacts of the proposed adoption, amendment, or repeal of a*
32 *rule or regulation* is required to be developed by a district pursuant
33 to other provisions of this division, *the district board may use or*
34 *reference* that information ~~may be used or referenced~~ in the
35 assessment ~~in order of socioeconomic impacts required pursuant~~
36 ~~to subdivision (a)~~ to comply with the requirements of this section.

37 ~~(d) This section does not apply to any district with a population~~
38 ~~of less than 500,000 persons.~~

39 ~~(e)~~

1 (c) Upon the approval by a majority vote of the district board,
 2 a county district is not required to include *in its assessment of*
 3 *socioeconomic impacts required pursuant to subdivision (a)* the
 4 analysis specified in paragraphs (2) and (4) of subdivision ~~(b)~~ *in*
 5 ~~any assessment of socioeconomic impacts for any (f) for a rule or~~
 6 regulation that only adopts a requirement that is substantially
 7 similar to, or is required by, a state or federal statute, regulation,
 8 or applicable formal guidance document. Examples of state ~~or~~ *and*
 9 federal formal guidance documents include, but are not limited to,
 10 federal Control Techniques Guidelines, state and federal reasonably
 11 available control technology determinations, state best available
 12 retrofit control technology determinations, and state air toxic
 13 control measures.

14 (d) *This section does not apply to a district with a population*
 15 *of less than 500,000 persons.*

16 (e) (I) *A district board may contract with a third-party*
 17 *contractor, consistent with applicable state and local laws, rules,*
 18 *and regulations, to conduct a socioeconomic impacts assessment,*
 19 *or portion thereof, and shall require the prospective third-party*
 20 *contractor to include all of the following in the prospective*
 21 *third-party contractor's proposal for the assessment:*

22 (A) *A conflicts statement that includes both of the following:*

23 (i) *A description of all work performed by the prospective*
 24 *third-party contractor in the last five years that potentially relates*
 25 *to or could potentially be directly impacted by the proposed action.*

26 (ii) *All financial, personal, or familial relationships of any*
 27 *person employed by the prospective third-party contractor with*
 28 *either of the following:*

29 (I) *An employee of the district that holds a designated position*
 30 *listed in Appendix A of Section 95000 of Title 17 of the Code of*
 31 *Regulations.*

32 (II) *An executive officer of any business or corporation that*
 33 *could potentially be directly impacted by the proposed action.*

34 (B) *A statement of the prospective third-party contractor's*
 35 *experience and key staff's expertise in conducting socioeconomic*
 36 *impact studies, or similar studies that involve cost analysis of*
 37 *environmental rules and regulations and their economic and*
 38 *demographic impacts, that includes both of the following:*

1 (i) A list of socioeconomic impact studies or similar studies
2 conducted by the prospective third-party contractor in the last five
3 years.

4 (ii) The curriculum vitae of the team leader and key professional
5 team members whom the prospective third-party contractor
6 proposes to conduct the assessment that includes the relevant
7 expertise, education, and certifications, if any, of the proposed
8 team leader and key professional team members.

9 (C) A proposed schedule for the assessment that includes the
10 date by which the prospective third-party contractor will provide
11 a draft assessment to the district board for review.

12 (D) A proposed budget for the assessment.

13 (2) The district board may disqualify a prospective third-party
14 contractor if the district board determines either of the following:

15 (A) The prospective third-party contractor's conflicts statement
16 submitted pursuant to subparagraph (A) of paragraph (1) reveals
17 a material conflict of interest that violates Section 18730 of Title
18 2 of the California Code of Regulations.

19 (B) The experience and qualifications of the prospective
20 third-party contractor or its employees identified pursuant to
21 subparagraph (B) of paragraph (1) are insufficient to conduct the
22 assessment.

23 (f) For purposes of this chapter, "socioeconomic impacts"
24 means all of the following:

25 (1) The types of industry and business, including small business,
26 affected by the rule or regulation proposed to be adopted, amended,
27 or repealed.

28 (2) The impact of the proposed adoption, amendment, or repeal
29 of the rule or regulation on employment and the economy of the
30 region affected by the proposed action.

31 (3) The range of probable costs, including costs to industry and
32 business, including small business, of the rule or regulation
33 proposed to be adopted, amended, or repealed.

34 (4) The availability and cost-effectiveness of alternatives to the
35 rule or regulation proposed to be adopted, amended, or repealed.

36 (5) The emissions reduction potential of the rule or regulation
37 proposed to be adopted, amended, or repealed.

38 (6) The necessity of adopting, amending, or repealing the rule
39 or regulation to attain state and federal ambient air standards
40 pursuant to Chapter 10 (commencing with Section 40910).

1 (7) *The disproportionate impact, if any, of the proposed action*
 2 *on Black, African American, Hispanic, Latino, Asian, Pacific*
 3 *Islander, Native American, Native Hawaiian, Alaska Native, gay,*
 4 *lesbian, bisexual, and transgender individuals and women. If no*
 5 *disproportionate impact is identified, the district board or the*
 6 *third-party contractor shall describe the basis for its conclusion*
 7 *that there is no disproportionate impact.*

8 SEC. 2. Section 40728.7 is added to the Health and Safety
 9 Code, to read:

10 40728.7. (a) Whenever the state board intends to propose the
 11 adoption, amendment, or repeal of a rule or regulation that will
 12 significantly affect air quality or emissions limitations, the state
 13 board shall, to the extent data are available and, consistent with
 14 Section 40728.9, perform an assessment of the socioeconomic
 15 impacts of the proposed adoption, amendment, or repeal of the
 16 rule or regulation. The state board shall actively consider the
 17 socioeconomic impacts of the proposed adoption, amendment, or
 18 repeal of the rule or regulation and make a good faith effort to
 19 minimize adverse socioeconomic impacts.

20 (b) To the extent that information on the socioeconomic impacts
 21 of the proposed adoption, amendment, or repeal of a rule or
 22 regulation is required to be developed by the state board pursuant
 23 to other provisions of this division, the state board may use or
 24 reference that information in the assessment of socioeconomic
 25 impacts required pursuant to subdivision (a) to comply with the
 26 requirements of this section.

27 (c) The state board may contract with a third party, consistent
 28 with Section 40728.9 and with applicable state and local laws,
 29 rules, and regulations, to conduct the assessment of socioeconomic
 30 impacts, or a portion thereof, required pursuant to subdivision (a).
 31 Nothing in this section, however, requires the state board to
 32 contract with a third party to conduct the assessment.

33 (d) This section does not apply to either of the following:
 34 (1) The proposed adoption, amendment, or repeal of a rule or
 35 regulation that results in a less restrictive emissions limit if the
 36 proposed action does not interfere with the state board’s adopted
 37 plan to attain ambient air quality standards or does not result in
 38 any significant increase in emissions.

1 (2) The proposed adoption, amendment, or repeal by the state
2 board of a rule or regulation that has an economic impact of less
3 than ten million dollars (\$10,000,000).

4 (e) For purposes of this chapter, “socioeconomic impacts” means
5 all of the following:

6 (1) The type of industry and business, including small business,
7 affected by the rule or regulation proposed to be adopted, amended,
8 or repealed.

9 (2) The impact of the proposed adoption, amendment, or repeal
10 of the rule or regulation on employment and the economy of the
11 region affected by the proposed action.

12 (3) The range of probable costs, including costs to industry and
13 business, including small business, of the rule or regulation
14 proposed to be adopted, amended, or repealed.

15 (4) The availability and cost-effectiveness of alternatives to the
16 rule or regulation proposed to be adopted, amended, or repealed.

17 (5) The emissions reduction potential of the rule or regulation
18 proposed to be adopted, amended, or repealed.

19 (6) The necessity of adopting, amending, or repealing the rule
20 or regulation to attain state and federal ambient air standards
21 pursuant to Chapter 10 (commencing with Section 40910).

22 SEC. 3. Section 40728.9 is added to the Health and Safety
23 Code, to read:

24 40728.9. (a) For purposes of this section, the following terms
25 have the following meanings:

26 (1) “Assessment” means the assessment of socioeconomic
27 impacts of a proposed adoption, amendment, or repeal of a rule or
28 regulation required to be conducted by the state board pursuant to
29 subdivision (a) of Section 40728.7.

30 (2) “Proposed action” means the proposed adoption, amendment,
31 or repeal of a rule or regulation being contemplated by the state
32 board.

33 (3) “Third-party contractor” means a third party with whom the
34 state board contracts, consistent with state and local laws, rules,
35 and regulations, to conduct an assessment, or portion thereof.

36 (b) (1) This section outlines the minimum standards applicable
37 to the state board when it is required to conduct an assessment of
38 socioeconomic impacts required pursuant to subdivision (a) of
39 Section 40728.7. Nothing in this section prohibits the state board

1 from creating or imposing additional requirements on a third-party
2 contractor relating to an assessment.

3 (2) The state board shall not approve an assessment pursuant
4 to Section 40728.7 if the assessment does not comply with the
5 requirements of this section.

6 (3) Nothing in this section shall be construed to supersede,
7 modify, or otherwise affect, or exempt the state board from,
8 applicable state or local laws, rules, or regulations relating to the
9 ability or authority of the state board to contract with an outside
10 third party to conduct the assessment, including, but not limited
11 to, the State Contract Act (Chapter 1 (commencing with Section
12 10100) of Part 2 of Division 2 of the Public Contract Code).

13 (c) (1) A state board may contract with a third-party contractor,
14 consistent with applicable state laws, rules, and regulations, to
15 conduct an assessment, or portion thereof, and shall require the
16 prospective third-party contractor to include all of the following
17 in the prospective third-party contractor's proposal for the
18 assessment:

19 (A) A conflicts statement that includes both of the following:

20 (i) A description of all work performed by the prospective
21 third-party contractor in the last five years that potentially relates
22 to or could potentially be directly impacted by the proposed action.

23 (ii) All financial, personal, or familial relationships of any person
24 employed by the prospective third-party contractor with either of
25 the following:

26 (I) An employee of the state board that holds a designated
27 position listed in Appendix A of Section 95000 of Title 17 of the
28 Code of Regulations.

29 (II) An executive officer of any business or corporation that
30 could potentially be directly impacted by the proposed action.

31 (B) A statement of the prospective third-party contractor's
32 experience and key staff's expertise in conducting socioeconomic
33 impact studies, or similar studies that involve cost analysis of
34 environmental rules and regulations and their economic and
35 demographic impacts, that includes both of the following:

36 (i) A list of socioeconomic impact studies or similar studies
37 conducted by the prospective third-party contractor in the last five
38 years.

39 (ii) The curriculum vitae of the team leader and key professional
40 team members whom the prospective third-party contractor

1 proposes to conduct the assessment that includes the relevant
2 expertise, education, and certifications, if any, of the proposed
3 team leader and key professional team members.

4 (C) A proposed schedule for the assessment that includes the
5 date by which the prospective third-party contractor will provide
6 a draft assessment to the state board for review.

7 (D) A proposed budget for the assessment.

8 (2) The state board may disqualify a prospective third-party
9 contractor if the state board determines either of the following:

10 (A) The prospective third-party contractor's conflicts statement
11 submitted pursuant to subparagraph (A) of paragraph (1) reveals
12 a material conflict of interest that violates Section 18730 of Title
13 2 of the California Code of Regulations.

14 (B) The experience and qualifications of the prospective
15 third-party contractor or its employees identified pursuant to
16 subparagraph (B) of paragraph (1) are insufficient to conduct the
17 assessment.

18 (d) The state board shall include, or require a third-party
19 contractor with whom the state board contracts to include, at a
20 minimum, all of the following in the assessment:

21 (1) All of the information and analysis required pursuant to
22 subdivision (e) of Section 40728.7.

23 (2) (A) A description of the specific methodologies employed
24 by the state board or the third-party contractor to conduct the
25 assessment.

26 (B) The state board and the third-party contractor shall comply
27 with the Department of Finance's methodological standards for
28 state agencies outlined in Chapter 1 (commencing with Section
29 2000) of Division 3 of Title 1 of the California Code of Regulations
30 in conducting the assessment.

31 (3) An analysis of the disproportionate impact, if any, of the
32 proposed action on Black, African American, Hispanic, Latino,
33 Asian, Pacific Islander, Native American, Native Hawaiian, Alaska
34 Native, gay, lesbian, bisexual, and transgender individuals and
35 women. If no disproportionate impact is identified, the state board
36 or the third-party contractor shall describe the basis for its
37 conclusion that there is no disproportionate impact.

38 (4) An econometric analysis that includes all of the following:

39 (A) A baseline estimate of the costs, revenues, income, and
40 other relevant economic factors for businesses and consumers

1 affected by the proposed action. The baseline estimate shall take
2 into account economic and regulatory factors based on data
3 available to the state board.

4 (B) A detailed description of the assumptions supporting the
5 baseline estimate required pursuant to subparagraph (A), and which
6 assumptions shall be based on the conditions specific to the region
7 affected by the proposed action.

8 (C) An estimate of the impacts of the proposed action on the
9 baseline estimate developed pursuant to subparagraph (A).

10 (D) An estimate of the impact that the proposed action will have
11 on state revenues.

12 (5) A citation to each data source relied on in the assessment
13 so that any person can view the original data source.

14 (6) Identification of the key assumptions and inputs entered into
15 any model created or used for the assessment, including, but not
16 limited to, assumptions regarding the responsiveness of labor
17 supply to changes in wage rates and the responsiveness of
18 consumer spending to changes in product or service prices.

19 (7) (A) Except as provided in subparagraph (B), a detailed
20 description of any manipulation, calculation, interpolation, or
21 extrapolation of original source data so that any person can
22 reproduce the same estimates presented in the assessment.

23 (B) Complex calculations using generally accepted and publicly
24 available input-output econometric models, such as the Regional
25 Input-Output Modeling System (RIMS II) published by the Bureau
26 of Economic Analysis of the United States Department of
27 Commerce and the proprietary Economic Impact Analysis for
28 Planning (IMPLAN), are exempt from the requirement in
29 subparagraph (A) if the state board or the third-party contractor
30 documents all inputs.

31 (e) In developing the estimate of the impacts of the proposed
32 actions on baseline estimates pursuant to subparagraph (C) of
33 paragraph (4) of subdivision (d), the state board or the third-party
34 contractor shall do all of the following:

35 (1) Identify the direct cost of the proposed action on the entities
36 impacted by the proposed action, including separately identifying
37 the costs for permitting, planning, purchasing, installation, and
38 ongoing operations associated with any major investment needed
39 to comply with the proposed action.

40 (2) Identify the basis for each component of the estimate.

1 (3) Consider input from entities affected by the proposed action
2 in developing the estimate.

3 (4) Ensure that the estimate reflects statewide market conditions.

4 (5) Include the basis for the assumptions used for the estimate,
5 develop a reasonable range surrounding the estimate, and describe
6 in detail the impacts of the range on the costs and benefits of the
7 proposed action.

8 (6) Analyze the likely behavioral changes by affected entities
9 and individuals in response to the proposed action, including, but
10 not limited to, the extent to which costs or benefits are retained by
11 the affected entities or are passed on to others, including customers
12 and employees.

13 (7) Take into account the types of occupations that would be
14 impacted by job cutbacks or increases associated with the proposed
15 action.

16 (8) Estimate direct, indirect, and induced impacts on consumers
17 by income level.

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

22 SEC. 4. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

O

Introduced by Senator Archuleta

February 15, 2023

An act to amend Section 40701.5 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 563, as introduced, Archuleta. Air pollution control districts and air quality management districts: independent special districts: funding.

Existing law provides for the establishment of air pollution control districts and air quality management districts. Existing law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Existing law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties.

This bill would designate a district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

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

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

- 1 SECTION 1. Section 40701.5 of the Health and Safety Code
- 2 is amended to read:
- 3 40701.5. (a) Funding for a district may be provided by, but is
- 4 not limited to, any one or any combination of the following sources:
- 5 (1) Grants.
- 6 (2) Subventions.
- 7 (3) Permit fees.

1 (4) Penalties.

2 (5) A surcharge or fee pursuant to Section 41081 or 44223 on
3 motor vehicles registered in the district.

4 (b) Expenses of a district that are not met by the funding sources
5 identified in subdivision (a) shall be provided by an annual per
6 capita assessment on those cities that have agreed to have a member
7 on the district board for purposes of Section 40100.5, 40100.6,
8 40152, 40322.5, 40704.5, or 40980 and on the county or counties
9 included within the district. Any annual per capita assessment
10 imposed by the district on those cities and counties included within
11 the district shall be imposed on an equitable per capita basis.

12 (c) Subdivision (b) does not apply to the San Joaquin Valley
13 Unified Air Pollution Control District or, if that unified district
14 ceases to exist, the San Joaquin Valley Air Quality Management
15 District, if that district is created.

16 (d) (1) Notwithstanding subdivision (b), expenses of the San
17 Diego County Air Pollution Control District that are not met by
18 the funding sources identified in subdivision (a) shall be provided
19 by an annual per capita assessment imposed on an equitable per
20 capita basis on each city and county included in the San Diego
21 County Air Pollution Control District by the governing board of
22 the San Diego County Air Pollution Control District created
23 pursuant to Section 40100.6.

24 (2) At least 30 days before the assessment is imposed, the
25 governing board shall hold a public hearing which shall include
26 data supporting the annual per capita assessment and any schedule
27 that may apply.

28 ~~(e) This section shall become operative on March 1, 2021.~~

29 *(e) Notwithstanding any other law, a district shall be deemed*
30 *an independent special district for purposes of receiving state*
31 *funds or funds disbursed by the state, including federal funds. For*
32 *purposes of this subdivision, “funds” includes, but is not limited*
33 *to, moneys, loans, grants, financial incentives, and other economic*
34 *benefits.*

O

Introduced by Senator GonzalezFebruary 16, 2023

An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 674, as introduced, Gonzalez. Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

Existing law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Existing law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Existing law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format.

This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period. The bill would require the monitoring systems to monitor certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify

the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of the lowest available reference exposure levels set by the office. The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an exceedance, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

Under existing law a violation of requirements for stationary sources, or any rule, regulation, permit, or order of the state board or of an air district is a crime.

Because this bill would impose the monitoring systems requirement on owners or operators of refineries engaging in other types of refining processes, as defined, and would impose additional requirements on owners and operators of refineries, a violation of which would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Refinery Air Pollution Transparency and Reduction Act.
- 3 SEC. 2. Section 42705.6 of the Health and Safety Code is
- 4 amended to read:
- 5 42705.6. (a) For purposes of this section, the following
- 6 definitions apply:
- 7 (1) “Auxiliary facilities” means any site necessary to support
- 8 refining processes at a refinery, including storage tanks, hydrogen
- 9 plants, sulfuric acid plants, port terminals, and electrical

1 generation plants that provide more than 50 percent of production
2 output to the refinery.

3 (2) “Biofuel” means biodiesel, renewable diesel, and renewable
4 aviation fuel, and other products derived from noncrude oil
5 feedstock.

6 (3) “Fence-line monitoring system” means equipment that
7 measures and records ambient air pollutant concentrations at or
8 adjacent to a refinery and that detects and estimates the quantity
9 of fugitive emissions, gas leaks, and other air emissions from the
10 refinery and that may be useful for estimating associated pollutant
11 exposures and health risks and in determining trends in air
12 pollutant levels over time.

13 (4) “Refinery” means an establishment that is located on one
14 or more adjacent properties that is primarily involved in refining
15 processes and related auxiliary facilities.

16 (4)

17 (5) “Refinery-related community air monitoring system” means
18 equipment that measures and records air pollutant concentrations
19 in the ambient air at or near sensitive receptor locations near a
20 petroleum refinery and that may be useful for estimating associated
21 pollutant exposures and health risks and in determining trends in
22 air pollutant levels over time.

23 ~~(2) “Fence-line monitoring system” means equipment that~~
24 ~~measures and records air pollutant concentrations at or adjacent~~
25 ~~to a petroleum refinery and that may be useful for detecting or~~
26 ~~estimating the quantity of fugitive emissions, gas leaks, and other~~
27 ~~air emissions from the refinery.~~

28 (6) “Refining processes” means the production, separation,
29 conversion, treating, handling, or blending of gasoline, diesel fuel,
30 aviation fuel, biofuel, petroleum distillates, lubricating oils,
31 petroleum coke, asphalt, or petrochemicals, among other products
32 derived from petroleum and alternative feedstock.

33 (7) “Sensitive receptor” means any of the following:

34 (A) A residence, including a private home, condominium,
35 apartment, and living quarter.

36 (B) An education resource, including a preschool, school
37 maintaining transitional kindergarten, kindergarten, or any of
38 grades 1 to 12, inclusive, daycare center, park, playground,
39 university, and college.

40 (C) A community resource center, including a youth center.

1 (D) A health care facility, including a hospital, retirement home,
2 and nursing home.

3 (E) Live-in housing, including a long-term care hospital,
4 hospice, prison, detention center, and dormitory.

5 (F) A building housing a business that is open to the public.

6 (b) Notwithstanding Section 42708, and on or before January
7 1, ~~2020~~, 2026, a refinery-related community air monitoring system
8 ~~shall~~ shall, after a 30-day public comment period, be installed near
9 each refinery that is consistent with the requirements and guidance
10 applicable to the siting of air quality monitors as established by
11 the federal Environmental Protection Agency and that meets ~~all~~
12 both of the following requirements:

13 (1) A district shall design, develop, install, operate, and maintain
14 the refinery-related community air monitoring system, which shall
15 be operated and maintained in accordance with guidance from the
16 appropriate district. A district may contract with a third party to
17 implement this paragraph.

18 (2) The refinery-related community air monitoring system shall
19 include equipment capable of measuring compounds emitted to
20 the atmosphere from refinery processes, *meteorological monitoring,*
21 *and digital components capable of enabling real-time access to*
22 *air pollution and meteorological measurements via an internet*
23 *website and application programming interface*, as determined by
24 the appropriate district.

25 (c) On or before January 1, ~~2020~~, 2026, the owner or operator
26 of a ~~petroleum~~ refinery shall *shall, after a 30-day public comment*
27 *period and approval by the appropriate district*, develop, install,
28 operate, and maintain a fence-line monitoring system *that covers*
29 *the entire perimeter of the refinery and is in accordance with*
30 *guidance developed by the appropriate district. The fence-line*
31 *monitoring system shall include equipment capable of measuring*
32 *compounds emitted to the atmosphere from refinery processes,*
33 *meteorological monitoring, and digital components capable of*
34 *enabling real-time access to air pollution and meteorological*
35 *measurements via an internet website and application*
36 *programming interface.*

37 (d) *The refinery-related community air monitoring systems and*
38 *refinery fence-line monitoring systems shall, at a minimum, monitor*
39 *pollutants identified by the Office of Environmental Health Hazard*
40 *Assessment, including, but not limited to, the following pollutants*

1 *identified in the office’s March 2019 Analysis of Refinery Chemical*
2 *Emissions and Health Effects as candidates for air monitoring at*
3 *a refinery:*

- 4 (1) *Acetaldehyde.*
- 5 (2) *Ammonia.*
- 6 (3) *Benzene.*
- 7 (4) *1,3-butadiene.*
- 8 (5) *Cadmium.*
- 9 (6) *Diethanolamine.*
- 10 (7) *Formaldehyde.*
- 11 (8) *Hydrogen fluoride.*
- 12 (9) *Hydrogen sulfide.*
- 13 (10) *Manganese.*
- 14 (11) *Naphthalene.*
- 15 (12) *Nickel.*
- 16 (13) *Oxides of nitrogen.*
- 17 (14) *Polycyclic aromatic hydrocarbons.*
- 18 (15) *Particulate matter.*
- 19 (16) *Sulfur dioxide.*
- 20 (17) *Sulfuric acid.*
- 21 (18) *Toluene.*

22 ~~(d)~~
23 *(e) (1) The district and the owner or operator of a petroleum*
24 *refinery shall collect real-time data from the refinery-related*
25 *community air monitoring system and the fence-line monitoring*
26 *system and shall maintain records of that data. To the extent*
27 *feasible, the data for at least five years. The owner or operator of*
28 *a refinery shall post online quarterly reports that summarize*
29 *pollutant levels, variations, and trends over a three-month period*
30 *timeframe and notify the public of the availability of the reports.*

31 *(2) The data generated by these systems shall be provided to*
32 *the public as quickly as possible within 24 hours in a publicly*
33 *accessible and machine-readable format. The data shall be*
34 *archived and made available to the public online for download*
35 *through an application programming interface or other widely*
36 *recognized standard and backend components shall be optimized*
37 *to minimize delays in accessing data. The data shall include all*
38 *historical and meteorological data, and pollution measurements*
39 *and metadata, including latitude and longitude, detection limits,*
40 *signal strength, calibration, and quality control checks.*

1 (f) *The owner or operator of a refinery shall conduct third-party*
2 *audits, using an auditor approved by the district, of its fence-line*
3 *monitoring system to ensure the system is providing accurate data,*
4 *including conducting quality control checks, system calibration,*
5 *and evaluation of quality control and assurance plans. The audit*
6 *reports shall be submitted to the district and made available to*
7 *the public online by the refinery. The third-party audits shall be*
8 *conducted in accordance with the following schedule:*

9 (1) *An initial audit shall be conducted as follows:*

10 (A) *For a fence-line monitoring system installed on or after*
11 *January 1, 2024, within three months after the installation and*
12 *operation the system.*

13 (B) *For a fence-line monitoring system installed before January*
14 *1, 2024, by July 1, 2024.*

15 (2) *If the initial, subsequent, or followup audit does not identify*
16 *deficiencies in the fence-line monitoring system, subsequent audits*
17 *shall occur every two years and review at least one year of*
18 *monitoring data.*

19 (3) *If an initial, subsequent, or followup audit identifies*
20 *deficiencies in the fence-line monitoring system, a followup audit*
21 *shall be conducted within six months of the completion of actions*
22 *taken to correct the deficiencies identified in the audit.*

23 (g) *The owner or operator of a refinery shall notify the district*
24 *and public as quickly as possible of any exceedances of the lowest*
25 *available reference exposure or concentration levels set by the*
26 *Office of Environmental Health Hazard Assessment or the United*
27 *States Environmental Protection Agency that are detected by the*
28 *fence-line monitoring system. At a minimum, the notification to*
29 *the public shall include email and text message notifications to*
30 *members of the public requesting notification by email or text*
31 *message notification, as appropriate.*

32 (h) (1) *Within 24 hours of a fence-line system detecting an*
33 *exceedance of a historical one-hour average concentration of any*
34 *measured pollutant, the owner or operator of a refinery shall*
35 *initiate a root cause analysis to locate the cause of the exceedance*
36 *and to determine appropriate corrective action. The owner or*
37 *operator of the refinery shall prepare and submit a report to the*
38 *district and post online within five days of the exceedance*
39 *explaining the root cause analysis findings and corrective action*
40 *performed by the refinery. The root cause analysis shall include*

1 a visual inspection to determine the cause of the exceedance and
2 any of the following:

3 (A) Optical gas imaging.

4 (B) Leak inspection using Method 21 under Appendix A-7 of
5 Part 60 (commencing with Section 60.1) of Title 40 of the Code
6 of Federal Regulations.

7 (C) Other test or monitoring method approved by the district,
8 the State Air Resources Board, or the federal Environmental
9 Protection Agency.

10 (2) If the root cause analysis requires corrective action, the
11 refinery shall conduct a reinspection of the source within 14 days
12 of the corrective action and submit a report to the district and post
13 online.

14 (3) The refinery shall be assessed a civil penalty pursuant to
15 Article 3 (commencing with Section 42400) of Chapter 4 by the
16 district for failing to conduct a root cause analysis and take
17 corrective action within five days.

18 (4) A fence-line monitoring system approved by the district shall
19 presumptively yield credible evidence that may be used to establish
20 whether a refinery has violated or is in violation of any plan, order,
21 permit, rule, regulation, or law.

22 (e)

23 (i) Guidance developed by a district pursuant to this section
24 shall require the preparation of a quality control and assurance
25 plan to ensure data quality and take into account technological
26 capabilities and incorporate input from affected parties and, to the
27 extent feasible, shall be informed by refinery-related guidance in
28 the monitoring plan prepared pursuant to subdivision (b) of Section
29 42705.5.

30 (f)

31 (j) (1) Except as provided in paragraph (2), the owner or
32 operator of a ~~petroleum~~ refinery shall be responsible for the costs
33 associated with implementing this section.

34 (2) To the extent a refinery-related community air monitoring
35 system is intentionally ~~utilized~~ used by a district to monitor
36 emissions from sources under its jurisdiction other than a ~~petroleum~~
37 refinery, the district shall ensure the costs of the system are shared
38 in a reasonably equitable manner.

39 (k) This section does not limit the authority or jurisdiction of
40 the Environmental Protection Agency, the State Air Resources

1 *Board, or the districts, and does not prohibit a city, county, or city*
2 *and county from imposing more stringent regulations, limits, or*
3 *prohibitions on a refinery.*

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act or because costs that may be
9 incurred by a local agency or school district will be incurred
10 because this act creates a new crime or infraction, eliminates a
11 crime or infraction, or changes the penalty for a crime or infraction,
12 within the meaning of Section 17556 of the Government Code, or
13 changes the definition of a crime within the meaning of Section 6
14 of Article XIII B of the California Constitution.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 27, 2023

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

On January 10, 2023, Governor Newsom released his initial proposal for the fiscal year (FY) 2023-24 Budget.

Assembly Bill (AB) 221 (Ting) and Senate Bill (SB) 72 (Skinner) are identical bills reflecting the Governor's proposed budget.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on activities related to the budget.

On January 10, 2023, Governor Newsom released his draft budget proposal for FY 2023-24. The initial budget proposal addresses a \$29.5 billion decline in revenues (for FY 2021-22 through FY 2023-24 combined). This shortfall in revenue results in a “budget gap” estimated by the California Department of Finance at \$22.5 billion. The Governor is proposing to reduce or delay spending on various programs. For some of these items, the Governor proposes restoring funding in January of 2024 assuming General Fund revenues are sufficient, as determined by the Director of the Department of Finance.

The Senate and Assembly have started budget hearings that will continue for several months. Air District staff will participate and comment as appropriate. In May, the Governor will release a budget revision (the “May Revise”), and the remainder of May and most of June will be spent reconciling priorities and funding of the Administration, Senate, and Assembly. The budget must be signed by the Governor by July 1, 2023.

Attached is a table of programs significant to the Air District, along with budget data from the previous year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. 2023-24 Proposed State Budget vs. Previous Year

Program	FY 22/23 Approved Budget, Trailer Bills, and Addendum	FY 23/24 Proposed Budget (January) AB 221 (Ting)
AB 617 - Implementation	\$50M	\$300M
AB 617 - Incentives	\$240M	
AB 617 - Community Grants	\$10M	
AB 617 - Additional (CERP)	\$10M	
Clean Vehicle Rebate	\$0	\$0
Clean Truck & Bus	\$600M	\$315M
Ag Diesel Engine Replacement	\$150M	\$0
Clean Cars For All/School Bus/Equity	\$256M	\$325M
Resilience Centers	\$85M	\$0*
Prescribed Fire	\$2M	\$2M
Carl Moyer Program	\$130M	\$130M
Zero-Emission Lawn and Garden	\$0	\$0
Woodstove Replacement	\$5M	\$0
Port and Freight Goods Movement Infrastructure	\$600M	\$200M
Long Duration Energy Storage	\$140M	\$190M
Residential Decarbonization	\$112M	\$665M
Commercial Harbor Craft	\$60M	\$40M

* \$85M funding delayed until FY 2024-25

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 27, 2023

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

The Air District is sponsoring the following bill:

- Assembly Bill (AB) 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation.

The Air District is also co-sponsoring the following bill:

- AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

The following bills are currently spot bills or intent bills in the topic areas of bills for the Air District to be involved with as a sponsor or co-sponsor. No position is being proposed at this time – more information is expected to be available at the March 15, 2023, Legislative Committee meeting.

- AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties. (Spot Bill)
- AB 1609 (Garcia) – Air pollution: motor vehicles: district fees. (Spot Bill)
- Senate Bill (SB) 849 (Stern) – Air pollution: emissions from ports. (Intent Bill)

As defined by the Legislative Counsel, a “spot bill” is a bill that proposes nonsubstantive amendments to a code section in a particular subject; introduced to assure that a bill will be available, subsequent to the deadline to introduce bills, for revision by amendments that are germane to the subject of the bill.

An “intent bill” is essentially a placeholder for a bill that will be amended in the subject area of the bill’s stated intent language.

DISCUSSION

Staff will provide the Legislative Committee (Committee) with a summary and status of Air District sponsored and co-sponsored bills and introduced bill language, if available.

AB 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation.

CapitolTrack Bill Summary: Current law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Current law establishes a district board (bay district board) to govern the district. Current law also establishes the Bay Area Air Quality Management Advisory Council, which is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer, as provided. Current law requires council members to serve without compensation, but authorizes actual expenses incurred in the discharge of their duties. This bill would repeal the compensation prohibition and would instead authorize each council member to receive actual and necessary expenses incurred in the discharge of their duties.

Current Status: This bill has been referred to the Assembly Natural Resources Committee.

AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

CapitolTrack Bill Summary: Would require the Ocean Protection Council, on or before May 1, 2025, in coordination with various entities, including the State Air Resources Board, to develop and implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to include specified components, including, upon an appropriation by the Legislature, financial incentives to program participants based on a percentage of distance traveled by a participating vessel through a vessel speed reduction zone, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

Current Status: Pending committee referral.

As information becomes available, staff will update the Committee on additional legislative activities that the Board of Directors has previously approved or may wish to become involved with.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. AB 536 (Wilson) - Bill Text - As Introduced on 2/8/2023
2. AB 953 (Connolly and Hart) - Bill Text - As Introduced on 2/14/2023
3. AB 1465 (Wicks) - Bill Text - As Introduced on 2/17/2023
4. AB 1609 (Garcia) - Bill Text - As Introduced on 2/17/2023
5. SB 849 (Stern) - Bill Text - As Introduced on 2/17/2023

ASSEMBLY BILL

No. 536

**Introduced by Assembly Member Wilson
(Coauthors: Assembly Members Lee and Ortega)**

February 8, 2023

An act to repeal and add Section 40266 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 536, as introduced, Wilson. Bay Area Air Quality Management Advisory Council: compensation.

Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board (bay district board) to govern the district. Existing law also establishes the Bay Area Air Quality Management Advisory Council, which is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer, as provided. Existing law requires council members to serve without compensation, but authorizes actual expenses incurred in the discharge of their duties.

This bill would repeal the compensation prohibition and would instead authorize each council member to receive actual and necessary expenses incurred in the discharge of their duties. The bill would also authorize each council member to receive compensation, to be determined by the bay district board for either attending a meeting of the council or

attending a meeting, upon authorization of the bay district board, as a representative of the council.

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

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

- 1 SECTION 1. Section 40266 of the Health and Safety Code is
- 2 repealed.
- 3 ~~40266. Council members shall serve without compensation,~~
- 4 ~~but may be allowed actual expenses incurred in the discharge of~~
- 5 ~~their duties.~~
- 6 SEC. 2. Section 40266 is added to the Health and Safety Code,
- 7 to read:
- 8 40266. (a) Each council member may receive actual and
- 9 necessary expenses incurred in the discharge of their duties.
- 10 (b) Each council member may receive compensation, to be
- 11 determined by the bay district board for either of the following:
- 12 (1) Attending a meeting of the council.
- 13 (2) Attending a meeting, upon authorization of the bay district
- 14 board, as a representative of the council.

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ASSEMBLY BILL

No. 953

Introduced by Assembly Members Connolly and Hart

February 14, 2023

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as introduced, Connolly. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before May 1, 2025, in coordination with various entities, including the State Air Resources Board, to develop and implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to include specified components, including, upon an appropriation by the Legislature, financial incentives to program participants based on a percentage of distance traveled by a participating

vessel through a vessel speed reduction zone, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

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

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

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

3 (a) California’s seaports are North America’s primary intermodal
4 gateway to Asia and Transpacific trade. Maritime industry activities
5 at California’s public seaports are responsible for employing more
6 than 500,000 people in the state. Nationwide, more than 2,000,000
7 jobs are linked to maritime industry business conducted at
8 California’s public seaports, contributing to California having the
9 largest state economy in the United States.

10 (b) Every year, the world’s largest container ships and auto
11 carriers make thousands of transits along the California coast, with
12 an estimated 120 tons per day of nitrogen dioxides, an ozone
13 precursor, being emitted within 100 nautical miles of the coast.
14 These emissions negatively affect the public health of coastal
15 communities and cause some areas of the coast to be in
16 nonattainment with the national ambient air quality standards for
17 ozone and particulate matter.

18 (c) Since 2014, the Santa Barbara Air Pollution Control District,
19 Ventura County Air Pollution Control District, and the Bay Area
20 Air Quality Management District, with the federal Office of
21 National Marine Sanctuaries, marine sanctuary foundations, and
22 environmental groups, have administered and promoted the Blue
23 Whales and Blue Skies Program, a voluntary vessel speed reduction
24 program off the Santa Barbara, Ventura, and Bay Area coast to
25 encourage transit speeds of 10 knots or less to reduce air pollution,
26 the risk of harmful whale strikes, and the level of ocean noise.

27 (d) Since its inception, through 2021, the Blue Whales and Blue
28 Skies Program has provided small incentives and publicity to
29 program participants and has achieved 536,211 slow speed miles,
30 a reduction of over 76,000 tons of nitrogen oxides, and an estimated
31 50 percent decreased risk of whale strikes during prime migration
32 season in the affected coastal areas.

1 (e) This highly cost effective voluntary pollution reduction
2 program benefits public health, protects the marine ecosystem,
3 and showcases the beneficial partnership between shipping
4 companies, public health agencies, marine sanctuaries, and
5 environmental organizations.

6 (f) Creation of a statewide vessel speed reduction program and
7 expansion to other areas of the California coast, including the San
8 Diego and Monterey coasts and the North Coast, would yield
9 additional public health and ecosystem benefits.

10 SEC. 2. Section 35618 is added to the Public Resources Code,
11 to read:

12 35618. (a) On or before May 1, 2025, the council shall, in
13 coordination with air pollution control districts and air quality
14 management districts along the coast and in consultation with the
15 federal Office of National Marine Sanctuaries, the federal
16 Environmental Protection Agency, the United States Navy, and
17 the State Air Resources Board, develop and implement a statewide
18 voluntary vessel speed reduction and sustainable shipping program
19 for the California coast in order to reduce air pollution, the risk of
20 fatal vessel strikes on whales, and harmful underwater acoustic
21 impacts.

22 (b) The program shall build upon any existing local voluntary
23 incentive programs and shall include all of the following
24 components:

25 (1) A marketing and brand ambassador program to promote
26 voluntary vessel speed reduction and sustainable shipping, and an
27 acknowledgment of the program’s participants.

28 (2) Data collection on ship speeds along the California coast in
29 order to analyze the program for future refinement, expansion, or
30 both.

31 (3) Data collection on underwater acoustic impacts or fatal
32 vessel strikes on whales, to the extent data is available.

33 (4) Data collection and consideration of the regional air quality
34 impacts on the coast and the local air quality and other
35 environmental impacts to disadvantaged communities from
36 oceangoing vehicle traffic.

37 (5) Financial incentives to program participants based on a
38 percentage of distance traveled by a participating vessel through
39 a vessel speed reduction zone established at 10 knots or less, to

1 the extent that local, state, or federal funding is made available
2 pursuant to an appropriation by the Legislature.

3 (c) The council may impose additional qualifying criteria on
4 program participants in order to receive financial incentives under
5 the program, including, but not limited to, individual transit speeds,
6 such as maximum speed in transit or maximum transit average
7 speed.

8 (d) The council shall provide financial incentives pursuant to
9 this section upon appropriation by the Legislature.

10 (e) (1) On or before December 31, 2026, the council shall
11 submit a report to the Legislature regarding the implementation
12 of the program.

13 (2) The report required in paragraph (1) shall be submitted in
14 compliance with Section 9795 of the Government Code.

15 (3) Pursuant to Section 10231.5 of the Government Code, the
16 requirement for submitting a report imposed by paragraph (1) is
17 inoperative on December 31, 2030.

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ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to amend Section 42402 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, as introduced, Wicks. Nonvehicular air pollution: civil penalties.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources.

This bill would make nonsubstantive changes to the latter provision.

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

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

1 SECTION 1. Section 42402 of the Health and Safety Code is
2 amended to read:
3 42402. (a) Except as provided in Sections 42402.1, 42402.2,
4 42402.3, and 42402.4, ~~any~~ a person who violates this part, ~~any an~~
5 order issued pursuant to Section 42316, or ~~any a~~ rule, regulation,
6 permit, or order of a district, including a district hearing board, or
7 of the state board issued pursuant to Part 1 (commencing with
8 Section 39000) to Part 4 (commencing with Section 41500),

1 inclusive, is strictly liable for a civil penalty of not more than five
2 thousand dollars (\$5,000).

3 (b) (1) A person who violates ~~any~~ a provision of this part, ~~any~~
4 an order issued pursuant to Section 42316, or ~~any~~ a rule, regulation,
5 permit or order of a district, including a district hearing board, or
6 of the state board issued pursuant to Part 1 (commencing with
7 Section 39000) to Part 4 (commencing with Section 41500),
8 inclusive, is strictly liable for a civil penalty of not more than ten
9 thousand dollars (\$10,000).

10 (2) (A) If a civil penalty in excess of five thousand dollars
11 (\$5,000) for each day in which a violation occurs is sought, there
12 is no liability under this subdivision if the person accused of the
13 violation alleges by affirmative defense and establishes that the
14 violation was caused by an act that was not the result of intentional
15 conduct or negligent conduct.

16 (B) Subparagraph (A) does not apply to a violation of a federally
17 enforceable ~~requirements~~ requirement that ~~occur~~ occurs at a Title
18 V source in a district in which a Title V permit program has been
19 fully approved.

20 (C) Subparagraph (A) does not apply to a person who is
21 determined to have violated an annual facility emissions cap
22 established pursuant to a market-based incentive program adopted
23 by a district pursuant to subdivision (b) of Section 39616.

24 (c) A person who owns or operates ~~any~~ a source of air
25 contaminants in violation of Section 41700 that causes actual
26 injury, as defined in subdivision (d) of Section 42400, to the health
27 and safety of a considerable number of persons or the public, is
28 liable for a civil penalty of not more than fifteen thousand dollars
29 (\$15,000).

30 (d) Each day during ~~any~~ a portion of which a violation occurs
31 is a separate offense.

O

ASSEMBLY BILL

No. 1609

Introduced by Assembly Member Garcia

February 17, 2023

An act to amend Section 44225 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1609, as introduced, Garcia. Air pollution: motor vehicles: district fees.

Existing law authorizes an air pollution control or air quality management district, except the Sacramento district, to levy a surcharge on the registration fees for motor vehicles registered in the air district, as specified by the governing body of the air district. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by an air district, and requires the department, after deducting its administrative costs, to distribute the revenues to the air districts. Existing law, until January 1, 2034, raises the limit on the amount of that surcharge from \$4 to \$6 and requires that \$2 of the surcharge be used to implement the Carl Moyer Memorial Air Quality Standards Attainment Program, among other programs.

This bill would make a nonsubstantive change to the provision that authorizes the increase in the fee until January 1, 2034.

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

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

1 SECTION 1. Section 44225 of the Health and Safety Code, as
 2 amended by Section 5 of Chapter 355 of the Statutes of 2022, is
 3 amended to read:
 4 44225. (a) A district may increase the fee established under
 5 Section 44223 to up to six dollars (\$6). A district may increase the
 6 fee only if both of the following conditions are met:
 7 (1) A resolution providing for both the fee increase and a
 8 corresponding program for expenditure of the increased fees for
 9 the reduction of air pollution from motor vehicles pursuant to, and
 10 for related planning, monitoring, enforcement, and technical studies
 11 necessary for the implementation of, the California Clean Air Act
 12 of 1988 (Chapter 1568 of the Statutes of 1988), or for the
 13 attainment or maintenance of state or federal ambient air quality
 14 standards or the reduction of toxic air contaminant emissions from
 15 motor vehicles, is adopted and approved by the governing board
 16 of the district.
 17 (2) In districts with nonelected officials on their governing
 18 boards, the resolution shall be adopted and approved by both a
 19 majority of the governing board and a majority of the board
 20 members who are elected officials.
 21 (b) An increase in fees established pursuant to this section shall
 22 become effective on either April 1 or October 1, as provided in
 23 the resolution adopted by the board pursuant to subdivision (a).
 24 (c) This section shall remain in effect only until January 1 2034,
 25 and as of that date is ~~repealed, unless a later enacted statute, that~~
 26 ~~is enacted before January 1, 2034, deletes or extends that date.~~
 27 *repealed.*

O

Introduced by Senator Stern

February 17, 2023

An act relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 849, as introduced, Stern. Air pollution: emissions from ports.

Under existing law, the State Air Resources Board has adopted the Ocean-Going Vessels At Berth Regulation to increase emissions reductions from oceangoing vessels at berth in state ports to provide more air quality and health benefits to the people living and working in and around California's busiest seaports.

This bill would state the intent of the Legislature to enact subsequent legislation to reduce emissions at the ports of California.

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

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

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 subsequent legislation to reduce emissions at the ports of
- 3 California.

O