



BOARD OF DIRECTORS
POLICY, GRANTS, AND TECHNOLOGY COMMITTEE

July 10, 2024

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

COMMITTEE MEMBERS

VICKI VEENKER – CHAIR
MARGARET ABE-KOGA
NOELIA CORZO
JUAN GONZÁLEZ III
KATIE RICE

SERGIO LOPEZ – VICE-CHAIR
KEN CARLSON
JOELLE GALLAGHER
ERIN HANNIGAN

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center
1st Floor Temazcal Room
375 Beale Street
San Francisco, CA 94105**

**Napa County Administration Building
Crystal Conference Room
1195 Third Street, Suite 310
Napa, CA 94559**

**Ava Community Energy
Conference Room 3
1999 Harrison Street, Suite 2300
Oakland, CA 94612**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Policy, Grants, and Technology Committee reserves the right to conduct the meeting without remote webcast and/or Zoom access.

The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at www.baaqmd.gov/bodagendas.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/89061229046>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 890 6122 9046

Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Committee on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.

The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

POLICY, GRANTS, AND TECHNOLOGY COMMITTEE SPECIAL MEETING AGENDA

WEDNESDAY, JULY 10, 2024

11:00 AM

1. Call to Order - Roll Call

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

2. Pledge of Allegiance

CONSENT CALENDAR (Item 3)

The Consent Calendar consists of routine items that may be approved together as a group by one action of the Committee. Any Committee member or member of the public may request that an item be removed and considered separately.

3. Approval of the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of May 15, 2024

The Committee will consider approving the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of May 15, 2024.

ACTION ITEM(S)

4. Projects and Contracts with Proposed Grant Awards Over \$500,000

The Committee will consider recommending the Board of Directors approve the award of state and local incentive funding to five projects with proposed grant awards in excess of \$500,000 and authorize the Executive Officer/APCO to execute grant agreements for the recommended projects. This item will be presented by Clair Keleher, Senior Staff Specialist, Strategic Incentives Division.

5. Reconsideration of Board-Approved Position for Senate Bill 1298 (Cortese)

The Committee will consider recommending the Board of Directors remove the current Board-approved position of “Oppose Unless Amended” and move the Air District to a “Neutral” position on Senate Bill 1298 (Cortese). This item will be presented by Viet Tran, Deputy Executive Officer of Public Affairs.

INFORMATIONAL ITEM(S)

6. State and Federal Legislative Update

The Committee will discuss updates on state legislation, including Air District sponsored and co-sponsored bills, other bills of interest, the Fiscal Year 2024-25 California State Budget, and recent federal activities. This item will be presented by Viet Tran, Deputy Executive Officer of Public Affairs.

OTHER BUSINESS

7. 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. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

8. 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)

9. Time and Place of Next Meeting

Wednesday, September 18, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

10. 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 spesapati@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**

JULY 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Policy, Grants, and Technology Committee Special Meeting	Wednesday	10	11:00 a.m.	1st Floor, Temazcal Room
Board of Directors Finance and Administration Committee Special Meeting	Wednesday	10	2:00 p.m.	1st Floor, Temazcal Room
Board of Directors Meeting - CANCELLED	Wednesday	10	10:00 a.m.	1st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	17	10:00 a.m.	1st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	17	1:00 p.m.	1st Floor Board Room
Board of Directors Community Advisory Council Meeting – CANCELLED AND RESCHEDULED TO 6:00 P.M. THURSDAY, JULY 25, 2024	Thursday	18	6:00 p.m.	1st Floor Board Room
Board of Directors Policy, Grants, and Technology Committee – CANCELLED AND RESCHEDULED TO 11:00 A.M. WEDNESDAY, JULY 10, 2024	Wednesday	24	10:00 a.m.	1st Floor, Temazcal Room
Board of Directors Community Advisory Council Special Meeting	Thursday	25	6:00 p.m.	1st Floor Board Room
Advisory Council Meeting	Monday	29	9:00 a.m.	1st Floor Board Room

AUGUST 2024

NO MEETINGS SCHEDULED

SEPTEMBER 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	4	10:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	11	10:00 a.m.	1st Floor, Temazcal Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	11	1:00 p.m.	1st Floor, Temazcal Room
Board of Directors Finance and Administration Committee	Wednesday	18	10:00 a.m.	1 st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	18	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Advisory Council Meeting	Thursday	19	6:00 p.m.	1st Floor, Yerba Buena Room
Advisory Council Meeting	Thursday	19	9:30 a.m.	1 st Floor Board Room
MV 6/26/2024 – 12:09 p.m.				G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: July 10, 2024

Re: Approval of the Draft Minutes of the Policy, Grants, and Technology Committee
Meeting of May 15, 2024

RECOMMENDED ACTION

Approve the Draft Minutes of the Policy, Grants, and Technology Meeting of May 15, 2024.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Policy, Grants, and Technology Meeting of May 15, 2024.

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 Policy, Grants, and Technology Committee Meeting of May 15, 2024

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

Policy, Grants, and Technology Committee Meeting
Wednesday, May 15, 2024

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Policy, Grants, and Technology Committee (Committee) Chairperson, Vicki Veenker, called the meeting to order at 1:01 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Committee Chairperson Vicki Veenker; Committee Vice Chairperson Sergio Lopez; and Directors Juan González III, and Katie Rice.

Present, In-Person Satellite Location (Napa County Administration Building, 1195 Third St., Suite 310, Crystal Conference Room, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor Ken Carlson, 2255 Contra Costa Blvd., Suite 202, Pleasant Hill, California, 94523): Director Ken Carlson.

Present, In-Person Satellite Location (County of San Mateo, 400 County Center, 1st Floor CEO BOS Conference Room, Redwood City, California, 94063): Director Noelia Corzo.

Absent: Directors Margaret Abe-Koga and Erin Hannigan.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE POLICY, GRANTS, AND TECHNOLOGY COMMITTEE MEETING OF MARCH 20, 2024**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director González made a motion, seconded by Vice Chair Lopez, to **approve** the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of March 20, 2024; and the motion **carried** by the following vote of the Committee:

AYES: Carlson, Gallagher, Gonzalez, Lopez, Rice, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Corzo, Hannigan.

ACTION ITEMS

4. TRANSPORTATION FUND FOR CLEAN AIR REGIONAL FUND POLICIES & EVALUATION CRITERIA COMMENCING FISCAL YEAR ENDING 2025

Linda Hui, Supervising Staff Specialist, gave the staff presentation *Transportation Fund for Clean Air Regional Fund Policies & Evaluation Criteria Commencing Fiscal Year Ending 2025*, including: action item; outline; Transportation for Clean Air (TFCA) background; public outreach process; proposed updates; and recommendation.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed fluctuation of the TFCA cost-effectiveness limit over time; whether diesel trucks replacement projects are eligible for TFCA funding; cost-effectiveness for diesel truck replacement projects; how frequently TFCA policies are evaluated; advantages and disadvantages of reverting the amount of time in which a grantee must commence a project from 24 to 12 months (Policy #8: Readiness; whether a project’s timeline may be extended beyond 12 months if a grantee experiences a problem; whether there is uptime requirement electric vehicle charging infrastructure projects; whether any of the policies address post-project maintenance; appreciation for upgrades from Class III or Class II (non-buffered) to Class II buffered bike line as an eligible project category (Policy #32: Bikeways); appreciation for updating the evaluation criteria to prioritize projects in communities identified through the Assembly Bill (AB) 617 process communities; whether Class IV protected bike lanes are eligible projects; the increase of the maximum cost-effectiveness (Policy #23: On-Road Zero- and Partial-Zero-Emissions Vehicles); the fact that experimental techniques may not be cost-effective but may be helpful in Research and Development (what proportion of experimental techniques are going to high cost-effective projects versus low cost-effective ones); and whether the Air District funds advanced demonstration projects.

NOTED PRESENT: Director Corzo was noted present at 1:11 p.m.

Committee Action

Director González made a motion, seconded by Director Rice, to recommend the Board of Directors **approve** the proposed updates to the Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria Commencing Fiscal Year Ending (FYE) 2025; and the motion **carried** by the following vote of the Committee:

AYES: Carlson, Corzo, Gallagher, Gonzalez, Lopez, Rice, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Hannigan.

5. PROJECTS AND CONTRACTS WITH PROPOSED GRANT AWARDS OVER \$500,000 AND SOLICITATION FOR ELECTRIC CHARGING INFRASTRUCTURE

Dr. Chad White, Supervising Staff Specialist, gave the staff presentation *Projects and Contracts with Grant Awards Over \$500,000 & Solicitation for Electric Charging Infrastructure*, including: outcome; outline; Carl Moyer Program (CMP)/Mobile Source Incentive Fund (MSIF), Community Air Protection (CAP) Incentives, and Funding Agricultural Replacement Measures for Emissions Reductions (FARMER); TFCA; proposed projects; incentive funds awarded and remaining since July 2023, by project category and county; benefits to priority areas since July 2023; infrastructure solicitation – background, eligible categories, proposed process, proposed selection criteria; and actions requested.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed the cost-effectiveness of tractor replacement projects; the Air District’s definition of “sensitive receptors”; the Air District’s Community Air Risk Evaluation (CARE) program; and needs of applicants versus needs of impacted communities.

Committee Action

Director Rice made a motion, seconded by Director González, to recommend the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000;
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for the projects; and
3. Approve the process and selection criteria for the competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

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

AYES: Carlson, Corzo, Gallagher, Gonzalez, Lopez, Rice, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Hannigan.

INFORMATIONAL ITEM

6. STATE LEGISLATIVE UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Update*, including: presentation for information only; outline; Air District-sponsored and co-sponsored bills: Assembly Bill (AB) 1465 Wicks – Nonvehicular air pollution: civil penalties; AB 2298 (Hart, et al.) – coastal resources: voluntary vessel speed reduction and sustainable shipping program; Senate Bill (SB) 382 (Becker) – single family residential property: disclosures; SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances; other bills of interest: AB 817 (Pacheco) – open meetings: teleconferencing: subsidiary body; AB 1894 (Ta); nonvehicular air pollution: civil penalties; AB 2522 (Carrillo – South Coast Air Quality Management District: district board: compensation; AB 2760 (Muratsuchi) – Lower Emissions Equipment at Seaports and Intermodal Yards Program; AB 2851 (Bonta) – metal shredding facilities: fenceline air quality monitoring; AB 2958 (Calderon) – State Air Resources Board: board members: compensation; SB 537 (Becker) – open meetings; multijurisdictional, cross-county agencies: teleconferences; SB 674 (Gonzalez) – air pollution: refineries: community air monitoring systems: fenceline monitoring systems; SB 1031 (Wiener) – San Francisco Bay Area; local revenue measure: transportation improvements; SB 1158 (Archuleta) – Carl Moyer Program Air Quality Standards Attainment Program; SB 1193 (Menjivar) – airports: leaded aviation gasoline; SB 1298 (Cortese) – certification of thermal powerplants: data centers; and State Budget update FY 2024-25.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District anticipates challenges regarding AB 2522 (Carrillo); anticipated action regarding recently amended Senate Bill (SB) 1298 (Cortese), and whether there is anything more that the Air District can do to oppose or change it; increased deficit projections in the May Revision to the Governor's proposed Fiscal Year 2024-25 State Budget (whether General Fund monies will be shifted to Greenhouse Gas Reduction Fund and climate-related funds); and requests for future updates on SB 1031 (Wiener).

Committee Action

No action taken.

OTHER BUSINESS

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBER COMMENTS

None.

9. TIME AND PLACE OF NEXT MEETING

Wednesday, July 10, 2024, at 11:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

10. ADJOURNMENT

The meeting was adjourned at 2:49 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: July 10, 2024

Re: Projects and Contracts with Proposed Grant Awards Over \$500,000

RECOMMENDED ACTION

The Committee to consider recommending the Board of Directors:

1. Approve five recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into all necessary agreements with applicants for the recommended projects.

BACKGROUND

Carl Moyer Program and Mobile Source Incentive Fund

The Air District has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NO_x), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Projects eligible under the CMP guidelines include heavy-duty diesel engine applications such as on-road trucks and buses, off-road construction, agricultural equipment, marine vessels, locomotives, stationary agricultural pump engines, and refueling or recharging infrastructure that supports the deployment of new zero-emission vehicles and equipment. Per AB 1390, at least 50% of CMP funds must be awarded to projects that benefit communities with the most significant exposure to air contaminants or localized air contaminants.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle-registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

Community Air Protection Program - Incentives

In 2017, AB 617 directed CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for the development of community-identified strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the state, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases for the Community Air Protection (CAP) Incentives program. CAP Incentives funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAP Incentive funds may also potentially be used to fund other types of projects that have been identified and prioritized by communities with an approved Community Emissions Reduction Program, pursuant to HSC Section 44391.2. At least 80% of CAP Incentives funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB) 535), and low-income communities (AB 1550).

Funding Agricultural Replacement Measures for Emission Reductions

In February 2018, CARB developed the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Guidelines that outline requirements for eligible agricultural equipment replacement projects evaluated under the CMP guidelines, including harvesting equipment, pump engines, tractors, and other equipment used in agricultural operations. Subsequent updates to the FARMER guidelines expanded eligible projects to include zero-emission demonstration projects and added flexibility for funding zero-emission equipment. Under the California State Budget, funds have been appropriated to CARB for each new cycle of the FARMER program for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector.

Transportation Fund for Clean Air

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA monies are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. The legislation also requires the remaining forty percent to be allocated by formula to the nine designated Bay Area transportation agencies, who in turn award these monies to eligible projects within their county. Each year, the Air District's Board of Directors allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. On April 5, 2023, the Board authorized funding allocations of the sixty-percent portion of the TFCA revenue for use in FYE 2024, and cost-effectiveness limits for Air District-sponsored programs that will be implemented during FYE 2024. On May 17, 2023, the Board adopted policies and evaluation criteria that will govern use of the 60% portion during

FYE 2024. This report discusses only the 60% Funds, which is the portion that is awarded directly by the Air District.

Program Revenues, Project Selection, and Results

Attachment 4 shows a list of the Air District's sources of new revenue, including CMP, TFCA, CAP, MSIF and FARMER, by funding cycle, that are anticipated to be available for award to incentive projects in FYE 2024. Funding from each cycle must be awarded and liquidated (paid out) within two to four years of the date of award/receipt, depending on the funding source. As new projects are recommended for award, staff work to obligate (encumber) the oldest source/cycle of funding for which a specific project is eligible. For this reason, a portion of the oldest funding shown in Attachment 4 may have been awarded to projects in the previous fiscal year, and some of the newer funding may remain unallocated during the current year and will be awarded in future years.

Applications for grant funding received by the Air District are reviewed and evaluated using the eligibility criteria requirements of the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board. At least quarterly, staff provides updates to the Policy, Grants, and Technology Committee and/or Board of Directors on the status of the CMP, TFCA, CAP, MSIF and FARMER incentive funding for the current fiscal year.

On April 6, 2022, the Board authorized the Executive Officer/APCO to approve projects with awards up to \$500,000. For all CMP, TFCA, CAP, MSIF and FARMER projects with proposed awards greater than \$500,000, staff bring recommendations of these projects to the Board for consideration.

DISCUSSION

As of July 1, 2023, the Air District had approximately \$145 million in incentive funds available for award in FYE 2024 from new and prior year funds from the CMP, MSIF, CAP, FARMER, and TFCA programs. Between May 15, 2024, and June 13, 2024, staff completed evaluations of five applications that have proposed awards of over \$500,000. These five projects will replace twenty-nine diesel school buses with zero-emission electric school buses and install supporting infrastructure and repower two diesel propulsion engines to a diesel-electric hybrid system in a marine vessel.

Staff recommend approval of the allocation of up to \$19,572,776 from a combination of CMP, TFCA, MSIF, and CAP Incentives revenues for these five mobile source projects shown in Attachment 1. These projects were evaluated through the first-come, first-served solicitation that opened November 28, 2023, and closed on April 11, 2024. The recommended projects are estimated to reduce over 4.3 tons of NO_x, ROG, and PM emissions per year and will provide emissions benefits in priority areas.

Attachment 2 lists all eligible projects that have been either recommended for award or awarded by the Air District between July 1, 2023, and June 13, 2024, including information about project equipment, award amounts, project locations, estimated emissions reductions, and whether the project will benefit air quality in priority communities. As of June 13, 2024, over \$97.3 million

has been awarded or recommended, of which \$3.1 million was allocated to “regional” projects that benefit all communities or where the benefit has not yet been determined. \$94.2 million, or 85% of the funds, have been awarded or allocated to projects that reduce emissions in disadvantaged SB 535 communities, low-income AB 1550 communities, and/or CARE communities, or to low-income residents.

Attachment 3 provides fiscal year facts and figures on the status of funding available and allocations by county and category as of June 13, 2024, and is updated at least quarterly. A competitive solicitation for electric infrastructure to support zero emission heavy-duty projects opened on June 10, 2024, under which \$35 million is available for award. The next cycle of funding for mobile source projects is currently under development and anticipated to open later this calendar year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District distributes the CMP, MSIF, CAP Incentive, FARMER, and TFCA funding to project sponsors on a reimbursement basis. The five recommended projects listed on Attachment 1 will be awarded a total of \$19,572,776 that will be paid for by one or more of these state and local incentive fund sources upon project completion, expected within the next one to three years. Funding for administrative costs to implement these programs, including evaluating, contracting, and monitoring projects for multiple years, is provided by each funding source.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Daniel Langmaid
Reviewed by: Minda Berbeco, Alona Davis, Chengfeng Wang, and Karen Schkolnick

ATTACHMENTS:

1. Recommended Projects with grant awards greater than \$500,000 (evaluated 5/15/24 to 6/13/24)
2. All projects - awarded, allocated, and recommended (7/1/23 to 6/13/24)
3. Funding Facts and Figures (7/1/23 through 6/13/24)
4. Sources of Incentive Program Revenue (FYE 2024)
5. Projects and Contracts with Proposed Grant Awards Over \$500,000 Presentation

ATTACHMENT 1

Recommended Projects with Grant Awards Greater than \$500k Evaluated between 5/15/2024 and 6/13/24

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emissions Reductions (tons per year)			County	Benefits Disadvantaged or Low-income areas
						NOx	ROG	PM		
25SPB79	Fairfield-Suisun Unified School District	School Bus	Replace 5 diesel school buses with 5 electric school buses and install supporting infrastructure	\$4,209,900	\$4,759,841.31	0.263	0.017	0.001	Solano	Yes
25SBP107*	Cupertino Union School District	School Bus	Replace 15 diesel school buses with 15 electric school buses and install supporting infrastructure	\$6,639,100	\$6,914,858.44	1.080	0.097	0.056	Santa Clara	Yes
25SBP105	San Lorenzo Unified School District	School Bus	Replace 3 diesel school buses with 3 electric school buses and install supporting infrastructure	\$1,553,176	\$1,641,211.00	0.125	0.008	0.001	Alameda	Yes
25SBP123	Mt. Diablo Unified School District	School Bus	Replace 6 diesel school buses with 6 electric school buses and install supporting infrastructure	\$6,249,600	\$6,678,934.13	0.584	0.051	0.004	Contra Costa	Yes
25MOY88**	Brian Collier	Marine	Repower two Tier 0 propulsion engines to a diesel-electric hybrid system in a commercial fishing vessel	\$921,000	\$1,083,637.50	1.897	0.104	0.055	San Francisco, Alameda, Contra Costa	Yes
5	Projects			Totals \$ 19,572,776	\$ 21,078,482	3.95	0.28	0.12		

* Pending case-by-case approval by CARB

** If approved, the execution of the contract for this project will nullify the award for project #23MOY12, which was previously awarded \$444,800 to repower this vessel's engines to Tier-3 diesel. Under this new project #25MOY88, the applicant is proposing the cleaner option of a diesel-electric hybrid system, which has received an award from the California Air Resources Board's Advanced Technology Demonstration and Pilot Projects.

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						NOx	ROG	PM				
24R01	BAAQMD	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	\$ 150,000	N/A	TBD ¹	TBD ¹	TBD ¹	Regional	6/7/2023 ²	N/A	1
24R02	BAAQMD	Light Duty (LD) Vehicles	Vehicle Buy Back Program Implementation	\$ 700,000	N/A	-	-	-	Regional	6/7/2023 ²	N/A	1
24R03	BAAQMD	Trip Reduction	Spare The Air/ Intermittent Control/ Flex Your Commute Programs	\$ 2,290,000	N/A	TBD ¹	TBD ¹	TBD ¹	Regional	6/7/2023 ²	N/A	1
2302-34214	1567 McAllister Street HOA	LD Infrastructure	Install and operate 5 Level 2 (high) chargers at a MFH facility in San Francisco	\$ 17,500	N/A	0.002	0.001	0.000	San Francisco	6/7/2023 ²	Yes	1
2301-33229	Carmel Gardens HOA, Burlingame	LD Infrastructure	Install and operate 18 Level 1 chargers at a MFH facility in Burlingame	\$ 45,000	N/A	0.000	0.000	0.000	San Mateo	6/7/2023 ²	Yes	1
2302-34181	San Rafael Manor	LD Infrastructure	Install and operate 7 Level 2 (high) chargers at a MFH facility in San Rafael	\$ 24,500	N/A	0.007	0.004	0.003	Marin	6/7/2023 ²	No	1
2302-33758	City of Pittsburg	LD Infrastructure	Install and operate 38 Level 2 (high) and 4 DC Fast chargers at one destination and five workplace facilities in Pittsburg	\$ 349,000	N/A	0.125	0.074	0.009	Contra Costa	6/7/2023 ²	Yes	1
2303-34270	Contra Costa County	LD Infrastructure	Install and operate 151 Level 2 (high) chargers at 19 workplace facilities in Antioch, Concord, Hercules, Martinez, and Richmond	\$ 748,000	N/A	0.102	0.060	0.038	Contra Costa	6/7/2023 ²	Yes	1
2303-34330	EVgo Services LLC	LD Infrastructure	Install and operate 66 DC Fast chargers at nine transportation corridor facilities in Antioch, Berkeley, Colma, Concord, Hayward, Oakland, Petaluma, San Jose, and San Mateo	\$ 2,950,000	N/A	1.083	0.671	0.449	Regional	6/7/2023 ²	Yes	1
2302-33844	Grand Petroleum, Inc.	LD Infrastructure	Install and operate 8 DC Fast chargers at one destination and three transportation corridor facilities in Campbell, Concord, Hayward, and Pleasant Hill	\$ 260,000	N/A	0.016	0.010	0.007	Alameda / Contra Costa / Santa Clara	6/7/2023 ²	Yes	1
2302-33921	Alameda County Government	LD Infrastructure	Install and operate 7 Level 2 (high) chargers at a destination facility in Castro Valley	\$ 38,500	N/A	0.014	0.008	0.005	Alameda	6/7/2023 ²	Yes	1
2301-33528	7-Eleven, Inc.	LD Infrastructure	Install and operate 36 DC Fast chargers at nine transportation corridor facilities in Hayward, Millbrae, Redwood City, San Jose, San Ramon, South San Francisco, and Sunnyvale	\$ 990,000	N/A	0.091	0.056	0.038	Regional	6/7/2023 ²	Yes	1
2302-34083	Circle K	LD Infrastructure	Install and operate 6 DC Fast chargers at a transportation corridor facility in Gilroy	\$ 270,000	N/A	0.041	0.026	0.017	Santa Clara	6/7/2023 ²	Yes	1
23SBP53	Safrans Transportation, Inc.	School Bus + Infrastructure	Replace 14 diesel school buses with 14 new electric school buses, and install 11 chargers	\$ 4,822,770	14	0.739	0.040	0.004	Santa Clara	7/19/23	Yes	1, 2
23MOY44	Everport Terminal Services	Off-Road	Repower two Tier-1, one Tier-4 Interim, and two Tier-4 final diesel-powered rubber-tired gantry cranes (RTGs) with five Hybrid, diesel-electric Tier-4 final RTGs	\$ 1,065,200	5	3.707	0.308	0.051	Alameda	7/19/23	Yes	2
23MOY119	Richmond Pacific Railroad	Locomotive	Replace one Tier-0 diesel-powered locomotive with a Tier-4 final diesel-powered locomotive	\$ 828,000	1	2.501	0.431	0.124	Contra Costa	7/19/23	Yes	2
23MOY62	B/S Ranch	Ag/ off-road	Replace two Tier-0 with two Tier-4 diesel-powered agriculture loaders	\$ 88,000	2	0.140	0.024	0.017	Marin	7/14/23	Yes	2
23MOY155	Kistler Vineyards LLC	Ag/ off-road	Replace three Tier-1 with three Tier-4 diesel-powered agriculture tractors, and two Tier-2 with two Tier-4 diesel-powered agriculture tractor	\$ 232,950	3	0.609	0.085	0.066	Sonoma	7/24/23	Yes	2

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23MOY93	Massa LLC	Ag/ off-road	Replace one Tier-2 with one Tier-4 diesel-powered agriculture tractor	\$ 58,250	1	0.091	0.005	0.005	Napa	7/24/23	No	2
23MOY118	Renteria Vineyard Management, LLC	Ag/ off-road	Replace two Tier-1 to two Tier-4 diesel-powered agriculture tractor/crawler	\$ 147,600	2	0.239	0.045	0.035	Napa	7/26/23	Yes	2
23MOY96	T and M Agricultural Services LLC	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor/crawler, and one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 55,600	2	0.052	0.046	0.012	Napa	7/26/23	No	2
23MOY98	Fiorio Farm, Inc	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 73,900	1	0.588	0.076	0.044	Santa Clara	8/4/23	No	2
23MOY116	Tru2Earth Farm LLC	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 21,000	1	0.029	0.024	0.006	Santa Clara	8/10/23	Yes	2
23MOY74	Sequoia Grove Vineyards, LP	Ag/ off-road	Replace one Tier-1 with one Tier-4 diesel-powered agriculture other equipment	\$ 45,000	1	0.036	0.007	0.005	Napa	8/15/23	No	2
23MOY166	V. Sattui Winery	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor, and one Tier-1 with one Tier-4 diesel-powered agriculture tractor	\$ 145,600	2	0.274	0.045	0.033	Napa	8/16/23	No	2
23MOY132	Dottu Bros. LLC	Ag/ off-road	Replace two Tier-0 with two Tier-4 diesel-powered agriculture other equipment	\$ 182,500	2	0.352	0.045	0.028	Sonoma	8/16/23	No	2
23MOY126	Krasilsa Pacific Farms, LLC	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 76,300	1	0.134	0.016	0.011	Sonoma	8/18/23	No	2
23MOY108	Rocca Family Vineyards	Ag/ off-road	Replace one Tier-1 with one Tier-4 diesel-powered agriculture tractor	\$ 62,900	1	0.130	0.033	0.026	Napa	8/21/23	No	2
23MOY128	Golden Gate Scenic Steamship	Marine	Replace two Tier-2 with two Tier-3 diesel-powered auxiliary engine on a ferry/excursion vessel	\$ 15,750	2	0.052	0.009	0.003	Alameda / Marin / San Francisco	8/4/23	Yes	2
23SBP54	Sunnyvale School District	School Bus	Replace 2 compressed natural gas school buses with 2 electric school buses	\$ 847,000	2	0.078	0.004	0.000	Santa Clara	9/20/23	Yes	1, 2
23MOY150	Sysco	EV Trucks + Infrastructure	Replace 18 diesel-powered heavy heavy-duty trucks with 18 electric heavy heavy-duty trucks and install 23 electric vehicle charging stations	\$ 4,595,084	18	0.967	0.064	0.002	Alameda	9/20/23	No	1,2
23SBP10	San Mateo Union High School District	School Bus + Infrastructure	Replace 8 diesel school buses with 8 electric school buses and associated infrastructure	\$ 2,749,666	8	0.295	0.017	0.005	San Mateo	9/20/23	Yes	1,2
23MOY12	Brian Collier	Marine	Repower two Tier 0 engines to Tier 4 engines on a commercial fishing vessel	\$ 444,800	1	2.554	0.119	0.077	Alameda / Contra Costa	9/20/23	Yes	2
23MOY145	Amnav Maritime, LLC	Marine	Repower two 2018 Tier 3 main engines to 2023 Tier 4 diesel engines on the tug boat Revolution	\$ 2,900,000	1	15.478	1.935	0.302	Alameda / Contra Costa / San Francisco / San Mateo / Solano	9/20/23	Yes	2
23MOY146	Amnav Maritime, LLC	Marine	Repower two 2018 Tier 3 main engines to 2023 Tier 4 diesel engines on the tug boat Sandra Hugh	\$ 3,150,000	1	16.885	2.110	0.330	Alameda / Contra Costa / San Francisco / San Mateo / Solano	9/20/23	Yes	2

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23MOY130	Ramaiah Ale	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered agriculture tractor/crawler	\$ 31,400	1	0.049	0.007	0.004	Contra Costa	8/24/23	Yes	2
23MOY66	Cobb Creek Holdings, LLC DBA CCH Ag Services	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered agriculture excavator	\$ 172,400	1	0.119	0.020	0.014	Napa	8/28/23	No	2
23MOY113	E & M Deniz Dairy	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered agriculture tractor	\$ 351,400	1	0.788	0.076	0.041	Sonoma	8/30/23	No	2
23MOY176	Dirt Farmer & Company, A California Corporation	Ag/ off-road	Replace two Tier-2 with Tier-4 diesel-powered agriculture tractor, and two Tier-3 with Tier-4 diesel-powered agriculture tractor	\$ 295,600	4	0.572	0.041	0.036	Sonoma	8/30/23	No	2
23MOY117	Heritage Vineyard Management, Inc	Ag/ off-road	Replace one Tier-2 with Tier-4 diesel-powered agriculture tractor	\$ 39,400	1	0.035	0.003	0.005	Napa	8/30/23	No	2
23MOY90	Ilsey Brothers Farming, LLC	Ag/ off-road	Replace three Tier-0 to Tier-4 diesel-powered agriculture equipment, including one tractor, one tractor/crawler, and one loader/backhoe	\$ 172,400	3	0.163	0.068	0.026	Napa	9/1/23	No	2
23MOY136	Barbour Vineyards Management LLC	Ag/ off-road	Replace two Tier-1 with Tier-4 diesel-powered agriculture equipment, including one tractor, and one tractor/crawler	\$ 121,150	2	0.180	0.031	0.023	Napa	9/5/23	No	2
23MOY177	A Cut Above Viticulture Service inc.	Ag/ off-road	Replace one Tier-1 with Tier-4 diesel-powered agriculture tractor, and one Tier-0 with Tier-4 diesel-powered agriculture tractor	\$ 88,600	2	0.127	0.038	0.019	Napa	9/6/23	No	2
23MOY127	Circle R Ranch Management LLC	Ag/ off-road	Replace one Tier-1 with Tier-4 diesel-powered agriculture tractor	\$ 85,200	1	0.135	0.021	0.016	Napa	9/6/23	No	2
23MOY129	Tim McDonald	Ag/ off-road	Replace one Tier-1 with one Tier-4 diesel-powered agriculture other equipment	\$ 93,700	1	0.082	0.019	0.015	Napa	9/12/23	No	2
23SBP172	Zum Services	School Bus Infrastructure	Install 13 electric charging stations and associated infrastructure to support electric school buses	\$ 225,000	0	-	-	-	Alameda	9/13/23	Yes	2
23SBP167	Zum Services Inc	School Bus Infrastructure	Install 221 electric charging stations and associated infrastructure to support electric school buses	\$ 1,000,000	0	-	-	-	San Francisco	11/1/23	Yes	2
23SBP171	Zum Services Inc	School Bus Infrastructure	Install 74 electric charging stations and associated infrastructure to support electric school buses	\$ 985,930	0	-	-	-	Alameda	11/1/23	Yes	2, 3
23MOY152	US Foods, Inc.	EV Trucks + Infrastructure	Replace 27 diesel-powered heavy-duty trucks with electric trucks and install 27 electric charging stations and associated infrastructure	\$ 4,252,751	27	1.024	0.069	0.002	Alameda	11/1/23	Yes	1, 2
23MOY174	Swissport USA Inc.	Off-Road	Replace 13 large-spark ignition airport ground support equipment units with 13 zero-emissions units	\$ 685,975	13	0.662	0.151	0.031	San Mateo	11/1/23	Yes	2
23MOY182	City of Fairfield	On-road Infrastructure	Install 16 electric charging stations and associated infrastructure	\$ 330,000	0	-	-	-	Solano	9/19/23	Yes	2
23MOY107	Brisa Ranch, LLC	Off-Road	Replace two Tier-0 with Tier-4 diesel-powered agriculture equipment, including one tractor and one tractor/loader	\$ 144,100	2	0.325	0.049	0.029	San Mateo	9/22/23	No	2
23MOY122	FM Greenville	On-road Infrastructure	Install 40 electric charging stations and associated infrastructure	\$ 495,000	0	-	-	-	Alameda	9/25/23	No	2

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23MOY160	Bains Farms LLC	Off-Road	Replace two Tier-0 with Tier-4 diesel-powered agriculture tractors	\$ 162,900	2	0.395	0.057	0.039	Solano	9/28/23	No	2
23MOY151	Napa Select Vineyard Services, Inc.	Off-Road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor/loader	\$ 103,400	1	0.093	0.021	0.017	Napa	9/29/23	No	2
23MOY144	Moraga Organic Farms LLC	Off-Road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor/loader	\$ 100,500	1	0.136	0.031	0.025	Alameda	9/29/23	No	2
23MOY183	Fathom Ventures, LLC	Marine	Repower one propulsion and four auxiliary marine engines to a marine diesel-electric hybrid system in a registered historic survey-capable excursion vessel	\$ 1,085,000	5	2.239	0.141	0.082	Alameda / San Francisco / Contra Costa / Solano / Marin	11/15/23	Yes	2
23MOY162	Valley View Dairy	Ag/ off-road	Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader	\$ 52,600	1	0.148	0.023	0.014	Sonoma	10/17/23	No	2
23MOY124	Glen E Dejesus	Ag/ off-road	Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader/backhoe	\$ 45,900	1	0.025	0.022	0.006	Contra Costa	10/17/23	Yes	2
23MOY184	Altamura Winery Inc.	Ag/ off-road	Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader and one Tier 0 with a Tier-4 diesel-powered agriculture loader/backhoe	\$ 116,100	2	0.159	0.037	0.016	Napa	10/17/23	No	2
23SBP137	Napa Valley Unified School District	School bus	Replace two CNG buses with two LPG buses	\$ 193,577	2	0.209	0.017	-	Napa	10/19/23	Yes	2
23MOY173	Chasin Goat Grazing LLC	Ag/ off-road	Replace two Tier-0 with Tier-4 diesel-powered agriculture tractors	\$ 70,500	1	0.167	0.021	0.014	Sonoma	10/20/23	Yes	2
23MOY123	Melgoza Dino	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel-powered agriculture tractor/loader	\$ 35,200	1	0.103	0.016	0.009	Contra Costa	10/24/23	Yes	2
23MOY99	Garvey Vineyard Management, LLC	Ag/ off-road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor, one Tier-2 with a Tier-4 diesel-powered agriculture tractor, and one Tier-3 with a Tier-4 diesel-powered agriculture tractor	\$ 170,900	3	0.248	0.030	0.025	Napa	10/27/23	No	2
23MOY175	Emanuel Correia	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel-powered agriculture loader	\$ 45,700	1	0.067	0.012	0.009	Sonoma	10/30/23	Yes	2
23MOY112	Grgich Hills Cellar dba Grgich Hills Estate	Ag/ off-road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor, one Tier-2 with a Tier-4 diesel-powered agriculture tractor, and two Tier-1 agriculture tractor/crawlers with a Tier-4 diesel-powered agriculture tractor	\$ 260,600	4	0.394	0.055	0.043	Napa	11/3/23	No	2
23MOY156	Four Seasons Vineyard Management	Ag/ off-road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor and one Tier-0 with a Tier-4 diesel-powered agriculture tractor	\$ 99,000	2	0.245	0.042	0.026	Sonoma	11/6/23	No	2
23MOY111	County Line Harvest, Inc.	Ag/ off-road	Replace one Tier-1 with Tier-4 diesel-powered agriculture tractors	\$ 152,300	1	0.338	0.037	0.023	Sonoma	11/6/23	Yes	2
24MOY14	WattEV CA4, Inc.	On-road Infrastructure	Installation of 30 DC Fast 360 kW electric charging stations and associated infrastructure for a public EV Charging Depot to support Heavy Duty Trucks in West Oakland near Interstate 880	\$ 5,000,000	0	-	-	-	Alameda	12/6/23	Yes	1,2
24MOY20	Prologis Mobility LLC	On-road Infrastructure	Installation of 69 9.9 kW level 2 and 3 180 kW DC Fast electric charging stations and associated infrastructure to support heavy duty trucks and last-mile delivery vehicles for private fleets	\$ 1,500,000	0	-	-	-	Alameda	12/6/23	Yes	1,2
24MOY4	Saltchuk Resources, Inc. dba AmNav Maritime, LLC	Marine Infrastructure	Installation of a 1MW marine power system to support a 6 MWh electric tug	\$ 5,000,000	0	-	-	-	Alameda	12/6/23	Yes	2

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24SBP17	Half Moon Bay High School	School Bus Infrastructure	Installation of three 60 kW DC Fast and four 30 kW DC Fast electric charging stations and associated infrastructure to support public school bus fleet	\$ 416,634	0	-	-	-	San Mateo	12/6/23	Yes	2
24MOY11	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 7 electric chargers to support electric utility carts and riding lawn mowers	\$ 126,510	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY9	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 6 electric chargers to support electric utility carts	\$ 115,448	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY8	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 3 electric chargers to support electric utility carts and riding lawn mowers	\$ 63,700	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY12	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 1 electric charger to support electric riding lawn mowers	\$ 24,460	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY7	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 3 electric chargers to support electric utility carts and riding lawn mowers	\$ 105,033	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY10	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 5 electric chargers to support electric utility carts	\$ 183,931	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY13	CA-ALA-002 PROJECT LLC (EV Realty, Inc.)	On-road Infrastructure	Installation of fifty-eight DC Fast ports, and associated electric infrastructure for a public EV Charging Depot to support mixed private fleets in Livermore	\$ 3,950,000	0	-	-	-	Alameda	12/6/23	Yes	1,2
23MOY158	Delta Air Lines, Inc	Off-road Infrastructure	Installation of 8 electric chargers to support electric ground support equipment	\$ 211,680	0	-	-	-	San Mateo	11/15/23	Yes	2
23MOY143	Larry's Produce LLC	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered skid steer loader	\$ 56,300	1	0.067	0.010	0.006	Solano	11/17/23	No	2
23MOY181	San Francisco Water Taxi	Marine	Install a ChargePoint CPE 250 marine fast charging station for Navier N30 electric hydrofoil water taxis at Pier 39 in San Francisco	\$ 87,200	0	-	-	-	San Francisco	11/28/23	Yes	2
23MOY131	Palm Drive Vineyards LLC	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered loader/backhoe	\$ 66,900	1	0.037	0.031	0.008	Sonoma	11/29/23	No	2
23MOY121	Crowl Holdings, LLC	Marine	Repower one Tier-0 with one Tier-3 diesel-powered engine on a commercial fishing boat	\$ 89,000	1	0.205	(0.005)	0.009	Marin / San Francisco	12/20/23	Yes	2
23MOY147	Terpene Belt Farms LLC	Ag/ off-road	Replace two Tier-0 with Tier-4 diesel-powered tractors	\$ 153,200	2	0.619	0.084	0.048	Contra Costa	12/21/23	No	2
25MOY1	McClelland's Dairy	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel powered rubber-tired loader	\$ 260,400	1	0.770	0.071	0.041	Sonoma	1/19/24	No	2
25MOY4	Tunzi Brothers Cattle Co	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel powered tractor/loader	\$ 46,800	1	0.035	0.035	0.009	Sonoma	1/24/24	No	2
25MOY24	HARJIT DHANOA LLC	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 76,630	1	0.217	0.027	0.018	Solano	3/26/24	No	2
25MOY19	Donald Dow	Ag/ off-road	Replace one Tier-0 tractor/loader with a Tier-4 diesel powered tractor/loader	\$ 64,400	1	0.074	0.012	0.009	Sonoma	3/27/24	Yes	2

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25MOY28	Larry Martin Petersen	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 70,300	1	0.216	0.028	0.016	Sonoma	3/28/24	No	2
25MOY21	Martinelli Farms, Inc.	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 51,400	1	0.155	0.026	0.018	Sonoma	4/4/24	No	2
25MOY49	Terpene Belt Farms LLC	Ag/ off-road	Replace two Tier-0 tractors with two Tier-4 diesel powered tractors	\$ 154,500	1	0.488	0.067	0.039	Alameda	4/4/24	No	2
25MOY8	Farm Napa Valley, LLC	Ag/ off-road	Replace two Tier-2 tractors with two Tier-4 diesel powered tractors and one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 224,200	3	0.450	0.054	0.045	Napa	4/9/24	No	2
25MOY14	Rocky Hill Enterprise	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 59,200	1	0.161	0.025	0.014	Sonoma	4/9/24	No	2
25MOY2	The Bay Leaf Spice Company	Ag/ off-road	Replace one Tier-0 agricultural excavator with a Tier-4 diesel powered agricultural excavator	\$ 126,200	1	0.186	0.031	0.023	Solano	4/11/24	No	2
25MOY10	Shafer Vineyards	Ag/ off-road	Replace one Tier-1 tractor with a Tier-4 diesel powered tractor and one Tier-2 tractor/crawler with a Tier-4 diesel powered tractor/crawler	\$ 159,140	2	0.347	0.043	0.037	Napa	4/11/24	No	2
25MOY7	Opatz Vineyard Management, Inc.	Ag/ off-road	Replace one Tier-3 tractor/crawler with a Tier-4 diesel powered tractor/crawler	\$ 89,000	1	0.119	0.011	0.008	Napa	4/11/24	No	2
25MOY20	GERMAN VINEYARDS LLC	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 111,800	1	0.246	0.032	0.022	Solano	4/12/24	No	2
25MOY18	Amazon Recycling and Disposal Inc	Off-road	Replace one Tier-0 with a Tier-4 diesel shredder used to shred construction debris and waste	\$ 3,897,100	5	22.447	2.190	1.334	Contra Costa/San Francisco/Alameda	6/5/24	Yes	2
25MOY53	Morrison Chopping, LLC	Ag/ off-road	Replace one Tier-0 utility tractor with a Tier-4 diesel powered tractor and one Tier-3 utility tractor with a Tier-4 diesel powered tractor	\$ 873,400	2	2.017	0.192	0.114	Sonoma	6/5/24	Yes	2
25MOY15	B & T Farms	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor and one Tier-3 tractor with a Tier-4 diesel powered tractor	\$ 582,800	2	1.409	0.145	0.075	Santa Clara	6/5/24	Yes	2
25MOY85	Amnav Maritime, LLC	Marine	Replace two remanufactured Tier 3 marine propulsion engines with Tier 4 marine propulsion engines in a tugboat	\$ 3,150,000	2	16.885	2.110	0.330	Alameda/Contra Costa/San Francisco	6/5/24	Yes	2
25MOY55	Donald Buhman	Ag/ off-road	Replace one Tier-1 skid steer loader tractor with a Tier-4 diesel powered skid steer loader	\$ 70,500	1	0.054	0.012	0.009	Napa	4/22/24	No	2
25MOY31	Romero Vineyard Management LLC	Ag/ off-road	Replace one Tier-1 tractor with a Tier-4 diesel powered tractor	\$ 66,700	1	0.155	0.024	0.018	Napa	4/30/24	No	2
25MOY35	Dutton Ranch corp.	Ag/ off-road	Replace one Tier-2 tractor with a Tier-4 diesel powered tractor and one Tier-1 tractor with a Tier-4 diesel powered tractor	\$ 100,600	2	0.147	0.025	0.022	Sonoma	5/3/24	No	2
25MOY45	Lopez Vineyard Management	Ag/ off-road	Replace one Tier-1 tractor with a Tier-4 diesel powered tractor	\$ 63,600	1	0.076	0.020	0.016	Napa	5/6/24	No	2
25MOY34	Jaswant S. Bains	Ag/ off-road	Replace two Tier-0 agricultural bin carriers with a Tier-4 diesel powered agricultural bin carrier	\$ 179,800	2	0.181	0.029	0.021	Solano	5/6/24	No	2

ATTACHMENT 2

All Projects

Awarded and Allocated between 7/1/23 and 6/13/24

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives

(Data in this table are updated quarterly. Funds awarded or allocated after the date range above will be reflected in the next quarterly update.)

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Number of Engines	Emission Reductions (tons per year)			County	Board/APCO Approval Date	Benefits Priority Area(s)	Projected Funding Source
						NOx	ROG	PM				
25MOY143	Webb Ranch, Inc.	Ag/ off-road	Replace one Tier-0 agricultural loader with a Tier-4 diesel powered agricultural loader	\$ 125,900	2	0.193	0.018	0.010	San Mateo	5/8/24	No	2
25MOY39	C & F Farms inc	Ag/ off-road	Replace one Tier-1 agricultural tractor/crawler with a Tier-4 diesel powered agricultural tractor/crawler and one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 488,400	2	0.957	0.058	0.036	Santa Clara	5/10/24	Yes	2
25MOY33	Blue House Farm, LLC	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 59,300	1	0.242	0.031	0.017	San Mateo	5/14/24	No	2
25MOY25	Llano Oaks Dairy	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 204,300	1	0.514	0.050	0.027	Sonoma	5/15/24	No	2
25MOY65	McClelland's Dairy	Ag/ off-road	Replace two Tier-0 agricultural diesel-powered tractors with with Tier-4 final agricultural diesel-powered tractors	\$ 244,700	2	0.634	0.083	0.047	Sonoma	6/5/24	No	2
25SBP64	Napa Valley Unified School District	School bus	Replace 1 diesel and 3 CNG school buses with 4 electric school buses	\$ 1,616,038	4	0.143	0.009	0.005	Napa	6/5/24	Yes	2
25MOY144	Tony Lamperti	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor and one Tier-0 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader	\$ 95,855	2	0.138	0.040	0.017	Sonoma	5/16/24	No	2
25MOY40	Dolcini Jersey Dairy	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 60,000	1	0.249	0.032	0.018	Marin	5/20/24	Yes	2
25MOY83	Andrews Vineyards	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 70,650	1	0.183	0.029	0.017	Solano	5/20/24	No	2
25MOY89	Hicks Mountain Hens	Ag/ off-road	Replace one Tier-0 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader	\$ 44,000	1	0.028	0.024	0.006	Marin	5/28/24	Yes	2
25MOY42	Martinelli Vineyard Management, Inc.	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor/crawler	\$ 79,600	1	0.112	0.017	0.010	Sonoma	5/28/24	Yes	2
25MOY112	Ilsey Brothers Farming, LLC	Ag/ off-road	Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 70,850	1	0.065	0.016	0.012	Napa	5/29/24	No	2
25MOY129	Palm Drive Vineyards LLC	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 36,200	1	0.038	0.032	0.008	Sonoma	5/30/24	No	2
25MOY122	Samuel Eakle	Ag/ off-road	Replace two Tier-1 agricultural tractors with two Tier-4 diesel powered agricultural tractors and one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 497,700	3	1.043	0.090	0.059	Napa	5/30/24	Yes	2
25MOY70	Beretta Dairy	Ag/ off-road	Replace one Tier-0 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader and one Tier-1 agricultural tractor a Tier-4 diesel powered agricultural tractor	\$ 308,650	2	0.593	0.070	0.046	Sonoma	5/30/24	Yes	2
25MOY84	Neve Bros Inc	Ag/ off-road	Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 37,250	1	0.036	0.009	0.006	Sonoma	5/30/24	No	2
25MOY57	Wight Vineyard Management, Inc.	Ag/ off-road	Replace two Tier-0 agricultural tractors with Tier-4 diesel powered agricultural tractors and one Tier-0 agricultural tractor with Tier-4 diesel powered agricultural tractor/crawler	\$ 220,100	3	0.552	0.083	0.058	Napa	6/5/24	No	2
25MOY126	Cook's Flat Associates DBA Smith-Madrone Winery	Ag/ off-road	Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 50,300	1	0.038	0.009	0.007	Napa	6/5/24	No	2

ATTACHMENT 2

All Projects

Awarded and Allocated between 7/1/23 and 6/13/24

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives

(Data in this table are updated quarterly. Funds awarded or allocated after the date range above will be reflected in the next quarterly update.)

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Number of Engines	Emission Reductions (tons per year)			County	Board/APCO Approval Date	Benefits Priority Area(s)	Projected Funding Source
						NOx	ROG	PM				
25MOY38	Pomponio Farms LLC	Ag/ off-road	Replace one Tier-0 agricultural tractor/crawler with a Tier-4 diesel powered agricultural compact track loader	\$ 94,000	1	0.201	0.031	0.018	San Mateo	6/5/24	No	2
25MOY82	Moreda Valley Dairy	Ag/ off-road	Replace one Tier-1 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader	\$ 133,000	1	0.126	0.020	0.015	Sonoma	6/5/24	No	2
25MOY99	James Riebli	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 73,200	1	0.208	0.037	0.026	Sonoma	6/6/24	No	2
25MOY111	Perata Vineyards LLC	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 59,000	1	0.159	0.025	0.014	Napa	6/6/24	No	2
25MOY137	V. Sangiacomo & Sons, Limited Partnership	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 59,950	1	0.106	0.018	0.013	Sonoma	6/6/24	No	2
25MOY98	Stornetta Made, Inc.	Ag/ off-road	Replace two Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 120,500	2	0.370	0.060	0.042	Napa	6/7/24	No	2
25MOY121	La Prenda vineyards management, inc.	Ag/ off-road	Replace two Tier-0 agricultural tractor/crawler with a Tier-4 diesel powered agricultural tractor/crawler	\$ 89,700	1	0.087	0.020	0.016	Sonoma	6/7/24	No	2
25MOY109	Shafer Vineyards	Ag/ off-road	Replace one Tier-1 agricultural skid steer loader with a Tier-4 diesel powered agricultural compact tracked loader	\$ 80,400	1	0.081	0.018	0.014	Napa	6/10/24	No	2
25MOY92	Rick Spaletta	Ag/ off-road	Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor/loader	\$ 66,900	1	0.080	0.010	0.007	Sonoma	6/11/24	No	2
25MOY94	Loney Ranch, LLC	Ag/ off-road	Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor	\$ 71,600	1	0.105	0.022	0.016	Solano	6/11/24	No	2
25MOY81	Andrew Cheda	Ag/ off-road	Replace one Tier-0 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader	\$ 51,700	1	0.138	0.021	0.013	Marin	6/11/24	No	2
25MOY119	Nieco LLC	Off-road	Replace two uncontrolled LPG industrial forklifts with two zero-emission electric forklifts	\$ 90,500	2	0.117	0.022	0.001	Sonoma	6/12/24	No	2
25MOY36	San Felipe Farms LP	Ag/ off-road	Replace two Tier-0 agricultural tractors with Tier-4 diesel powered agricultural tractors, one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor, and three Tier-0 agricultural rough terrain forklifts with Tier-4 diesel powered agricultural rough terrain forklifts	\$ 381,650	6	0.578	0.075	0.048	Santa Clara	6/12/24	Yes	2
25SBP123	Mt Diablo School District	School bus + infrastructure	Replace 6 diesel school buses with 6 electric school buses and associated electric infrastructure	\$ 6,249,600	6	0.584	0.051	0.004	Alameda	TBD	Yes	2
25SBP79	Fairfield-Suisun Unified School District	School bus + infrastructure	Replace 5 diesel school buses with EV school buses and associated charging	\$ 4,209,900	5	0.263	0.012	0.001	Solano	TBD	Yes	1,2
25MOY88	Brian Collier	Marine	Repower two Tier 0 propulsion engines to a diesel-electric hybrid system in a commercial fishing vessel	\$ 921,000	2	1.078	-	0.041	San Francisco, Alameda, Contra Costa	TBD	Yes	2
25SBP107	Cupertino Union School District	School bus + infrastructure	Replace 15 diesel school buses with 15 EV school buses and associated infrastructure.	\$ 6,639,100	15	1.080	0.098	0.060	Santa Clara	TBD	Yes	1,2
25SBP105	San Lorenzo Unified School District	School bus + infrastructure	Replace 3 diesel school buses with 3 electric school buses and associated infrastructure	\$ 1,553,176	3	0.123	0.008	0.001	Alameda	TBD	Yes	1,2

ATTACHMENT 2

All Projects

Awarded and Allocated between 7/1/23 and 6/13/24

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives

(Data in this table are updated quarterly. Funds awarded or allocated after the date range above will be reflected in the next quarterly update.)

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Number of Engines	Emission Reductions (tons per year)			County	Board/APCO Approval Date	Benefits Priority Area(s)	Projected Funding Source†
						NOx	ROG	PM				
VBB-FY24	Various	Light Duty (LD) Vehicles	Vehicle retirements under the Vehicle Buy Back program	\$ 711,860	557	5.398	8.154	0.030	All	As of 12/31/2023	Yes	2
Totals				\$ 97,299,548	836	121.0	22.3	5.5				

144 Projects

† Projected Funding Source includes (1) Transportation Fund for Clean Air; (2) CMP/MSIF, FARMER and Community Air Protection Program; (3) Reformulated Gasoline Fund. At the time of award, this funding source is assigned based on funding availability and project eligibility. However, the actual funding source used to pay out a project may be different from the Projected Funding Source due to a variety of factors such as delays in project implementation or other funding sources becoming available.

¹ Funds have been allocated to these programs and projects and results will be determined at the end of project period

² Date when BOD approved the program budget for FYE 2024

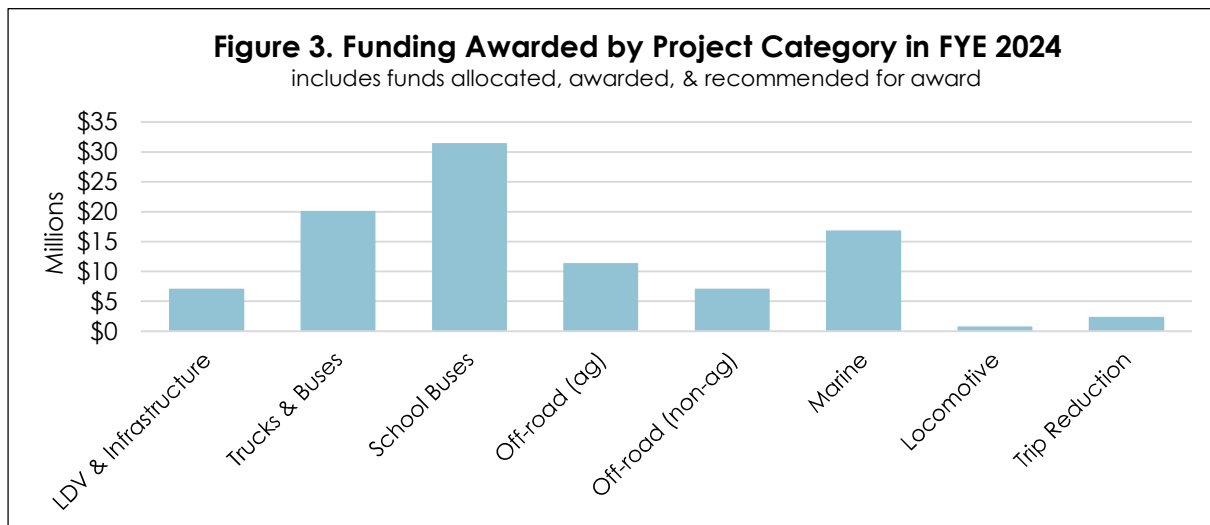
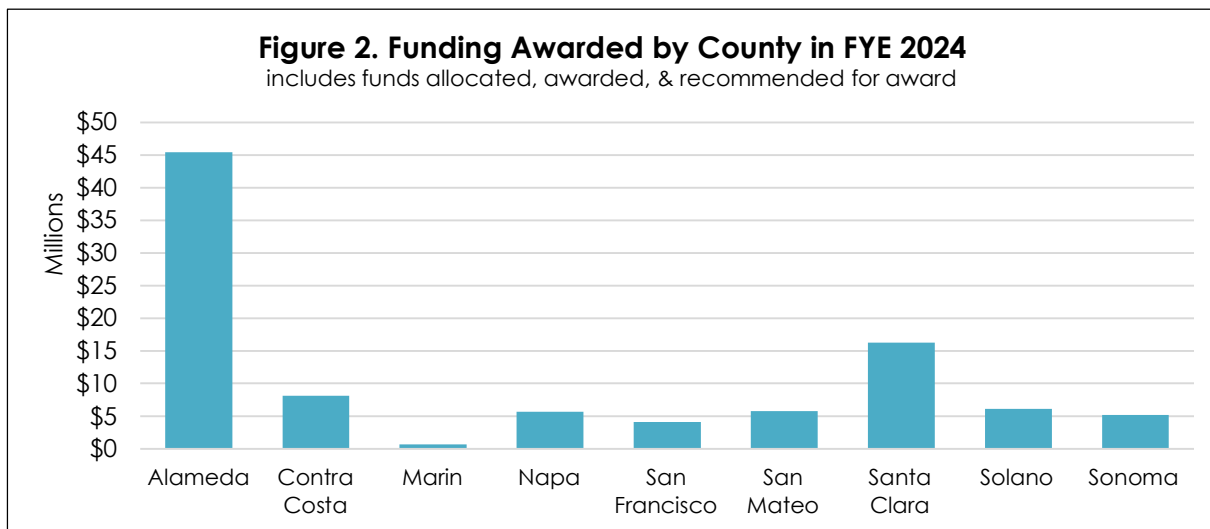
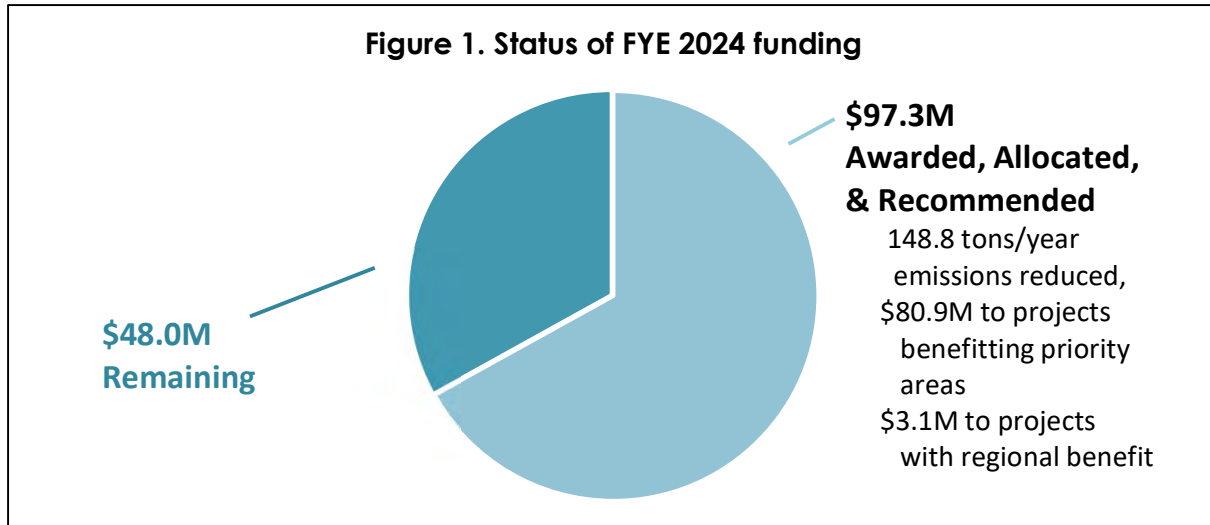
Note: Projects that were previously awarded, but then withdrawn by the grantee, are not shown.

ATTACHMENT 3

Funding Facts and Figures

7/1/23 through 6/13/24

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives



Attachment 4

Sources of Incentive Program Revenue (FYE 2024)¹

Funding Source Cycle ²	\$ for Projects and Programs (in Millions)	Award Date	Source
CMP Year 24	\$ 26.7*	3/16/2022	CARB
CMP Year 24 State Reserve	\$ 4.5	6/3/2022	CARB
CMP Year 25	\$ 13.6	2/22/2023	CARB
CMP Year 25 State Reserve	\$ 2.8	5/19/2023	CARB
CAPP Incentives Year 5	\$ 35.4*	6/23/2022	CARB
CAPP Incentives Year 6	\$ 32.7	12/27/2022	CARB
FARMER Year 5	\$ 2.4*	12/14/2022	CARB
TFCA 60% Fund FYE 2024	\$ 13.5	accrues monthly	\$4 DMV fees
Mobile Source Incentive Fund FYE 2024	\$ 11.2	accrues monthly	\$2 DMV fees
CMP Year 26	\$ 13.4	11/21/2023	CARB
<i>CMP Year 26 State Reserve</i>	<i>Up to \$2.4</i>	<i>TBD FYE 2024</i>	<i>CARB</i>
CAPP Incentives Year 7	\$ 31.9	11/20/2023	CARB
FARMER Year 6	\$ 1.2	11/13/2023	CARB
Total Incentive Revenues	\$186.9		

¹ This is not a complete listing of all sources of incentive funds managed by the Air District but covers the sources that are discussed in this report.

² Includes Carl Moyer Program (CMP), Community Air Protection (CAP) Incentives, Funding Agricultural Replacement Measures for Emissions Reduction (FARMER), and Transportation Fund for Clean Air (TFCA).

* Some revenues were partially obligated to projects in fiscal year ending (FYE) 2023 and therefore full amounts may not have been available for award to projects in FYE 2024.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 4

Projects and Contracts with Proposed Grant Awards Over \$500,000

**Policy, Grants, and Technology Committee Special Meeting
July 10, 2024**

**Clair Keleher
Senior Staff Specialist, Strategic Incentives
ckeleher@baaqmd.gov**

Action Items



Action item for the Committee to consider recommending to the Board of Directors:

1. Approve five recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

Outline



- Background and funding sources
- Proposed Projects with Grants Over \$500k
- Status of incentive funding in Fiscal Year Ending (FYE) 2024
 - Funds available and awarded as of 6/13/24
 - Community benefits & project locations as of 6/13/24
- Recommendations

CMP/MSIF, CAP, and FARMER



Carl Moyer
Program
(CMP)

Funding Agricultural
Replacement Measures
for Emission
Reductions **(FARMER)**

Community Air
Protection **(CAP)**
Incentives

Mobile
Source
Incentive
Fund
(MSIF)

California Air Resources Board
\$104.6 Million (M)

DMV Fees
\$11.2M

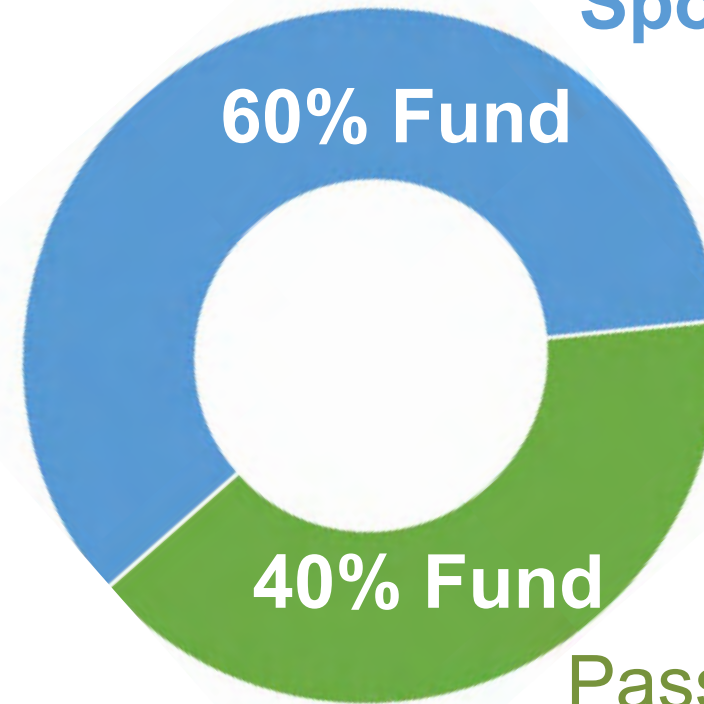
Transportation Fund for Clean Air (TFCA)



- Statutory authority set forth in California Health and Safety Code Sections 44241 and 44242
- Funding provided by a \$4 surcharge on motor vehicles
- **\$29.5M** available for distribution through 60% Fund in FYE 2024



Regional Fund
& Air District-
Sponsored



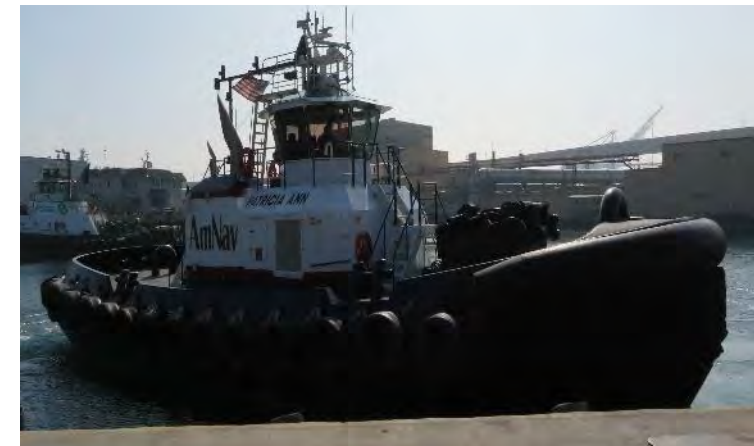
Passed through
to Counties

Proposed Projects



Recommend \$19,572,776 in awards for five projects that will:

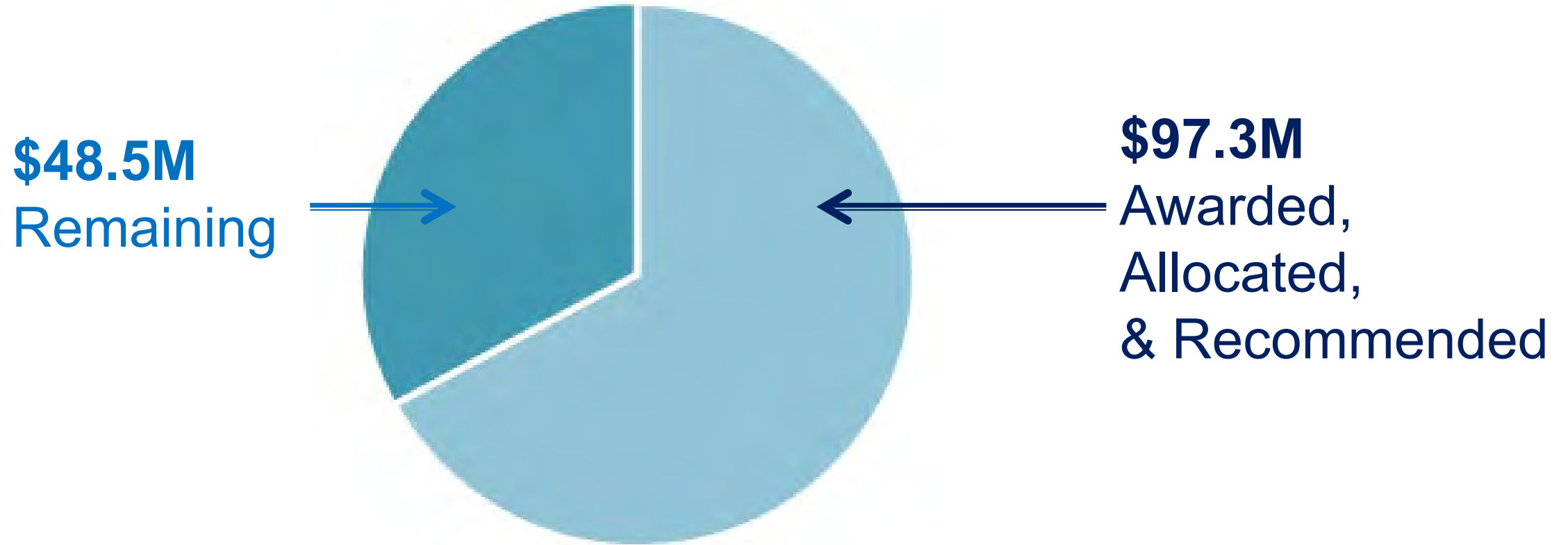
- Replace 29 diesel school buses with zero-emission electric school buses and install supporting infrastructure
- Repower two older diesel marine engines with diesel hybrid-electric technology



Emissions Reductions

- Over 4.3 tons per year of criteria pollutants

Incentive Funds Awarded & Remaining since July 2023



Updated as of 6/13/2024 List of all projects is shown in Attachment 3

Funds Awarded by Project Category since July 2023



Total = \$97.3M



**Light-duty
Infrastructure
and Cars**

**Trucks
&
Buses**

**School
Buses**

**Off-road
Equipment**

**Marine
& Rail**

**Air District
Sponsored**

\$7.1M

\$20.1M

\$31.5M

\$18.5M

\$17.7M

\$2.4M

Updated as of 6/13/2024

Funds Awarded by County since July 2023



\$97.3M

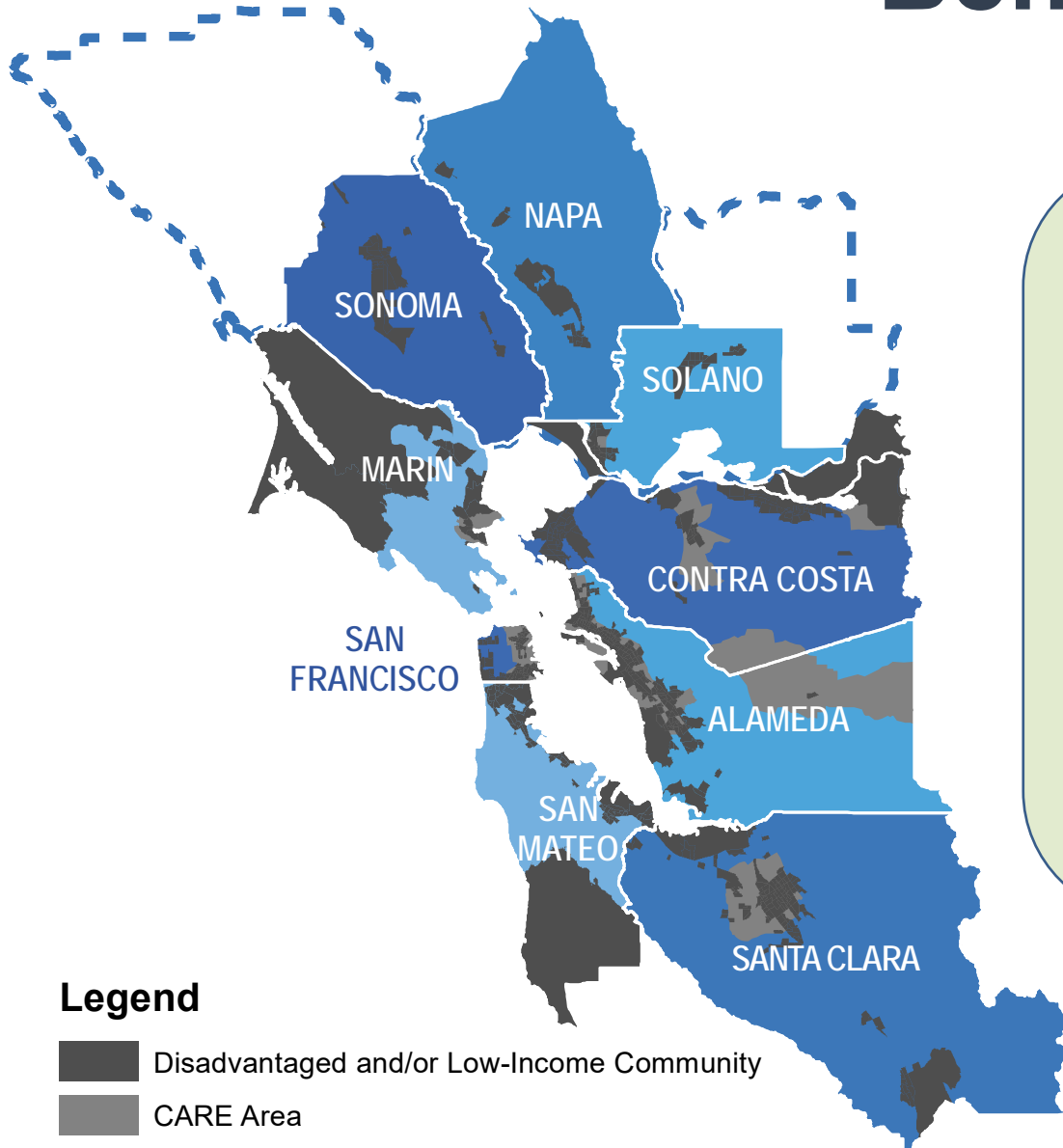
Total Funds Awarded

Projects estimated to achieve emissions reductions of *148.8 tons/year, including nitrogen oxide (NOx), reactive organic gases (ROG), particulate matter (PM).

*Reductions from regional allocations not reported.

COUNTY	FUNDS AWARDED	
Alameda	\$ 45.4M	46.8 %
Contra Costa	\$ 8.1M	8.3 %
Marin	\$ 0.6M	0.7 %
Napa	\$ 5.7M	5.8 %
San Francisco	\$ 4.1M	4.2 %
San Mateo	\$ 5.8M	5.9 %
Santa Clara	\$ 16.3M	16.7 %
Solano	\$ 6.1M	6.3 %
Sonoma	\$ 5.2M	5.3 %

Benefits to Priority Areas since July 2023



~\$80.9M to projects benefitting Priority Areas

- Assembly Bill (AB) 617 Selected Communities
- Disadvantaged communities
- Low-income communities
- Community Air Risk Evaluation (CARE) areas



Total Awards = \$97.3M

~\$3.1M allocated to regional grants

Recommendations



Action item for the Committee to consider recommending to the Board of Directors:

1. Approve five recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: July 10, 2024

Re: Reconsideration of Board-Approved Position for Senate Bill 1298 (Cortese)

RECOMMENDED ACTION

Recommend to the Board the following change to a Board-approved position on current legislation:

- Remove the Air District’s current Board-approved position of “Oppose Unless Amended” and move to a “Neutral” position for Senate Bill (SB) 1298 (Cortese) - Certification of thermal powerplants: data centers.

BACKGROUND

The Board of Directors approved the Air District’s current position of “Oppose Unless Amended” for SB 1298 at their April 3, 2024, meeting. The concern with the bill in its previous forms, up until the most recent amendments taken on June 24, 2024, was that increasing the small power plant exemption (SPPE) threshold from 100 megawatts (MW) to 150MW would encourage larger diesel generator facilities to be sited in areas already experiencing higher cumulative burdens.

As of this writing, the bill has been amended four times since the April 3, 2024, Board meeting and up until the most recent amended language on June 24, 2024, the underlying reasons for the Air District’s Board-approved position of “Oppose Unless Amended” had not been addressed.

The newly amended language released on June 24, 2024, includes the below requirement before the California Energy Commission allows use of the SPPE program:

“The commission obtains a determination from the applicable air pollution control district or air quality management district that the facility’s backup generation technology meets the best available control technology requirements, as defined in Section 40405 of the Health and Safety Code. The applicable air pollution control district or air quality management district shall report its determination to the commission pursuant to this subparagraph.”

DISCUSSION

The Committee will discuss and consider staff’s recommendation – for the Committee’s consideration to recommend to the Board of Directors – to remove the current Board-approved position of “Oppose Unless Amended” and moving the Air District to a “Neutral” position on Senate Bill 1298 (Cortese).

SB 1298 (Cortese) – Certification of thermal powerplants: data centers.

CapitolTrack Summary: Current law vests the State Energy Resources Conservation and Development Commission with the exclusive power to certify all locations on which an electrical transmission line or thermal powerplant is constructed, or is proposed to be constructed, and related electrical transmission lines or thermal powerplants. Current law authorizes the commission to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts, and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications. This bill would additionally authorize the commission to exempt from certification a thermal powerplant with a generating capacity of up to 150 megawatts if specified requirements are met, including that it is used solely as a backup generation facility for a data center, it is located on the customer side of the meter and is not interconnected to the distribution system, a skilled and trained workforce is used to perform all construction work on the facility, as specified, the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction and operation of the facility, and the commission obtains a determination from the applicable air pollution control district or air quality management district that the facility’s backup generation technology meets the best available control technology requirements. (Based on 06/24/2024 text)

Status: SB 1298 passed the Senate favorably. The bill was originally double-referred to the Assembly Utilities and Energy Committee and Assembly Labor and Employment Committee, however, it has since additionally been referred to the Assembly Natural Resources Committee, as well. The bill was heard on June 19, 2024, in the Assembly Utilities and Energy Committee and passed favorably with a vote of 14-2. The bill is scheduled to be heard in Assembly Natural Resources on July 1, 2024, in the Assembly Natural Resources Committee and on July 2, 2024, in the Assembly Labor and Employment Committee.

Current Board-Approved Position: Oppose Unless Amended

Staff Recommendation: Remove “Oppose Unless Amended” position and move to “Neutral”

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs

Reviewed by: Viet Tran

ATTACHMENTS:

1. SB 1298 (Cortese) - Bill Text - As Amended on June 24, 2024
2. Presentation - Reconsideration of SB 1298 (Cortese)

AMENDED IN ASSEMBLY JUNE 24, 2024

AMENDED IN ASSEMBLY JUNE 3, 2024

AMENDED IN SENATE MAY 16, 2024

AMENDED IN SENATE APRIL 22, 2024

SENATE BILL

No. 1298

Introduced by Senator Cortese

February 15, 2024

An act to ~~amend~~ *amend, repeal, and add* Section 25541 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Cortese. Certification of thermal powerplants: data centers.

Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive power to certify all locations on which an electrical transmission line or thermal powerplant is constructed, or is proposed to be constructed, and related electrical transmission lines or thermal powerplants. Existing law authorizes the commission to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts, and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

This bill would additionally authorize the commission to exempt from certification a thermal powerplant with a generating capacity of up to 150 megawatts if *specified requirements are met, including that* it is used solely as a backup generation facility for a data center, it is located

on the customer side of the meter and is not interconnected to the distribution system, a skilled and trained workforce is used to perform all construction work on the facility, as specified, the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction and operation of the facility, and the commission ~~finds~~ *obtains a determination from the applicable air pollution control district or air quality management district* that the facility’s backup generation technology meets the best available control technology ~~requirements set by the applicable air pollution control district or air quality management district.~~ *requirements. The bill would repeal its provisions on January 1, 2030.*

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 25541 of the Public Resources Code is
- 2 amended to read:
- 3 25541. The commission may exempt from this chapter both
- 4 of the following:
- 5 (a) Thermal powerplants with a generating capacity of up to
- 6 100 megawatts and modifications to existing generating facilities
- 7 that do not add capacity in excess of 100 megawatts, if the
- 8 commission finds that no substantial adverse impact on the
- 9 environment or energy resources will result from the construction
- 10 or operation of the proposed facility or from the modifications.
- 11 (b) (1) Thermal powerplants with a generating capacity of up
- 12 to 150 megawatts, subject to all of the following conditions:
- 13 (A) The facility is used solely as a backup generation facility
- 14 for a data center.
- 15 (B) The facility is located on the customer side of the meter and
- 16 is not interconnected to the distribution system.
- 17 (C) A skilled and trained workforce will be used to perform all
- 18 construction work on the facility pursuant to paragraph (2).
- 19 (D) The commission finds that no substantial adverse impact
- 20 on the environment or energy resources will result from the
- 21 construction and operation of the facility.
- 22 (E) The commission ~~finds~~ *obtains a determination from the*
- 23 *applicable air pollution control district or air quality management*
- 24 *district* that the facility’s backup generation technology meets the

1 best available control technology ~~requirements set by the~~
2 *requirements, as defined in Section 40405 of the Health and Safety*
3 *Code. The applicable air pollution control district or air quality*
4 *management district. district shall report its determination to the*
5 *commission pursuant to this subparagraph.*

6 *(F) The commission finds that energy efficiency technologies,*
7 *including Energy Star appliances and demand response options,*
8 *have been considered first to reduce data center load.*

9 *(G) The applicant provides a report to the commission on the*
10 *expected energy use of the facility, including, but not limited to,*
11 *energy intensities, peak factors, load profiles, and other related*
12 *information.*

13 (2) An application for an exemption pursuant to this subdivision
14 shall include the applicant's certification that a skilled and trained
15 workforce will be used to perform all construction work on the
16 facility and all of the following apply:

17 (A) The applicant shall require in all contracts for the
18 performance of work that every contractor and subcontractor at
19 every tier will individually use a skilled and trained workforce to
20 construct the facility.

21 (B) Every contractor and subcontractor shall use a skilled and
22 trained workforce to construct the facility.

23 (C) Except as provided in subparagraph (E), contractors and
24 subcontractors that fail to use a skilled and trained workforce shall
25 be subject to the penalties provided in Section 2603 of the Public
26 Contract Code. Penalties for a contractor's or subcontractor's
27 failure to comply with the requirement to use a skilled and trained
28 workforce may be assessed by the Labor Commissioner within 18
29 months of completion of the facility using the same procedures
30 for issuance of civil wage and penalty assessments pursuant to
31 Section 2603 of the Public Contract Code. Penalties shall be paid
32 to the State Public Works Enforcement Fund.

33 (D) For purposes of this subparagraph, an applicant shall be
34 considered to be an "awarding body" under Chapter 2.9
35 (commencing with Section 2600) of Part 1 of Division 2 of the
36 Public Contract Code. Except as provided in subparagraph (E),
37 the applicant shall retain records, including copies of monthly
38 reports, that demonstrate compliance with Chapter 2.9
39 (commencing with Section 2600) of Part 1 of Division 2 of the
40 Public Contract Code while the facility or contract is being

1 performed and for three years after completion of the facility or
2 contract. The applicant shall submit these records immediately
3 upon request of the commission. When submitted to the
4 commission, these records shall be a public record under the
5 California Public Records Act (Division 10 (commencing with
6 Section 7920.000) of Title 1 of the Government Code) and shall
7 be open to public inspection.

8 (E) Subparagraphs (C) and (D) do not apply if all contractors
9 and subcontractors performing work on the facility are subject to
10 a project labor agreement. The project labor agreement shall also
11 include, but not be limited to, all of the following:

12 (i) Provisions requiring compliance with the skilled and trained
13 workforce requirement and for enforcement of that obligation
14 through an arbitration procedure.

15 (ii) Targeted hiring provisions, including a targeted hiring plan,
16 on a craft-by-craft basis to address job access for local,
17 disadvantaged, or underrepresented workers, as defined by a local
18 agency.

19 (iii) Apprenticeship utilization provisions that commit all parties
20 to increasing the share of work performed by state-registered
21 apprentices above the state-mandated minimum ratio required in
22 Section 1777.5 of the Labor Code.

23 (iv) Apprenticeship utilization provisions that commit all parties
24 to hiring and retaining a certain percentage of state-registered
25 apprentices that have completed the Multi-Craft Core
26 preapprenticeship training curriculum referenced in subdivision
27 (t) of Section 14005 of the Unemployment Insurance Code.

28 (c) *This section shall remain in effect only until January 1, 2030,*
29 *and as of that date is repealed.*

30 *SEC. 2. Section 25541 is added to the Public Resources Code,*
31 *to read:*

32 *25541. (a) The commission may exempt from this chapter*
33 *thermal powerplants with a generating capacity of up to 100*
34 *megawatts and modifications to existing generating facilities that*
35 *do not add capacity in excess of 100 megawatts, if the commission*
36 *finds that no substantial adverse impact on the environment or*
37 *energy resources will result from the construction or operation of*
38 *the proposed facility or from the modifications.*

1 **(b)** *This section shall become operative on January 1, 2030.*

O



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 5

Reconsideration of Board-Approved Position for Senate Bill 1298 (Cortese)

**Policy, Grants, and Technology Committee Special Meeting
July 10, 2024**

**Viet Tran
Deputy Executive Officer of Public Affairs
vtran@baaqmd.gov**

Presentation Outcome



The Committee will discuss and consider recommending the Board of Directors remove the current Board-approved position of “Oppose Unless Amended” and move the Air District to a “Neutral” position on the following bill:

- **Senate Bill (SB) 1298 (Cortese)** – Certification of thermal powerplants: data centers.

Presentation Requested Action



Recommend to the Board the following change in a Board-approved position on current legislation:

Remove the Air District’s current Board-approved position of “Oppose Unless Amended” and move to a “Neutral” position for SB 1298 (Cortese) - Certification of thermal powerplants: data centers.

Bill Summary



Certification of thermal powerplants: data centers.

SB 1298 would increase the size of backup power plants that the California Energy Commission can grant a “small power plant exemption” (SPPE) from environmental review from 100 megawatts to 150 megawatts.

Reason for Reconsideration



SB 1298 was recently amended to include the below requirement before the California Energy Commission allows use of the SPPE program:

“The commission obtains a determination from the applicable air pollution control district or air quality management district that the facility’s backup generation technology meets the best available control technology requirements, as defined in Section 40405 of the Health and Safety Code. The applicable air pollution control district or air quality management district shall report its determination to the commission pursuant to this subparagraph.”



Certification of thermal powerplants: data centers.

- Passed the referred Committees and Floor in the Senate.
 - Energy, Utilities, and Communications (4/16/24) | Appropriations (5/6/24) | Appropriations – Suspense File (5/16/24) | Senate – Floor (5/22/24)
- Originally double-referred to the Assembly Utilities and Energy Committee and Assembly Labor and Employment Committee, however, it has since additionally been referred to the Assembly Natural Resources Committee.
 - Utilities and Energy (6/19/24): Passed | Vote: 14-0

Bill Status (cont.)



Certification of thermal powerplants: data centers.

- Next Step: Assembly Natural Resources Committee hearing on July 1, 2024, and the Assembly Labor and Employment Committee on July 2, 2024.

Position: Oppose Unless Amended



Recap: Presentation Requested Action

Recommend to the Board the following change in a Board-approved position on current legislation:

Remove the Air District's current Board-approved position of "Oppose Unless Amended" and move to a "Neutral" position for SB 1298 (Cortese) - Certification of thermal powerplants: data centers.



Questions / Discussion

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

To: Chairperson Vicki Veenker and Members
 of the Policy, Grants, and Technology Committee

From: Philip M. Fine
 Executive Officer/APCO

Date: July 10, 2024

Re: State and Federal Legislative Update

RECOMMENDED ACTION

None; the Committee will discuss this item, but no action is requested at this time.

BACKGROUND

Below is information on upcoming dates and deadlines for this year’s legislative session, bills of interest, the state budget, and recent federal activities.

Important Legislative Dates and Deadlines:

July 3	Last day for policy committees to meet and report bills. Summer recess begins upon adjournment.
August 5	Legislature returns from summer recess.
August 16	Last day for fiscal committees to meet and report bills.
August 23	Last day to amend bills on the Floor.
August 31	Last day for each house to pass bills. Final recess begins upon adjournment.
September 30	Last day for Governor to sign or veto bills.

Bills of Interest:

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

Below is a list of bills that the Air District has taken positions on during the 2023-2024 Legislative Session that were still moving through the legislative process at the time of the last Committee meeting on May 15, 2024. Bills that have since died are noted with a ~~strickethrough~~ and bills that changed topics entirely (gut and amended) are noted with an asterisk (*).

Sponsored Bills

- **Assembly Bill (AB) 1465 (Wicks)** – Nonvehicular air pollution: civil penalties.
- **Senate Bill (SB) 382 (Becker)** – Single-family residential property: disclosures.-
- ~~**SB 1095 (Becker)** – Cozy Homes Cleanup Act: building standards: gas fuel burning appliances.-~~

Co-Sponsored Bills

- **AB 2298 (Hart, et al.)** – Coastal resources: Protecting Blue Whales and Blue Skies Program.

Support

- ~~**AB 817 (Pacheco)** – Open Meetings: Teleconferencing: Subsidiary Body.-~~
- **AB 2522 (Carrillo, Wendy)** – Air districts: governing boards: compensation.
- **AB 2851 (Bonta)** – Metal shredding facilities: fence-line air quality monitoring.
- **AB 2958 (Calderon)**– State Air Resources Board: board members: compensation.
 - ~~***SB 537 (Becker)**– Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences.~~
 - New Topic: Department of General Services: memorial to forcibly deported Mexican Americans and Mexican immigrants.
- **SB 674 (Gonzalez)** – Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.
- **SB 1158 (Archuleta)** – Carl Moyer Memorial Air Quality Standards Attainment Program.
- **SB 1193 (Menjivar)** – Airports: leaded aviation gasoline.

Oppose

- ~~**AB 1894 (Ta)** – Nonvehicular air pollution: civil penalties.~~

Oppose Unless Amended

- **SB 1298 (Cortese)**– Certification of thermal powerplants: data centers.
 - Staff Note: Based on recent amendments, staff is recommending – for the Committee’s consideration to recommend to the Board of Directors – the removal of the current Board-approved position of “Oppose Unless Amended” and moving the Air District to a “Neutral” position on SB 1298. This staff recommendation will be discussed during the Action Items portion of the meeting agenda.

State Budget Update for Fiscal Year (FY) 2024-25:

On January 10, 2024, Governor Newsom released the initial proposal for the FY 2024-25 State Budget. On May 14, the Governor released the May Revision (May Revise) to the proposed FY 2024-25 State Budget. On June 13, the Senate and Assembly voted and passed **AB 107 (Gabriel) – Budget Act of 2024**, meeting the state’s constitutional deadline for submitting a budget. On June 22, the Legislature and the Governor reached an agreement on the Budget Act of 2024 in the form of budget bill juniors and trailer bills.

The budget bill must be signed by the Governor by July 1. The Legislature may pass budget amendments and other changes to the adopted budget.

Recent Federal Activities:

The Committee will receive an update on recent events of significance on the federal level including the introduction of proposed legislation for a federal vessel speed reduction program along the West Coast and the invitation and attendance by Air District staff to testify at a House Committee on Science, Space, and Technology Committee’s Investigations & Oversight Subcommittee hearing titled “Environmentalism Off the Rails: How CARB [California Air Resources Board] will Cripple the National Rail Network” on June 13, 2024.

DISCUSSION

The Committee will discuss updates on state legislation, including Air District sponsored and co-sponsored bills, other bills of interest, the California State Budget for FY 2024-25, and a brief update on recent federal activities.

If there are any changes to the information provided in this memos or the attachments prior to the Committee meeting, staff will provide a verbal update to the Committee.

Bills of Interest:

Specifically, staff will discuss the following bills (additional information provided below): AB 817 (Pacheco), AB 1465 (Wicks), AB 1894 (Ta), AB 2298 (Hart, et al.), AB 2522 (Carrillo, Wendy), AB 2851 (Bonta), AB 2958 (Calderon), SB 382 (Becker), SB 537 (Becker), SB 674 (Gonzalez), SB 1095 (Becker), SB 1158 (Archuleta), SB 1193 (Menjivar), and SB 1234 (Allen).

Air District Sponsored or Co-Sponsored Bills

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Current law provides that civil penalties for specified violations are

to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs. This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. (Based on 07/13/2023 text)

Status: AB 1465 passed the Assembly favorably. The bill was double-referred to the Senate Judiciary Committee and the Senate Environmental Quality Committee and passed each committee favorably. The bill was referred to the Senate Floor and was subsequently placed on the inactive file. On July 1, 2024, the bill was removed from the inactive file and is currently awaiting a vote on the Senate Floor.

Board-Approved Position (if any): Sponsor

AB 2298 (Hart, et al.) – Coastal resources: Protecting Blue Whales and Blue Skies Program.

CapitolTrack Summary: Current 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. Current 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, subject to the availability of funding, require the council to participate as a stakeholder, and in an advisory capacity, to the Protecting Blue Whales and Blue Skies Program with air pollution control districts and air quality management districts along the coast and other stakeholders, including the State Air Resources Board, to support, in an advisory capacity, coastal air districts in their efforts to 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 authorize the expansion of the existing Protecting Blue Whales and Blue Skies Program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. (Based on 05/16/2024 text)

Status: AB 2298 passed the Assembly favorably. The bill was double-referred to the Senate Natural Resources and Water Committee and the Senate Environmental Quality Committee. The bill was heard on June 7, 2024, in the Senate Natural Resources and Water Committee and passed favorably with a vote of 11-0. It is scheduled to be heard on July 3, 2024, in the Senate Environmental Quality Committee.

Board-Approved Position (if any): Co-Sponsor

SB 382 (Becker) – Single-family residential property: disclosures.

CapitolTrack Summary: Would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property, except as specified, and to disclose, in writing, the existence of any state or local requirements relating to the future replacement of existing gas-powered appliances that are being transferred with the property, as specified. (Based on 06/03/2024 text)

Status: SB 382 passed both the Senate and the Assembly favorably. As there were substantive amendments made in the Assembly, the bill was sent back to the Senate Floor for concurrence of those amendments. The bill is currently awaiting a vote on the Senate Floor.

Board-Approved Position (if any): Sponsor

SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

CapitolTrack Summary: The Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified. This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome. (Based on 04/08/2024 text)

Status: SB 1095 was double-referred to the Senate Housing Committee and the Senate Judiciary Committee and passed each committee favorably. The bill was then referred to the Senate Appropriations Committee where it was placed on the Suspense File and held under submission due to fiscal concerns, effectively killing it for the year.

Board-Approved Position (if any): Sponsor

Board-Approved Position Bills

AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body.

CapitolTrack Summary: The Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1,

2026, 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 (nonemergency provisions). Current law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to provide specific means by which the public may remotely hear and visually observe the meeting. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. The bill would require at least one staff member of the local agency to be present at a designated primary physical meeting location during the meeting. The bill would require the local agency to post the agenda at the primary physical meeting location. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. The bill would also require the subsidiary body to list a member of the subsidiary body who participates in a teleconference meeting from a remote location in the minutes of the meeting. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. (Based on 05/29/2024 text)

Status: AB 817 passed the Assembly favorably. The bill was referred to the Senate Local Government Committee and failed passage with a vote of 0-4. Reconsideration was granted by the Committee, but it does not appear that the bill will move forward this year.

Board-Approved Position (if any): Support

AB 1894 (Ta) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties. This bill would require a district to provide a small business, as defined, with a period of not less than 30 days to rectify a violation before the small business may be subject to those civil penalties. (Based on 03/11/2024 text)

Status: AB 1894 was double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee. The bill was set to be heard in Assembly Natural Resources but was canceled at the request of the author. Failed to meet the deadline for fiscal bills to get out of their referred policy committees. This bill is dead.

Board-Approved Position (if any): Oppose

AB 2522 (Carrillo, Wendy) – Air districts: governing boards: compensation.

CapitolTrack Summary: Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law provides that the south coast district is governed by a district board consisting of 13 members and that each member of the board shall receive compensation of \$100 for each day, or portion thereof, but not to exceed \$1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member’s official duties. This bill would raise the above-described compensation each member of the board receives to \$200 for each day, or portion thereof, but not to exceed \$2,000 per month. (Based on 06/19/2024 text)

Status: AB 2522 passed the Assembly favorably. The bill was double-referred to the Senate Environmental Quality Committee and the Senate Local Government Committee. The bill was heard on June 5, 2024, in the Senate Environmental Quality Committee and passed favorably with a vote of 5-0. The bill was heard on June 26, 2024, in the Senate Local Government Committee and passed favorably with a vote of 4-3. The bill is currently awaiting a vote on the Senate Floor.

Staff Note: The vote in the Senate Environmental Quality Committee, and all previous votes, were made prior to the recent amendments that expanded the bill by including additional air districts

Board-Approved Position (if any): Support

AB 2851 (Bonta) – Metal shredding facilities: fence-line air quality monitoring.

CapitolTrack Summary: Existing law defines a “fence-line monitoring system,” for purposes of specified laws requiring the monitoring of toxic air contaminants from nonvehicular sources, to mean monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts. This bill would require, instead of authorize, the department to collect the above-described annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, as provided. The bill would require, on or before July 1, 2025, the department, in consultation with affected local air pollution control and air quality management districts, to develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities. Those requirements would include, among other things, monitoring light fibrous material, lead, zinc, cadmium, and any other substance required to be monitored by the department, and a requirement that, if the monitoring indicates a potential adverse impact on air quality or public health, the local public health department issue a community notification, as provided. The bill would also require all metal shredding facilities that are subject to the hazardous waste control laws to implement the fence-line air quality monitoring requirements. The bill would require the department to oversee and enforce the implementation of the fence-line air quality monitoring requirements on or before December 31, 2025. The bill would also authorize any regulatory costs incurred by the department in implementing the bill’s requirements to be reimbursed from the subaccount in the Hazardous Waste Control Account. By

imposing new duties on local public health departments, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 05/16/2024 text)

Status: AB 2851 passed the Assembly favorably. The bill was referred to the Senate Environmental Quality Committee and is set to be heard on July 3, 2024.

Board-Approved Position (if any): Support

AB 2958 (Calderon) – State Air Resources Board: board members: compensation.

CapitolTrack Summary: Existing law establishes the State Air Resources Board consisting of 14 members with 12 members appointed by the Governor, with the consent of the Senate. Existing law provides that, of the 12 members appointed by the Governor, 6 of those members are to be from certain air quality management districts or air pollution control districts, as provided. In addition to the 14 members of the state board, existing law provides that 2 Members of the Legislature serve on the state board as ex officio, nonvoting members of the state board. Existing law provides that members appointed as members from the air districts serve on the state board without compensation. Existing law provides that the elected official members of the state board receive \$100 for each day, or a portion of that amount, but not to exceed \$1,000 in any month, attending meetings of the state board or its committees, or upon authorization of the state board while on official business of the state board (per diem amount). Existing law specifies the annual salary of each member of the state board. This bill would repeal the prohibition on compensation of the members of the state board from air districts and would specify that those members are to receive the annual salary provided to other members of the state board. The bill would repeal the per diem amount provided to elected official members of the state board. (Based on 03/21/2024 text)

Status: AB 2958 passed the Assembly favorably. The bill was referred to the Senate Environmental Quality Committee and is set to be heard on July 3, 2024.

Board-Approved Position (if any): Support

SB 537 (Becker) – Department of General Services: memorial to forcibly deported Mexican Americans and Mexican immigrants.

- *Previous Topic: Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences.*

Staff Note: SB 537 was gut and amended on June 10, 2024, and no longer pertains to the Air District.

SB 674 (Gonzalez) – Air pollution: covered facilities: 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, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format. This bill would expand the application of these provisions to any “covered facility,” defined to include refineries that produce gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products, and to include facilities with operations related to a refinery that are located on contiguous or adjacent properties. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. 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 covered facilities to notify the air district and the public, as provided, as quickly as possible of any exceedances of specified pollutant thresholds. (Based on 06/27/2024 text)

Status: SB 674 passed the Senate favorably. The bill was double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee, then referred to the Assembly Appropriations Committee and passed each committee favorably. The bill was referred to the Assembly Floor and was subsequently placed on the inactive file on September 14, 2023. On June 20, 2024, the bill was removed from the inactive file and on July 1, 2024, the bill passed the Assembly Floor favorably with a vote of 47-15. As there were substantive amendments made in the Assembly, the bill was sent back to the Senate Floor for concurrence of those amendments. The bill is currently awaiting a vote on the Senate Floor.

Board-Approved Position (if any): Support

SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment Program.

CapitolTrack Summary: Current law requires that funds be allocated under the Carl Moyer Memorial Air Quality Standards Attainment Program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the State Air Resources Board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Current law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, current law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. (Based on 04/16/2024 text)

Status: SB 1158 passed the Senate favorably. The bill was double-referred to the Assembly Transportation Committee and the Assembly Natural Resources Committee. The bill was heard on June 17, 2024, in the Assembly Transportation Committee and passed favorably with a vote of 15-0. The bill was heard on June 24, 2024, in the Assembly Natural Resources Committee and passed favorably with a vote of 10-0. The bill has been referred to the Assembly Appropriations Committee – hearing date pending.

Board-Approved Position (if any): Support

SB 1193 (Menjivar) – Airports: leaded aviation gasoline.

CapitolTrack Summary: Would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers on or after January 1, 2031, as provided. Because these provisions would be part of the State Aeronautics Act, the bill would impose a state-mandated local program. (Based on 06/27/2024 text)

Status: SB 1193 passed the Senate favorably. The bill was double-referred to the Assembly Transportation Committee and the Assembly Local Government Committee. The bill was heard on June 17, 2024, in the Assembly Transportation Committee and passed favorably with a vote of 11-1. The bill was heard on June 26, 2024, in the Assembly Local Government Committee and passed favorably with a vote of 8-0. The bill has been referred to the Assembly Appropriations Committee – hearing date pending.

Board-Approved Position (if any): Support

Other Bill(s) of Interest

SB 1234 (Allen) – Hazardous materials: metal shredding facilities.

CapitolTrack Summary: Current law authorizes the Department of Toxic Substances Control (DTSC), in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, to adopt regulations to establish management standards for metal shredding facilities for hazardous waste management activities within DTSC’s jurisdiction, as provided. Current law provides that treated metal shredder waste that is managed in accordance with those regulations is deemed to be solid waste, and not hazardous waste, as provided. This bill would repeal those provisions and would establish a comprehensive scheme for the regulation of metal shredding facilities. The bill would prohibit an owner or operator from operating a metal shredding facility, as defined, in the state unless they have a permit from DTSC or are deemed to have a permit. The bill would prescribe the requirements for obtaining a permit, for being deemed to have a permit, for operating a metal shredding facility, and for transporting certain materials related to metal shredding, as specified. The bill would provide that certain materials related to metal shredding are not hazardous waste if they meet specified requirements. (Based on 06/10/2024 text)

Status: SB 1234 was gut and amended on June 10, 2024, to its current form. The bill has been double-referred to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Local Government Committee. The bill was heard on June 25, 2024, in the Assembly Environmental Safety and Toxic Materials Committee and passed favorably with a vote of 7-0. As of this writing, the bill will next be heard in the Assembly Appropriations Committee - hearing date pending - and will not be scheduled for a hearing in the Assembly Local Government Committee.

Board-Approved Position (if any): None

Fiscal Year (FY) 2024-25 State Budget Update:

On June 22, 2024, the Legislature and the Governor reached an agreement on the Budget Act of 2024 in the form of budget bill juniors and trailer bills. The final agreement closes a budget shortfall of over \$45 billion. The whole of the budget package includes the Budget Bill, budget bill juniors, and trailer bills.

Below is selected text from the Senate’s “Budget Act of 2024 – Key Highlights” (June 22, 2024):

The Budget Act of 2024 is not only balanced through the 2024-25 budget year, but is also balanced through the 2025-26 budget year as well. All told, the Budget Plan eliminates the Department of Finances budget year projected shortfall of about \$45 billion and the 2025-26 shortfall of over \$30 billion.

- *The Budget Plan is balanced in 2024-25, with a \$3.5 billion Regular Reserve and over \$22 billion in total reserves – a bit lower than the May Revision proposal.*
- *The Budget Plan is balanced in 2025-26, with a \$1.5 billion Regular Reserve and over \$13 billion in total reserves – nearly \$2 billion higher than the May Revision.*

Attached is a table of programs significant to the Air District, along with budget data from the previous year. These items may be subject to change based on future budget adjustments.

Recent Federal Activities:

On June 13, 2024, *H.R. 8726 (Carbajal) – Alan S. Lowenthal Blue Whales and Blue Skies Act* – was introduced by California Congressmen Salud Carbajal (CA-24) and Jared Huffman (CA-02). Summary: To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the western coast of the United States, and for other purposes.

On June 13, 2024, the U.S. House of Representatives Committee on Science, Space, and Technology’s Subcommittee on Investigation and Oversight held a hearing titled, “Environmentalism Off the Rails: How CARB will Cripple the National Rail Network.” Air

District Legislative Officer, Alan Abbs attended this hearing at the request of Congresswoman Zoe Lofgren to testify in support of and to highlight the health benefits of CARB's In-Use Locomotive Regulation which was passed by CARB on April 27, 2023, and is awaiting approval by the U.S. Environmental Protection.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. Bills of Interest Matrix - As of July 2, 2024
2. AB 1465 (Wicks) - Bill Text - As Amended on July 13, 2023
3. AB 2298 (Hart) - Bill Text - As Amended on May 16, 2024
4. SB 382 (Becker) - Bill Text - As Amended on June 3, 2024
5. SB 1095 (Becker) - Bill Text - As Amended on April 8, 2024
6. AB 817 (Pacheco) - Bill Text - As Amended on May 29, 2024
7. AB 1894 (Ta) - Bill Text - As Amended on March 11, 2024
8. AB 2522 (Carrillo) - Bill Text - As Amended on June 19, 2024
9. AB 2851 (Bonta) - Bill Text - As Amended on May 16, 2024
10. AB 2958 (Calderon) - Bill Text - As Amended on March 21, 2024
11. SB 674 (Gonzalez) - Bill Text - As Amended on June 27, 2024
12. SB 1158 (Archuleta) - Bill Text - As Amended on April 16, 2024
13. SB 1193 (Menjivar) - Bill Text - As Amended on June 27, 2024
14. SB 1234 (Allen) - Bill Text - As Amended on June 10, 2024
15. Budget Table - FY 2024-25 Approved Budget vs. Current Year
16. Press Release - Federal Blue Whales Blue Skies Bill
17. Federal Bill Text - Alan S. Lowenthal Blue Whales and Blue Skies Act
18. Presentation - State and Federal Legislative Update - July PGT

Bill #	Author	Subject	Last Amended	Last Status - As of 7/2/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 593	Haney	Carbon emission reduction strategy: building sector.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Climate Change
AB 1992	Boerner	Coastal resources: coastal development permits: blue carbon demonstration projects.	5/16/2024	07/01/2024 - In committee: Referred to suspense file.	07/01/2024 - Senate APPR. SUSPENSE FILE			Low	Climate Change
AB 2008	Wallis	Reliable Energy Needs for Everyone in the West Program.	3/6/2024	05/02/2024 - Coauthors revised.	03/07/2024 - Assembly U. & E.			Low	Climate Change
AB 2331	Gabriel	Voluntary carbon market disclosures.	6/20/2024	06/20/2024 - Read second time and amended. Re-referred to Com. on JUD.	06/19/2024 - Senate JUD.			Low	Climate Change
SB 308	Becker	Net zero greenhouse gas emissions goal: carbon dioxide removal: regulations.	6/5/2024	07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	07/01/2024 - Assembly APPR.			Low	Climate Change
SB 422	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/20/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Medium	Climate Change
SB 941	Skinner	California Global Warming Solutions Act of 2006: scoping plan: industrial sources of emissions.	5/16/2024	06/26/2024 - June 26 hearing postponed by committee.	06/17/2024 - Assembly APPR.			Low	Climate Change
SB 972	Min	Methane emissions: organic waste: landfills.	6/19/2024	06/19/2024 - Read second time and amended. Re-referred to Com. on APPR.	06/17/2024 - Assembly APPR.			Low	Climate Change
SB 1036	Limón	Voluntary carbon offsets: business regulation.	5/16/2024	06/28/2024 - July 1 set for first hearing canceled at the request of author.	06/03/2024 - Assembly NAT. RES.			Low	Climate Change
SB 1136	Stern	California Global Warming Solutions Act of 2006: report.		06/18/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 10. Noes 0.) (June 17). Re-referred to Com. on APPR.	06/17/2024 - Assembly APPR.			Low	Climate Change
SB 1497	Menjivar	Polluters Pay Climate Cost Recovery Act of 2024.	4/25/2024	05/22/2024 - Ordered to inactive file on request of Senator Menjivar.	05/22/2024 - Senate INACTIVE FILE			Low	Climate Change
AB 124	Committee on Budget	Energy.	6/26/2023	08/14/2023 - Re-referred to Com. on B. & F.R.	08/14/2023 - Senate BUDGET & F.R.			Low	Energy
AB 1176	Zbur	General plans: Local Electrification Planning Act.	5/29/2024	06/24/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.	06/05/2024 - Senate E. U., & C.			Low	Energy
AB 1921	Papan	Energy: renewable electrical generation facilities: definition.	5/16/2024	06/18/2024 - From committee: Do pass and re-refer to Com. on E.Q. (Ayes 17. Noes 0.) (June 18). Re-referred to Com. on E.Q.	06/18/2024 - Senate E.Q.			Medium	Energy
AB 2083	Berman	Industrial facilities' heat application equipment and process emissions.	6/20/2024	06/20/2024 - Read second time and amended. Re-referred to Com. on E.Q.	06/18/2024 - Senate E.Q.			Low	Energy
ACR 175	Essayli	State energy policies: implications for the state.		04/11/2024 - From printer.	04/10/2024 - Assembly PRINT			Low	Energy
SB 59	Skinner	Battery electric vehicles: bidirectional capability.	6/10/2024	07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	07/01/2024 - Assembly APPR.			Low	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program: incidental and unintentional residual oil production.	6/6/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/26/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Energy
SB 983	Wahab	Energy: gasoline stations and alternative fuel infrastructure.	6/24/2024	06/24/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.	06/19/2024 - Assembly TRANS.			Low	Energy
SB 1006	Padilla	Electricity: transmission capacity: rectoring and grid-enhancing technologies.	6/24/2024	06/24/2024 - Read second time and amended. Re-referred to Com. on APPR.	06/19/2024 - Assembly APPR.			Low	Energy
SB 1420	Caballero	Hydrogen.	6/24/2024	07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	07/01/2024 - Assembly APPR.			Low	Energy
AB 2250	Weber	Social determinants of health: screening and outreach.	6/6/2024	06/17/2024 - In committee: Referred to suspense file.	06/17/2024 - Senate APPR. SUSPENSE FILE			Low	Environmental Justice
AB 2851	Bonta	Metal shredding facilities: fence-line air quality monitoring.	5/16/2024	06/05/2024 - Referred to Com. on E.Q.	06/05/2024 - Senate E.Q.	Board Approval 5/1/2024	Support	Medium	Environmental Justice
SB 720	Durazo	Gas corporations: safety culture investigations: employee organization participation.	6/10/2024	07/01/2024 - VOTE: Do pass as amended, and be re-referred to the Committee on [Appropriations] with recommendation: To Consent Calendar (PASS)	07/01/2024 - Assembly APPR.			Low	Environmental Justice
SB 1234	Allen	Hazardous materials: metal shredding facilities.	6/10/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 25). Re-referred to Com. on APPR.	06/26/2024 - Assembly APPR.			Medium	Environmental Justice
AB 985	Arambula	San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.	7/6/2023	09/13/2023 - Assembly refused to concur in Senate amendments. Motion to reconsider made by Assembly Member	09/12/2023 - Assembly RECONSIDER			Low	General-Air District
AB 2298	Hart	Coastal resources: Protecting Blue Whales and Blue Skies Program.	5/16/2024	06/11/2024 - From committee: Do pass and re-refer to Com. on E.Q. (Ayes 11. Noes 0.) (June 11). Re-referred to Com. on E.Q.	06/11/2024 - Senate E.Q.		Air-District Co-Sponsor	High	General-Air District
AB 2522	Carrillo, Wendy	Air districts: governing boards: compensation.	6/19/2024	07/01/2024 - From committee: Amend, and do pass as amended. (Ayes 4. Noes 3.) (June 26).	06/05/2024 - Senate L. GOV.	Board Approval 4/3/2024	Support	Medium	General-Air District
SB 336	Umberg	State grant programs: negotiated indirect cost rates.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	General-Air District
SB 674	Gonzalez	Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.	6/27/2024	07/01/2024 - Read third time. Passed. Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.	07/01/2024 - Senate CONCURRENCE	Board Approval 4/19/2023	Support	Medium	General-Air District

Bill #	Author	Subject	Last Amended	Last Status - As of 7/2/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1158	Archuleta	Carl Moyer Memorial Air Quality Standards Attainment Program.	4/16/2024	06/25/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 10. Noes 0.) (June 24). Re-referred to Com. on APPR.	06/24/2024 - Assembly APPR.	Board Approval 3/6/2024	Support	Medium	General-Air District
AB 627	Jackson	Drayage trucks: voucher incentive project.	1/22/2024	06/05/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.	05/01/2024 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 637	Jackson	Zero-emission vehicles: fleet owners: rental vehicles.	6/12/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (June 25). Re-referred to Com. on APPR.	06/26/2024 - Senate APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1122	Bains	Commercial harbor craft: equipment.	5/29/2024	06/12/2024 - From committee: Do pass and re-refer to Com. on E.Q. (Ayes 14. Noes 0.) (June 11). Re-referred to Com. on E.Q.	06/11/2024 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Electric vehicle charging station networks: data fields.	6/5/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. U., & C. on 6/13/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.	5/26/2023	05/22/2024 - Re-referred to Com. on N.R. & W.	05/22/2024 - Senate N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2061	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.	5/1/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 26). Re-referred to Com. on APPR.	06/26/2024 - Senate APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2401	Ting	Clean Cars 4 All Program.	4/9/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (June 25). Re-referred to Com. on APPR.	06/26/2024 - Senate APPR.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2815	Petrie-Norris	Clean Transportation Program: electric vehicle chargers.	6/4/2024	07/01/2024 - From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 17. Noes 0.) (June 24).	06/24/2024 - Senate APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.	9/1/2023	06/14/2024 - Vetoed by the Governor. In Senate. Consideration of Governor's veto pending.	06/14/2024 - Senate VETOED			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.	6/28/2023	07/06/2023 - July 11 hearing postponed by committee.	06/15/2023 - Assembly W.P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.	6/29/2024	07/01/2024 - Assembly Rule 96 suspended. Withdrawn from committee. Ordered to third reading. Joint Rule 62(a) suspended.	07/01/2024 - Assembly THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1387	Newman	California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility: schoolbus grant requirements.	6/10/2024	06/14/2024 - June 17 set for first hearing canceled at the request of author.	06/03/2024 - Assembly TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 107	Gabriel	Budget Act of 2024.	6/8/2024	06/26/2024 - Approved by the Governor. Chaptered by Secretary of State - Chapter 22, Statutes of 2024.	06/26/2024 - Assembly CHAPTERED			High	Other
AB 108	Gabriel	Budget Act of 2024.	6/22/2024	07/01/2024 - Re-referred to Com. on B. & F.R.	07/01/2024 - Senate BUDGET & F.R.			High	Other
AB 109	Gabriel	Budget Act of 2023.	6/22/2024	07/01/2024 - Re-referred to Com. on B. & F.R.	07/01/2024 - Senate BUDGET & F.R.			High	Other
AB 156	Committee on Budget	Public resources: omnibus budget trailer bill.	6/22/2024	07/01/2024 - Re-referred to Com. on B. & F.R.	07/01/2024 - Senate BUDGET & F.R.			High	Other
AB 164	Committee on Budget	State government.	6/22/2024	07/01/2024 - Re-referred to Com. on B. & F.R.	07/01/2024 - Senate BUDGET & F.R.			High	Other
AB 167	Committee on Budget	Taxation.	6/8/2024	07/01/2024 - Re-referred to Com. on B. & F.R.	07/01/2024 - Senate BUDGET & F.R.			High	Other
AB 817	Pacheco	Open meetings: teleconferencing: subsidiary body.	5/29/2024	06/05/2024 - In committee: Set, second hearing. Failed passage. Reconsideration granted.	05/01/2024 - Senate L. GOV.	Board Approval 4/19/2023	Support	Medium	Other
AB 1296	Grayson	Bar pilots: regulation of vessels.	6/10/2024	06/25/2024 - From committee: Do pass and re-refer to Com. on E.Q. (Ayes 14. Noes 0.) (June 25). Re-referred to Com. on E.Q.	06/25/2024 - Senate E.Q.			Low	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.	7/13/2023	07/01/2024 - From inactive file. Ordered to second reading.	07/01/2024 - Senate SECOND READING		Air District-Sponsored	High	Other
AB 1812	Gabriel	Budget Act of 2024.		01/16/2024 - Referred to Com. on BUDGET.	01/16/2024 - Assembly BUDGET	January Budget Proposal		High	Other
AB 1864	Connolly	Pesticides: agricultural use near schoolsites: notification and reporting.	6/26/2024	06/26/2024 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on AGR.	06/19/2024 - Senate AGR.			Low	Other
AB 1866	Hart	Oil and gas: idle wells.	6/12/2024	06/24/2024 - In committee: Referred to suspense file.	06/24/2024 - Senate APPR. SUSPENSE FILE			Low	Other
AB 2037	Papan	Weights and measures: electric vehicle chargers.	6/26/2024	06/26/2024 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.	06/10/2024 - Senate JUD.			Low	Other
AB 2208	Zbur	California Ports Development and Offshore Wind Infrastructure Bond Act of 2024.	3/21/2024	04/08/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.	03/21/2024 - Assembly NAT. RES.			Low	Other
AB 2243	Wicks	Affordable Housing and High Road Jobs Act of 2022: objective standards and affordability and site criteria.	6/20/2024	06/20/2024 - Read second time and amended. Re-referred to Com. on L. GOV.	06/19/2024 - Senate L. GOV.			Low	Other
AB 2302	Addis	Open meetings: local agencies: teleconferences.		06/06/2024 - Read second time. Ordered to third reading.	06/06/2024 - Senate THIRD READING			Low	Other
AB 2309	Muratsuchi	City attorney: state law: misdemeanor.	6/19/2024	06/19/2024 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended.	05/22/2024 - Senate PUB. S.			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 7/2/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 2432	Gabriel	Corporations: criminal enhancements.	6/13/2024	06/25/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 25). Re-referred to Com. on APPR. (Ayes 5. Noes 0.) (June 25). Re-referred to Com. on APPR. (Ayes 5. Noes 0.) (June 25).	06/25/2024 - Senate APPR.			Low	Other
AB 2439	Quirk-Silva	Public works: prevailing wages: access to records.	4/1/2024	05/16/2024 - Failed Deadline pursuant to Rule 61(b)(8). (Last location was APPR. on 4/18/2024)	05/16/2024 - Assembly DEAD			Low	Other
AB 2453	Villapudua	Weights and measures: electric vehicle supply equipment.	6/24/2024	07/01/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (July 1). Re-referred to Com. on APPR. (Ayes 13. Noes 0.) (July 1).	07/01/2024 - Senate APPR.			Low	Other
AB 2513	Pellerin	Gas stoves and ranges: warning label.	6/10/2024	06/10/2024 - Read second time and amended. Ordered to third reading.	06/10/2024 - Senate THIRD READING			Low	Other
AB 2561	McKinnor	Local public employees: vacant positions.	6/27/2024	06/27/2024 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L., P.E. & R.	06/05/2024 - Senate L., P.E. & R.			Low	Other
AB 2715	Boerner	Ralph M. Brown Act: closed sessions.	4/24/2024	06/27/2024 - Read second time. Ordered to third reading.	06/27/2024 - Senate THIRD READING			Low	Other
AB 2900	Soria	Small agricultural truck fleet assistance program.	5/16/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 15.	06/26/2024 - Senate APPR.			Low	Other
AB 2902	Wood	Organic waste: reduction regulations: exemptions.	6/20/2024	06/20/2024 - Read second time and amended. Re-referred to Com. on APPR.	06/19/2024 - Senate APPR.			Low	Other
AB 2958	Calderon	State Air Resources Board: board members: compensation.	3/21/2024	06/05/2024 - Referred to Com. on E.Q.	06/05/2024 - Senate E.Q.	Board Approval 4/3/2024	Support	Medium	Other
AB 3155	Friedman	Oil and gas wells: health protection zones: civil liability.	5/16/2024	05/30/2024 - Ordered to inactive file at the request of Assembly Member Friedman.	05/30/2024 - Assembly INACTIVE FILE			Low	Other
AB 3233	Addis	Oil and gas: operations: restrictions: local authority.	6/19/2024	06/19/2024 - Read second time and amended. Re-referred to Com. on L. GOV.	06/17/2024 - Senate L. GOV.			Low	Other
AB 3258	Bryan	Refinery and chemical plants.	6/3/2024	06/27/2024 - Read third time. Passed. Ordered to the Assembly. (Ayes 40. Noes 0.) In Assembly. Concurrence in Senate amendments pending. May be considered on or after June 29 pursuant to Assembly Rule 77.	06/27/2024 - Assembly CONCURRENCE			Low	Other
SB 107	Wiener	Budget Act of 2024.	6/10/2024	06/11/2024 - Read second time. Ordered to third reading.	06/11/2024 - Assembly THIRD READING			High	Other
SB 108	Wiener	Budget Act of 2024.	6/22/2024	06/29/2024 - Approved by the Governor. Chaptered by Secretary of State. Chapter 35, Statutes of 2024.	06/27/2024 - Senate CHAPTERED			High	Other
SB 109	Wiener	Budget Act of 2023.	6/22/2024	06/29/2024 - Approved by the Governor. Chaptered by Secretary of State. Chapter 36, Statutes of 2024.	06/27/2024 - Senate CHAPTERED			High	Other
SB 156	Committee on Budget and Fiscal Review	Public resources: omnibus budget trailer bill.	6/22/2024	06/26/2024 - Read third time. Passed. Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending. Assembly amendments concurred in. (Ayes 31. Noes 7.) Ordered to engrossing and enrolling.	06/26/2024 - Senate ENROLLMENT			High	Other
SB 164	Committee on Budget and Fiscal Review	State government.	6/22/2024	06/29/2024 - Approved by the Governor. Chaptered by Secretary of State. Chapter 41, Statutes of 2024.	06/27/2024 - Senate CHAPTERED			High	Other
SB 167	Committee on Budget and Fiscal Review	Taxation.	6/10/2024	06/27/2024 - Approved by the Governor. Chaptered by Secretary of State. Chapter 34, Statutes of 2024.	06/27/2024 - Senate CHAPTERED			High	Other
SB 312	Wiener	California Environmental Quality Act: university housing development projects: exemption.	6/3/2024	07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	07/01/2024 - Assembly APPR.			Low	Other
SB 359	Umberg	Automobile dismantling: enforcement.	6/6/2024	06/10/2024 - Re-referred to Com. on TRANS. pursuant to Assembly Rule 96.	06/10/2024 - Assembly TRANS.			Low	Other
SB 382	Becker	Single-family residential property: disclosures.	6/3/2024	06/20/2024 - Read third time. Passed. Ordered to the Senate. In Senate. Concurrence in Assembly amendments pending.	06/20/2024 - Senate CONCURRENCE	Board Approval 3/6/2024	Air District-Sponsored	High	Other
SB 917	Skinner	Budget Act of 2024.		01/10/2024 - Introduced. Read first time. Referred to Com. on B. & F.R. To print.	01/10/2024 - Senate BUDGET & F.R.	January Budget Proposal		High	Other
SB 1045	Blakespear	Composting facilities: zoning.	4/29/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (June 26). Re-referred to Com. on APPR. (Ayes 6. Noes 0.) (June 26).	06/26/2024 - Assembly APPR.			Medium	Other
SB 1046	Laird	Organic waste reduction: program environmental impact report: small and medium compostable material handling facilities or operations.	6/12/2024	06/26/2024 - June 26 hearing postponed by committee.	06/10/2024 - Assembly APPR.			Low	Other
SB 1062	Dahle	Electrical generation facilities using biomass: conversion to advanced bioenergy technology facilities.	6/24/2024	07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	07/01/2024 - Assembly APPR.			Low	Other
SB 1193	Menjivar	Airports: leaded aviation gasoline.	6/27/2024	06/27/2024 - Read second time and amended. Re-referred to Com. on APPR.	06/26/2024 - Assembly APPR.	Board Approval 3/6/2024	Support	Medium	Other
SB 1204	Archuleta	Planning and Zoning Law: electric vehicle charging stations.		02/29/2024 - Referred to Com. on RLS.	02/15/2024 - Senate RLS.	Spot Bill		Low	Other
SB 1221	Min	Gas corporations: priority neighborhood decarbonization zones: pilot projects.	6/20/2024	07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	07/01/2024 - Assembly APPR.			Low	Other
SB 1298	Cortese	Certification of thermal powerplants: data centers.	6/24/2024	07/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Labor and Employment] (PASS)	07/01/2024 - Assembly L. & E.	Current Position: Oppose Unless Amended Board Approval 4/3/2024 Propose Reconsideration of Position to "Neutral"	Propose Reconsideration of Board-Approved Position	Medium	Other
SB 1308	Gonzalez	Ozone: indoor air cleaning devices.	6/11/2024	06/24/2024 - June 24 set for second hearing canceled at the request of author.	05/28/2024 - Assembly NAT. RES.			Low	Other
SB 1505	Stern	Aircraft registration.		04/09/2024 - April 9 set for first hearing canceled at the request of author.	02/29/2024 - Senate TRANS.			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 7/2/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1510	Stern	Permitting: electric vehicle charging.		02/29/2024 - Referred to Com. on RLS.	02/16/2024 - Senate RLS.	Intent Bill		Low	Other
SCR 136	Durazo	Equity impact analysis of legislation.		04/15/2024 - Introduced. Referred to Com. on RLS.	04/15/2024 - Senate RLS.			Low	Other
AB 6	Friedman	Transportation planning: regional transportation plans: reduction of greenhouse gas emissions.	5/30/2024	06/11/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.	05/30/2024 - Senate TRANS.			Low	Transportation
AB 99	Connolly	Department of Transportation: state roads and highways: integrated pest management.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Transportation
AB 1774	Dixon	Vehicles: electric bicycles.		06/25/2024 - Enrolled and presented to the Governor at 4 p.m.	06/25/2024 - Assembly ENROLLED			Low	Transportation
AB 1778	Connolly	Vehicles: electric bicycles.	5/30/2024	05/30/2024 - Read second time and amended. Ordered to third reading.	05/30/2024 - Senate THIRD READING			Low	Transportation
AB 1837	Papan	San Francisco Bay area: public transit: Regional Network Management Council.	3/21/2024	05/29/2024 - Referred to Com. on TRANS.	05/29/2024 - Senate TRANS.			Low	Transportation
AB 1953	Villapudua	Vehicles: weight limits.	5/15/2024	06/06/2024 - From Consent Calendar. Ordered to third reading.	06/06/2024 - Senate THIRD READING			Low	Transportation
AB 2234	Boerner	Vehicles: electric bicycles.	6/13/2024	06/18/2024 - Read second time. Ordered to third reading.	06/18/2024 - Senate THIRD READING			Low	Transportation
AB 2290	Friedman	Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.	6/13/2024	06/24/2024 - In committee: Referred to suspense file.	06/24/2024 - Senate APPR. SUSPENSE FILE			Low	Transportation
AB 2325	Lee	San Francisco Bay Area Rapid Transit District: officers and employees: designation and appointment.	5/30/2024	07/01/2024 - Enrolled and presented to the Governor at 4 p.m.	07/01/2024 - Assembly ENROLLED			Low	Transportation
AB 2427	McCarty	Electric vehicle charging stations: permitting: curbside charging.	6/17/2024	07/01/2024 - In committee: Referred to suspense file.	07/01/2024 - Senate APPR. SUSPENSE FILE			Low	Transportation
AB 2448	Jackson	Electric Vehicle Economic Opportunity Zone: County of Riverside.	6/20/2024	06/24/2024 - Withdrawn from committee. Re-referred to Com. on APPR.	06/24/2024 - Senate APPR.			Low	Transportation
AB 2559	Petrie-Norris	Local planning: electric vehicle service equipment: permitting delays.	5/16/2024	07/01/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (July 1). Re-referred to Com. on APPR.	07/01/2024 - Senate APPR.			Low	Transportation
AB 2678	Wallis	Vehicles: high-occupancy vehicle lanes.	3/18/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 1.) (June 25). Re-referred to Com. on APPR.	06/26/2024 - Senate APPR.			Low	Transportation
AB 2697	Irwin	Transportation electrification: electric vehicle charging stations: network roaming standards.	6/27/2024	06/27/2024 - Read second time and amended. Re-referred to Com. on APPR.	06/26/2024 - Senate APPR.			Low	Transportation
SB 768	Caballero	California Environmental Quality Act: Transportation Agency: vehicle miles traveled: study.	5/29/2024	06/26/2024 - June 26 hearing postponed by committee.	06/10/2024 - Assembly APPR.	Board Approval 4/19/2023	Work with Author	Medium	Transportation
SB 1031	Wiener	San Francisco Bay area: local revenue measure: transportation improvements.	5/20/2024	05/24/2024 - Read third time. Passed. (Ayes 26. Noes 10.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	05/24/2024 - Assembly DESK			Medium	Transportation
SB 310	Dodd	Prescribed fire: civil liability: cultural burns.	6/28/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Wildfire/Smoke/PSPS
SB 945	Alvarado-Gil	The Wildfire Smoke and Health Outcomes Data Act.	6/13/2024	07/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Appropriations] with recommendation: To Consent Calendar (PASS)	07/01/2024 - Assembly APPR.			Low	Wildfire/Smoke/PSPS
SB 1176	Niello	Wildfires: workgroup: toxic heavy metals.	5/16/2024	06/26/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 7. Noes 0.) (June 25). Re-referred to Com. on APPR.	06/26/2024 - Assembly APPR.			Low	Wildfire/Smoke/PSPS

Total Active Bills	112	Low:	80
		Medium:	15
		High:	17

AMENDED IN SENATE JULY 13, 2023

AMENDED IN SENATE JUNE 21, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to amend Section 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Existing law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge

contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. The bill would also require that civil penalties for a violation be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

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 42402.6 is added to the Health and Safety
2 Code, to read:
3 42402.6. (a) Penalties prescribed pursuant to Sections 42402,
4 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 for violations
5 shall be tripled if both of the following occur:
6 (1) The discharge is from a Title V source.
7 (2) The discharge contains or includes one or more air
8 contaminants, as identified by the state board pursuant to Section
9 ~~39567~~, 39657, and as defined in Section 39013, or as listed in the
10 Table of Standards pursuant to Section 70200 of Title 17 of the
11 California Code of Regulations.
12 (b) For purposes of this section, “source” means an
13 establishment that is located on one or more contiguous or adjacent
14 properties.
15 (c) In assessing penalties, health impacts, community
16 disruptions, and other circumstances related to the violation shall
17 be considered, pursuant to Section 42403.
18 SEC. 2. Section 42403 of the Health and Safety Code is
19 amended to read:
20 42403. (a) The civil penalties prescribed in Sections 39674,
21 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be
22 assessed and recovered in a civil action brought in the name of the
23 people of the State of California by the Attorney General, by any
24 district attorney, or by the attorney for any district in which the
25 violation occurs in any court of competent jurisdiction.

- 1 (b) In determining the amount assessed, the court, or in reaching
2 any settlement, the district, shall take into consideration all relevant
3 circumstances, including, but not limited to, the following:
- 4 (1) The extent of harm caused by the violation.
 - 5 (2) The nature and persistence of the violation.
 - 6 (3) The length of time over which the violation occurs.
 - 7 (4) The frequency of past violations.
 - 8 (5) The record of maintenance.
 - 9 (6) The unproven or innovative nature of the control equipment.
 - 10 (7) Any action taken by the defendant, including the nature,
11 extent, and time of response of the cleanup and construction
12 undertaken, to mitigate the violation.
 - 13 (8) The financial burden to the defendant.

O

AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY MARCH 20, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2298

Introduced by Assembly Members Hart, Bennett, and Connolly
(Coauthors: Assembly Members Addis and Davies)
(Coauthor: Senator Blakespear)

February 12, 2024

An act to add ~~Section 35618 to Chapter 3.3 (commencing with Section 35640) to Division 26.5 of the Public Resources Code, relating to coastal resources.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Hart. Coastal resources: ~~voluntary vessel speed reduction and sustainable shipping program.~~ *Protecting Blue Whales and Blue Skies 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~~ *would, subject to the availability of funding, require the council, on or before January 1, 2027, in coordination and in*

~~consultation with various entities, council to participate as a stakeholder, and in an advisory capacity, to the Protecting Blue Whales and Blue Skies Program with air pollution control districts and air quality management districts along the coast and other stakeholders, including the State Air Resources Board, to support, in an advisory capacity, coastal air districts in their efforts to 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 expand a certain existing program and would authorize the program expansion of the existing Protecting Blue Whales and Blue Skies Program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, participating air pollution control districts and air quality management districts, on or before December 31, 2028, 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. Chapter 3.3 (commencing with Section 35640)
 2 is added to Division 26.5 of the Public Resources Code, to read:

3
 4 CHAPTER 3.3. PROTECTING BLUE WHALES AND BLUE SKIES
 5 PROGRAM
 6

7 35640. The Legislature finds and declares all of the following:
 8 (a) California’s seaports are North America’s primary
 9 intermodal gateway to Asia and Transpacific trade. Maritime
 10 industry activities at California’s public seaports are responsible
 11 for employing more than 500,000 people in the state. Nationwide,
 12 more than 2,000,000 jobs are linked to maritime industry business
 13 conducted at California’s public seaports, contributing to
 14 California having the largest state economy in the United States.
 15 (b) Every year, the world’s largest container ships and auto
 16 carriers make thousands of transits along the California coast,

1 *with an estimated 185 tons per day of nitrogen oxides, an ozone*
2 *precursor, being emitted along the coast. These emissions*
3 *negatively affect the public health of coastal communities and*
4 *cause some areas of the coast to be in nonattainment with the*
5 *national ambient air quality standards for ozone and particulate*
6 *matter.*

7 *(c) Since 2014, the Santa Barbara County Air Pollution Control*
8 *District, the Ventura County Air Pollution Control District, and*
9 *the Bay Area Air Quality Management District, with the federal*
10 *Office of National Marine Sanctuaries, marine sanctuary*
11 *foundations, and environmental groups, have administered and*
12 *promoted the Protecting Blue Whales and Blue Skies Program, a*
13 *voluntary vessel speed reduction program off the Santa Barbara,*
14 *Ventura, and Bay Area coasts to encourage transit speeds of 10*
15 *knots or less to reduce air pollution, the risk of harmful whale*
16 *strikes, and the level of ocean noise.*

17 *(d) Since its inception through 2023, the Protecting Blue Whales*
18 *and Blue Skies Program has provided small incentives and*
19 *publicity to program participants and has achieved over 1,100,000*
20 *slow speed miles, a reduction of more than 4,000 tons of nitrogen*
21 *oxides, a reduction of over 150,000 metric tons of regional*
22 *greenhouse gas emissions, and an estimated 50 percent decreased*
23 *risk of whale strikes during prime migration season in the affected*
24 *coastal areas.*

25 *(e) This highly cost-effective voluntary pollution reduction*
26 *program developed and administered at the local government level*
27 *benefits public health, protects the marine ecosystem, and*
28 *showcases the beneficial partnership between shipping companies,*
29 *public health agencies, marine sanctuaries, and environmental*
30 *organizations.*

31 *(f) Expansion of the vessel speed reduction program to other*
32 *areas of the California coast, including the San Diego and*
33 *Monterey coasts and the North Coast, would yield additional public*
34 *health and ecosystem benefits.*

35 *35641. (a) The Legislature finds and declares that expansion*
36 *of the Protecting Blue Whales and Blue Skies Program by local*
37 *air pollution control districts and air quality management districts*
38 *and stakeholders is a critical strategy in advancing protection of*
39 *marine mammals through partnerships that also support the*
40 *maritime industry and local public health.*

1 ***(b) Subject to the availability of funding, the council shall***
2 ***participate as a stakeholder, and in an advisory capacity, to the***
3 ***Protecting Blue Whales and Blue Skies Program with air pollution***
4 ***control districts and air quality management districts along the***
5 ***coast and other stakeholders, including the federal Office of***
6 ***National Marine Sanctuaries, the United States Environmental***
7 ***Protection Agency, the United States Navy, the United States Coast***
8 ***Guard, the State Air Resources Board, and maritime industry, to***
9 ***support, in an advisory capacity, coastal air districts in their efforts***
10 ***to implement a statewide voluntary vessel speed reduction and***
11 ***sustainable shipping program for the California coast in order to***
12 ***reduce air pollution, the risk of fatal vessel strikes on whales, and***
13 ***harmful underwater acoustic impacts.***

14 ***(c) Expansion of the existing Protecting Blue Whales and Blue***
15 ***Skies Program by local air pollution control districts and air***
16 ***quality management districts may include all of the following***
17 ***components developed in a manner that is consistent with how the***
18 ***program components were developed for the Protecting Blue***
19 ***Whales and Blue Skies Program:***

20 ***(1) A marketing program to engage cargo owners and other***
21 ***commercial interests to promote voluntary vessel speed reduction***
22 ***and sustainable shipping, and an acknowledgment of the program's***
23 ***participants.***

24 ***(2) Data collection on ship speeds along the California coast***
25 ***in order to analyze the program for future refinement, expansion,***
26 ***or both.***

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

29 ***(4) Data collection on the regional air quality impacts on the***
30 ***coast and impacts to air quality in coastal disadvantaged***
31 ***communities from oceangoing vessel traffic, as collected and***
32 ***provided by the regional air pollution control districts and air***
33 ***quality management districts.***

34 ***(5) Incentives to program participants based on a percentage***
35 ***of distance traveled by a participating vessel at a reduced speed,***
36 ***including speed zones at 10 knots or less, to the extent that local***
37 ***or federal funding is available.***

38 ***(6) Development of vessel speed reduction zones along the coast***
39 ***that take into account navigational safety, protected marine***
40 ***mammal migration and breeding seasons, federal marine***

1 sanctuaries and state marine protected areas, shipping lanes, and
2 any other relevant variables.

3 (7) Seasonality of the program.

4 (8) Description of covered vessels.

5 (d) The program shall exclude any ocean territories that are
6 covered by any vessel speed reduction program other than the
7 Protecting Blue Whales and Blue Skies Program or a memorandum
8 of understanding entered into before January 1, 2025.

9 (e) The program shall only apply to vessels that are 300 gross
10 tons or greater.

11 (f) (1) On or before December 31, 2028, the participating air
12 pollution control districts and air quality management districts
13 shall submit a report to the Legislature regarding the
14 implementation of the program.

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

17 (3) Pursuant to Section 10231.5 of the Government Code, the
18 requirement for submitting a report imposed by paragraph (1) is
19 inoperative on December 31, 2032.

20 (g) The program and each component of the program are based
21 upon voluntary actions initiated by entities pursuant to this section
22 and are not regulations as defined in Section 11342.600 of the
23 Government Code, and shall not be implemented in a way that
24 conflicts with federal law and regulations.

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

27 ~~(a) California's seaports are North America's primary intermodal~~
28 ~~gateway to Asia and Transpacific trade. Maritime industry activities~~
29 ~~at California's public seaports are responsible for employing more~~
30 ~~than 500,000 people in the state. Nationwide, more than 2,000,000~~
31 ~~jobs are linked to maritime industry business conducted at~~
32 ~~California's public seaports, contributing to California having the~~
33 ~~largest state economy in the United States.~~

34 ~~(b) Every year, the world's largest container ships and auto~~
35 ~~carriers make thousands of transits along the California coast, with~~
36 ~~an estimated 185 tons per day of nitrogen oxides, an ozone~~
37 ~~precursor, being emitted along the coast. These emissions~~
38 ~~negatively affect the public health of coastal communities and~~
39 ~~cause some areas of the coast to be in nonattainment with the~~

1 national ambient air quality standards for ozone and particulate
2 matter.

3 ~~(e) Since 2014, the Santa Barbara County Air Pollution Control~~
4 ~~District, the Ventura County Air Pollution Control District, and~~
5 ~~the Bay Area Air Quality Management District, with the federal~~
6 ~~Office of National Marine Sanctuaries, marine sanctuary~~
7 ~~foundations, and environmental groups, have administered and~~
8 ~~promoted the Blue Whales and Blue Skies Program, a voluntary~~
9 ~~vessel speed reduction program off the Santa Barbara, Ventura,~~
10 ~~and Bay Area coasts to encourage transit speeds of 10 knots or~~
11 ~~less to reduce air pollution, the risk of harmful whale strikes, and~~
12 ~~the level of ocean noise.~~

13 ~~(d) Since its inception, through 2023, the Protecting Blue Whales~~
14 ~~and Blue Skies Program has provided small incentives and~~
15 ~~publicity to program participants and has achieved over 1,100,000~~
16 ~~slow speed miles, a reduction of more than 4,400 tons of nitrogen~~
17 ~~oxides, a reduction of over 150,000 metric tons of regional~~
18 ~~greenhouse gas emissions, and an estimated 50 percent decreased~~
19 ~~risk of whale strikes during prime migration season in the affected~~
20 ~~coastal areas.~~

21 ~~(e) This highly cost-effective voluntary pollution reduction~~
22 ~~program benefits public health, protects the marine ecosystem,~~
23 ~~and showcases the beneficial partnership between shipping~~
24 ~~companies, public health agencies, marine sanctuaries, and~~
25 ~~environmental organizations.~~

26 ~~(f) Creation of a statewide vessel speed reduction program and~~
27 ~~expansion to other areas of the California coast, including the San~~
28 ~~Diego and Monterey coasts and the North Coast, would yield~~
29 ~~additional public health and ecosystem benefits.~~

30 ~~SEC. 2. Section 35618 is added to the Public Resources Code,~~
31 ~~to read:~~

32 ~~35618. (a) On or before January 1, 2027, the council shall, in~~
33 ~~coordination with air pollution control districts and air quality~~
34 ~~management districts along the coast and in consultation with the~~
35 ~~federal Office of National Marine Sanctuaries, the federal~~
36 ~~Environmental Protection Agency, the United States Navy, the~~
37 ~~United States Coast Guard, the State Air Resources Board, and~~
38 ~~maritime industry, implement a statewide voluntary vessel speed~~
39 ~~reduction and sustainable shipping program for the California coast~~

1 in order to reduce air pollution, the risk of fatal vessel strikes on
2 whales, and harmful underwater acoustic impacts.

3 ~~(b) The program shall expand the existing Protecting Blue
4 Whales and Blue Skies Program and may include all of the
5 following components developed in a manner that is consistent
6 with how the program components were developed for the
7 Protecting Blue Whales and Blue Skies Program:~~

8 ~~(1) A marketing program to engage cargo owners and other
9 commercial interests to promote voluntary vessel speed reduction
10 and sustainable shipping, and an acknowledgment of the program's
11 participants.~~

12 ~~(2) Data collection on ship speeds along the California coast in
13 order to analyze the program for future refinement, expansion, or
14 both.~~

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

17 ~~(4) Data collection on the regional air quality impacts on the
18 coast and impacts to air quality in coastal disadvantaged
19 communities from oceangoing vessel traffic, as collected and
20 provided by the regional air pollution control districts and air
21 quality management districts.~~

22 ~~(5) Incentives to program participants based on a percentage of
23 distance traveled by a participating vessel at a reduced speed,
24 including speed zones at 10 knots or less, to the extent that local
25 or federal funding is available.~~

26 ~~(6) Development of vessel speed reduction zones along the coast
27 that take into account navigational safety, protected marine
28 mammal migration and breeding seasons, federal marine
29 sanctuaries and state marine protected areas, shipping lanes, and
30 any other relevant variables.~~

31 ~~(7) Seasonality of the program.~~

32 ~~(8) Description of covered vessels.~~

33 ~~(e) The program shall exclude any ocean territories that are
34 covered by any vessel speed reduction program other than the
35 Protecting Blue Whales and Blue Skies Program or a memorandum
36 of understanding entered into before January 1, 2025.~~

37 ~~(d) The program shall only apply to vessels that are 300 gross
38 tons or greater.~~

39 ~~(e) The council may impose additional qualifying criteria on
40 program participants in order to receive incentives under the~~

1 program, including, but not limited to, individual transit speeds,
2 such as maximum speed in transit or maximum transit average
3 speed.

4 (f) (1) On or before December 31, 2028, the council shall submit
5 a report to the Legislature regarding the implementation of the
6 program.

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

9 (3) Pursuant to Section 10231.5 of the Government Code, the
10 requirement for submitting a report imposed by paragraph (1) is
11 inoperative on December 31, 2032.

12 (g) The program, each component of the program, and actions
13 taken by the council to implement the program are based upon
14 voluntary actions initiated by entities pursuant to this section and
15 are not regulations as defined in Section 11342.600 of the
16 Government Code, and shall not be implemented in a way that
17 conflicts with federal law and regulations.

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AMENDED IN ASSEMBLY JUNE 3, 2024
AMENDED IN SENATE JANUARY 4, 2024
AMENDED IN SENATE JANUARY 3, 2024
AMENDED IN SENATE APRIL 18, 2023

SENATE BILL

No. 382

Introduced by Senator Becker

February 9, 2023

An act to add ~~Section~~ *Sections 1102.6i and 1102.6j* to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Becker. Single-family residential property: disclosures.

Existing law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property.

This bill would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of ~~the property.~~ *property, except as specified, and to disclose, in writing, the existence of any state or local requirements relating to the future replacement of existing gas-powered appliances that are being transferred with the property, as specified.*

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 1102.6i is added to the Civil Code, to
2 read:

3 1102.6i. ~~On~~(a) *Except as provided in subdivision (b), on or*
4 *after January 1, 2026, in addition to any other disclosure required*
5 *pursuant to this article, the seller of any real property subject to*
6 *this article, or the seller’s agent, shall deliver to the prospective*
7 *buyer a disclosure statement that provides as follows: “In a*
8 *purchase of real property, it may be advisable to obtain an*
9 *inspection by a qualified professional of the electrical system(s)*
10 *of any buildings, including, but not limited to, the main service*
11 *panel, the subpanel(s), and wiring. Substandard, recalled, or faulty*
12 *wiring may cause a fire risk and may make it difficult to obtain*
13 *property insurance. Limited electrical capacity may make it*
14 *difficult to support future electrical additions to the building(s),*
15 *such as solar generation, electric space heating, electric water*
16 *heating, or electric vehicle charging equipment.”*

17 (b) *This section does not apply to the sale of a building within*
18 *three years of the issuance of the certificate of occupancy for the*
19 *building.*

20 SEC. 2. Section 1102.6j is added to the Civil Code, to read:

21 1102.6j. *On or after January 1, 2026, the seller of a*
22 *single-family residential property subject to this article shall*
23 *disclose, in writing, the existence of any state or local requirements*
24 *or restrictions relating to the future replacement of existing*
25 *gas-powered appliances that are being transferred with the*
26 *property to the extent they or their agent are aware of those*
27 *requirements or restrictions. For purposes of this section,*
28 *“gas-powered appliance” includes, but is not limited to, appliances*
29 *fueled by natural gas or liquid propane.*

O

AMENDED IN SENATE APRIL 8, 2024

AMENDED IN SENATE MARCH 21, 2024

SENATE BILL

No. 1095

Introduced by Senator Becker

February 12, 2024

An act to add Section 4737 to the Civil Code, and to amend Sections 17958.8, 18031.7, and 18031.8 of, *and* to add Section 18031.9 to, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1095, as amended, Becker. Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

(1) Existing law, the Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure.

The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified.

This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome.

This bill would provide that the act, including any regulation, rule, or bulletin adopted pursuant thereto, does not prohibit the installation of plumbing, heating, or air-conditioning systems for manufactured homes, mobilehomes, or multifamily manufactured homes from being located outside of the home if necessary to replace an existing fuel-gas-burning water heater.

(2) The act requires replacement fuel-gas-burning water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

This bill would also require replacement electric water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

The act requires fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

This bill would also require electric water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

The act required the Department of Housing and Community Development, on or before July 1, 2009, to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping.

This bill would require the department, on or before ~~August 15, 2025~~, *July 1, 2026*, to promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping, as specified.

This bill would also require the department, if necessary, by ~~December 31, 2025~~, *July 1, 2026*, to update rules and regulations that facilitate the use of electricity-powered space and water heating technologies for manufactured homes, mobilehomes, and multifamily manufactured homes when necessary to replace fuel-burning appliances with electric appliances.

The act provides that any person who knowingly violates any provision of the act or any rule or regulation issued pursuant to the act is guilty of a misdemeanor.

By establishing new standards applicable to the installation and replacement of electric water heaters, the bill would expand the above-mentioned crime and thus impose a state-mandated local program.

(3) The act provides that it does not prohibit the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with fuel-gas-burning ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

This bill would authorize the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with electric ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

The act requires replacement gas-fuel-burning ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

This bill would require replacement electric ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

(4) Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. The State Housing Law requires local ordinances or regulations that govern the alteration and repair of existing buildings to permit the replacement, retention, and extension of original materials and the use of original methods of constructions, provided that the portion of the building and structure complies with applicable building code provisions and the building does not become or continue to be a substandard building, as specified.

This bill would provide that the above provision regarding the use of original materials and methods of construction does not prevail over any state or local law that prohibits the use or installation of fuel-gas-burning appliances or that requires the use or installation of electric appliances.

(5) The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.

This bill would make void and unenforceable any provision of the governing documents or architectural guidelines or policies to the extent that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(6) This bill would state that specified provisions of the bill are declaratory of existing law.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Cozy Homes Cleanup Act.

3 SEC. 2. Section 4737 is added to the Civil Code, to read:

4 4737. Notwithstanding any other law, any provision of the
5 governing documents or architectural guidelines or policies shall
6 be void and unenforceable to the extent that the provision prevents
7 the replacement of a fuel-gas-burning appliance with an electric
8 appliance.

9 SEC. 3. Section 17958.8 of the Health and Safety Code is
10 amended to read:

11 17958.8. (a) Local ordinances or regulations governing
12 alterations and repair of existing buildings shall permit the
13 replacement, retention, and extension of original materials and the
14 use of original methods of construction for any building or
15 accessory structure subject to this part, including a hotel,
16 lodginghouse, motel, apartment house, or dwelling, or portions
17 thereof, as long as the portion of the building and structure subject
18 to the replacement, retention, or extension of original materials
19 and the use of original methods of construction complies with the
20 building code provisions governing that portion of the building or
21 accessory structure at the time of construction, and the other rules
22 and regulations of the department or alternative local standards
23 governing that portion at the time of its construction and adopted

1 pursuant to Section 13143.2 and the building or accessory structure
2 does not become or continue to be a substandard building.

3 (b) This section shall not prevail over any other state or local
4 law that prohibits the use or installation of fuel-gas-burning
5 appliances or that requires the use or installation of electric
6 appliances.

7 SEC. 4. Section 18031.7 of the Health and Safety Code is
8 amended to read:

9 18031.7. (a) (1) Nothing in this part shall prohibit the
10 replacement of water heaters in manufactured homes or
11 mobilehomes with electric or fuel-gas-burning water heaters not
12 specifically listed for use in a manufactured home or mobilehome
13 or from having hot water supplied from an approved source within
14 the manufactured home or mobilehome, or in the garage, in
15 accordance with this part or Part 2.1 (commencing with Section
16 18200).

17 (2) Nothing in this part shall prohibit the replacement of
18 appliances for comfort heating in manufactured homes,
19 mobilehomes, or multifamily manufactured homes with electric
20 or fuel-gas appliances for comfort heating not specifically listed
21 for use in a manufactured home or mobilehome within the
22 manufactured home, mobilehome, or multifamily manufactured
23 home in accordance with this part, Part 2.1 (commencing with
24 Section 18200), or Part 2.3 (commencing with Section 18860).

25 (b) Nothing in this part, nor any regulation, rule, or bulletin
26 adopted pursuant to this part, shall prohibit the installation of
27 plumbing, heating, or air-conditioning systems for manufactured
28 homes, mobilehomes, or multifamily manufactured homes from
29 being located outside of the home if necessary to replace an
30 existing fuel-gas-burning water heater.

31 (c) Replacement electric or fuel-gas-burning water heaters shall
32 be listed for residential use and installed within the specifications
33 of that listing to include tiedown or bracing to prevent overturning.

34 (d) Replacement electric or fuel-gas-burning water heaters
35 installed in accordance with subdivision (c) shall bear a label
36 permanently affixed in a visible location adjacent to the fuel gas
37 inlet or electrical power source which reads, as applicable:

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WARNING
This appliance is approved only for use with natural gas (NG).

OR

WARNING
This appliance is approved only for use with liquified petroleum gas (LPG).

OR

WARNING
This appliance is approved only for electrical use.

Lettering on the label shall be black on a red background and not less than ¼ inch in height except for the word “WARNING” which shall be not less than ½ inch in height.

(e) (1) All electric or fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes installed in the state shall be seismically braced, anchored, or strapped pursuant to paragraph (3) or (4) and shall be completed before or at the time of installation of the homes.

(2) Any replacement electric or fuel-gas-burning water heater appliances installed in existing mobilehomes, existing manufactured homes, or existing multifamily manufactured homes that are offered for sale, rent, or lease shall be seismically braced, anchored, or strapped pursuant to paragraph (3) or (4).

(3) On or before July 1, 2009, the department shall promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either the guidelines developed pursuant to Section 19215 or the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), and shall be applicable statewide.

(4) On or before ~~August 15, 2025~~, *July 1, 2026*, the department shall promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either

1 the guidelines developed pursuant to Section 19215 or the
2 California Plumbing Code (Part 5 of Title 24 of the California
3 Code of Regulations), and shall be applicable statewide.

4 (5) The dealer, or manufacturer acting as a dealer, responsible,
5 as part of the purchase contract, for both the sale and installation
6 of any home subject to this subdivision shall ensure all water
7 heaters are seismically braced, anchored, or strapped in compliance
8 with this subdivision prior to completion of installation.

9 (6) In the event of a sale of a home, pursuant to either paragraph
10 (1) of subdivision (e) of Section 18035 or Section 18035.26, the
11 homeowner or contractor responsible for the installation of the
12 home shall ensure all electric or fuel-gas-burning water heater
13 appliances are seismically braced, anchored, or strapped consistent
14 with the requirements of paragraph (3). This requirement shall be
15 satisfied when the homeowner or responsible contractor signs a
16 declaration stating each electric or fuel-gas-burning water heater
17 is secured as required by this section on the date the declaration
18 is signed.

19 (f) All used mobilehomes, used manufactured homes, and used
20 multifamily manufactured homes that are sold shall, on or before
21 the date of transfer of title, have the electric or fuel-gas-burning
22 water heater appliance or appliances seismically braced, anchored,
23 or strapped consistent with the requirements of paragraph (3) or
24 (4) of subdivision (e). This requirement shall be satisfied if, within
25 45 days prior to the transfer of title, the transferor signs a
26 declaration stating that each water heater appliance in the used
27 mobilehome, used manufactured home, or used multifamily
28 manufactured home is secured pursuant to paragraph (3) or (4) of
29 subdivision (e) on the date the declaration is signed.

30 (g) For sales of manufactured homes or mobilehomes installed
31 on real property pursuant to subdivision (a) of Section 18551, as
32 to real estate agents licensed pursuant to Division 4 (commencing
33 with Section 10000) of the Business and Professions Code, the
34 real estate licensee duty provisions of Section 8897.5 of the
35 Government Code shall apply to this section.

36 SEC. 5. Section 18031.8 of the Health and Safety Code is
37 amended to read:

38 18031.8. (a) Nothing in this part or the regulations promulgated
39 thereunder shall prohibit the replacement in manufactured homes
40 or mobilehomes of ovens, ranges, or clothes dryers with electric

1 or fuel gas burning ovens, ranges, or clothes dryers not specifically
2 listed for use in a manufactured home or mobilehome.

3 (b) Replacement electric or fuel gas burning ovens, ranges, or
4 clothes dryers shall be listed for residential use and installed in
5 accordance with the specifications of that listing to include tiedown
6 and bracing to prevent displacement.

7 (c) Replacement electric or fuel gas burning ovens, ranges, or
8 clothes dryers installed in accordance with subdivision (b) shall
9 bear a label in compliance with subdivision (c) of Section 18031.7.

10 SEC. 6. Section 18031.9 is added to the Health and Safety
11 Code, to read:

12 18031.9. The department shall, if necessary, by ~~December 31,~~
13 ~~2025,~~ *July 1, 2026*, update existing rules and regulations that
14 facilitate the use of electricity-powered space and water heating
15 technologies for manufactured homes, mobilehomes, and
16 multifamily manufactured homes when necessary to replace
17 fuel-burning appliances with electric appliances.

18 SEC. 7. The amendments to Section 17958.8 of the Health and
19 Safety Code made by this act do not constitute a change in, but
20 are declaratory of, existing law.

21 SEC. 8. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

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AMENDED IN SENATE MAY 29, 2024

AMENDED IN ASSEMBLY JANUARY 17, 2024

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 817

**Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)**

February 13, 2023

An act to add and repeal Section 54953.05 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. Open meetings: teleconferencing: subsidiary body.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. 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.

Existing law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, 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 (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to *provide* specific means by which the public may remotely hear and visually observe the meeting.

This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. *The bill would require at least one staff member of the local agency to be present at a designated primary physical meeting location during the meeting. The bill would require the local agency to post the agenda at the primary physical meeting location. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. The bill would also require the subsidiary body to list a member of the subsidiary body who participates in a teleconference meeting from a remote location in the minutes of the meeting.* In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

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.

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

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

1 SECTION 1. Section 54953.05 is added to the Government
2 Code, to read:

3 54953.05. (a) (1) The definitions in Section 54953, as that
4 section may be amended from time to time, apply for purposes of
5 this section.

6 (2) For purposes of this section, “subsidiary body” means a
7 legislative body that meets all of the following:

8 (A) Is described in subdivision (b) of Section 54952.

9 (B) Serves exclusively in an advisory capacity.

10 (C) Is not authorized to take final action on legislation,
11 regulations, contracts, licenses, permits, or any other entitlements.

12 (b) A subsidiary body may use teleconferencing without
13 complying with paragraph (3) of subdivision (b) of Section 54953,
14 if the subsidiary body complies with all of the following:

15 (1) The teleconferenced meetings shall be conducted in a manner
16 that protects the statutory and constitutional rights of the parties
17 or the public appearing before the subsidiary body.

18 (2) Each member of the subsidiary body shall participate through
19 both audio and visual technology.

20 (3) The subsidiary body shall provide at least one of the
21 following as a means by which the public may remotely hear and
22 visually observe the meeting, and remotely address the subsidiary
23 body:

24 (A) A two-way audiovisual platform.

25 (B) A two-way telephonic service and a live webcasting of the
26 meeting.

27 (4) The subsidiary body shall give notice of the meeting and
28 post agendas as otherwise required by this chapter.

29 (5) *The subsidiary body shall designate a primary physical*
30 *meeting location where members of the public may physically*

1 attend, observe, hear, and participate in the meeting. At least one
 2 staff member of the local agency shall be present at the primary
 3 physical meeting location during the meeting. The local agency
 4 shall post the agenda at the primary physical meeting location,
 5 but need not post the agenda at a remote location.

6 ~~(5)~~

7 (6) 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 subsidiary body shall also give
 10 notice of the means by which members of the public may access
 11 the meeting and offer public comment.

12 ~~(6)~~

13 (7) The agenda shall identify and include an opportunity for all
 14 persons to attend and address the subsidiary body directly pursuant
 15 to Section 54954.3 via a call-in option or via an internet-based
 16 service option.

17 ~~(7)~~

18 (8) In the event of a disruption that prevents the subsidiary body
 19 from broadcasting the meeting to members of the public using the
 20 call-in option or internet-based service option, or in the event of
 21 a disruption within the subsidiary body's control that prevents
 22 members of the public from offering public comments using the
 23 call-in option or internet-based service option, the subsidiary body
 24 shall take no further action on items appearing on the meeting
 25 agenda until public access to the meeting via the call-in option or
 26 internet-based service option is restored. Actions taken on agenda
 27 items during a disruption that prevents the subsidiary body from
 28 broadcasting the meeting may be challenged pursuant to Section
 29 54960.1.

30 ~~(8)~~

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

37 (10) The members of the subsidiary body shall visibly appear
 38 on camera during the open portion of a meeting that is publicly
 39 accessible via the internet or other online platform.

1 (A) *The visual appearance of a member of the subsidiary body*
2 *on camera may cease only when the appearance would be*
3 *technologically impracticable, including, but not limited to, when*
4 *the member experiences a lack of reliable broadband or internet*
5 *connectivity that would be remedied by joining without video, or*
6 *when the visual display of meeting materials, information, or*
7 *speakers on the internet or other online platform requires the*
8 *visual appearance of a member of a subsidiary body on camera*
9 *to cease.*

10 (B) *If a member of the advisory body does not appear on camera*
11 *due to challenges with internet connectivity, the member shall*
12 *announce the reason for their nonappearance when they turn off*
13 *their camera.*

14 ~~(9)~~

15 (11) The subsidiary body shall not require public comments to
16 be submitted in advance of the meeting and must provide an
17 opportunity for the public to address the subsidiary body and offer
18 comment in real time.

19 (A) A subsidiary body that provides a timed public comment
20 period for each agenda item shall not close the public comment
21 period for the agenda item, or the opportunity to register, pursuant
22 to paragraph ~~(8)~~, (9), to provide public comment until that timed
23 public comment period has elapsed.

24 (B) A subsidiary body that does not provide a timed public
25 comment period, but takes public comment separately on each
26 agenda item, shall allow a reasonable amount of time per agenda
27 item to allow public members the opportunity to provide public
28 comment, including time for members of the public to register
29 pursuant to paragraph ~~(8)~~, (9), or otherwise be recognized for the
30 purpose of providing public comment.

31 (C) A subsidiary body that provides a timed general public
32 comment period that does not correspond to a specific agenda item
33 shall not close the public comment period or the opportunity to
34 register, pursuant to paragraph ~~(8)~~, (9), until the timed general
35 public comment period has elapsed.

36 (12) *A member of the subsidiary body who participates in a*
37 *teleconference meeting from a remote location shall be listed in*
38 *the minutes of the meeting.*

39 (c) In order to use teleconferencing pursuant to this section, the
40 legislative body that established the subsidiary body by charter,

1 ordinance, resolution, or other formal action shall make the
2 following findings by majority vote before the subsidiary body
3 uses teleconferencing pursuant to this section for the first time,
4 and every 12 months thereafter:

5 (1) The legislative body has considered the circumstances of
6 the subsidiary body.

7 (2) Teleconference meetings of the subsidiary body would
8 enhance public access to meetings of the subsidiary body.

9 (3) Teleconference meetings of the subsidiary body would
10 promote the attraction, retention, and diversity of subsidiary body
11 members.

12 (d) This section shall remain in effect only until January 1, 2026,
13 and as of that date is repealed.

14 SEC. 2. The Legislature finds and declares that Section 1 of
15 this act, which adds and repeals Section 54953.05 of the
16 Government Code, imposes a limitation on the public’s right of
17 access to the meetings of public bodies or the writings of public
18 officials and agencies within the meaning of Section 3 of Article
19 I of the California Constitution. Pursuant to that constitutional
20 provision, the Legislature makes the following findings to
21 demonstrate the interest protected by this limitation and the need
22 for protecting that interest:

23 By removing the requirement for agendas to be placed at the
24 location of each public official participating in a public meeting
25 remotely, this act protects the personal, private information of
26 public officials and their families while preserving the public’s
27 right to access information concerning the conduct of the people’s
28 business.

29 SEC. 3. The Legislature finds and declares that Section 1 of
30 this act, which adds Section 54953.05 to the Government Code,
31 furthers, within the meaning of paragraph (7) of subdivision (b)
32 of Section 3 of Article I of the California Constitution, the purposes
33 of that constitutional section as it relates to the right of public
34 access to the meetings of local public bodies or the writings of
35 local public officials and local agencies. Pursuant to paragraph (7)
36 of subdivision (b) of Section 3 of Article I of the California
37 Constitution, the Legislature makes the following findings:

1 This act is necessary to provide opportunities for public
2 participation in meetings of specified public agencies and to
3 promote the attraction and retention of members of those agencies.

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AMENDED IN ASSEMBLY MARCH 11, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1894

Introduced by Assembly Member Ta

January 23, 2024

An act to add Section 42407.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, as amended, Ta. Nonvehicular air pollution: civil penalties.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties.

This bill would require a district to provide a ~~person~~ *small business, as defined*, with a period of not less than 30 days to rectify a violation before the ~~person~~ *small business* may be subject to those civil penalties. By increasing the duties of air pollution control districts and air quality management districts, the bill would impose a state-mandated local program.

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

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

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

1 SECTION 1. Section 42407.5 is added to the Health and Safety
2 Code, to read:

3 42407.5. (a) Before a ~~person~~ *small business* may be subject
4 to civil penalties for a violation described in this article, the district
5 shall provide the ~~person~~ *small business* an opportunity to rectify
6 the violation. The period for rectifying a violation shall be not less
7 than 30 days and not more than 60 days, except that a district, in
8 its discretion, may provide more than 60 days.

9 (b) For purposes of this section, “small business” means a
10 business that is all of the following:

- 11 (1) Independently owned and operated.
- 12 (2) Not dominant in its field of operation.
- 13 (3) Has fewer than 100 employees.

14 ~~SEC. 2. If the Commission on State Mandates determines that~~
15 ~~this act contains costs mandated by the state, reimbursement to~~
16 ~~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.~~

19 *SEC. 2. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *a local agency or school district has the authority to levy service*
22 *charges, fees, or assessments sufficient to pay for the program or*
23 *level of service mandated by this act, within the meaning of Section*
24 *17556 of the Government Code.*

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AMENDED IN SENATE JUNE 19, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Wendy Carrillo

February 13, 2024

An act to amend ~~Section 40426~~ *Sections 40100.6, 40154, 40227, 40426, and 40892* of the Health and Safety Code, relating to air districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as amended, Wendy Carrillo. ~~South Coast Air Quality Management District: district board: compensation. Air districts: governing boards: compensation.~~

Existing law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Existing law provides that the south coast district is governed by a district board consisting of 13 members and that each member of the board shall receive compensation of \$100 for each day, or portion thereof, but not to exceed \$1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties.

This bill would ~~provide that raise the above-described compensation~~ each member of the board ~~shall receive compensation of~~ *receives to* \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing

~~the member's official duties.~~ *month.* The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified.

Existing law provides for the San Diego County Air Pollution Control District to have a governing board of 11 members, including 3 public members that shall receive compensation of \$100 for each day, or a portion thereof, but not to exceed \$1,000 per month, while attending meetings of the district governing board or any committee of the district governing board or, upon authorization of the district governing board, while on official business of the San Diego County Air Pollution Control District, and the actual and necessary expenses incurred in performing the member's official duties.

This bill would raise the above-described compensation to \$200 for each day, or a portion thereof, not to exceed \$2,000 per month, and would require that each member of the governing board receive the compensation. The bill would provide that the compensation of each member of the district governing board may be increased beyond this amount by the district governing board, as specified.

Existing law provides that the bay district board is the governing body of the Bay Area Air Quality Management District. Existing law requires that each member of the bay district board receive actual and necessary expenses incurred in the performance of board duties. Existing law authorizes each member to receive compensation, to be determined by the bay district board, not to exceed \$100 for each meeting and not to exceed \$200 per day for attending a meeting of, or any committee meeting of, the bay district board, or, upon authorization of the bay district board, attending a meeting while on official business of the bay district. Existing law prohibits the compensation from exceeding \$6,000 in any one year.

This bill would provide that each member of the bay district board is entitled to reimbursement of actual and necessary expenses incurred in the performance of board duties. The bill would raise the limits of the above-described compensation to not exceed \$200 per day, not exceed \$2,000 per month, and not exceed \$24,000 in any one year. The bill would provide that the compensation of each member of the bay district board may be increased beyond this amount by the bay district board, as specified.

Existing law provides that the Sacramento Metropolitan Air Quality Management District shall, at a minimum, be governed by a district board composed of the Board of Supervisors of the County of

Sacramento. Existing law requires each member of the Sacramento district board to receive actual and necessary expenses incurred in the performance of board duties, and authorizes compensation, to be determined by the Sacramento district board, not to exceed \$100 for each day attending the meetings of the district board and committee meetings thereof, or upon authorization of the district board, while on official business of the Sacramento district. Existing law prohibits the compensation from exceeding \$6,000 in any one year.

This bill would provide that each member of the Sacramento district board shall receive actual and necessary expenses incurred while performing board duties. The bill would authorize members to receive compensation for their service, as determined by the district board, not to exceed \$200 per day of attending board and committee meetings, or for conducting official business as authorized by the board. The bill would provide that the compensation shall not exceed \$12,000 in any one year. The bill would authorize the district board, by resolution, to increase the amount of compensation provided not more than once every 12 months, as specified.

Existing law authorizes the board of supervisors of any county, by a vote of its members, to form a unified air pollution control district with other counties, upon ratification by the boards of supervisors, with membership from each county as specified. Existing law requires each member of the unified district board, upon adoption of a resolution, to receive the actual and necessary expenses incurred in the performance of their duties, plus a compensation of \$100 for each day attending the meetings of the unified district board or any committee of the unified district board or, upon authorization by the unified district board, while engaged in official business of the unified district. Existing law prohibits the compensation from exceeding \$3,600 in any one year.

This bill would raise the above-described compensation amount to \$200 for each day. The bill would provide that the compensation shall not exceed \$7,200 in any one year. The bill would provide that the compensation of each member of a unified district board may be increased beyond this amount by the unified district board, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the ~~board~~ boards.

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 40100.6 of the Health and Safety Code
2 is amended to read:

3 40100.6. (a) The 11 members of the San Diego County Air
4 Pollution Control District governing board shall be appointed as
5 follows:

6 (1) (A) Two members representing the board of supervisors as
7 appointed by a majority of the board of supervisors.

8 (B) One of the two members representing the board of
9 supervisors pursuant to subparagraph (A) shall be the member of
10 the board of supervisors who is currently serving as the San Diego
11 County Air Pollution Control District’s member on the state board,
12 as required pursuant to paragraph (4) of subdivision (d) of Section
13 39510. That member of the board of supervisors shall continue to
14 serve as one of the two members of the San Diego Air Pollution
15 Control District pursuant to subparagraph (A) until that member
16 is no longer the San Diego County Air Pollution Control District’s
17 member on the state board.

18 (2) The mayor or a city council member at large from the City
19 of San Diego.

20 (3) (A) One city council member from each of the five
21 supervisorial districts. Those five members shall be selected by
22 city selection committees representing the cities of that
23 supervisorial district.

24 (B) A city shall not have more than two members.

25 (4) Three public members shall be appointed by the members
26 appointed pursuant to paragraphs (1) to (3), inclusive, at a public
27 hearing. The public members shall be appointed according to the
28 following:

29 (A) One public member shall be a physician or public health
30 professional actively practicing within the boundaries of the San
31 Diego County Air Pollution Control District. The member’s
32 speciality shall be in the health effects of air pollution on vulnerable
33 populations.

34 (B) One public member shall be a person representing
35 environmental justice interests and who works directly with
36 communities within the boundaries of the San Diego County Air
37 Pollution Control District that are most significantly burdened by,
38 and vulnerable to, high levels of pollution, including communities

1 with diverse racial and ethnic populations and communities with
2 low-income populations. This member may be a resident of that
3 community and have a demonstrated record of community
4 leadership.

5 (C) One public member shall be a person with a scientific or
6 technical background in air pollution, such as an environmental
7 engineer, chemist, meteorologist, or air pollution specialist.

8 (b) All members shall be appointed on the basis of their
9 demonstrated interest and proven ability in the field of air pollution
10 control and their understanding of the needs of the general public
11 in connection with the air pollution problems of the San Diego Air
12 Basin.

13 (c) All members shall reside within the boundaries of the San
14 Diego County Air Pollution Control District.

15 (d) Each member of the San Diego County Air Pollution Control
16 District shall serve a four-year term and until that member's
17 successor is appointed.

18 (e) (1) Each member of the San Diego County Air Pollution
19 Control District governing board ~~appointed pursuant to paragraph~~
20 ~~(4) of subdivision (a)~~ shall receive compensation of ~~one two~~
21 hundred dollars ~~(\$100)~~ (\$200) for each day, or a portion thereof,
22 but not to exceed ~~one two thousand dollars (\$1,000)~~ (\$2,000) per
23 month, while attending meetings of the district governing board
24 or any committee of the district governing board or, upon
25 authorization of the district governing board, while on official
26 business of the San Diego County Air Pollution Control District,
27 and the actual and necessary expenses incurred in performing the
28 member's official duties.

29 (2) *The compensation of each member of this district governing*
30 *board may be increased beyond the amount provided in paragraph*
31 *(1) by the district governing board by an amount not to exceed the*
32 *greater of either of the following:*

33 (A) *An amount equal to 5 percent for each calendar year from*
34 *the operative date of the last adjustment of the compensation.*

35 (B) *Beginning January 1, 2025, an amount not to exceed 10*
36 *percent for each calendar year that is equal to the annual change*
37 *in inflation as determined by the California Consumer Price Index.*

38 (f) (1) A vacancy on the San Diego County Air Pollution
39 Control District governing board shall be filled by appointment in
40 the same manner as the vacating member was appointed.

1 (2) A member of the San Diego County Air Pollution Control
2 District governing board may be removed at any time in the same
3 manner as the member was appointed.

4 (g) (1) The San Diego County Air Pollution Control District
5 governing board shall consult with the United States Navy, the
6 United States Marine Corps, and the United States Coast Guard
7 on all permitting, rules, regulations, and planning issues that have
8 the potential to impact the mission of the United States Navy, the
9 United States Marine Corps, and the United States Coast Guard.

10 (2) The San Diego County Air Pollution Control District
11 governing board shall designate one member appointed pursuant
12 to paragraph (1) of subdivision (a) to serve as the liaison to the
13 United States Navy, the United States Marine Corps, and the United
14 States Coast Guard. The liaison shall report to the San Diego
15 County Air Pollution Control District governing board as necessary
16 to inform the governing board of any issues with the activities
17 described in paragraph (1) and of any potential resolution to those
18 issues.

19 ~~(h) This section shall become operative on March 1, 2021.~~

20 *SEC. 2. Section 40154 of the Health and Safety Code is*
21 *amended to read:*

22 40154. (a) Each member of the unified district board shall,
23 upon the adoption of a resolution by the unified district board,
24 receive the actual and necessary expenses incurred in the
25 performance of ~~his or her~~ *their* duties, plus a compensation of ~~one~~
26 *two* hundred dollars ~~(\$100)~~ *(\$200)* for each day attending the
27 meetings of the unified district board or any committee of the
28 unified district board *or basin control council* or, upon
29 authorization by the unified district board, while engaged in official
30 business of the unified district, but that compensation shall not
31 exceed ~~three thousand six hundred dollars (\$3,600)~~ *seven thousand*
32 *two hundred dollars (\$7,200)* in any one year.

33 (b) *The compensation of each member of the unified district*
34 *board may be increased beyond the amount provided in this section*
35 *by the unified district board, but the amount of the increase shall*
36 *not exceed the greater of either of the following:*

37 (1) *An amount equal to 5 percent for each calendar year from*
38 *the operative date of the last adjustment of the compensation.*

1 (2) *Beginning January 1, 2025, an amount not to exceed 10*
2 *percent for each calendar year that is equal to the annual change*
3 *in inflation as determined by the California Consumer Price Index.*

4 SEC. 3. *Section 40227 of the Health and Safety Code is*
5 *amended to read:*

6 40227. (a) *Each member of the bay district board shall receive*
7 *in entitled to reimbursement for actual and necessary expenses*
8 *incurred in the performance of board duties.*

9 (b) *Each member of the bay district board may receive*
10 *compensation, to be determined by the bay district board subject*
11 *to subdivision (c), for any of the following:*

12 (1) *Attending a meeting of the bay district board or a committee*
13 *of the bay district board.*

14 (2) *Attending a meeting, upon authorization of the bay district*
15 *board, or a committee of the bay district board with delegated*
16 *authority to provide authorization on behalf of the bay district*
17 *board, while on official business of the bay district.*

18 (3) *Active transportation travel to a meeting described in*
19 *paragraph (1) or (2).*

20 (c) (1) *The compensation provided for attending a meeting*
21 *meetings pursuant to paragraph (1) or (2) of subdivision (b) shall*
22 *not exceed one hundred dollars (\$100) for each meeting and shall*
23 *not exceed two hundred dollars (\$200) per day. day and shall not*
24 *exceed two thousand dollars (\$2,000) per month.*

25 (2) *The compensation provided for active transportation travel*
26 *pursuant to paragraph (3) of subdivision (b) may be calculated on*
27 *a per mile basis or at a fixed daily, weekly, monthly, or annual*
28 *rate, and may consider benefits to using active transportation travel,*
29 *including, but not limited to, reduced traffic, improved health*
30 *outcomes, and reduced air pollution.*

31 (3) *The compensation provided pursuant to subdivision (b) shall*
32 *not exceed six twenty-four thousand dollars (\$6,000) (\$24,000) in*
33 *any one year.*

34 (4) *The compensation of each member of the bay district board*
35 *may be increased above the amounts provided in this section by*
36 *the bay district board, but the amount of the increase shall not*
37 *exceed the greater of either of the following:*

38 (A) *An amount equal to 5 percent for each year that has passed*
39 *since the operative date of the last adjustment of the compensation.*

1 (B) Beginning January 1, 2025, an amount not to exceed 10
2 percent for each calendar year that is equal to the annual change
3 in inflation as determined by the California Consumer Price Index.

4 (d) Compensation pursuant to this section shall be fixed by
5 ordinance. Any change to this ordinance shall be adopted at an
6 open regular meeting of the bay district board.

7 (e) For the purposes of this section, “active transportation travel”
8 means walking, bicycling, and other forms of transportation that
9 the bay district board has found reduce traffic, improve health
10 outcomes, and reduce air pollution.

11 SECTION 4.

12 SEC. 4. Section 40426 of the Health and Safety Code is
13 amended to read:

14 40426. (a) Each member of the south coast district board shall
15 receive compensation of two hundred dollars (\$200) for each day,
16 or portion thereof, but not to exceed two thousand dollars (\$2,000)
17 per month, while attending meetings of the south coast district
18 board or any committee thereof or, upon authorization of the south
19 coast district board, while on official business of the south coast
20 district, and the actual and necessary expenses incurred in
21 performing the member’s official duties.

22 (b) The compensation of each member of the south coast district
23 board may be increased beyond the amount provided in this section
24 by the south coast district board, but the amount of the increase
25 shall not exceed the greater of either of the following:

26 (1) An amount equal to 5 percent for each calendar year from
27 the operative date of the last adjustment of the compensation.

28 (2) Beginning January 1, 2025, an amount not exceeding 10
29 percent for each calendar year that is equal to the annual change
30 in inflation as determined by the California Consumer Price Index.

31 SEC. 5. Section 40982 of the Health and Safety Code is
32 amended to read:

33 40982. (a) Each member of the Sacramento district board shall
34 receive actual and necessary expenses incurred in the performance
35 of board duties, and while performing board duties. In addition,
36 members may receive compensation, to be compensation for their
37 service, as determined by the Sacramento district board, board.
38 The compensation shall not to exceed one two hundred dollars
39 (\$100) for each (\$200) per day of attending the meetings of the
40 Sacramento district board and committee meetings thereof, or upon

1 ~~authorization of the Sacramento district board, while on official~~
 2 ~~board and committee meetings, or for conducting official business~~
 3 ~~of the Sacramento district, but as authorized by the board.~~
 4 *However, the compensation shall not exceed six twelve thousand*
 5 *dollars (\$6,000) (\$12,000) in any one year. Compensation pursuant*
 6 ~~to this section shall be fixed by ordinance.~~

7 *(b) The Sacramento district board may, by resolution, increase*
 8 *the amount of compensation provided by this section not more*
 9 *than once every 12 months. An increase in compensation shall be*
 10 *in an amount equal to the percent change in the California*
 11 *Consumer Price Index for the most recent calendar year, rounded*
 12 *to the nearest one-tenth of 1 percent, except that if that change is*
 13 *greater than 10 percent, the increase in compensation shall be no*
 14 *more than 10 percent.*

15 ~~SEC. 2.~~

16 *SEC. 6.* The Legislature finds and declares that a special statute
 17 is necessary and that a general statute cannot be made applicable
 18 within the meaning of Section 16 of Article IV of the California
 19 Constitution because of the need to modernize the decades old
 20 nominal compensation structure unique to ~~the south coast district~~
 21 ~~board~~ *the Bay Area Air Quality Management District board, the*
 22 *Sacramento Metropolitan Air Quality Management District board,*
 23 *the San Diego Air Pollution Control District board, the South*
 24 *Coast Air Quality Management District board, and unified district*
 25 *governing boards to ensure board members are adequately*
 26 *compensated for the important public service they perform.*

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AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY APRIL 4, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2851

Introduced by Assembly Member Bonta

February 15, 2024

An act to *amend Section 25150.84 of, and to add Section 25150.87 to* the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2851, as amended, Bonta. Metal shredding facilities: fence-line air quality monitoring.

Existing law defines a “fence-line monitoring system,” for purposes of specified laws requiring the monitoring of toxic air contaminants from nonvehicular sources, to mean monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts.

Existing law requires the Department of Toxic Substances Control to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment, including the operation of metal shredding facilities for appliance recycling. Existing law authorizes the department to collect an annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and to deposit those fees into a

subaccount in the Hazardous Waste Control Account. Existing law makes those moneys available to the department, upon appropriation by the Legislature, to reimburse the department's costs to implement the hazardous waste control laws applicable to metal shredder facilities.

This bill would *require, instead of authorize, the department to collect the above-described annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, as provided.* The bill would require, on or before July 1, 2025, the department, in consultation with affected local air pollution control and air quality management districts, to develop requirements for facilitywide ~~fence-line~~ *fence-line* air quality monitoring at metal shredding facilities. Those requirements would include, among other things, monitoring light fibrous material, lead, zinc, cadmium, and any other substance required to be monitored by the department, and a requirement that, if the monitoring indicates a potential adverse impact on air quality or public health, the local public health department issue a community notification, as provided. The bill would also require all metal shredding facilities that are subject to the hazardous waste control laws to implement the ~~fence-line~~ *fence-line* air quality monitoring requirements. The bill would require the department to oversee and enforce the implementation of the ~~fence-line~~ *fence-line* air quality monitoring requirements on or before December 31, 2025. The bill would also authorize any regulatory costs incurred by the department in implementing the bill's requirements to be reimbursed from the subaccount in the Hazardous Waste Control Account. By imposing new duties on local public health departments, the bill would impose a state-mandated local program.

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

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

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

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

1 **SECTION 1.** *Section 25150.84 of the Health and Safety Code*
2 *is amended to read:*

3 25150.84. (a) The department ~~is authorized to~~ *shall* collect an
4 annual fee from all metal shredding facilities that are subject to
5 the requirements of this chapter or to the alternative management
6 standards adopted pursuant to Section 25150.82. The department
7 shall establish and adopt regulations necessary to administer this
8 fee and to establish a fee schedule that is set at a rate sufficient to
9 reimburse the department's costs to implement this chapter as
10 applicable to metal shredder facilities. The fee schedule established
11 by the department may be updated periodically as necessary and
12 shall provide for the assessment of no more than the reasonable
13 and necessary costs of the department to implement this chapter,
14 as applicable to metal shredder facilities.

15 (b) The Controller shall establish a separate subaccount in the
16 Hazardous Waste Control Account. The fees collected pursuant
17 to this section shall be deposited into the subaccount and be
18 available for expenditure by the department upon appropriation
19 by the Legislature.

20 (c) A regulation adopted pursuant to this section may be adopted
21 as an emergency regulation in accordance with Chapter 3.5
22 (commencing with Section 11340) of Part 1 of Division 3 of Title
23 2 of the Government Code, and for the purposes of that chapter,
24 including Section 11349.6 of the Government Code, the adoption
25 of these regulations is an emergency and shall be considered by
26 the Office of Administrative Law as necessary for the immediate
27 preservation of the public peace, health, safety, and general welfare.
28 Notwithstanding Chapter 3.5 (commencing with Section 11340)
29 of Part 1 of Division 3 of Title 2 of the Government Code, an
30 emergency regulation adopted by the department pursuant to this
31 section shall be filed with, but not be repealed by, the Office of
32 Administrative Law and shall remain in effect for a period of two
33 years or until revised by the department, whichever occurs sooner.

34 (d) (1) A metal shredding facility paying an annual fee in
35 accordance with this section shall be exempt from the following
36 fees as the fees pertain to metal shredding activities and the
37 generation, handling, management, transportation, and disposal
38 of metal shredder waste:

- 1 (A) A fee imposed pursuant to Section 25205.7.
- 2 (B) A disposal fee imposed pursuant to Section 25174.1 until
- 3 July 1, 2022.
- 4 (C) A facility fee imposed pursuant to Section 25205.2.
- 5 (D) A fee imposed pursuant to Section 25205.5.
- 6 (E) A transportable treatment unit fee imposed pursuant to
- 7 Section 25205.14 until July 1, 2022, and Section 25205.2 on and
- 8 after July 1, 2022.

9 (2) A metal shredding facility is not exempt from the fees listed
 10 in paragraph (1) for any other hazardous waste the metal shredding
 11 facility generates and handles.

12 ~~SECTION 1.~~

13 *SEC. 2.* Section 25150.87 is added to the Health and Safety
 14 Code, to read:

15 25150.87. (a) On or before July 1, 2025, the department, in
 16 consultation with affected local air pollution control and air quality
 17 management districts, shall develop requirements for facilitywide
 18 ~~facilitywide~~ *fence-line* air quality monitoring at metal shredding
 19 facilities, as defined in Section 25150.82, that are subject to this
 20 chapter.

21 (b) The requirements developed pursuant to subdivision (a)
 22 shall include, but not be limited to, all of the following:

23 (1) Monitoring of light fibrous material, lead, zinc, cadmium,
 24 nickel, and any other substance required to be monitored by the
 25 department.

26 (2) Monitoring at prescribed frequencies of substances
 27 monitored pursuant to paragraph (1).

28 (3) Reporting on the results of the monitoring required pursuant
 29 to this subdivision to the department, the local air district or local
 30 air quality management district, and the local public health
 31 department.

32 (4) If the monitoring required pursuant to this subdivision
 33 indicates a potential adverse impact on air quality or public health,
 34 requiring the local public health department to issue a community
 35 notification to the public for the area in which the metal shredding
 36 facility is located that informs the public that the facility is causing
 37 the potential adverse impact on air quality or public health.

38 (c) All metal shredding facilities subject to this chapter shall
 39 implement the facilitywide ~~facilitywide~~ *fence-line* air quality
 40 monitoring requirements developed pursuant to this section.

1 (d) The department shall oversee and enforce the implementation
2 of the facilitywide ~~fence~~*fence-line* air quality monitoring
3 requirements developed pursuant to this section on or before
4 December 31, 2025.

5 (e) Any regulatory costs incurred by the department in
6 implementing this section may be reimbursed by the fee on metal
7 shredding facilities imposed pursuant to subdivision (a) of Section
8 25150.84.

9 ~~SEC. 2.~~

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

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AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2958

Introduced by Assembly Member Calderon

February 16, 2024

An act to amend Section 39512.5 of the Health and Safety Code, relating to the State Air Resources Board.

LEGISLATIVE COUNSEL'S DIGEST

AB 2958, as amended, Calderon. State Air Resources Board: board members: compensation.

Existing law establishes the State Air Resources Board consisting of 14 members with 12 members appointed by the Governor, with the consent of the Senate. Existing law provides that, of the 12 members appointed by the Governor, 6 of those members are to be from certain air quality management districts or air pollution control districts, as provided. In addition to the 14 members of the state board, existing law provides that 2 Members of the Legislature serve on the state board as ex officio, nonvoting members of the state board. Existing law provides that members appointed as members from the air districts serve on the state board without compensation. Existing law provides that the elected official members of the state board receive \$100 for each day, or a portion of that amount, but not to exceed \$1,000 in any month, attending meetings of the state board or its committees, or upon authorization of the state board while on official business of the state board (per diem amount). *Existing law specifies the annual salary of each member of the state board.*

This bill would repeal the prohibition on compensation of the members of the state board from air districts and would ~~provide for the per diem~~

~~amount for all members of the state board. specify that those members are to receive the annual salary provided to other members of the state board. The bill would repeal the per diem amount provided to elected official members of the state board.~~

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 39512.5 of the Health and Safety Code
2 is amended to read:

3 39512.5. (a) With respect to the members appointed pursuant
4 to subdivision (d) of Section 39510, those members shall be
5 reimbursed for actual and necessary expenses incurred in the
6 performance of their duties to the extent that reimbursement for
7 expenses is not otherwise provided or payable by another public
8 agency or agencies. ~~Each member of the state board shall receive
9 one hundred dollars (\$100) for each day, or portion of that amount,
10 but not to exceed one thousand dollars (\$1,000) in any month,
11 attending meetings of the state board or committees of the state
12 board, or upon authorization of the state board while on official
13 business of the state board.~~

14 (b) Reimbursements made pursuant to subdivision (a) shall be
15 made as follows:

16 (1) A member appointed from a district that is specifically
17 named in subdivision (d) of Section 39510 shall be reimbursed by
18 the district from which the person qualified for membership.

19 (2) The member appointed as a board member of a district that
20 is not specifically named in subdivision (d) of Section 39510 shall
21 be reimbursed by the state board.

22 (c) *Each member described in subdivision (a) shall receive the*
23 *salary specified in Section 11564 of the Government Code to be*
24 *paid by the state board.*

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AMENDED IN ASSEMBLY JUNE 27, 2024
AMENDED IN ASSEMBLY SEPTEMBER 1, 2023
AMENDED IN ASSEMBLY JULY 12, 2023
AMENDED IN ASSEMBLY JUNE 19, 2023
AMENDED IN SENATE APRIL 10, 2023
AMENDED IN SENATE APRIL 10, 2023

SENATE BILL

No. 674

Introduced by Senator Gonzalez

(Principal coauthor: Assembly Member Robert Rivas)

(Coauthors: Senators Skinner, Stern, and Wiener)

*(Coauthors: Assembly Members ~~Lowenthal and Muratsuchi~~ Friedman,
Lowenthal, Muratsuchi, and Wicks)*

February 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 amended, Gonzalez. Air pollution: ~~refineries: covered facilities:~~ 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, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format.

This bill would expand the definition of a refinery for these purposes ~~to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock.~~ *the application of these provisions to any “covered facility,” defined to include refineries that produce gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products, and to include facilities with operations related to a refinery that are located on contiguous or adjacent properties.* The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. 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~~ *covered facilities* to notify the air district and the public, as provided, as quickly as possible of any exceedances of specified pollutant thresholds. The bill would require the owners or operators of ~~refineries~~, *covered facilities*, within 24 hours of a fence-line monitoring system detecting an exceedance of those thresholds, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of ~~refineries~~ *covered facilities* 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~~ *covered facilities* engaging in other types of refining processes and would impose additional requirements on owners and operators of ~~refineries~~; *covered facilities*, 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) "Biofuel" means biodiesel, renewable diesel, and renewable
8 aviation fuel, and other liquid products derived from alternative
9 feedstock, if the alternative feedstock is refined through
10 coprocessing or at a refinery that was converted from petroleum
11 to alternative feedstock.

12 (2) "Covered facility" means either of the following:

13 (A) A refinery that produces gasoline, diesel fuel, aviation fuel,
14 biofuel, lubricating oil, asphalt, petrochemical feedstock, or other
15 similar products through the processing of crude oil or alternative
16 feedstock, redistillation of unfinished petroleum derivatives,
17 cracking, or other processes.

18 (B) A facility with operations related to a refinery, including
19 storage tanks, sulfur recovery plants, port terminals, electrical
20 generation plants, and hydrogen plants, that is located on a
21 property that is contiguous or adjacent to the refinery.

1 (2)

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

9 ~~(3) “Refinery” means an establishment and related facilities,
10 including storage tanks, sulfur recovery plants, port terminals,
11 electrical generation plants, and hydrogen plants, that are located
12 on one or more contiguous or adjacent properties and that produce
13 gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt,
14 petrochemical feedstock, or other similar products through the
15 processing of crude oil or alternative feedstock, redistillation of
16 unfinished petroleum derivatives, cracking, or other processes.~~

17 (4) “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 *refinery covered facility* and that may be useful for estimating
21 associated pollutant exposures and health risks and in determining
22 trends in air pollutant levels over time.

23 (5) “Sensitive receptor” has the same meaning as set forth in
24 Section 42705.5.

25 (b) Notwithstanding Section 42708, and on or before January
26 1, 2028, a refinery-related community air monitoring system shall,
27 after a 30-day public comment period, be updated or installed near
28 each ~~refinery~~ *covered facility* that is consistent with the
29 requirements and guidance applicable to the siting of air quality
30 monitors as established by the United States Environmental
31 Protection Agency, and be updated, as deemed necessary by the
32 state board, within 120 days of amendments to the guidance by
33 the United States Environmental Protection Agency, that meets
34 both of the following requirements:

35 (1) A district shall update an existing refinery-related community
36 air monitoring system to implement this section or design, develop,
37 install, operate, and maintain a new refinery-related community
38 air monitoring system, which shall be operated and maintained in
39 accordance with guidance from the appropriate district. A district
40 may contract with a third party to implement this paragraph.

1 (2) The refinery-related community air monitoring system shall
2 include equipment capable of measuring compounds emitted to
3 the atmosphere from ~~refinery covered facility~~ processes,
4 meteorological parameters, and digital components capable of
5 enabling real-time access to air pollution and meteorological
6 measurements via an internet website and application programming
7 interface, as determined by the appropriate district.

8 (c) On or before January 1, 2028, the owner or operator of a
9 ~~refinery covered facility~~ shall, after a 30-day public comment
10 period and approval by the appropriate district, update an existing
11 fence-line monitoring system to implement this section or develop,
12 install, operate, and maintain a new fence-line monitoring system
13 in accordance with guidance developed by the appropriate district.
14 ~~The fence-line monitoring system shall cover the entire perimeter~~
15 ~~of the refinery, unless it is infeasible based on substantial evidence.~~
16 ~~The fence-line monitoring system shall cover all facilities at the~~
17 ~~refinery, including related facilities as described in paragraph (3)~~
18 ~~of subdivision (a).~~ *The fence-line monitoring system shall provide*
19 *coverage along all areas of the covered facility property line that*
20 *are within five miles of any area that is zoned for residential,*
21 *commercial, business, industrial, recreational, or open-space use,*
22 *unless that coverage is infeasible based on substantial evidence.*
23 The fence-line monitoring system shall include equipment capable
24 of measuring compounds emitted to the atmosphere from ~~refinery~~
25 ~~covered facility~~ processes, meteorological parameters, and digital
26 components capable of enabling real-time access to air pollution
27 and meteorological measurements via an internet website and
28 application programming interface.

29 (d) (1) The appropriate district shall establish pollutants for
30 monitoring at refinery-related community air monitoring systems
31 and ~~refinery covered facility~~ fence-line monitoring systems and
32 shall include pollutants identified by the Office of Environmental
33 Health Hazard Assessment, including, but not limited to, the
34 following pollutants identified in the office’s March 2019 Analysis
35 of Refinery Chemical Emissions and Health Effects as candidates
36 for air monitoring at a ~~refinery~~ *covered facility*:

- 37 (A) Acetaldehyde.
- 38 (B) Ammonia.
- 39 (C) Benzene.
- 40 (D) 1,3-butadiene.

- 1 (E) Cadmium.
- 2 (F) Diethanolamine.
- 3 (G) Formaldehyde.
- 4 (H) Hydrogen fluoride.
- 5 (I) Hydrogen sulfide.
- 6 (J) Manganese.
- 7 (K) Naphthalene.
- 8 (L) Nickel.
- 9 (M) Oxides of nitrogen.
- 10 (N) Polycyclic aromatic hydrocarbons.
- 11 (O) Particulate matter.
- 12 (P) Sulfur dioxide.
- 13 (Q) Sulfuric acid.
- 14 (R) Toluene.

15 (2) A district may exclude a pollutant for monitoring at a
16 refinery-related community air monitoring system and ~~refinery~~
17 *covered facility* fence-line monitoring system if substantial
18 evidence supports that real-time monitoring of the pollutant is
19 technologically infeasible or the pollutant would not be released
20 by refining processes during routine and nonroutine operations at
21 the ~~refinery~~ *covered facility*.

22 (3) A district shall, on a five-year basis, review the list of
23 pollutants being measured and may revise the list of pollutants
24 after considering advances in monitoring technology, reported
25 ~~refinery covered facility~~ emissions, ambient air data collected by
26 the ~~refinery covered facility~~ fence-line and refinery-related
27 community monitoring systems, and any other relevant emissions
28 information.

29 (e) (1) The district and the owner or operator of a ~~refinery~~
30 *covered facility* shall collect real-time data from the refinery-related
31 community air monitoring system and the fence-line monitoring
32 system and shall maintain records of that data for at least five
33 years. The owner or operator of a ~~refinery covered facility~~ shall
34 post online quarterly reports that summarize pollutant levels,
35 variations, and trends over a three-month period timeframe and
36 notify the public of the availability of the reports.

37 (2) The data generated by these systems shall be provided to
38 the public within 24 hours in a publicly accessible and
39 machine-readable format. The data shall be archived and made
40 available to the public online for download through an application

1 programming interface or other widely recognized standard and
2 backend components shall be optimized to minimize delays in
3 accessing data. The data shall include all historical and
4 meteorological data, and pollution measurements and metadata,
5 including latitude and longitude, detection limits, signal strength,
6 calibration, and quality control checks.

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

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

17 (A) For a fence-line monitoring system installed on or after
18 January 1, ~~2024~~, 2025, within six months after the installation and
19 operation of the system.

20 (B) For a fence-line monitoring system installed before January
21 1, ~~2024~~, 2025, by July 1, ~~2024~~. 2025.

22 (2) Subsequent audits shall occur every two years and review
23 at least one year of monitoring data.

24 (3) If an audit makes recommendations or identifies deficiencies
25 in a fence-line monitoring system, the owner or operator of the
26 ~~refinery~~ *covered facility* shall develop a corrective action plan
27 within one month of the audit report to describe actions that will
28 be taken to address all recommendations and deficiencies within
29 a timeline of no more than six months. A followup performance
30 audit shall be conducted within one month of completion of the
31 corrective action plan to document the resolution of the
32 recommendations and deficiencies identified in the audit. The
33 owner or operator of a ~~refinery~~ *covered facility* shall implement
34 all recommendations of the auditor for correcting deficiencies,
35 except those that would cause a safety concern. The corrective
36 action plan shall be submitted to the district and made available
37 to the public online by the ~~refinery~~ *covered facility*.

38 (g) The owner or operator of a ~~refinery~~ *covered facility* shall
39 notify the district and public as quickly as possible of any
40 exceedances of the notification threshold that are detected by the

1 fence-line monitoring system. The notification threshold shall be
2 established as the lowest available one-hour average of the National
3 Ambient Air Quality Standards, California Ambient Air Quality
4 Standards, and the acute reference exposure levels as assessed by
5 the Office of Environmental Health Hazard Assessment, or, if not
6 established, the historical concentration of any measured pollutant,
7 if historical data is available. At a minimum, the notification to
8 the public shall include email and text message notifications to
9 members of the public requesting notification by email or text
10 message notification, as appropriate.

11 (h) (1) Within 24 hours of a fence-line monitoring system
12 detecting an exceedance of the notification threshold of any
13 measured pollutant, the owner or operator of a ~~refinery~~ *covered*
14 *facility* shall initiate a root cause analysis to locate the cause of the
15 exceedance and to determine appropriate corrective action. The
16 owner or operator of the ~~refinery~~ *covered facility* shall prepare and
17 submit a report to the district and post online within 14 days of
18 the exceedance explaining the root cause analysis findings and
19 corrective action performed by the ~~refinery~~ *covered facility*. The
20 root cause analysis shall include a visual inspection to determine
21 the cause of the exceedance and any of the following:

22 (A) Optical gas imaging.

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

26 (C) Other test or monitoring method approved by the district,
27 the state board, or the United States Environmental Protection
28 Agency.

29 (2) If the root cause analysis requires corrective action, the
30 ~~refinery~~ *covered facility* shall conduct a reinspection of the source
31 within 14 days of the corrective action and submit a report to the
32 district and post online.

33 (3) The ~~refinery~~ *covered facility* shall be assessed a civil penalty
34 pursuant to Article 3 (commencing with Section 42400) of Chapter
35 4 by the district for failing to conduct a root cause analysis and
36 take corrective action within 14 days.

37 (4) (A) A fence-line monitoring system approved by the district
38 shall presumptively yield credible evidence that may be used to
39 establish whether a ~~refinery~~ *covered facility* has violated or is in
40 violation of any plan, order, permit, rule, regulation, or law.

1 (B) A ~~refinery~~ *covered facility* may rebut the presumption
2 established in subparagraph (A) by providing evidence that the
3 ~~refinery~~ *covered facility* was not the source of pollution that
4 triggered the fence-line monitoring system.

5 (i) (1) Guidance developed by a district pursuant to this section
6 shall require the preparation of a quality control and assurance
7 plan to ensure data quality and take into account technological
8 capabilities and incorporate input from affected parties and, to the
9 extent feasible, shall be informed by refinery-related guidance in
10 the monitoring plan prepared pursuant to subdivision (b) of Section
11 42705.5 and the United States Environmental Protection Agency
12 guidance on quality assurance and management plans.

13 (2) Guidance and rules or regulations developed by a district
14 pursuant to this section shall be reviewed and updated every five
15 years through a public process.

16 (j) (1) Except as provided in paragraph (2), the owner or
17 operator of a ~~refinery~~ *covered facility* shall be responsible for the
18 costs associated with implementing this section.

19 (2) To the extent a refinery-related community air monitoring
20 system is intentionally used by a district to monitor emissions from
21 sources under its jurisdiction other than a ~~refinery~~, *covered facility*,
22 the district shall ensure the costs of the system are shared in a
23 reasonably equitable manner.

24 (k) No later than July 1, 2027, the appropriate district shall
25 provide notice to the appropriate policy committees of the
26 Legislature regarding its progress toward meeting the January 1,
27 2028, implementation deadline pursuant to subdivisions (b) and
28 (c).

29 (l) All fence-line monitoring systems and refinery-related
30 community air monitoring systems installed before January 1,
31 2024, 2025, shall continue in operation during the implementation
32 of any additional requirements pursuant to this section.

33 (m) This section does not limit the authority or jurisdiction of
34 the Environmental Protection Agency, the state board, or the
35 districts, and does not prohibit a city, county, or city and county
36 from imposing more stringent regulations, limits, or prohibitions
37 on a ~~refinery~~, *covered facility*.

38 SEC. 3. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution because
40 a local agency or school district has the authority to levy service

1 charges, fees, or assessments sufficient to pay for the program or
2 level of service mandated by this act or because costs that may be
3 incurred by a local agency or school district will be incurred
4 because this act creates a new crime or infraction, eliminates a
5 crime or infraction, or changes the penalty for a crime or infraction,
6 within the meaning of Section 17556 of the Government Code, or
7 changes the definition of a crime within the meaning of Section 6
8 of Article XIII B of the California Constitution.

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AMENDED IN SENATE APRIL 16, 2024

SENATE BILL

No. 1158

Introduced by Senator Archuleta

February 14, 2024

An act to amend Sections ~~44287, 44299.1, 44287~~ and 44299.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1158, as amended, Archuleta. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Existing law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation.

This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes.

~~Under the Carl Moyer Program, existing law limits the amount of moneys that a local air district may use from its allocation for indirect costs of implementation of the program. Under existing law, that limit is 6.25% of the allocated moneys for a district with a population of 1,000,000 or more and 12.5% of the allocated moneys for a district with a population of less than 1,000,000.~~

~~This bill would instead set that limit at 12.5% for all local air districts regardless of population.~~

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 44287 of the Health and Safety Code, as
 2 amended by Section 121 of Chapter 131 of the Statutes of 2023,
 3 is amended to read:

4 44287. (a) The state board shall establish grant criteria and
 5 guidelines consistent with this chapter for covered vehicle projects
 6 as soon as practicable, but not later than January 1, 2000. The
 7 adoption of guidelines is exempt from the rulemaking provisions
 8 of the Administrative Procedure Act, Chapter 3.5 (commencing
 9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
 10 Government Code. The state board shall solicit input and comment
 11 from the districts during the development of the criteria and
 12 guidelines and shall make every effort to develop criteria and
 13 guidelines that are compatible with existing district programs that
 14 are also consistent with this chapter. Guidelines shall include
 15 protocols to calculate project cost-effectiveness. The grant criteria
 16 and guidelines shall include safeguards to ensure that the project
 17 generates surplus emissions reductions. Guidelines shall enable
 18 and encourage districts to cofund projects that provide emissions
 19 reductions in more than one district. The state board shall make
 20 draft criteria and guidelines available to the public 45 days before
 21 final adoption, and shall hold at least one public meeting to
 22 consider public comments before final adoption.

23 (b) The state board, in consultation with the participating
 24 districts, may propose revisions to the criteria and guidelines

1 established pursuant to subdivision (a) as necessary to improve
2 the ability of the program to achieve its goals. A proposed revision
3 shall be made available to the public 45 days before final adoption
4 of the revision and the state board shall hold at least one public
5 meeting to consider public comments before final adoption of the
6 revision.

7 (c) The state board shall reserve funds for, and disburse funds
8 to, districts from the fund for administration pursuant to this section
9 and Section 44299.1.

10 (d) The state board shall develop guidelines for a district to
11 follow in applying for the reservation of funds, in accordance with
12 this chapter. It is the intent of the Legislature that district
13 administration of any reserved funds be in accordance with the
14 project selection criteria specified in Sections 44281, 44282, and
15 44283 and all other provisions of this chapter. The guidelines shall
16 be established and published by the state board as soon as
17 practicable, but not later than January 1, 2000.

18 (e) Funds shall be reserved by the state board for administration
19 by a district that adopts an eligible program pursuant to this chapter
20 and offers matching funds at a ratio of one dollar (\$1) of matching
21 funds committed by the district or the Mobile Source Air Pollution
22 Reduction Review Committee for every two dollars (\$2) committed
23 from the fund. Funds available to the Mobile Source Air Pollution
24 Reduction Review Committee may be counted as matching funds
25 for projects in the South Coast Air Basin only if the committee
26 approves the use of these funds for matching purposes. Matching
27 funds may be any funds under the district's budget authority that
28 are committed to be expended in accordance with the program.
29 Funds committed by a port authority or a local government, in
30 cooperation with a district, to be expended in accordance with the
31 program may also be counted as district matching funds. Matching
32 funds provided by a port authority or a local government may not
33 exceed 30 percent of the total required matching funds in any
34 district that applies for more than three hundred thousand dollars
35 (\$300,000) of the state board funds. Only a district, or a port
36 authority or a local government teamed with a district, may provide
37 matching funds.

38 (f) The state board may adjust the ratio of matching funds
39 described in subdivision (e), if it determines that an adjustment is
40 necessary in order to maximize the use of, or the air quality benefits

1 provided by, the program, based on a consideration of the financial
2 resources of the district.

3 (g) Notwithstanding subdivision (e), a district need not provide
4 matching funds for state board funds allocated to the district for
5 program outreach activities pursuant to paragraph (2) of subdivision
6 (a) of Section 44299.1.

7 (h) A district may include within its matching funds a reasonable
8 estimate of direct or in-kind costs for assistance in providing
9 program outreach and application evaluation. In-kind and direct
10 matching funds shall not exceed 15 percent of the total matching
11 funds offered by a district. A district may also include within its
12 matching funds any money spent on or after February 25, 1999,
13 that would have qualified as matching funds but were not
14 previously claimed as matching funds.

15 (i) A district desiring a reservation of funds shall apply to the
16 state board following the application guidelines established
17 pursuant to this section. The state board shall approve or disapprove
18 a district application not later than 60 days after receipt. Upon
19 approval of any district application, the state board shall
20 simultaneously approve a reservation of funding for that district
21 to administer. Reserved funds shall be disbursed to the district so
22 that funding of a district-approved project is not impeded.

23 (j) Notwithstanding any other provision of this chapter, districts
24 and the Mobile Source Air Pollution Reduction Review Committee
25 shall not use funds collected pursuant to Section 41081 or Chapter
26 7 (commencing with Section 44220), or pursuant to Section
27 9250.11 of the Vehicle Code, as matching funds to fund a project
28 with stationary or portable engines, locomotives, or marine vessels.

29 (k) Any funds reserved for a district pursuant to this section are
30 available to the district for a period of not more than two years
31 from the time of reservation. Funds not expended by June 30 of
32 the sixth calendar year following the date of disbursement shall
33 revert back to the state board as of that June 30, and shall be
34 deposited in the fund for use by the program. The funds may then
35 be redirected based on applications to the fund. Regardless of any
36 reversion of funds back to the state board, the district may continue
37 to request other reservations of funds for local administration. Each
38 reservation of funds shall be accounted for separately, and unused
39 funds from each application shall revert back to the state board as
40 specified in this subdivision.

1 (l) The state board shall specify a date each year when district
2 applications are due. If the eligible applications received in any
3 year oversubscribe the available funds, the state board shall reserve
4 funds on an allocation basis, pursuant to subdivision (b) of Section
5 44299.1. The state board may accept a district application after
6 the due date for a period of months specified by the state board.
7 Funds may be reserved in response to those applications, in
8 accordance with this chapter, out of funds remaining after the
9 original reservation of funds for the year.

10 (m) Guidelines for a district application shall require information
11 from an applicant district to the extent necessary to meet the
12 requirements of this chapter, but shall otherwise minimize the
13 information required of a district.

14 (n) A district application shall be reviewed by the state board
15 immediately upon receipt. If the state board determines that an
16 application is incomplete, the applicant shall be notified within 10
17 working days with an explanation of what is missing from the
18 application. A completed application fulfilling the criteria shall be
19 approved as soon as practicable, but not later than 60 working days
20 after receipt.

21 (o) The state board, in consultation with the districts, shall
22 establish project approval criteria and guidelines for infrastructure
23 projects consistent with Section 44284 as soon as practicable, but
24 not later than February 15, 2000. The commission shall make draft
25 criteria and guidelines available to the public 45 days before final
26 adoption, and shall hold at least one public meeting to consider
27 public comments before final adoption.

28 (p) The state board, in consultation with the participating
29 districts, may propose revisions to the criteria and guidelines
30 established pursuant to subdivision (o) as necessary to improve
31 the ability of the program to achieve its goals. A revision may be
32 proposed at any time, or may be proposed in response to a finding
33 made in the annual report on the program published by the state
34 board pursuant to Section 44295. A proposed revision shall be
35 made available to the public 45 days before final adoption of the
36 revision and the commission shall hold at least one public meeting
37 to consider public comments before final adoption of the revision.

38 (q) This section shall become operative on January 1, 2034.

1 SEC. 2. Section 44287 of the Health and Safety Code, as
2 amended by Section 122 of Chapter 131 of the Statutes of 2023,
3 is amended to read:

4 44287. (a) The state board shall establish or update grant
5 criteria and guidelines consistent with this chapter for covered
6 vehicle and infrastructure projects as soon as practicable, but not
7 later than July 1, 2017. The adoption of guidelines is exempt from
8 the rulemaking provisions of the Administrative Procedure Act
9 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
10 Division 3 of Title 2 of the Government Code). The state board
11 shall solicit input and comment from the districts during the
12 development of the criteria and guidelines and shall make every
13 effort to develop criteria and guidelines that are compatible with
14 existing district programs that are also consistent with this chapter.
15 Guidelines shall include protocols to calculate project
16 cost-effectiveness. The grant criteria and guidelines shall include
17 safeguards to ensure that the project generates surplus emissions
18 reductions. Guidelines shall enable and encourage districts to
19 cofund projects that provide emissions reductions in more than
20 one district. The state board shall make draft criteria and guidelines
21 available to the public 45 days before final adoption, and shall
22 hold at least one public meeting to consider public comments
23 before final adoption. The state board may develop separate
24 guidelines and criteria for the different types of eligible projects
25 described in subdivision (a) of Section 44281.

26 (b) The state board, in consultation with the participating
27 districts, may propose revisions to the criteria and guidelines
28 established pursuant to subdivision (a) as necessary to improve
29 the ability of the program to achieve its goals. A proposed revision
30 shall be made available to the public 45 days before final adoption
31 of the revision and the state board shall hold at least one public
32 meeting to consider public comments before final adoption of the
33 revision.

34 (c) The state board shall reserve funds for, and disburse funds
35 to, districts from the fund for administration pursuant to this section
36 and Section 44299.1.

37 (d) The state board shall develop guidelines for a district to
38 follow in applying for the reservation of funds, in accordance with
39 this chapter. It is the intent of the Legislature that district
40 administration of any reserved funds be in accordance with the

1 project selection criteria specified in Sections 44281, 44282, and
2 44283 and all other provisions of this chapter. The guidelines shall
3 be established and published by the state board as soon as
4 practicable, but not later than January 1, 2006.

5 (e) Funds shall be reserved by the state board for administration
6 by a district that adopts an eligible program pursuant to this chapter
7 and offers matching funds at a ratio of one dollar (\$1) of matching
8 funds committed by the district or the Mobile Source Air Pollution
9 Reduction Review Committee for every two dollars (\$2) committed
10 from the fund. Funds available to the Mobile Source Air Pollution
11 Reduction Review Committee may be counted as matching funds
12 for projects in the South Coast Air Basin only if the committee
13 approves the use of these funds for matching purposes. Matching
14 funds may be any funds under the district's budget authority that
15 are committed to be expended in accordance with the program.
16 Funds committed by a port authority or a local government, in
17 cooperation with a district, to be expended in accordance with the
18 program may also be counted as district matching funds. Matching
19 funds provided by a port authority or a local government shall not
20 exceed 30 percent of the total required matching funds in any
21 district that applies for more than three hundred thousand dollars
22 (\$300,000) of the state board funds. Only a district, or a port
23 authority or a local government teamed with a district, may provide
24 matching funds.

25 (f) The state board may adjust the ratio of matching funds
26 described in subdivision (e), if it determines that an adjustment is
27 necessary in order to maximize the use of, or the air quality benefits
28 provided by, the program, based on a consideration of the financial
29 resources of the district.

30 (g) Notwithstanding subdivision (e), a district need not provide
31 matching funds for state board funds allocated to the district for
32 program outreach activities pursuant to paragraph (2) of subdivision
33 (a) of Section 44299.1.

34 (h) A district may include within its matching funds a reasonable
35 estimate of direct or in-kind costs for assistance in providing
36 program outreach and application evaluation. In-kind and direct
37 matching funds shall not exceed 15 percent of the total matching
38 funds offered by a district. A district may also include within its
39 matching funds any money spent on or after February 25, 1999,

1 that would have qualified as matching funds but were not
2 previously claimed as matching funds.

3 (i) A district desiring a reservation of funds shall apply to the
4 state board following the application guidelines established
5 pursuant to this section. The state board shall approve or disapprove
6 a district application not later than 60 days after receipt. Upon
7 approval of any district application, the state board shall
8 simultaneously approve a reservation of funding for that district
9 to administer. Reserved funds shall be disbursed to the district so
10 that funding of a district-approved project is not impeded.

11 (j) Any funds reserved for a district by the state board pursuant
12 to this section are available for disbursement to the district for a
13 period of not more than two years from the time of reservation.
14 Funds not liquidated by a district by June 30 of the sixth calendar
15 year following the date of disbursement shall be returned to the
16 state board within 90 days for future allocation pursuant to this
17 chapter. Each reservation of funds shall be accounted for separately,
18 and unused funds from each application shall revert back to the
19 state board for use pursuant to this chapter as specified in this
20 subdivision.

21 (k) The state board shall specify a date each year when district
22 applications are due. If the eligible applications received in any
23 year oversubscribe the available funds, the state board shall reserve
24 funds on an allocation basis, pursuant to Section 44299.2. The
25 state board may accept a district application after the due date for
26 a period of months specified by the state board. Funds may be
27 reserved in response to those applications, in accordance with this
28 chapter, out of funds remaining after the original reservation of
29 funds for the year.

30 (l) Guidelines for a district application shall require information
31 from an applicant district to the extent necessary to meet the
32 requirements of this chapter, but shall otherwise minimize the
33 information required of a district.

34 (m) A district application shall be reviewed by the state board
35 immediately upon receipt. If the state board determines that an
36 application is incomplete, the applicant shall be notified within 10
37 working days with an explanation of what is missing from the
38 application. A completed application fulfilling the criteria shall be
39 approved as soon as practicable, but not later than 60 working days
40 after receipt.

1 (n) The commission, in consultation with the districts, shall
 2 establish project approval criteria and guidelines for infrastructure
 3 projects consistent with Section 44284 as soon as practicable, but
 4 not later than February 15, 2000. The commission shall make draft
 5 criteria and guidelines available to the public 45 days before final
 6 adoption, and shall hold at least one public meeting to consider
 7 public comments before final adoption.

8 (o) The commission, in consultation with the participating
 9 districts, may propose revisions to the criteria and guidelines
 10 established pursuant to subdivision (n) as necessary to improve
 11 the ability of the program to achieve its goals. A revision may be
 12 proposed at any time, or may be proposed in response to a finding
 13 made in the annual report on the program published by the state
 14 board pursuant to Section 44295. A proposed revision shall be
 15 made available to the public 45 days before final adoption of the
 16 revision and the commission shall hold at least one public meeting
 17 to consider public comments before final adoption of the revision.

18 (p) Unclaimed funds will be allocated by the state board in
 19 accordance with Section 44299.2.

20 (q) This section shall remain in effect only until January 1, 2034,
 21 and as of that date is repealed, unless a later enacted statute, that
 22 is enacted before January 1, 2034, deletes or extends that date.

23 ~~SEC. 3. Section 44299.1 of the Health and Safety Code is~~
 24 ~~amended to read:~~

25 ~~44299.1. (a) To ensure that emission reductions are obtained~~
 26 ~~as needed from pollution sources, any moneys deposited in the~~
 27 ~~fund for use by the program or appropriated to the program shall~~
 28 ~~be segregated and administered as follows:~~

29 ~~(1) Not more than 2.5 percent of the moneys in the fund for use~~
 30 ~~by the program shall be allocated to program support and outreach~~
 31 ~~costs incurred by the state board and the commission directly~~
 32 ~~associated with implementing the program pursuant to this chapter.~~
 33 ~~These funds shall be allocated to the state board and the~~
 34 ~~commission in proportion to total program funds administered by~~
 35 ~~the state board and the commission.~~

36 ~~(2) Not more than 2.5 percent of the moneys in the fund for use~~
 37 ~~by the program shall be allocated to direct program outreach~~
 38 ~~activities. The state board may use these funds for program~~
 39 ~~outreach contracts or may allocate outreach funds to participating~~
 40 ~~districts in proportion to each district's allocation from the program~~

1 moneys in the fund. The state board shall report on the use of
2 outreach funds in their reports to the Legislature pursuant to Section
3 44295.

4 (3) The balance shall be deposited in the fund to be expended
5 to offset added costs of new very low or zero-emission vehicle
6 technologies, and emission-reducing repowers, retrofits, and add-on
7 equipment for covered vehicles and engines, and other projects
8 specified in Section 44281.

9 (b) Moneys in the fund shall be allocated to a district that
10 submits an eligible application to the state board pursuant to
11 Section 44287. The state board shall determine the maximum
12 amount of annual funding from the fund for use by the program
13 that each district may receive. This determination shall be based
14 on the population in each district as well as the relative importance
15 of obtaining covered emission reductions in each district,
16 specifically through the program.

17 (e) Not more than 12.5 percent of the moneys allocated pursuant
18 to this chapter to a district may be used by the district for indirect
19 costs of implementation of the program, including outreach costs
20 that are subject to the limitation in paragraph (2) of subdivision
21 (a).

22 ~~SEC. 4.~~

23 *SEC. 3.* Section 44299.2 of the Health and Safety Code is
24 amended to read:

25 44299.2. Funds shall be allocated to districts, and shall be
26 subject to administrative terms and conditions as follows:

27 (a) Available funds shall be distributed to districts taking into
28 consideration the population of the area, the severity of the air
29 quality problems experienced by the population, and the historical
30 allocation of the program funds, except that the south coast district
31 shall be allocated a percentage of the total funds available to
32 districts that is proportional to the percentage of the total state
33 population residing within the jurisdictional boundaries of that
34 district. For the purposes of this subdivision, population shall be
35 determined by the state board based on the most recent data
36 provided by the Department of Finance. The allocation to the south
37 coast district shall be subtracted from the total funds available to
38 districts. Each district, except the south coast district, shall be
39 awarded a minimum allocation of two hundred thousand dollars

1 (\$200,000), and the remainder, which shall be known as the
2 “allocation amount,” shall be allocated to all districts as follows:

3 (1) The state board shall distribute 35 percent of the allocation
4 amount to the districts in proportion to the percentage of the total
5 residual state population that resides within each district’s
6 boundaries. For purposes of this paragraph, “total residual state
7 population” means the total state population, less the total
8 population that resides within the south coast district.

9 (2) The state board shall distribute 35 percent of the allocation
10 amount to the districts in proportion to the severity of the air quality
11 problems to which each district’s population is exposed. The
12 severity of the exposure shall be calculated as follows:

13 (A) Each district shall be awarded severity points based on the
14 district’s attainment designation and classification, as most recently
15 promulgated by the federal Environmental Protection Agency for
16 the National Ambient Air Quality Standard for ozone averaged
17 over eight hours, as follows:

18 (i) A district that is designated attainment for the federal
19 eight-hour ozone standard shall be awarded one point.

20 (ii) A district that is designated nonattainment for the federal
21 eight-hour ozone standard shall be awarded severity points based
22 on classification. Two points shall be awarded for transitional,
23 basic, or marginal classifications, three points for moderate
24 classification, four points for serious classification, five points for
25 severe classification, six points for severe-17 classification, and
26 seven points for extreme classification.

27 (B) Each district shall be awarded severity points based on the
28 annual diesel particulate emissions in the air basin, as determined
29 by the state board. One point shall be awarded to the district, in
30 increments, for each 1,000 tons of diesel particulate emissions. In
31 making this determination, 0 to 999 tons shall be awarded no
32 points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
33 2,999 tons shall be awarded two points, and so forth. If a district
34 encompasses more than one air basin, the air basin with the greatest
35 diesel particulate emissions shall be used to determine the points
36 awarded to the district. The San Diego County Air Pollution
37 Control District and the Imperial County Air Pollution Control
38 District shall be awarded one additional point each to account for
39 annual diesel particulate emissions transported from Mexico.

1 (C) The points awarded under subparagraphs (A) and (B), shall
2 be added together for each district, and the total shall be multiplied
3 by the population residing within the district boundaries, to yield
4 the local air quality exposure index.

5 (D) The local air quality exposure index for each district shall
6 be summed together to yield a total state exposure index. Funds
7 shall be allocated under this paragraph to each district in proportion
8 to its local air quality exposure index divided by the total state
9 exposure index.

10 (3) The state board shall distribute 30 percent of the allocation
11 amount to the districts in proportion to the allocation of funds from
12 the program moneys in the fund, as follows:

13 (A) Because each district is awarded a minimum allocation
14 pursuant to subdivision (a), there shall be no additional minimum
15 allocation from the program historical allocation funds. The total
16 amount allocated in this way shall be subtracted from total funding
17 previously awarded to the district under the program, and the
18 remainder, which shall be known as directed funds, shall be
19 allocated pursuant to subparagraph (B).

20 (B) Each district with a population that is greater than or equal
21 to 1 percent of the state's population shall receive an additional
22 allocation based on the population of the district and the district's
23 relative share of emission reduction commitments in the state
24 implementation plan to attain the National Ambient Air Quality
25 Standard for ozone averaged over one hour. This additional
26 allocation shall be calculated as a percentage share of the directed
27 funds for each district, derived using a ratio of each district's share
28 amount to the base amount, which shall be calculated as follows:

29 (i) The base amount shall be the total program funds allocated
30 by the state board to the districts in the 2002–03 fiscal year, less
31 the total of the funds allocated through the minimum allocation to
32 each district in the 2002–03 fiscal year.

33 (ii) The share amount shall be the allocation that each district
34 received in the 2002–03 fiscal year, not including the minimum
35 allocation. There shall be one share amount for each district.

36 (iii) The percentage share shall be calculated for each district
37 by dividing the district's share amount by the base amount, and
38 multiplying the result by the total directed funds available under
39 this subparagraph.

1 (b) Funds shall be distributed as expeditiously as reasonably
2 practicable, and a report of the distribution shall be made available
3 to the public.

4 (c) All funds allocated pursuant to this section shall be liquidated
5 as provided for in the guidelines adopted pursuant to Section
6 44287.

O

AMENDED IN ASSEMBLY JUNE 27, 2024

AMENDED IN ASSEMBLY JUNE 19, 2024

AMENDED IN SENATE MAY 16, 2024

AMENDED IN SENATE APRIL 11, 2024

SENATE BILL

No. 1193

Introduced by Senator Menjivar
(Principal coauthor: Senator Stern)
(Coauthor: Assembly Member Kalra)

February 14, 2024

An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Menjivar. Airports: leaded aviation gasoline.

Existing law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime.

This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers on or after January 1, 2031, as provided. Because these provisions would be a part of the State Aeronautics Act, 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 a specified reason.

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

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

1 SECTION 1. Chapter 8 (commencing with Section 21710) is
2 added to Part 1 of Division 9 of the Public Utilities Code, to read:

3
4 CHAPTER 8. LEADED AVIATION GASOLINE
5

6 21710. For purposes of this chapter, “aviation retail
7 establishment” means any public or private entity that sells aviation
8 gasoline, or offers or otherwise makes available aviation gasoline,
9 to a customer, including other businesses or government entities,
10 for use in this state.

11 21711. An airport operator or aviation retail establishment shall
12 not sell, distribute, or otherwise make available leaded aviation
13 gasoline to consumers on or after January 1, 2031, in compliance
14 with Section 47107 of Title 49 of the United States Code.

15 21712. *If a provision of this chapter conflicts with a federal*
16 *grant assurance in effect on or before December 31, 2030, that*
17 *provision shall not apply to an airport operator subject to that*
18 *grant assurance until the federal grant assurance expires.*

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.

O

AMENDED IN ASSEMBLY JUNE 10, 2024

AMENDED IN SENATE APRIL 23, 2024

SENATE BILL

No. 1234

Introduced by Senator Allen

February 15, 2024

An act to ~~amend Sections 30512 and 30513 of the Public Resources Code, relating to coastal resources; amend Section 25117 of, to add Chapter 6.4 (commencing with Section 25095) to Division 20 of, and to repeal Sections 25150.82, 25150.84, and 25150.86 of, the Health and Safety Code, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1234, as amended, Allen. ~~Coastal resources: local land use plan: zoning ordinances and district maps: nonsubstantive modifications. Hazardous materials: metal shredding facilities.~~

Existing law authorizes the Department of Toxic Substances Control (DTSC), in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, to adopt regulations to establish management standards for metal shredding facilities for hazardous waste management activities within DTSC's jurisdiction, as provided. Existing law provides that treated metal shredder waste that is managed in accordance with those regulations is deemed to be solid waste, and not hazardous waste, as provided.

This bill would repeal those provisions and would establish a comprehensive scheme for the regulation of metal shredding facilities. The bill would prohibit an owner or operator from operating a metal shredding facility, as defined, in the state unless they have a permit from DTSC or are deemed to have a permit. The bill would prescribe

the requirements for obtaining a permit, for being deemed to have a permit, for operating a metal shredding facility, and for transporting certain materials related to metal shredding, as specified. The bill would provide that certain materials related to metal shredding are not hazardous waste if they meet specified requirements. The bill would require an owner or operator of a metal shredding facility to report to DTSC any release or threatened release of a hazardous substance and certain emergency situations, as specified. The bill would require an owner or operator of a metal shredding facility to submit to DTSC a closure plan and a cost estimate for closing the metal shredding facility, as specified. The bill would authorize DTSC to enforce these provisions by revoking permits and by other specified means. The bill would require DTSC to adopt regulations for the operation of metal shredding facilities.

Existing law authorizes DTSC to collect an annual fee from all metal shredding facilities subject to the requirements of hazardous waste control laws or DTSC's management standards for metal shredding facilities, as provided. Existing law requires DTSC to adopt regulations necessary to administer the fee and authorizes DTSC to adopt those regulations using emergency procedures, as provided. Existing law requires the Controller to establish a separate subaccount in the Hazardous Waste Control Account and for all fees collected to be placed into that subaccount, to be available for expenditure by DTSC upon appropriation by the Legislature.

This bill would instead authorize DTSC to collect those annual fees from metal shredding facilities subject to the provisions of this bill, as specified. The bill would require DTSC to adopt regulations necessary to administer the fee and would authorize DTSC to adopt the regulations using the same emergency procedures, as specified. The bill would require the Controller to establish a separate subaccount in the Hazardous Waste Control Account and would require all fees collected to be placed into that subaccount, to be available for expenditure by DTSC for purposes of implementation and administration of the provisions of the bill, upon appropriation by the Legislature.

The bill would prohibit a local agency from deeming a metal shredding facility operating pursuant to these provisions to be conducting hazardous waste treatment or storage operations for purposes of making a land use decision.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

~~The California Coastal Act of 1976 requires a land use plan of a proposed local coastal program to be submitted to the California Coastal Commission for certification. The act authorizes the commission to suggest modifications, which, if adopted and transmitted to the commission by the local government, shall cause the land use plan to be deemed certified upon confirmation of the executive director of the commission. The act requires a local government to submit to the commission the zoning ordinances, zoning district maps and, where necessary, other implementing actions that are required under the act. The act authorizes the commission to suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director of the commission.~~

~~This bill would authorize the legislative body of a city or county to delegate to its planning director or equivalent position the authority to adopt nonsubstantive modifications to a land use plan, or a zoning ordinance, zoning district map, or other implementing action, if specified conditions are met. The required conditions would include that the legislative body adopt a policy via ordinance or resolution at a regular public meeting delegating the authority to a public official and that the policy include a definition of the scope of modifications that would qualify as nonsubstantive, as provided.~~

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. Chapter 6.4 (commencing with Section 25095)*
2 *is added to Division 20 of the Health and Safety Code, to read:*

3

4

CHAPTER 6.4. METAL SHREDDING FACILITIES

5

6

Article 1. Findings and Declarations

7

8

25095. The Legislature finds and declares all of the following:

1 (a) Metal shredding facilities are essential to a thriving circular
2 economy in the State of California because they provide an
3 efficient, reliable, and effective means of recycling the millions of
4 tons of recyclable metal, including end-of-life vehicles and
5 household appliances, that are generated annually in the state.

6 (b) Metal shredding facilities enable the recycling of end-of-life
7 metal products and other metal-containing materials by reducing
8 them in size and facilitating the recovery of ferrous and nonferrous
9 metals and other recyclable commodities. These activities conserve
10 energy and natural resources and support the state’s goal of
11 reducing the emissions of greenhouse gases and combating climate
12 change.

13 (c) Metal shredding facilities differ in important respects from
14 waste management facilities. For this reason, regulation and
15 oversight of metal shredding facilities are most appropriately
16 addressed through requirements that are specific to the metal
17 shredding industry while fully protecting human health and the
18 environment. It is the intent of the Legislature that metal shredding
19 facilities be regulated pursuant to this chapter and not Chapter
20 6.5 (commencing with Section 25100).

21 (d) The purpose of this chapter is to establish operating
22 standards and other requirements applicable to metal shredding
23 facilities and to resolve ongoing legal disputes over the regulatory
24 status of metal shredding facilities in the state.

25 (e) The department is authorized to regulate metal processing
26 operations at metal shredding facilities in accordance with this
27 chapter.

28 (f) Existing metal shredding facilities that operate in accordance
29 with the requirements of this chapter shall be deemed to have a
30 permit from the department and are authorized by law to operate
31 consistent with the requirements of this chapter.

32 (g) Nothing in this chapter is intended to alter or override the
33 authority of any other federal, state, or local agency with
34 jurisdiction to regulate the activities of a metal shredding facility
35 in accordance with existing law.

36

37 Article 2. Definitions and General Provisions

38

39 25095.1. For purposes of this chapter, the following definitions
40 apply:

1 (a) “Chemically treated metal shredder residue” or “CTMSR”
2 means the waste generated from the shredding and processing of
3 metallic materials, which may include, but is not limited to,
4 end-of-life vehicles, appliances, and other metal-containing items,
5 by a metal shredding facility where recoverable ferrous or
6 nonferrous metals have been removed and the remaining metal
7 shredder residue has been treated by a waste stabilization process,
8 as described in this chapter.

9 (b) “Corrective action” means all actions necessary to mitigate
10 any public health or environmental threat resulting from a release
11 into the environment of hazardous substances from an operating
12 or closed metal shredding facility and to restore the environmental
13 conditions as necessary to protect human health and the
14 environment.

15 (c) “Department” means the Department of Toxic Substances
16 Control.

17 (d) “Effective date” means the date that this chapter becomes
18 operative.

19 (e) “Existing metal shredding facility” means a metal shredding
20 facility that is conducting metal shredding and metal processing
21 operations as of the date that the act adding this chapter is signed
22 into law by the Governor.

23 (f) “Feedstock” means material received by a metal shredding
24 facility before shredding and processing, including, but not limited
25 to, end-of-life vehicles, household appliances, or other forms of
26 light gauge metal suitable for processing in a metal shredder.
27 “Feedstock” is often referred to as light iron or tin.

28 (g) “Light fibrous material” means a fibrous mixture of
29 nonmetallic materials, including, but not limited to, synthetic fabric
30 and carpet fibers, and entrained metallic particles, often
31 representing the lightest fraction of metal shredder aggregate
32 produced from the shredding of end-of-life vehicles and other
33 metallic items, that is susceptible to dispersal into the environment.

34 (h) “Metal processing operations” means the stockpiling and
35 handling of metal shredder aggregate, the operations undertaken
36 to separate, sort, and remove ferrous or nonferrous scrap metal
37 from metal shredder aggregate, and the treatment and storage of
38 metal shredder residue. “Metal processing operations” does not
39 include shredding, crushing, baling, shearing, cutting, or other

1 *scrap metal recycling operations unrelated to the handling of metal*
2 *shredder aggregate.*

3 (i) *“Metal shredder aggregate” means the mixture of shredded*
4 *metallic and nonmetallic materials that is produced by the*
5 *shredding of feedstock and that is subsequently processed for the*
6 *purpose of separating, sorting, and removing ferrous metals,*
7 *nonferrous metals, or other recyclable commodities from*
8 *nonrecyclable materials. “Metal shredder aggregate” does not*
9 *include metals that have been removed from metal shredder*
10 *aggregate or from metal shredder residue.*

11 (j) *“Metal shredder residue” means waste comprising ground*
12 *up plastics, rubber, glass, foam, fabric, carpet, wood, dirt, or other*
13 *debris, that remains after recoverable ferrous and nonferrous*
14 *metals or other recyclable commodities have been separated and*
15 *removed from metal shredder aggregate. “Metal shredder residue”*
16 *does not include chemically treated metal shredder residue.*

17 (k) *“Metal shredding facility” means the entire site and all*
18 *contiguous properties under the control of the owner or operator*
19 *of a facility that conducts metal shredding and metal processing*
20 *operations for the purpose of processing end-of-life vehicles,*
21 *appliances, or other metallic feedstock materials in order to*
22 *facilitate the sizing, separation, sorting, or removal of recoverable*
23 *ferrous or nonferrous metals from nonrecyclable materials. “Metal*
24 *shredding facility” does not include a feeder yard if that facility*
25 *does not conduct metal shredding operations.*

26 (l) *“New metal shredding facility” means a metal shredding*
27 *facility that had not commenced metal shredding and metal*
28 *processing operations as of the date that the act adding this chapter*
29 *is signed into law by the Governor.*

30 (m) *“Operator” means the person responsible for the overall*
31 *operation and management of a metal shredding facility.*

32 (n) *“Owner” means a person who owns a metal shredding*
33 *facility in whole or in part.*

34 (o) *“Person” means any of the following:*

35 (1) *An individual, trust, firm, joint stock company, business*
36 *concern, partnership, limited liability company, association, or*
37 *corporation, including, but not limited to, a governmental*
38 *corporation.*

39 (2) *A city, county, district, commission, the state, and any*
40 *department, agency, or political subdivision thereof.*

1 (3) *An interstate body.*

2 (4) *The federal government and any department or agency*
3 *thereof, to the extent permitted by law.*

4 (p) *“Scrap metal” has the same meaning as provided in Section*
5 *66260.10 of Title 22 of the California Code of Regulations.*

6 25095.2. *Except as otherwise expressly defined in this chapter*
7 *or regulations implementing this chapter, all terms in this chapter*
8 *that are defined in Article 2 (commencing with Section 25110) of*
9 *Chapter 6.5 or its implementing regulations shall have the*
10 *meanings provided in Article 2 (commencing with Section 25110)*
11 *of Chapter 6.5 and its implementing regulations.*

12 25095.3. *Except as specified in this chapter, this chapter does*
13 *not alter or override the authority of the department to regulate*
14 *hazardous waste in accordance with existing laws and regulations,*
15 *including, but not limited to, Chapter 6.5 (commencing with Section*
16 *25100) and Division 4.5 (commencing with Section 66250) of Title*
17 *22 of the California Code of Regulations.*

18 25095.4. (a) *The department’s Official Policy and Procedure*
19 *88-6, titled “Auto Shredder Waste Policy and Procedures” dated*
20 *November 21, 1988, is hereby repealed.*

21 (b) *Any nonhazardous determination issued by the department*
22 *or its predecessor, the State Department of Health Services, to any*
23 *metal shredding facility pursuant to Section 66260.200(f) of Title*
24 *22 of the California Code of Regulations is hereby repealed.*

25 25095.5. *A citation or reference in this chapter to the California*
26 *Code of Regulations shall be read as a citation or reference to*
27 *that provision as it read on the effective date.*

28 25095.6. (a) *A local agency shall not deem a metal shredding*
29 *facility operating pursuant to this chapter to be conducting*
30 *hazardous waste treatment or storage operations for purposes of*
31 *making a land use decision.*

32 (b) *For purposes of this section, “land use decision” means a*
33 *discretionary decision of a local agency concerning a metal*
34 *shredding facility project, including the issuance of a land use*
35 *permit or conditional use permit, the granting of a variance, the*
36 *subdivision of property, and the modification of existing property*
37 *lines pursuant to the Planning and Zoning Law (Title 7*
38 *(commencing with Section 65000) of the Government Code), and*
39 *any local agency decision concerning a metal shredding facility*
40 *that is in existence and the enforcement of those decisions. This*

1 *section does not limit or restrict the authority of a local agency to*
2 *impose conditions on, or otherwise regulate, metal shredding*
3 *facilities in accordance with applicable law.*

4 *25095.7. The department shall adopt regulations to implement*
5 *this chapter.*

6

7

Article 3. Permits and Operations

8

9 *25095.10. (a) A metal shredding facility shall not operate in*
10 *California, unless it has a permit issued by the department or is*
11 *deemed to have a permit from the department pursuant to this*
12 *chapter.*

13 *(b) (1) The owner or operator of an existing metal shredding*
14 *facility shall be deemed to have a permit from the department*
15 *pursuant to this chapter if, on the effective date, it is operating in*
16 *accordance with the requirements of this chapter and any*
17 *regulations adopted by the department to implement this chapter.*
18 *The owner or operator of an existing metal shredding facility that*
19 *is deemed to have a permit shall continue to be deemed to have a*
20 *permit for as long as they continuously operate the metal shredding*
21 *facility in accordance with the requirements of this chapter and*
22 *any regulations adopted by the department to implement this*
23 *chapter.*

24 *(2) A person who submitted a hazardous waste facility permit*
25 *application pursuant to Chapter 6.5 (commencing with Section*
26 *25100) to treat metal shredder residue before the date that the act*
27 *adding this chapter is signed into law by the Governor may*
28 *withdraw that application and is eligible to conduct those treatment*
29 *operations pursuant to this chapter.*

30 *(3) No later than 120 days after the effective date, the owner or*
31 *operator of an existing metal shredding facility shall provide all*
32 *of the following information to the department for review and*
33 *approval:*

34 *(A) A description of the metal processing operations conducted*
35 *at the metal shredding facility, including all equipment used for*
36 *this purpose.*

37 *(B) A metal shredding facility inspection plan.*

38 *(C) A closure plan.*

39 *(D) A current closure cost estimate.*

40 *(E) A corrective action cost estimate, if any.*

- 1 (F) A metal shredding facility housekeeping plan.
- 2 (G) An inventory management plan.
- 3 (H) A preparedness and prevention plan consistent with the
- 4 requirements of Article 3 (commencing with Section 66265.30) of
- 5 Chapter 15 of Division 4.5 of Title 22 of the California Code of
- 6 Regulations.
- 7 (I) A contingency plan consistent with the requirements of
- 8 Article 4 (commencing with Section 66265.50) of Chapter 15 of
- 9 Division 4.5 of Title 22 of the California Code of Regulations.
- 10 (J) A flood plain map, if applicable.
- 11 (K) Evidence of financial assurance consistent with the
- 12 requirements of Article 8 (commencing with Section 66265.140)
- 13 of Chapter 15 of Division 4.5 of Title 22 of the California Code
- 14 of Regulations.
- 15 (L) A written compliance plan as required by Section 25095.11,
- 16 if applicable.
- 17 (4) The department shall post all information provided by the
- 18 owner or operator of an existing metal shredding facility pursuant
- 19 to paragraph (3) on the department's internet website in a manner
- 20 that is readily accessible to the public, with the exception of
- 21 information that is submitted to the department under a claim of
- 22 trade secrecy or business confidentiality and that has been
- 23 determined by the department to be exempt from disclosure under
- 24 the California Public Records Act (Division 10 (commencing with
- 25 Section 7920.000) of Title 1 of the Government Code).
- 26 (5) The department may impose additional metal shredding
- 27 facility-specific conditions that the department determines to be
- 28 necessary for the protection of human health and the environment.
- 29 (6) The California Environmental Quality Act (Division 13
- 30 (commencing with Section 21000) of the Public Resources Code)
- 31 does not apply to the review or approval of the information
- 32 provided by the owner or operator of an existing metal shredding
- 33 facility, as required by paragraph (3).
- 34 (c) (1) The owner or operator of a new metal shredding facility
- 35 shall submit an application to the department for a metal shredding
- 36 facility permit and shall not commence operations at the new metal
- 37 shredding facility until the department issues a permit for the new
- 38 metal shredding facility.
- 39 (2) The application shall consist of both of the following:

1 (A) All the information described in paragraph (3) of subdivision
2 (b).

3 (B) Any other information requested by the department.

4 (3) The approval of an application for a metal shredding facility
5 permit for a new metal shredding facility shall be considered a
6 discretionary decision that is not subject to the California
7 Environmental Quality Act (Division 13 (commencing with Section
8 21000) of the Public Resources Code).

9 (d) A permit issued, or deemed to be issued, pursuant to this
10 section shall authorize the storage and processing of metal
11 shredder aggregate and the onsite chemical treatment of metal
12 shredder residue generated at the metal shredding facility. This
13 section does not require a permit to be issued, or deemed to be
14 issued, for the operation of a hammermill or other equipment used
15 at a metal shredding facility that does not involve the handling of
16 metal shredder aggregate or metal shredder residue.

17 25095.11. (a) (1) An owner or operator of an existing metal
18 shredding facility that is unable to comply with this chapter on the
19 effective date shall, within 90 days of the effective date, submit a
20 written compliance plan to the department that addresses each
21 area of actual or potential noncompliance, outlines proposed
22 actions to achieve compliance, and includes a schedule for
23 implementing the plan. The department may extend the deadline
24 for submitting a written compliance plan by no more than one year
25 after the effective date if the unmet requirements for compliance
26 involve physical modifications, upgrades, improvements, or
27 additions to the metal shredding facility or equipment used for
28 metal processing operations.

29 (2) Within 30 days of receipt of a written compliance plan, the
30 department shall review the written compliance plan and either
31 approve it as submitted or request modifications to it. The
32 department shall specify in writing the justification for any
33 requested modifications to a written compliance plan and shall
34 confer with the owner or operator to resolve any areas of
35 disagreement.

36 (3) The owner or operator of an existing metal shredding facility
37 may operate the metal shredding facility pending implementation
38 of the actions required by an approved written compliance plan.
39 The owner or operator may request an extension of time for
40 completing a required action if delay is caused by circumstances

1 beyond the metal shredding facility's reasonable control. The
2 compliance dates and actions described in an approved written
3 compliance plan may also be modified or extended if the owner
4 or operator demonstrates in writing, to the satisfaction of the
5 department, that the delay or need for modification or extension
6 is the result of force majeure conditions. A request for extension
7 shall be submitted to the department, in writing, no later than 30
8 days before the implementation date set forth in the approved
9 written compliance plan. The department's decision to deny a
10 timely request for extension shall be considered a final agency
11 action subject to judicial review in accordance with law.

12 (4) An owner or operator of an existing metal shredding facility
13 that is operating in compliance with its approved written
14 compliance plan shall be deemed in compliance with this chapter.

15 (b) In evaluating the elements of a written compliance plan
16 submitted pursuant to subdivision (a), the department shall
17 consider the site-specific aspects of the metal shredding facility,
18 including, but not limited to, its size, its geographic location, its
19 configuration, its existing equipment, its enclosures and
20 infrastructure, its types of feedstocks, its annual throughput, the
21 specific metal processing operations conducted at the metal
22 shredding facility, and other relevant site-specific characteristics.

23 25095.12. The owner or operator of a metal shredding facility
24 shall operate the metal shredding facility in accordance with all
25 of the following requirements:

26 (a) The metal shredding facility shall be located, designed,
27 constructed, maintained, and operated to minimize the possibility
28 of a fire, explosion, or any unplanned sudden or nonsudden release
29 of any of the following into air, soil, or surface water that could
30 threaten human health or the environment:

31 (1) In-process materials or components thereof, including metal
32 shredder aggregate and light fibrous material.

33 (2) Hazardous waste.

34 (3) Hazardous waste constituents.

35 (b) (1) The owner or operator of the metal shredding facility
36 shall develop and follow an inbound source control policy to
37 prevent the shredding of any of the following materials or wastes
38 at the metal shredding facility:

39 (A) RCRA hazardous waste, as defined in Section 66261.100 of
40 Title 22 of the California Code of Regulations, and non-RCRA

1 hazardous waste, as defined in Section 66261.101 of Title 22 of
2 the California Code of Regulations.

3 (B) Asbestos and asbestos-containing materials, except
4 incidental asbestos-containing material that may be contained
5 inside equipment and is not visible upon inspection.

6 (C) Radioactive materials.

7 (D) Petroleum-based wastes, including, but not limited to, used
8 oil as defined in Section 25250.1, gasoline, and diesel, but not
9 including non-free-flowing residual quantities of such wastes
10 contained in depolluted vehicles or appliances.

11 (E) Polychlorinated biphenyls (PCB) materials and wastes,
12 including, but not limited to, capacitors, electrical transformers,
13 and transformer components.

14 (F) Fluorescent light ballasts, fluorescent lamps, neon, and
15 high-intensity or mercury vapor lights.

16 (G) Military ordnance, except ordnance designated specifically
17 as Material Designated as Safe (MDAS).

18 (H) Explosives, explosive residues, fireworks, and other
19 incendiary materials.

20 (I) Regulated electronic waste.

21 (J) Mercury containing devices.

22 (K) Batteries, including, but not limited to, lead-acid batteries
23 and lithium-ion batteries.

24 (L) Compressed gas cylinders and propane canisters, unless
25 empty and disabled.

26 (2) The inbound source control policy shall contain all of the
27 following:

28 (A) A written description of the load checking protocol designed
29 to verify that materials or wastes identified in paragraph (1) are
30 not shredded at the metal shredder facility. Incoming feedstock
31 subject to load checking shall not be combined with other feedstock
32 until the load-checking process has been completed.

33 (B) A written description of the process for rejecting loads,
34 specific materials, or wastes that contain the materials or wastes
35 identified in paragraph (1).

36 (C) A plan and template documents used to demonstrate that
37 load checks are conducted and that materials or wastes identified
38 in paragraph (1) are not accepted.

39 (D) A requirement to maintain all documentation related to the
40 inbound source control policy and load checking onsite for at least

1 *five years and provide the documentation to the department upon*
2 *request.*

3 *(E) A written description of a process to make a waste*
4 *determination pursuant to Section 66262.11 of Title 22 of the*
5 *California Code of Regulations for any of the materials or wastes*
6 *listed in paragraph (1) that are identified in the load check and*
7 *rejected. Any waste determined to be a hazardous waste shall be*
8 *considered generated at the metal shredding facility and shall be*
9 *managed as a hazardous waste in accordance with Chapter 6.5*
10 *(commencing with Section 25100).*

11 *(c) The owner or operator of the metal shredding facility shall*
12 *develop and implement procedures for any depollution operations*
13 *that are conducted at the metal shredding facility involving the*
14 *removal of automotive fuels, lubricating oils, refrigerants, and*
15 *materials that require special handling, as defined in Section 42167*
16 *of the Public Resources Code, including procedures for the proper*
17 *management of those materials or wastes that are removed during*
18 *depollution operations, pursuant to Section 25212.*

19 *(d) (1) Maintain all of the following documents at the metal*
20 *shredding facility:*

21 *(A) A written inspection schedule, as specified in subdivision*
22 *(b) of Section 66265.15 of Title 22 of the California Code of*
23 *Regulations.*

24 *(B) A written description of training documents, including a*
25 *syllabus or outline, of the type and amount of both introductory*
26 *and continuing training that has been given to each person at the*
27 *metal shredding facility.*

28 *(C) A contingency plan that contains the information specified*
29 *in Section 66265.52 of Title 22 of the California Code of*
30 *Regulations.*

31 *(D) A copy of any local air quality management district or air*
32 *pollution control district permit and other governmental permits*
33 *or approvals required for operation of the metal shredding facility*
34 *equipment.*

35 *(E) A copy of the closure plan required under Section 25095.40.*

36 *(F) A copy of documents related to an environmental*
37 *investigation and any cleanup, abatement, or other necessary*
38 *corrective action taken pursuant to Section 67450.7 of Title 22 of*
39 *the California Code of Regulations.*

1 (G) *The onsite metal shredding facility housekeeping plan*
 2 *prepared pursuant to Section 25095.13.*
 3 (2) *The owner or operator shall make the documents described*
 4 *in paragraph (1) available at the metal shredding facility to the*
 5 *department, the United States Environmental Protection Agency,*
 6 *or a local governmental agency upon request.*
 7 (e) *Maintain compliance with all of the following regulations,*
 8 *if applicable:*
 9 (1) *Article 2 (commencing with Section 66265.10) of Chapter*
 10 *15 of Division 4.5 of Title 22 of the California Code of Regulations.*
 11 (2) *Article 3 (commencing with Section 66265.30) of Chapter*
 12 *15 of Division 4.5 of Title 22 of the California Code of Regulations.*
 13 (3) *Article 4 (commencing with Section 66265.50) of Chapter*
 14 *15 of Division 4.5 of Title 22 of the California Code of Regulations.*
 15 (4) *Article 10 (commencing with Section 66265.190) of Chapter*
 16 *15 of Division 4.5 of Title 22 of the California Code of Regulations.*
 17 (f) *The owner or operator of a metal shredding facility shall*
 18 *comply with subdivision (b) of Section 66265.142 of Title 22 of*
 19 *the California Code of Regulations.*
 20 (g) *The owner or operator of a metal shredding facility shall*
 21 *provide notice to the department of an imminent or actual*
 22 *emergency situation, as required by Section 66265.56 of Title 22*
 23 *of the California Code of Regulations.*
 24 25095.13. *The owner or operator of a metal shredding facility*
 25 *shall develop and comply with plans and minimum standards*
 26 *relating to each of the following aspects of the metal processing*
 27 *operation:*
 28 (a) *The control of releases, including, but not limited to:*
 29 (1) *Plans for complying with applicable local air quality*
 30 *management district or air pollution control district regulations*
 31 *and permit requirements, including the requirements of any*
 32 *approved emissions minimization plan or comparable plan*
 33 *required by applicable regulations.*
 34 (2) *An onsite metal shredding facility housekeeping plan that*
 35 *is approved by the department and that does all of the following:*
 36 (A) *Details all measures to control dispersal of light fibrous*
 37 *material, metal shredder aggregate and its constituents, and metal*
 38 *shredder residue and constituents. Those measures shall include,*
 39 *but are not limited to, mechanical and manual sweeping,*

1 *housekeeping, water trucks, dust suppression equipment, sprinklers,*
2 *spray bars, deluge systems, fencing, and enclosures.*

3 *(B) Specifies the frequency for each measure detailed pursuant*
4 *to subparagraph (A).*

5 *(C) Addresses the disposition of residuals generated from*
6 *cleaning, including, but not limited to, debris, sweepings, rinse*
7 *water, and any other material not classified as scrap metal.*

8 *(D) Requires the completion of written logs of all housekeeping*
9 *activities. The written logs shall be maintained in accordance with*
10 *Section 25095.12.*

11 *(3) A metal shredding facility inspection plan that is approved*
12 *by the department. The metal shredding facility inspection plan*
13 *shall include all of the following:*

14 *(A) Inspection of all facilities and equipment that is used to*
15 *manage metal shredder aggregate.*

16 *(B) A copy of a general inspection schedule that complies, where*
17 *applicable, as part of the inspection schedule, the specific*
18 *requirements in Sections 66264.174, 66264.193(i), 66264.195,*
19 *66264.226, 66264.254, 66264.273, 66264.303, 66264.602,*
20 *66264.1033, 66264.1052, 66264.1053, 66264.1058, 66264.1084,*
21 *66264.1085, 66264.1086, and 66264.1088 of Title 22 of the*
22 *California Code of Regulations.*

23 *(C) Where applicable, the requirements specified in Sections*
24 *66265.174, 66265.195, 66265.403, and 66265.1101 of Title 22 of*
25 *the California Code of Regulations.*

26 *(D) All areas where the deposition of light fibrous material may*
27 *occur, including accessible areas within 500 feet of the metal*
28 *shredding facility.*

29 *(4) An inventory management plan, that is approved by the*
30 *department, to prevent accumulation of metal shredder aggregate*
31 *and treated or untreated metal shredder residue in excess of the*
32 *limitations set forth in subparagraph (E) of paragraph (2) of*
33 *subdivision (b).*

34 *(5) Standards for the installation and maintenance of paving*
35 *with concrete surfacing, steel plate, or other department-approved*
36 *impervious surface that is designed to collect and route water that*
37 *drains to a process water management system. The paving shall*
38 *be inspected quarterly and repaired as needed. The results of the*
39 *paving inspections and any paving repairs shall be submitted to*

1 *the department with the annual report and as requested by the*
2 *department.*

3 *(b) (1) A separate written plan for the prevention, detection,*
4 *and suppression of fires. The plan shall comply with all of the*
5 *following:*

6 *(A) Be shared with local emergency responders.*

7 *(B) Be used to monitor metal shredding facility operations for*
8 *evidence of incipient fire.*

9 *(C) Establish procedures for responding to fires of different*
10 *duration and severity.*

11 *(D) Be activated in response to any incident at the metal*
12 *shredding facility that falls within the scope of the plan.*

13 *(2) The plan shall include all of the following:*

14 *(A) Maintenance of appropriate response to incipient fires and*
15 *access to adequate water, firefighting foam, and other supplies at*
16 *the metal shredding facility that can be used in responding to an*
17 *incipient or larger fire.*

18 *(B) Training of metal shredding facility personnel in the proper*
19 *use of fire-response equipment and procedures and notification*
20 *requirements.*

21 *(C) Coordination with local fire departments and other first*
22 *responders as necessary to support maximum effectiveness in*
23 *responding to an emergency at the metal shredding facility.*

24 *(D) The monitoring of temperatures on all feedstock, metal*
25 *shredder aggregate piles, and equipment relating to metal*
26 *processing operations using an infrared camera or other*
27 *equivalent.*

28 *(E) A pile of metal shredder aggregate or feedstock shall not*
29 *be larger than the amount of material that can be processed in 48*
30 *hours. Metal shredder aggregate or feedstock shall not remain in*
31 *piles for more than 48 hours, except during weekends or holidays.*
32 *Metal shredder aggregate or feedstock piles held in excess of 24*
33 *hours, including during weekends or holidays, shall be subject to*
34 *24-hour onsite surveillance.*

35 *(c) Stormwater management and control, including, but not*
36 *limited to:*

37 *(1) Containment of stormwater in sumps, tanks, and associated*
38 *piping or other engineered retention units to minimize ponding at*
39 *the metal shredding facility.*

1 (2) A stormwater testing plan to identify if stormwater exhibits
2 any characteristic of toxicity as described in Section 66261.24 of
3 Title 22 of the California Code of Regulations.

4 (3) Compliance with the metal shredding facility's stormwater
5 pollution prevention plan and spill prevention, control, and
6 countermeasures plan.

7 (4) Discharge of stormwater in accordance with the general
8 permit for discharges of stormwater associated with industrial
9 activities or waste discharge requirements issued by a regional
10 water quality control board, including sampling requirements.

11 25095.14. (a) Subject to subdivision (b), the owner or operator
12 of a metal shredding facility may make the following physical or
13 operational changes to the metal shredding facility without seeking
14 prior approval from the department:

15 (1) Throughput increases and increases in operating rate.

16 (2) Increases in efficiency of metal processing operations,
17 including, without limitation, sizing, separation, sorting, removal,
18 and recovery.

19 (3) Changes in design of processing equipment and conveyance
20 systems.

21 (4) Changes in operations and methods of operation.

22 (5) Installation and modification of processing and other
23 equipment and conveyance systems.

24 (6) Repair and replacement of processing and other equipment
25 and conveyance systems.

26 (7) Decommissioning and removal of equipment and conveyance
27 systems that are no longer in use.

28 (8) Construction of new structures and enclosures and changes
29 to structures and enclosures.

30 (9) Installation and modification of abatement equipment and
31 emission control systems.

32 (10) Installation of and modifications to water reuse and
33 recycling systems.

34 (11) Installation of and repair to paving.

35 (12) Changes to the metal shredding facility unrelated to the
36 storage or processing of metal shredder aggregate and metal
37 shredder residue.

38 (b) (1) The changes described in subdivision (a) may only be
39 made without seeking prior approval from the department if the
40 metal shredding facility maintains compliance with this chapter.

1 (2) *The owner or operator of a metal shredding facility that*
2 *proposes to modify the metal shredding facility in a manner that*
3 *could result in a significant environmental impact from operations*
4 *that were not considered by the department in reviewing the*
5 *information submitted pursuant to this article shall provide the*
6 *department with 60 days advance written notice of the modification*
7 *and shall not implement the modification without approval from*
8 *the department.*

9 (3) *On or before July 1 of each year, the owner or operator of*
10 *a metal shredding facility shall submit an annual report to the*
11 *department describing the material physical or operational*
12 *changes, if any, made to the metal shredding facility during the*
13 *previous calendar year relating to the management of metal*
14 *shredder aggregate or metal shredder residue.*

15 (4) *Upon request by the department, the metal shredding facility*
16 *shall be required to provide additional information about the*
17 *nature or extent of changes described in the annual report as*
18 *necessary to demonstrate the metal shredding facility's ongoing*
19 *compliance with applicable regulations.*

20 (5) *Physical changes to the metal shredding facility's ongoing*
21 *operations that are reported to the department in compliance with*
22 *paragraph (3) may be subject to modification as required by the*
23 *department as necessary to comply with the requirements of this*
24 *chapter.*

25 25095.15. (a) *The owner or operator of a metal shredding*
26 *facility shall maintain all metal shredder aggregate during metal*
27 *processing operations as necessary to achieve the following*
28 *minimum standards:*

29 (1) *All outdoor equipment used for processing metal shredder*
30 *aggregate shall be enclosed or covered and designed, operated,*
31 *and maintained to prevent the release of light fibrous material*
32 *into the environment.*

33 (2) *All outdoor equipment used for the conveyance of metal*
34 *shredder aggregate from one location within the metal shredding*
35 *facility to another location within the metal shredding facility shall*
36 *be enclosed or covered and designed, operated, and maintained*
37 *to prevent the release of light fibrous material into the environment.*

38 (3) *All vehicles used for the outdoor transfer of metal shredder*
39 *aggregate shall be loaded and unloaded in a manner that minimizes*

1 *the possibility of releasing light fibrous material into the*
2 *environment.*

3 *(b) Metal shredder aggregate shall be stored or accumulated*
4 *inside a structure that protects the material from exposure to the*
5 *elements and prevents the release of light fibrous material into the*
6 *environment. At a minimum, the structure shall meet all of the*
7 *following requirements:*

8 *(1) The structure shall be enclosed with a floor, roof, and walls*
9 *sufficient to protect the metal shredder aggregate from exposure*
10 *to the elements and to contain the metal shredder aggregate and*
11 *any process residues that are managed in the structure.*

12 *(2) The roof shall completely cover all areas used for storage*
13 *or accumulation of metal shredder aggregate.*

14 *(3) The floor shall be constructed of concrete surfacing, steel*
15 *plate, or other impervious surface and designed to collect and*
16 *route any water that drains from the metal shredder aggregate to*
17 *a process water management system. The floor shall be inspected*
18 *on a quarterly basis and repaired as needed. The results of the*
19 *inspections and any repairs to the floor shall be submitted to the*
20 *department with the annual report submitted pursuant to Section*
21 *25095.14 or as otherwise requested by the department.*

22 *(4) Any free liquids that drain from materials stored inside the*
23 *enclosure shall be collected and routed to the metal shredding*
24 *facility's water management system.*

25 *(c) Trommel or augers shall be maintained in a building or*
26 *otherwise covered or enclosed so as to prevent releases.*

27 *(d) Subject to written approval by the department, outdoor*
28 *stockpiling of metal shredder aggregate may be allowed for limited*
29 *periods of time if all of the following conditions are met:*

30 *(1) The activity is necessary to accommodate unforeseen*
31 *circumstances or operational disruptions that prevent the material*
32 *from being stored inside an enclosure.*

33 *(2) The operator provides written notice to the department at*
34 *least 24 hours before the need to store material outside arises.*

35 *(3) The operator conducts watering or other dust control*
36 *measures to minimize the release of light fibrous material from*
37 *the stockpile into the environment.*

38 *(4) The outdoor stockpiling activity is conducted for 10 or fewer*
39 *consecutive operating days.*

1 (e) The requirements of this section shall also apply to the
2 management of untreated and treated metal shredder residue.

3 25095.16. (a) Metal shredder aggregate that is transported
4 to an offsite metal shredding facility for purposes of processing
5 shall be tarped or otherwise contained during shipment and
6 transported in a manner that prevents its release into the
7 environment.

8 (b) The metal shredder aggregate shall be shipped directly to
9 the offsite metal shredding facility and shall not be handled at any
10 interim location or held at any publicly accessible interim location
11 for more than four hours unless required by hours of service or
12 other applicable law or held by a rail transporter for reasons
13 outside the control of the person arranging for transport.

14 (c) Each shipment of metal shredder aggregate by truck or rail
15 shall be identified by a standard bill of lading or other shipping
16 document that complies with applicable United States Department
17 of Transportation requirements and that contains all of the
18 following:

19 (1) The quantity, by weight, of metal shredder aggregate being
20 transported.

21 (2) The name, physical and mailing addresses, and telephone
22 number of the metal shredding facility that produced the metal
23 shredder aggregate.

24 (3) The name, physical and mailing addresses, and telephone
25 number of the metal processing facility that will process the metal
26 shredder aggregate.

27 (4) The date the shipment of metal shredder aggregate leaves
28 the metal shredding facility.

29 (5) The date the shipment of metal shredder aggregate is
30 scheduled to arrive at the receiving metal processing facility.

31 (6) The name of the transporter that shipped the metal shredder
32 aggregate from the metal shredding facility to the metal processing
33 facility.

34 (d) The originating metal shredding facility shall retain a copy
35 of all shipping documents onsite, in either paper or electronic
36 form, for a period of at least three years. The three-year record
37 retention period may be extended at the direction of the department
38 during the course of any unresolved enforcement action regarding
39 the shipments.

1 Article 4. Nonhazardous Waste Materials

2
3 25095.20. (a) *If managed in accordance with this chapter, the*
4 *following materials are not hazardous waste, as defined in Section*
5 *25117, and shall not be subject to regulation under Chapter 6.5*
6 *(commencing with Section 25100) of this division or Division 4.5*
7 *(commencing with Section 66250) of Title 22 of the California*
8 *Code of Regulations:*

9 (1) *Scrap metal.*

10 (2) *Metal shredder aggregate that is managed in any of the*
11 *following ways:*

12 (A) *The metal shredder aggregate is stored and processed at*
13 *the same metal shredding facility that produced the metal shredder*
14 *aggregate.*

15 (B) *The metal shredder aggregate is transferred from a metal*
16 *shredding facility to another metal recycling facility for the purpose*
17 *of processing or further processing the metal shredder aggregate*
18 *to separate and remove ferrous or nonferrous metals, subject to*
19 *all of the following:*

20 (i) *The receiving facility is a metal shredding facility located*
21 *in the State of California and operates in accordance with the*
22 *requirements of this chapter.*

23 (ii) *The receiving facility is a metal recycling facility located*
24 *in a state other than the State of California, is owned or operated*
25 *by the same person that produced the metal shredder aggregate*
26 *in the State of California, and the metal shredding facility manages*
27 *the metal shredder aggregate in compliance with the law of the*
28 *state where the receiving facility is located. For purposes of this*
29 *subparagraph, “person” also includes a corporate parent,*
30 *corporate subsidiary, or a subsidiary of the same corporate parent.*

31 (iii) *The receiving facility keeps records of the amount of ferrous*
32 *and nonferrous metal recovered from the metal shredder aggregate*
33 *and makes this information available to the department upon*
34 *request.*

35 (iv) *The metal shredder aggregate is transported in accordance*
36 *with the requirements of Section 25095.16.*

37 (3) *Intermediate or finished metal products that are subject to*
38 *further processing to improve product quality.*

1 (4) *Ferrous and nonferrous metal commodities that are*
2 *separated or removed from metal shredder aggregate at a metal*
3 *shredding facility.*

4 (5) *Nonmetallic recyclable items recovered from metal shredder*
5 *aggregate for which a market exists.*

6 (6) *Chemically treated metal shredder residue that is treated*
7 *and managed in accordance with the conditions set forth in Section*
8 *25095.21.*

9 (b) *Notwithstanding subdivision (a), metal shredder aggregate*
10 *that is released into the environment during transportation shall*
11 *be subject to any applicable definition of hazardous waste in law*
12 *and to regulation under Chapter 6.5 (commencing with Section*
13 *25100).*

14 25095.21. (a) *Chemically treated metal shredder residue is*
15 *not hazardous waste after waste stabilization if all of the following*
16 *conditions are met:*

17 (1) *Untreated metal shredder residue shall be treated with at*
18 *least 0.7 gallons of silicate solution per short ton of the untreated*
19 *metal shredder residue and cement by weight equal to 8.5 percent*
20 *of the weight of the untreated metal shredder residue.*

21 (2) *Metal shredding facilities shall document, on a weekly basis,*
22 *how many tons of metal shredder residue was treated and how*
23 *much silicate solution and cement were used in the treatment of*
24 *the untreated metal shredder residue to comply with paragraph*
25 *(1).*

26 (3) *The chemically treated metal shredder residue does not meet*
27 *the definition of RCRA hazardous waste, as defined in Section*
28 *66261.100 of Title 22 of the California Code of Regulations.*

29 (4) *Immediately after waste stabilization, and at all times before*
30 *offsite transportation and disposal, chemically treated metal*
31 *shredder residue shall be managed in a manner that prevents*
32 *releases of chemically treated metal shredder residue outside of*
33 *a designated accumulation area. The designated accumulation*
34 *area shall meet the requirements of either of the following:*

35 (A) *Meets all of the following requirements:*

36 (i) *The chemically treated metal shredder residue shall be*
37 *accumulated in a designated area within a self-supporting structure*
38 *to assure containment of the chemically treated metal shredder*
39 *residue. The designated accumulation area shall only hold*
40 *chemically treated metal shredder residue. The self-supporting*

1 *structure shall be fully or partially enclosed with a floor, at least*
2 *three walls, and a roof to prevent exposure to the elements, such*
3 *as surface transport by precipitation runoff, contamination of soil*
4 *and groundwater, wind dispersal of chemically treated metal*
5 *shredder residue, and catastrophic failures.*

6 *(ii) The self-supporting structure shall be constructed of*
7 *man-made materials of sufficient strength and thickness to support*
8 *themselves, the waste contents, any personnel and heavy equipment*
9 *that operate within the unit, and the stresses of daily operation,*
10 *such as the movement of personnel, wastes, and handling of*
11 *equipment within the structure.*

12 *(iii) The designated accumulation area shall be labeled or*
13 *marked clearly with the words “Chemically Treated Metal*
14 *Shredder Residue” or “CTMSR.” The metal shredding facility*
15 *shall comply with accumulation time limits as required in Section*
16 *66262.34 of Title 22 of the California Code of Regulations.*

17 *(B) A containment building holding chemically treated metal*
18 *shredder residue that meets the requirements of either of the*
19 *following:*

20 *(i) Article 29 (commencing with Section 66264.1100) of Chapter*
21 *14 of Title 22 of the California Code of Regulations.*

22 *(ii) Article 29 (commencing with Section 66265.1100) of Chapter*
23 *15 of Title 22 of the California Code of Regulations.*

24 *(b) Chemically treated metal shredder residue shall not be*
25 *transported to, and shall not be disposed of at, any location other*
26 *than one of the following:*

27 *(1) A composite-lined portion of a solid waste landfill unit that*
28 *meets all requirements applicable to disposal of municipal solid*
29 *waste in California after October 9, 1993, based on State Water*
30 *Resources Control Board Resolution No. 93-62.*

31 *(2) A solid waste landfill or other facility that is regulated by*
32 *waste discharge requirements issued pursuant to Division 7*
33 *(commencing with section 13000) of the Water Code for discharges*
34 *of designated waste, as defined in Section 13173 of the Water*
35 *Code, or that allows for the discharge of chemically treated metal*
36 *shredder residue. The discharge of chemically treated metal*
37 *shredder residue includes its use as an alternative daily cover or*
38 *for other beneficial reuse pursuant to Section 41781.3 of the Public*
39 *Resources Code and the regulations adopted to implement that*
40 *section.*

1 (3) Any other landfill or location that is authorized by law to
2 receive chemically treated metal shredder residue for disposal or
3 beneficial use.

4 (c) The transporter of chemically treated metal shredder residue
5 shall comply with all of the following conditions:

6 (1) Chemically treated metal shredder residue shall be contained
7 and covered during shipment and transported in a manner that
8 prevents any release into the environment.

9 (2) The transporter shall comply with all applicable United
10 States Department of Transportation shipping requirements.

11 (3) The container used to transport chemically treated metal
12 shredder residue shall lack evidence of leakage, spillage, or
13 damage that could cause releases under reasonably foreseeable
14 conditions.

15 (4) The transporter of chemically treated metal shredder residue
16 shall not transport chemically treated metal shredder residue to
17 a place other than a landfill approved to receive chemically treated
18 metal shredder residue, as described in subdivision (b).

19 (5) The chemically treated metal shredder residue is not held
20 at any publicly accessible interim location for more than four
21 hours, unless required by other provisions of law, before disposal.

22 (6) If an unauthorized release of chemically treated metal
23 shredder residue occurs during transportation, the transporter
24 shall immediately contain all releases of chemically treated metal
25 shredder residue and residues from chemically treated metal
26 shredder residue into the environment and determine whether any
27 material resulting from that release is a hazardous waste and, if
28 so, shall manage the hazardous waste in compliance with all
29 applicable requirements of this division. The transporter of
30 chemically treated metal shredder residue is considered the
31 generator of any hazardous waste resulting from the release and
32 is subject to the requirements of Chapter 12 (commencing with
33 Section 66262.10) of Division 4.5 of Title 22 of the California
34 Code of Regulations.

35 (d) Each shipment of chemically treated metal shredder residue
36 shall be accompanied by a shipping document containing all of
37 the following information:

38 (1) The quantity, by weight in short tons, of chemically treated
39 metal shredder residue being transported.

1 (2) *The name, physical and mailing addresses, and telephone*
2 *number of the generating metal shredding facility.*

3 (3) *The name, physical and mailing addresses, and telephone*
4 *number of the destination landfill.*

5 (4) *The date the shipment of chemically treated metal shredder*
6 *residue leaves the metal shredding facility.*

7 (5) *The date the shipment of chemically treated metal shredder*
8 *residue arrives at the destination landfill.*

9 (6) *The name and telephone number of the transporter who*
10 *shipped the chemically treated metal shredder residue from the*
11 *metal shredding facility to the destination landfill.*

12 (e) *The metal shredding facility shall retain onsite a copy of all*
13 *documentation produced pursuant to this section for at least three*
14 *years from the date that the chemically treated metal shredder*
15 *residue that is the subject of the documentation was generated.*
16 *The department may request the information identified in*
17 *subdivision (d) in the form of a summary log or a copy of each*
18 *individual shipping document. The three-year record retention*
19 *period is automatically extended during the course of any*
20 *unresolved enforcement action regarding chemically treated metal*
21 *shredder residue management activity or as requested by the*
22 *department.*

23 (f) *The generating metal shredding facility shall, on or before*
24 *February 1 of the following year, submit to the department, at the*
25 *address specified in subdivision (g) of this section, a written annual*
26 *report containing all of the following information:*

27 (1) *The name, physical and mailing addresses, and telephone*
28 *number of the generating metal shredding facility.*

29 (2) *The name, telephone number, and email address of the*
30 *contact person at the generating metal shredding facility who*
31 *should be contacted regarding management, transportation, and*
32 *disposal of chemically treated metal shredder residue.*

33 (3) *The name, physical and mailing address, and telephone*
34 *number for each of the landfills to which the generating metal*
35 *shredding facility shipped chemically treated metal shredder*
36 *residue during the previous calendar year.*

37 (4) *The total cumulative quantity of chemically treated metal*
38 *shredder residue, by weight in short tons, shipped to all landfills,*
39 *and the respective quantity of chemically treated metal shredder*

1 residue, by weight in short tons, shipped to each landfill, during
2 the previous calendar year.

3 (5) The United States Environmental Protection Agency
4 identification number of the generating metal shredding facility.

5 (g) The metal shredding facility shall provide a copy of any
6 relevant document identified in subdivision (e) upon receipt of a
7 request from the department. Annual reports submitted to the
8 department pursuant to subdivision (f) shall be sent to the following
9 address: Department of Toxic Substances Control, CTMSR
10 Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with
11 the words "Attention: CTMSR Annual Report" prominently
12 displayed on the front of the envelope.

13
14 Article 5. Reporting

15
16 25095.30. (a) Except as otherwise provided in subdivision (c),
17 within one year after the effective date, the owner or operator of
18 a metal shredding facility shall conduct a preliminary
19 endangerment assessment, as defined in Section 78095, and submit
20 it to the department. The preliminary endangerment assessment
21 shall be conducted in accordance with the most current department
22 guidance manual for evaluating hazardous substance release sites
23 and shall include an evaluation of process areas or locations where
24 releases of materials containing hazardous constituents may have
25 or have occurred, a conceptual site model, and site-specific human
26 health and ecological screening evaluations.

27 (b) The owner or operator of a metal shredding facility shall
28 conduct corrective action as needed to address releases of
29 hazardous substances that pose a significant threat to human
30 health or the environment. This subdivision does not prohibit the
31 department from issuing a corrective action order under Section
32 25187 subsequent to any investigation of the metal shredding
33 facility.

34 (c) The owner or operator of a metal shredding facility may
35 demonstrate compliance with this section by providing evidence
36 to the department that, within the last five years, the metal
37 shredding facility has completed an assessment of the metal
38 shredding facility pursuant to an order issued by the department,
39 a regional water quality control board, or any other federal, state,

1 or local agency and is implementing, or has implemented, any
2 corrective action requirements imposed by the agency.

3 25095.31. (a) The owner or operator of a metal shredding
4 facility shall provide the department with immediate notice of a
5 fire or other incident at the metal shredding facility that requires
6 the assistance of a local fire department or other first responder.
7 This notice shall be in addition to any notice that is required to
8 be made to the Office of Emergency Services or any other agency
9 under applicable law.

10 (b) The owner or operator of a metal shredding facility shall
11 establish an effective means of providing public notice to members
12 of the surrounding community upon the occurrence of a fire or
13 other incident at the metal shredding facility that requires the
14 assistance of a local fire department or other first responder.

15 (c) The department shall evaluate how to apply to metal
16 shredding facilities its policies relating to environmental justice
17 and the protection of vulnerable communities or sensitive receptors
18 and other sensitive locations as described in subdivisions (b) and
19 (c) of Section 25200.21.

20

21

Article 6. Closure

22

23 25095.40. (a) The owner or operator of a metal shredding
24 facility shall have a written closure plan.

25 (1) The written closure plan shall address all of the following:

26 (A) The closure and removal of all feedstock, metal shredder
27 aggregate, and treated and untreated metal shredder residue.

28 (B) The decontamination of equipment and operating areas
29 used for processing metal shredder aggregate.

30 (C) The treatment of metal shredder residue and management
31 of chemically treated metal shredder residue.

32 (2) The written closure plan shall include all of the following:

33 (A) A description of how each authorized unit will be closed.
34 The description shall identify the maximum extent of the operation
35 during the life of the unit, and how all of the following requirements
36 will be met, if applicable:

37 (i) Section 66265.114 of Title 22 of the California Code of
38 Regulations.

1 (ii) Subdivisions (a), (b), and paragraphs (1) and (2) of
2 subdivision (c) of Section 66265.197 of Title 22 of the California
3 Code of Regulations.

4 (iii) Section 66265.404 of Title 22 of the California Code of
5 Regulations.

6 (B) An estimate of the maximum inventory of material in storage
7 and in treatment at any time during the operation of an authorized
8 unit at the metal shredding facility.

9 (C) A description of the steps needed to remove or
10 decontaminate a unit, equipment, or structure during partial and
11 final closure, including, but not limited to, procedures for cleaning
12 equipment and removing contaminated soils, methods for sampling
13 and testing surrounding soils, and criteria for determining the
14 extent of decontamination required.

15 (D) An estimate of the expected year of closure and a schedule
16 for final closure. The schedule for final closure shall include, at
17 minimum, the total time required to close each authorized unit.

18 (3) The written closure plan shall be subject to approval by the
19 department.

20 (4) An amendment to the written closure plan shall be done in
21 compliance with subdivision (c) of Section 66265.112 of Title 22
22 of the California Code of Regulations.

23 (b) The metal shredder facility shall maintain compliance with
24 both of the following requirements regarding closure:

25 (1) Subdivisions (a) and (b) of Section 66265.111 of Title 22 of
26 the California Code of Regulations, in the same manner as those
27 provisions apply to metal shredding facilities.

28 (2) Section 66265.114 of Title 22 of the California Code of
29 Regulations.

30 (c) Within 90 days after processing the final volume of metal
31 shredder aggregate, the owner or operator shall commence closure
32 of the metal shredding facility in accordance with the written
33 closure plan.

34 (d) The owner or operator shall complete closure activities in
35 accordance with the written closure plan within 180 days after
36 processing the final volume of metal shredder aggregate unless
37 the owner or operator demonstrates to the department any of the
38 following:

39 (1) The activities required to complete the closure will require
40 longer than 180 days to complete.

1 (2) *An authorized unit has the capacity to process additional*
2 *metal shredder aggregate.*

3 (3) *There is a reasonable likelihood that a person other than*
4 *the owner or operator will recommence operation of a unit, closure*
5 *of the unit would be incompatible with the operation of the metal*
6 *shredding facility, and the owner or operator has taken and will*
7 *continue to take all steps necessary to prevent threats to human*
8 *health and the environment.*

9 (e) *The owner or operator shall notify the department and any*
10 *other agencies having jurisdiction over the closure project at least*
11 *15 days before completion of closure.*

12 (f) *The owner or operator shall remain in compliance with all*
13 *applicable requirements of this chapter until the owner or operator*
14 *submits to the department or authorized agency a certification*
15 *signed by the owner or operator and by an independent,*
16 *professional engineer registered in California that closure has*
17 *been completed in accordance with the written closure plan and*
18 *that the written closure plan meets or exceeds the applicable*
19 *requirements of this chapter.*

20 25095.41. (a) *The owner or operator shall provide a closure*
21 *cost estimate to the department in accordance with Section*
22 *66265.142 of Title 22 of the California Code of Regulations and*
23 *based on all of the following factors:*

24 (1) *The cost of transporting any unprocessed metal shredder*
25 *aggregate and metal shredder residue to another metal shredding*
26 *facility for processing or disposal.*

27 (2) *The cost of decontaminating all areas and equipment used*
28 *for storage and processing of metal shredder aggregate.*

29 (3) *The cost of decontaminating all areas and equipment used*
30 *for treatment and storage of treated or untreated metal shredder*
31 *residue.*

32 (4) *The cost for all closure sampling and analysis confirming*
33 *decontamination sufficiently meets closure performance standards.*

34 (5) *The cost of disposition of the maximum amount of metal*
35 *shredder aggregate and metal shredder residue that may be present*
36 *at the metal shredding facility at the time of closure.*

37 (6) *The cost of closure certification.*

38 (b) *For purposes of calculating the closure cost estimate, the*
39 *owner or operator may apply the fair market value of any*
40 *remaining feedstock and metal shredder aggregate against the*

1 *estimated cost of closure. In addition, the owner or operator may*
2 *take into consideration metal shredding facility structures,*
3 *equipment, and other assets that may continue to be used, sold to*
4 *third parties, or salvaged for scrap value. The closure cost estimate*
5 *shall also be determined based on the site-specific aspects of the*
6 *metal shredding facility, including, without limitation, those*
7 *site-specific aspects specified in Section 25095.40.*

8 (c) *The owner or operator shall provide a financial assurance*
9 *mechanism for closure of the metal shredding facility using one*
10 *or more of the financial mechanisms described in Section*
11 *66265.143 of Title 22 of the California Code of Regulations.*

12 (d) *The owner or operator shall provide a financial assurance*
13 *mechanism for bodily injury and property damage to third parties*
14 *caused by sudden accidental occurrences arising from operations*
15 *of the metal shredding facility. The owner or operator shall have*
16 *and maintain liability coverage for sudden accidental occurrences*
17 *in the amount of at least one million dollars (\$1,000,000) per*
18 *occurrence with an annual aggregate of at least two million dollars*
19 *(\$2,000,000), exclusive of legal defense costs. The owner or*
20 *operator may satisfy the requirements of this subdivision through*
21 *a financial mechanism identified in Section 66265.147 of Title 22*
22 *of the California Code of Regulations.*

23

24 *Article 7. Fees*

25

26 25095.50. (a) *The department may collect an annual fee from*
27 *all metal shredding facilities that are subject to the requirements*
28 *of this chapter. The department shall establish and adopt*
29 *regulations necessary to administer this fee and to establish a fee*
30 *schedule that is set at a rate sufficient to reimburse the*
31 *department's reasonable costs to implement this chapter as*
32 *applicable to metal shredding facilities. The fee schedule*
33 *established by the department may be adjusted annually by the*
34 *Board of Environmental Safety as necessary and shall provide for*
35 *the assessment of no more than the reasonable and necessary costs*
36 *of the department to implement this chapter, as applicable to metal*
37 *shredding facilities.*

38 (b) *The Controller shall establish a separate subaccount in the*
39 *Hazardous Waste Control Account. The fees collected pursuant*
40 *to this section shall be deposited into the subaccount and be*

1 available for expenditure by the department, upon appropriation
2 by the Legislature, solely for purposes of implementation and
3 administration of this chapter.

4 (c) A regulation adopted pursuant to this section may be adopted
5 as an emergency regulation in accordance with Chapter 3.5
6 (commencing with Section 11340) of Part 1 of Division 3 of Title
7 2 of the Government Code, and, for purposes of that chapter,
8 including Section 11349.6 of the Government Code, the adoption
9 of these regulations is an emergency and shall be considered by
10 the Office of Administrative Law as necessary for the immediate
11 preservation of the public peace, health, safety, and general
12 welfare. Notwithstanding Chapter 3.5 (commencing with Section
13 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
14 an emergency regulation adopted by the department pursuant to
15 this section shall be filed with, but not be repealed by, the Office
16 of Administrative Law and shall remain in effect for a period of
17 two years or until revised by the department, whichever occurs
18 sooner.

19 (d) (1) A metal shredding facility paying an annual fee in
20 accordance with this section is not subject to any of the following
21 fees set forth in Chapter 6.5 (commencing with Section 25100),
22 with respect to the production and processing of metal shredder
23 aggregate and the generation, handling, treatment, transportation,
24 and disposal of untreated or treated metal shredder residue:

25 (A) A fee imposed pursuant to Section 25205.7.

26 (B) A disposal fee imposed pursuant to Section 25174.1.

27 (C) A facility fee imposed pursuant to Section 25205.2.

28 (D) A fee imposed pursuant to Section 25205.5.

29 (2) A metal shredding facility is not exempt from the fees listed
30 in paragraph (1) for any hazardous waste generated and handled
31 by the metal shredding facility that are ancillary to metal
32 processing operations at the metal shredding facility.

33

34

Article 8. Enforcement

35

36 25095.60. The authority granted to the department in Article
37 8 (commencing with Section 25180) of Chapter 6.5 and its
38 implementing regulations may be used to enforce this chapter,
39 including, but not limited to, the authority to suspend the
40 authorization of any metal shredding facility that has been

1 *determined to pose an imminent and substantial endangerment to*
2 *human health or the environment.*

3 25095.61. (a) (1) *The department may revoke or suspend a*
4 *permit, including a deemed permit, authorizing a metal shredding*
5 *facility to operate under this chapter. A revocation or suspension*
6 *shall be based on at least one of the following:*

7 (A) *Noncompliance with a condition of the applicable permit.*

8 (B) *An owner or operator's failure in the application or during*
9 *the permit issuance process to disclose fully all relevant facts or*
10 *a misrepresentation of any relevant fact at any time.*

11 (C) *A determination that the permitted activity endangers human*
12 *health or the environment and can only be regulated to acceptable*
13 *levels by permit denial, modification, suspension, or revocation.*

14 (D) *Any cause specified in Section 25186.*

15 (2) *The department shall provide notice of any adverse action*
16 *it proposes to be taken to the owner or operator of the metal*
17 *shredding facility by certified mail with return receipt requested*
18 *or by personal service.*

19 (3) *An owner or operator who wishes to appeal that adverse*
20 *action shall appeal by submitting a letter to the department, within*
21 *10 days of receipt of notice of the adverse action, and requesting*
22 *a hearing.*

23 (4) *Proceedings to appeal the department's decision concerning*
24 *the revocation or suspension of a permit to operate a metal*
25 *shredding facility pursuant to this chapter shall be conducted in*
26 *accordance with Chapter 5 (commencing with section 11500) of*
27 *Part 1 of Division 3 of Title 2 of the Government Code.*

28 (b) *An authorization to operate pursuant to this chapter is*
29 *contingent upon the accuracy of information contained in the*
30 *notifications and other documents required to be maintained.*

31 SEC. 2. *Section 25117 of the Health and Safety Code is*
32 *amended to read:*

33 25117. (a) *Except as provided in subdivision (d), "hazardous*
34 *waste" means a waste that meets any of the criteria for the*
35 *identification of a hazardous waste adopted by the department*
36 *pursuant to Section 25141.*

37 (b) *"Hazardous waste" includes, but is not limited to, RCRA*
38 *hazardous waste.*

1 (c) Unless expressly provided otherwise, “hazardous waste”
2 also includes extremely hazardous waste and acutely hazardous
3 waste.

4 (d) “Hazardous waste” does not include a material that is not
5 hazardous waste pursuant to Section 25095.20 or 25095.21.

6 ~~(d)~~

7 (e) Notwithstanding subdivision (a), in any criminal or civil
8 prosecution brought by a city attorney, county counsel, district
9 attorney, or the Attorney General for violation of this chapter,
10 when it is an element of proof that the person knew or reasonably
11 should have known of the violation, or violated the chapter
12 willfully or with reckless disregard for the risk, or acted
13 intentionally or negligently, the element of proof that the waste is
14 hazardous waste may be satisfied by demonstrating that the waste
15 exhibited the characteristics set forth in subdivision (b) of Section
16 25141.

17 *SEC. 3. Section 25150.82 of the Health and Safety Code is*
18 *repealed.*

19 ~~25150.82.—(a) The Legislature finds and declares that this~~
20 ~~section is intended to address the unique circumstances associated~~
21 ~~with the operation of metal shredding facilities, and the generation~~
22 ~~and management of wastes generated by metal shredding facilities.~~
23 ~~The Legislature further declares that this section does not set a~~
24 ~~precedent applicable to the management, including disposal, of~~
25 ~~other hazardous wastes.~~

26 ~~(b) For purposes of this section, “metal shredding facility” means~~
27 ~~an operation that uses a shredding technique to process end-of-life~~
28 ~~vehicles, appliances, and other forms of scrap metal to facilitate~~
29 ~~the separation and sorting of ferrous metals, nonferrous metals,~~
30 ~~and other recyclable materials from nonrecyclable materials that~~
31 ~~are components of the end-of-life vehicles, appliances, and other~~
32 ~~forms of scrap metal. “Metal shredding facility” does not include~~
33 ~~a feeder yard, a metal crusher, or a metal baler, if that facility does~~
34 ~~not otherwise conduct metal shredding operations.~~

35 ~~(c) The department, in consultation with the Department of~~
36 ~~Resources Recycling and Recovery, the State Water Resources~~
37 ~~Control Board, and affected local air quality management districts,~~
38 ~~may adopt regulations establishing management standards for~~
39 ~~metal shredding facilities for hazardous waste management~~
40 ~~activities within the department’s jurisdiction as an alternative to~~

1 the requirements specified in this chapter and the regulations
2 adopted pursuant to this chapter, if the department does all of the
3 following:

4 (1) Prepares an analysis of the activities to which the alternative
5 management standards will apply pursuant to subdivision (d). The
6 department shall first prepare the analysis as a preliminary analysis
7 and make it available to the public at the same time that the
8 department gives notice, pursuant to Section 11346.4 of the
9 Government Code, that it proposes to adopt the alternative
10 management standards. The department shall include in the notice
11 a statement that the department has prepared a preliminary analysis
12 and a statement concerning where a copy of the preliminary
13 analysis can be obtained. The information in the preliminary
14 analysis shall be updated and the department shall make the
15 analysis available to the public as a final analysis not less than 10
16 working days before the date that the regulation is adopted.

17 (2) Demonstrates at least one of the conclusions set forth in
18 paragraphs (1) to (4), inclusive, of subdivision (c).

19 (3) Imposes, as may be necessary, conditions and limitations
20 as part of the alternative management standards that ensure that
21 the hazardous waste management activity to which the alternative
22 management standards will apply will not pose a significant
23 potential hazard to human health or safety or to the environment.

24 (d) Before the department gives notice of a proposal to adopt
25 the alternative management standards pursuant to subdivision (c),
26 and before the department adopts the regulation, the department
27 shall do all of the following:

28 (1) Evaluate the operative environmental and public health
29 regulatory oversight of metal shredding facilities, identifying
30 activities that need to be addressed by the alternative management
31 standards, or other advisable regulatory or statutory changes.

32 (2) Evaluate the hazardous waste management activities:

33 (3) Prepare, as required by paragraph (1) of subdivision (c), an
34 analysis that addresses all of the following aspects of the activity,
35 to the extent that the alternative management standards can affect
36 these aspects of the activity:

37 (A) The types of hazardous waste and the estimated amounts
38 of each hazardous waste that are managed as part of the activity
39 and the hazards to human health or safety or to the environment
40 posed by reasonably foreseeable mismanagement of those

1 hazardous wastes and their hazardous constituents. The estimate
2 of the amounts of each hazardous waste that are managed as part
3 of the activity shall be based upon information reasonably available
4 to the department.

5 (B) The complexity of the activity, and the amount and
6 complexity of operator training, equipment installation and
7 maintenance, and monitoring that are required to ensure that the
8 activity is conducted in a manner that safely and effectively
9 manages each hazardous waste.

10 (C) The chemical or physical hazards that are associated with
11 the activity and the degree to which those hazards are similar to,
12 or different from, the chemical or physical hazards that are
13 associated with the production processes that are carried out in the
14 facilities that produce the hazardous waste that is managed as part
15 of the activity.

16 (D) The types of accidents that might reasonably be foreseen
17 to occur during the management of particular types of hazardous
18 waste streams as part of the activity, the likely consequences of
19 those accidents, and the reasonably available actual accident history
20 associated with the activity.

21 (E) The types of locations where hazardous waste management
22 activities associated with metal shredding and management of
23 treated metal shredder waste may be carried out and the types of
24 hazards or risks that may be posed by proximity to the land uses
25 described in Section 25227. The estimate of the number of
26 locations where the activity may be carried out shall be based upon
27 information reasonably available to the department.

28 (e) The department shall not give notice proposing the adoption
29 of, and the department shall not adopt, a regulation pursuant to
30 subdivision (e) unless it first demonstrates at least one of the
31 following, using the information developed in the analysis prepared
32 pursuant to subdivision (d) and any other information available to
33 the department:

34 (1) The requirements that the alternative management standards
35 replace are not significant or important in either of the following
36 situations:

37 (A) Preventing or mitigating potential hazards to human health
38 or safety or to the environment posed by the activity.

1 ~~(B) Ensuring that the activity is conducted in compliance with~~
2 ~~other applicable requirements of this chapter and the regulations~~
3 ~~adopted pursuant to this chapter.~~

4 ~~(2) A requirement is imposed and enforced by another public~~
5 ~~agency that provides protection of human health and safety and~~
6 ~~the environment that is as effective as, and equivalent to, the~~
7 ~~protection provided by the requirement, or requirements, that the~~
8 ~~alternative management standards replace.~~

9 ~~(3) Conditions or limitations imposed as part of the alternative~~
10 ~~management standards will provide protection of human health~~
11 ~~and safety and the environment equivalent to the requirement, or~~
12 ~~requirements, that the alternative management standards replace.~~

13 ~~(4) Conditions or limitations imposed as part of the alternative~~
14 ~~management standards accomplish the same regulatory purpose~~
15 ~~as the requirement, or requirements, that the alternative~~
16 ~~management standards replace, but at less cost or with greater~~
17 ~~administrative convenience, and without increasing potential risks~~
18 ~~to human health or safety or to the environment.~~

19 ~~(f) The department shall not adopt alternative management~~
20 ~~standards pursuant to this section if those standards are less~~
21 ~~stringent than the standards that would otherwise apply under the~~
22 ~~federal act.~~

23 ~~(g) Nothing in the alternative management standards authorized~~
24 ~~by this section is intended to duplicate or conflict with other laws,~~
25 ~~rules, or regulations adopted by other state agencies or affected~~
26 ~~local air quality management districts. The department shall, as~~
27 ~~much as possible, align the alternative management standards with~~
28 ~~the laws, rules, and regulations of other state agencies or affected~~
29 ~~local air quality management districts.~~

30 ~~(h) The owner or operator of a metal shredding facility, or solid~~
31 ~~waste disposal facility that has accepted treated metal shredder~~
32 ~~waste, that may be subject to the alternative management standards~~
33 ~~shall provide to the department all information and data determined~~
34 ~~by the department to be relevant to the evaluation and preparation~~
35 ~~of the analysis required by subparagraphs (A) to (E), inclusive, of~~
36 ~~paragraph (3) of subdivision (d).~~

37 ~~(i) The alternative management standards adopted by the~~
38 ~~department pursuant to this section may, to the extent it is~~
39 ~~consistent with the standards that would otherwise apply under~~
40 ~~the federal act, allow for treated metal shredder waste to be~~

1 classified and managed as nonhazardous waste, provided that the
2 analysis prepared pursuant to subdivision (d) demonstrates that
3 classification and management as hazardous waste is not necessary
4 to prevent or mitigate potential hazards to human health or safety
5 or to the environment posed by the treated metal shredder waste.

6 ~~(j) (1) The disposal of treated metal shredder waste shall be~~
7 ~~regulated pursuant to this chapter and the regulations adopted~~
8 ~~pursuant to this chapter, unless alternative management standards~~
9 ~~are adopted by the department pursuant to this section.~~

10 ~~(2) If the alternative management standards adopted by the~~
11 ~~department pursuant to this section result in treated metal shredder~~
12 ~~waste being classified as nonhazardous waste, the material may~~
13 ~~be managed in either of the following manners:~~

14 ~~(A) It may be used at a unit described in subparagraph (B) as~~
15 ~~alternative daily cover or for beneficial reuse pursuant to Section~~
16 ~~41781.3 of the Public Resources Code and the regulations adopted~~
17 ~~to implement that section.~~

18 ~~(B) It may be placed in a unit that meets the waste discharge~~
19 ~~requirements issued pursuant to Division 7 (commencing with~~
20 ~~Section 13000) of the Water Code that allow for discharges of~~
21 ~~designated waste, as defined in Section 13173 of the Water Code,~~
22 ~~or of treated metal shredder waste.~~

23 ~~(3) This section does not limit the disposal or use of treated~~
24 ~~metal shredder waste as alternative daily cover pursuant to Section~~
25 ~~41781.3 of the Public Resources Code and the regulations adopted~~
26 ~~to implement that section, or for other authorized beneficial uses~~
27 ~~if that disposal or use is at a facility meeting the requirements of~~
28 ~~subparagraph (B) of paragraph (2), is made under the authority of~~
29 ~~the hazardous waste determinations governing metal shredder~~
30 ~~waste issued by the department before January 1, 2014, and is~~
31 ~~made before the department does either of the following:~~

32 ~~(A) Rescinds, in accordance with applicable law, the conditional~~
33 ~~nonhazardous waste classifications issued pursuant to subdivision~~
34 ~~(f) of Section 66260.200 of Title 22 of the California Code of~~
35 ~~Regulations with regard to treated metal shredder waste.~~

36 ~~(B) Completes the adoption of alternative management standards~~
37 ~~pursuant to this section.~~

38 ~~(k) The department shall complete the analysis described in~~
39 ~~paragraph (1) of subdivision (e) and subsequent regulatory action~~
40 ~~before January 1, 2018. All hazardous waste classifications and~~

1 policies, procedures, or guidance issued by the department before
2 January 1, 2014, governing or related to the generation, treatment,
3 and management of metal shredder waste or treated metal shredder
4 waste shall be inoperative and have no further effect on January
5 1, 2018, if the department completes its analysis pursuant to
6 subdivision (e) and takes one of the following actions:

7 (1) Rescinds the conditional nonhazardous waste classifications
8 issued pursuant to subdivision (f) of Section 66260.200 of Title
9 22 of the California Code of Regulations with regard to that waste.

10 (2) Adopts alternative management standards pursuant to this
11 section.

12 (l) The authority of the department to adopt original regulations
13 pursuant to this section shall remain in effect only until January
14 1, 2018, unless a later enacted statute, which is enacted before
15 January 1, 2018, deletes or extends that date. This subdivision does
16 not invalidate any regulation adopted pursuant to this section before
17 the expiration of the department's authority.

18 (m) A regulation adopted pursuant to this section on or before
19 January 1, 2018, shall continue in force and effect after that date,
20 until repealed or revised by the department.

21 *SEC. 4. Section 25150.84 of the Health and Safety Code is*
22 *repealed.*

23 25150.84. (a) The department is authorized to collect an annual
24 fee from all metal shredding facilities that are subject to the
25 requirements of this chapter or to the alternative management
26 standards adopted pursuant to Section 25150.82. The department
27 shall establish and adopt regulations necessary to administer this
28 fee and to establish a fee schedule that is set at a rate sufficient to
29 reimburse the department's costs to implement this chapter as
30 applicable to metal shredder facilities. The fee schedule established
31 by the department may be updated periodically as necessary and
32 shall provide for the assessment of no more than the reasonable
33 and necessary costs of the department to implement this chapter,
34 as applicable to metal shredder facilities.

35 (b) The Controller shall establish a separate subaccount in the
36 Hazardous Waste Control Account. The fees collected pursuant
37 to this section shall be deposited into the subaccount and be
38 available for expenditure by the department upon appropriation
39 by the Legislature.

1 ~~(e) A regulation adopted pursuant to this section may be adopted~~
2 ~~as an emergency regulation in accordance with Chapter 3.5~~
3 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
4 ~~2 of the Government Code, and for the purposes of that chapter,~~
5 ~~including Section 11349.6 of the Government Code, the adoption~~
6 ~~of these regulations is an emergency and shall be considered by~~
7 ~~the Office of Administrative Law as necessary for the immediate~~
8 ~~preservation of the public peace, health, safety, and general welfare.~~
9 ~~Notwithstanding Chapter 3.5 (commencing with Section 11340)~~
10 ~~of Part 1 of Division 3 of Title 2 of the Government Code, an~~
11 ~~emergency regulation adopted by the department pursuant to this~~
12 ~~section shall be filed with, but not be repealed by, the Office of~~
13 ~~Administrative Law and shall remain in effect for a period of two~~
14 ~~years or until revised by the department, whichever occurs sooner.~~

15 ~~(d) (1) A metal shredding facility paying an annual fee in~~
16 ~~accordance with this section shall be exempt from the following~~
17 ~~fees as the fees pertain to metal shredding activities and the~~
18 ~~generation, handling, management, transportation, and disposal~~
19 ~~of metal shredder waste:~~

20 ~~(A) A fee imposed pursuant to Section 25205.7.~~

21 ~~(B) A disposal fee imposed pursuant to Section 25174.1 until~~
22 ~~July 1, 2022.~~

23 ~~(C) A facility fee imposed pursuant to Section 25205.2.~~

24 ~~(D) A fee imposed pursuant to Section 25205.5.~~

25 ~~(E) A transportable treatment unit fee imposed pursuant to~~
26 ~~Section 25205.14 until July 1, 2022, and Section 25205.2 on and~~
27 ~~after July 1, 2022.~~

28 ~~(2) A metal shredding facility is not exempt from the fees listed~~
29 ~~in paragraph (1) for any other hazardous waste the metal shredding~~
30 ~~facility generates and handles.~~

31 *SEC. 5. Section 25150.86 of the Health and Safety Code is*
32 *repealed.*

33 ~~25150.86. Treated metal shredder waste that is managed in~~
34 ~~accordance with the alternative management standards adopted~~
35 ~~by the department pursuant to Section 25180.82 and that is~~
36 ~~accepted by a solid waste landfill or other authorized location for~~
37 ~~disposal or for use as alternative daily cover or other beneficial~~
38 ~~use shall thereafter be deemed to be a solid waste for purposes of~~
39 ~~this chapter and Section 40191 of the Public Resources Code.~~

1 *SEC. 6. The Legislature finds and declares that metal shredding*
 2 *facilities are essential to a thriving circular economy in the State*
 3 *of California and the regulation of those facilities is a matter of*
 4 *statewide concern and is not a municipal affair as that term is*
 5 *used in Section 5 of Article XI of the California Constitution.*
 6 *Therefore, Section 1 of this act adding Chapter 6.4 (commencing*
 7 *with Section 25095) to Division 20 of the Health and Safety Code*
 8 *applies to all cities, including charter cities.*

9 -

10 ~~SECTION 1. Section 30512 of the Public Resources Code is~~
 11 ~~amended to read:~~

12 ~~30512. (a) The land use plan of a proposed local coastal~~
 13 ~~program shall be submitted to the commission. The commission~~
 14 ~~shall, within 90 working days after the submittal, after public~~
 15 ~~hearing, either certify or refuse certification, in whole or in part,~~
 16 ~~of the land use plan pursuant to the following procedure:~~

17 ~~(1) (A) No later than 60 working days after a land use plan has~~
 18 ~~been submitted to it, the commission shall, after public hearing~~
 19 ~~and by majority vote of those members present, determine whether~~
 20 ~~the land use plan, or a portion thereof applicable to an identifiable~~
 21 ~~geographic area, raises no substantial issue as to conformity with~~
 22 ~~the policies of Chapter 3 (commencing with Section 30200).~~

23 ~~(B) If the commission determines that no substantial issue is~~
 24 ~~raised, the land use plan, or portion thereof applicable to an~~
 25 ~~identifiable area, which raises no substantial issue, shall be deemed~~
 26 ~~certified as submitted. The commission shall adopt findings to~~
 27 ~~support its action.~~

28 ~~(2) Where the commission determines pursuant to paragraph~~
 29 ~~(1) that one or more portions of a land use plan applicable to one~~
 30 ~~or more identifiable geographic areas raise no substantial issue as~~
 31 ~~to conformity with the policies of Chapter 3 (commencing with~~
 32 ~~Section 30200), the remainder of that land use plan applicable to~~
 33 ~~other identifiable geographic areas shall be deemed to raise one~~
 34 ~~or more substantial issues as to conformity with the policies of~~
 35 ~~Chapter 3 (commencing with Section 30200). The commission~~
 36 ~~shall identify each substantial issue for each geographic area.~~

37 ~~(3) The commission shall hold at least one public hearing on~~
 38 ~~the matter or matters that have been identified as substantial issues~~
 39 ~~pursuant to paragraph (2). No later than 90 working days after the~~
 40 ~~submittal of the land use plan, the commission shall determine~~

1 whether or not to certify the land use plan, in whole or in part. If
2 the commission fails to act within the required 90-day period, the
3 land use plan, or portion thereof, shall be deemed certified by the
4 commission.

5 (b) (1) If the commission determines not to certify a land use
6 plan, in whole or in part, the commission shall provide a written
7 explanation and may suggest modifications, which, if adopted and
8 transmitted to the commission by the local government, shall cause
9 the land use plan to be deemed certified upon confirmation of the
10 executive director. The local government may elect to meet the
11 commission's refusal of certification in a manner other than as
12 suggested by the commission and may then resubmit its revised
13 land use plan to the commission. If a local government requests
14 that the commission not recommend or suggest modifications that,
15 if made, will result in certification, the commission shall refuse
16 certification with the required findings.

17 (2) For purposes of adopting modifications suggested by the
18 commission pursuant to paragraph (1), the legislative body of a
19 city or county may delegate to its planning director, or equivalent
20 position, the authority to adopt nonsubstantive modifications to a
21 land use plan if all of the following conditions are met:

22 (A) The land use plan amendment that is the subject of the
23 modification pertains to a project that has at least 15 percent of
24 the units affordable to lower income households.

25 (B) The modification qualifies as "nonsubstantive." For the
26 purposes of this paragraph, a nonsubstantive modification means
27 a modification that has no significant adverse effect on the physical
28 environment, has no potential for any adverse effect, individually
29 or cumulatively, on coastal resources or on development, and does
30 not affect the intensity of permissible land uses on a parcel.

31 (C) The legislative body adopts a policy, via ordinance or
32 resolution, at a regular public meeting that delegates the authority
33 to a public official and includes a definition of the scope of
34 modifications that qualify as nonsubstantive that is no less
35 restrictive than the definition in subparagraph (B).

36 (D) The policy adopted pursuant to subparagraph (C) shall do
37 all of the following:

38 (i) Include identification of the public official to whom the
39 authority to adopt modifications is delegated.

- 1 (ii) ~~Require the public official to make a finding, supported by~~
- 2 ~~substantial evidence, that the modification meets the requirements~~
- 3 ~~of subparagraphs (A) and (B).~~
- 4 (iii) ~~Require online posting of the findings and proposed~~
- 5 ~~decisions, mailed notice to affected property owners in the manner~~
- 6 ~~required for zoning ordinances pursuant to existing law, and~~
- 7 ~~electronic notification to individuals that request to be notified of~~
- 8 ~~these decisions not less than 45 days before the decision becomes~~
- 9 ~~effective.~~
- 10 (iv) ~~Require notice to the members of the legislative body not~~
- 11 ~~less than 45 days before the decision becomes effective.~~
- 12 (v) ~~Establish a means for accepting written comments on the~~
- 13 ~~proposed decision for at least 30 days before the decision becomes~~
- 14 ~~effective.~~
- 15 (vi) ~~Provide that the posting, notice, and comment periods in~~
- 16 ~~clauses (iii), (iv), and (v) may commence only after the commission~~
- 17 ~~has taken final action on a modification.~~
- 18 (vii) ~~Provide the authority for a single member of the legislative~~
- 19 ~~body to refer any proposed decision to the legislative body for~~
- 20 ~~action before the decision becomes effective.~~
- 21 (viii) ~~Include expiration of the delegation after no more than~~
- 22 ~~two years.~~
- 23 (e) ~~The commission shall certify a land use plan, or any~~
- 24 ~~amendments thereto, if it finds that a land use plan meets the~~
- 25 ~~requirements of, and is in conformity with, the policies of Chapter~~
- 26 ~~3 (commencing with Section 30200). Except as provided in~~
- 27 ~~paragraph (1) of subdivision (a), a decision to certify shall require~~
- 28 ~~a majority vote of the appointed membership of the commission.~~
- 29 ~~SEC. 2. Section 30513 of the Public Resources Code is~~
- 30 ~~amended to read:~~
- 31 ~~30513. (a) The local government shall submit to the~~
- 32 ~~commission the zoning ordinances, zoning district maps, and,~~
- 33 ~~where necessary, other implementing actions that are required~~
- 34 ~~pursuant to this chapter.~~
- 35 ~~(b) If within 60 working days after receipt of the zoning~~
- 36 ~~ordinances, zoning district maps, and other implementing actions,~~
- 37 ~~the commission, after public hearing, has not rejected the zoning~~
- 38 ~~ordinances, zoning district maps, or other implementing actions,~~
- 39 ~~they shall be deemed approved. The commission may only reject~~
- 40 ~~zoning ordinances, zoning district maps, or other implementing~~

1 actions on the grounds that they do not conform with, or are
2 inadequate to carry out, the provisions of the certified land use
3 plan. If the commission rejects the zoning ordinances, zoning
4 district maps, or other implementing actions, it shall give written
5 notice of the rejection specifying the provisions of the land use
6 plan with which the rejected zoning ordinances do not conform or
7 which it finds will not be adequately carried out together with its
8 reasons for the action taken.

9 (e) (1) The commission may suggest modifications in the
10 rejected zoning ordinances, zoning district maps, or other
11 implementing actions, which, if adopted by the local government
12 and transmitted to the commission, shall be deemed approved upon
13 confirmation by the executive director.

14 (2) For purposes of adopting modifications suggested by the
15 commission pursuant to paragraph (1), the legislative body of a
16 city or county may delegate to its planning director, or equivalent
17 position, the authority to adopt nonsubstantive modifications to
18 zoning ordinances, zoning district maps, or other implementing
19 actions if all of the following conditions are met:

20 (A) The amendment to a zoning ordinance, zoning district map,
21 or other implementing action that is the subject of the modification
22 pertains to a project that has at least 15 percent of the units
23 affordable to lower income households.

24 (B) The modification qualifies as “nonsubstantive.” For the
25 purposes of this subparagraph, a nonsubstantive modification
26 means a modification that has no significant adverse effect on the
27 physical environment, has no potential for any adverse effect,
28 individually or cumulatively, on coastal resources or on
29 development, and does not affect the intensity of permissible land
30 uses on a parcel.

31 (C) The legislative body adopts a policy, via ordinance or
32 resolution, at a regular public meeting that delegates the authority
33 to a public official and includes a definition of the scope of
34 modifications that qualify as nonsubstantive that is no less
35 restrictive than the definition in subparagraph (B).

36 (D) The policy adopted pursuant to subparagraph (C) shall do
37 all of the following:

38 (i) Include identification of the public official to whom the
39 authority to adopt modifications is delegated.

- 1 (ii) ~~Require the public official to make a finding, supported by~~
- 2 ~~substantial evidence, that the modification meets the requirements~~
- 3 ~~of subparagraphs (A) and (B).~~
- 4 (iii) ~~Require online posting of the findings and proposed~~
- 5 ~~decisions, mailed notice to affected property owners in the manner~~
- 6 ~~required for zoning ordinances pursuant to existing law, and~~
- 7 ~~electronic notification to individuals that request to be notified of~~
- 8 ~~these decisions not less than 45 days before the decision becomes~~
- 9 ~~effective.~~
- 10 (iv) ~~Require notice to the members of the legislative body not~~
- 11 ~~less than 45 days before the decision becomes effective.~~
- 12 (v) ~~Establish a means for accepting written comments on the~~
- 13 ~~proposed decision for at least 30 days before the decision becomes~~
- 14 ~~effective.~~
- 15 (vi) ~~Provide that the posting, notice, and comment periods in~~
- 16 ~~clauses (iii), (iv), and (v) may commence only after the commission~~
- 17 ~~has taken final action on a modification.~~
- 18 (vii) ~~Provide the authority for a single member of the legislative~~
- 19 ~~body to refer any proposed decision to the legislative body for~~
- 20 ~~action before the decision becomes effective.~~
- 21 (viii) ~~Include expiration of the delegation after no more than~~
- 22 ~~two years.~~
- 23 (d) ~~The local government may elect to meet the commission's~~
- 24 ~~rejection in a manner other than as suggested by the commission~~
- 25 ~~and may then resubmit its revised zoning ordinances, zoning district~~
- 26 ~~maps, and other implementing actions to the commission.~~
- 27 (e) ~~If a local government requests that the commission not~~
- 28 ~~suggest modifications in the rejected zoning ordinances, zoning~~
- 29 ~~district maps, or other implementing ordinances, the commission~~
- 30 ~~shall not do so.~~

O

Program	FY 23/24 Approved Budget, Budget Bill Jr. + SB 109 (2024) Budget Bill Jr.	FY 24/25 Proposed Budget (January) AB 1812 (Gabriel) and SB 917 (Skinner)	FY 24/25 Budget, Budget Bill Jr. Trailer Bills "Budget Deal"
AB 617 – Implementation	\$60M	\$50M	\$50M
AB 617 – Incentives	\$234M	\$195M	\$195M
AB 617 – Community Grants	\$6M	\$5M	\$5M
AB 617 - Additional (CERP)	\$0	\$0	\$0
Clean Vehicle Rebate	\$0	\$0	\$0
Clean Truck & Bus	\$0	\$0	\$0
Ag Diesel Engine Replacement	\$75M	\$0	\$0
Clean Cars For All/School Bus/Equity	\$80M	\$0	\$0
Resilience Centers	\$0	\$0	\$0
Prescribed Fire	\$2M	\$3M	\$3M
Carl Moyer Program	\$130M	\$136.3M	\$130M
Zero-Emission Lawn and Garden	\$0	\$0	\$0
Woodstove Replacement	\$0	\$0	\$0
Port and Freight Goods Movement Infrastructure	\$50M	\$100M	\$100M
ZEV Drayage/Transit Bus/ School Bus	\$80M	\$0	\$0
Long Duration Energy Storage Incentives	\$171M \$191.7M*	\$56.9M*	\$0*
Residential Decarbonization Incentives	\$310.5M	\$78.3M*	\$22.5M*
Commercial Harbor Craft	\$0	\$0	\$0

*Funding amended due to the 2024 Budget Deal. SB 109 (Statutes of 2024)

*Reversions also noted in proposed budget for some previously allocated funding from previous budget years.

*Reversions also noted in budget for some previously allocated funding from previous budget years.



REPS. CARBAJAL AND HUFFMAN UNVEIL BILL TO EXPAND 'PROTECTING BLUE WHALE AND BLUE SKIES' PROGRAM TO ENTIRE PACIFIC COAST

The regional Protecting Blue Whale Blue Skies program encourages commercial shipping vessels off California's coast to reduce speeds, limit potential harm to marine mammals, and lower carbon pollution through voluntary recognition program

Washington, June 13, 2024

Today, California Congressmen Salud Carbajal (CA-24) and Jared Huffman (CA-02) announced they are introducing legislation to create a new federal program encouraging commercial shipping companies operating off the Pacific coast to reduce speeds of their vessels in order to protect marine life and cut air pollution.

The bill models the new federal program off the regional **Protecting Blue Whales and Blue Skies** vessel speed reduction (VSR) program, which recognizes shipping companies that reduce speeds off California's coast – including shipping lanes within the Greater Santa Barbara Channel Region off Rep. Carbajal's Central Coast district.

Last year, the program estimated the [33 companies that participated cut greenhouse gas emissions by 45,000 metric tons](#) and lowered their strike mortality risk to whales by more than 50%. The program was launched ten years ago this year.



to build on this regional success with the resources and recognition of our federal government,” said Rep. Carbajal. “The Blue Whales Blue Skies legislation I’m proposing will give shipping companies up and down the Pacific coast another reason to consider more than their bottom line when determining their vessels’ speeds. And when we consider the success that the regional program has had, especially in recent years, I am confident this bill will help us protect ocean life and our air quality across the West Coast.”

“When ships are barreling through the ocean, not only does it guzzle up fuel and throw out more emissions, it makes it hard for them to avoid collisions with whales – leading to the death of these iconic and endangered species on top of impacts to our climate and communities,” said Rep. Huffman. “California came up with a solution to tackle both of these problems that my friend and former colleague Alan Lowenthal championed locally as well as here in Congress. I’m glad to join Rep. Carbajal in this renewed and expanded legislation that would incentivize shipping companies to reduce their speeds along the entire West Coast, protecting marine mammals and our planet.”

The **Alan S. Lowenthal Blue Whales, Blue Skies Act** honors the retired [California Congressman](#) who had previously championed [legislation to create federal recognition for speed reduction off California’s coastline](#). The legislation introduced in the U.S. House of Representatives today expands on Lowenthal’s advocacy by mandating the creation of a federal program that would cover the eligible recognition area to the entire Western coast of the lower 48 U.S. states.

The bill would create a federal recognition program within the National Oceanic and Atmospheric Administration (NOAA) with the ten year-old California program serving as the model for the qualifications and the recognition to be provided by NOAA to participating shipping companies.

The bill has the support of Oceana and the Environmental Defense Center (EDC).

“We commend Rep. Carbajal and his co-sponsors for introducing the Alan S. Lowenthal Blue Whales and Blue Skies Act, and applaud Congress for recognizing both the dire threat that vessel strikes pose to marine mammals and the need for reducing emissions and improving air quality. This voluntary program is part of a suite of management measures needed to bring about sweeping reductions in vessel speeds in order to prevent deadly ship strikes for blue whales, humpbacks, and other marine mammals nationwide,” said Susan Murray, Deputy Vice President, Pacific at Oceana.



program has provided significant benefits to whales and air quality, and this legislation builds on its success by recognizing shipping companies for doing the right thing. This unique partnership between agencies, non-profits, foundations, and the shipping industry should be celebrated, and we commend Representatives Carbajal and Huffman for proposing this legislation.”

The text of the **Alan S. Lowenthal Blue Whale Blue Skies Act** can be found [here](#).

The regional program is run by a [partnership of public and nonprofit entities](#) including the Santa Barbara County Air Pollution Control District, San Luis Obispo County Air Pollution Control District, Ventura County Air Pollution Control District, California Marine Sanctuary Foundation, and others.

More information on the Blue Whale Blue Skies Program can be found [here](#).

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.....
(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the western coast of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARBAJAL introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the western coast of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Alan S. Lowenthal
3 Blue Whales, Blue Skies Act”.

4 **SEC. 2. BLUE WHALES AND BLUE SKIES PROGRAM.**

5 (a) IN GENERAL.—Not later than 12 months after
6 the date of the enactment of this Act, the Under Secretary
7 of Commerce for Oceans and Atmosphere of the National
8 Oceanic and Atmospheric Administration, in consultation
9 with the Commandant of the Coast Guard and the Admin-
10 istrator of the Environmental Protection Agency, shall es-
11 tablish the Blue Whales and Blue Skies Program, to—

12 (1) reduce air pollution, greenhouse gasses,
13 harmful underwater acoustic impacts, and the risk
14 of fatal whale strikes by encouraging voluntary re-
15 duction in the speed of eligible vessels transiting the
16 Program area; and

17 (2) annually award Blue Whales and Blue Skies
18 Excellence Awards for verified successful participa-
19 tion in, and compliance with, the Program by eligible
20 vessels.

21 (b) PROGRAM REQUIREMENTS.—The Under Sec-
22 retary shall—

23 (1) model the Program after the Protecting
24 Blue Whales and Blue Skies Vessel Speed Reduction
25 Program, which is administered by the Air Pollution
26 Control Districts of Santa Barbara, Ventura, San

1 Luis Obispo, Monterey Bay Counties and the Bay
2 Area Air Quality Management District, the Channel
3 Islands, Monterey Bay, Cordell Bank, and Greater
4 Farallones National Marine Sanctuaries, and the
5 California Marine Sanctuary Foundation, the Envi-
6 ronmental Defense Center (a nonprofit corporation
7 established under the laws of the State of California
8 as in effect on the date of the enactment of this
9 Act), and the National Marine Sanctuary Founda-
10 tion; and

11 (2) develop the Program in consultation with
12 the entities referred to in paragraph (1).

13 (c) ANNUAL AWARDS.—

14 (1) IN GENERAL.—Under the Program, the
15 Under Secretary shall annually award Blue Whales
16 and Blue Skies Excellence Awards to owners of eligi-
17 ble vessels that have met the requirements during
18 the preceding year.

19 (2) AWARD CONDITIONS.—As a condition of an
20 award under this subsection, each eligible vessel of
21 the awardee shall, at a minimum transit the Pro-
22 gram area at a speed of 10 knots or lower, or, in
23 certain circumstances described by the Under Sec-
24 retary in guidance established under the Program,
25 below a different maximum speed.

1 (d) OFFICIAL LOGO.—The Under Secretary shall cre-
2 ate an official logo to be recognized as the symbol of excel-
3 lence in compliance with the Program.

4 (e) USE OF OFFICIAL LOGO.—Subject to any
5 licencing requirements, the logo described in subsection
6 (d) may be used by shipping companies with eligible ves-
7 sels for which a Blue Whales and Blue Skies Excellence
8 Award is awarded under this section, as long as the logo
9 is displayed alongside—

10 (1) the name of the shipping company;

11 (2) the year for which such award was made;

12 and

13 (3) the percentage of distance traveled by a
14 participating vessel at a reduced speed through the
15 Program area by eligible vessels of the shipping
16 company in such year that the shipping company
17 was in compliance with the Program, calculated as
18 the percentage of distance traveled by a vessel at 10
19 knots or lower through the Program area by all ves-
20 sels of the shipping company in such year, excluding
21 transits directed by the Coast Guard to proceed in
22 excess of the speed requirements of the Program.

23 (f) EXTENSION OF PROGRAM.—No later than 4 years
24 after the date of the enactment of this Act, the Under
25 Secretary shall—

1 (1) consider the feasibility of extending the pro-
2 gram to encompass all shipping channels along the
3 United States Pacific coast between Canada and
4 Mexico; and

5 (2) report the findings and recommendations
6 under paragraph (1) to the Committee on Transpor-
7 tation and Infrastructure and the Committee on
8 Natural Resources of the House of Representatives,
9 and to the Committee on Commerce, Science, and
10 Transportation of the Senate.

11 (g) LIMITATIONS.—Nothing in this section shall be
12 construed—

13 (1) to require participation in the Program;

14 (2) to authorize appropriations for, or the pro-
15 vision of, any financial incentive for participation in
16 the Program; or

17 (3) to authorize any action that affects naviga-
18 tion safety.

19 (h) DEFINITIONS.—In this section:

20 (1) ELIGIBLE VESSEL.—The term “eligible ves-
21 sel” means a vessel that is 300 gross tons or greater
22 and has been approved by the Under Secretary to
23 participate in the program.

1 (2) PROGRAM.—The term “Program” means
2 the Blue Whales and Blue Skies Program estab-
3 lished under this section.

4 (3) PROGRAM AREA.—The term “Program
5 area”—

6 (A) means the marine area surrounding
7 the western coast of the United States, as is
8 designated by the Under Secretary for purposes
9 of this section; and

10 (B) includes, at a minimum, the geo-
11 graphic area identified in the existing Vessel
12 Reduction Program described in subsection
13 (b)(1).



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 6

State and Federal Legislative Update

**Policy, Grants, and Technology Committee Special Meeting
July 10, 2024**

**Viet Tran
Deputy Executive Officer of Public Affairs
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Presentation for Information Only



No action required.

Presentation Outline



Updates provided for the following:

1. Air District Sponsored and Co-Sponsored Bills

- Assembly Bill (AB) 1465, AB 2298, Senate Bill (SB) 382, and SB 1095.

2. Board-Approved Position Bills

- AB 817, AB 1894, AB 2522, AB 2851, AB 2958, SB 537, SB 674, SB 1158, and SB 1193.

- Staff Note: SB 1298 was previously discussed as its own item during the Action Items portion of the meeting agenda.

3. Other Bills of Interest

- SB 1234

4. State Budget for Fiscal Year (FY) 2024-25

5. Recent Federal Activities



Air District Sponsored and Co-Sponsored Bills

AB 1465 (Wicks)



Nonvehicular air pollution: civil penalties.

AB 1465 triples the penalties for air pollution violations if a Title V source, as defined, discharges one or more specified air contaminants.

AB 1465 (Wicks) (cont.)



Nonvehicular air pollution: civil penalties.

- Passed the referred Committees and Floor in the Assembly.
 - Natural Resources (4/17/23) | Judiciary (4/25/23) | Appropriations (5/10/23) | Assembly Floor (6/1/23)
- Passed the referred Committees in the Senate.
 - Environmental Quality (7/5/23) | Senate Judiciary (7/11/23)
- Next Step: On July 1, 2024, the bill was removed from the inactive file and is currently awaiting a vote on the Senate Floor.
- Position: Sponsor

AB 2298 (Hart, et al.)



Coastal resources: Protecting Blue Whales and Blue Skies Program.

AB 2298 will require the State to coordinate with important stakeholders, such as federal and local agencies, nonprofits, and the marine industry, to expand the current *Protecting Blue Whales and Blue Skies* voluntary vessel speed reduction program into a statewide voluntary vessel speed reduction program.

AB 2298 (Hart, et al.) (cont.)



Coastal resources: Protecting Blue Whales and Blue Skies Program.

- Passed the referred Committees and Floor in the Assembly.
 - Water, Parks, and Wildlife (3/15/24) | Natural Resources – Consent (4/5/24) | Appropriations (5/16/24) | Assembly Floor (5/22/24)
- Double-referred to the Senate Natural Resources & Water Committee and the Senate Environmental Quality Committee.
 - Natural Resources & Water (6/11/24): Passed | Vote: 11-0
- Next Step: Environmental Quality Committee hearing on July 3, 2024.

Position: Co-Sponsor

SB 382 (Becker)



Single-family residential property: disclosures.

SB 382 would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property, except as specified, and to disclose, in writing, the existence of any state or local requirements relating to the future replacement of existing gas-powered appliances that are being transferred with the property, as specified.

SB 382 (Becker) (cont.)



Single-family residential property: disclosures.

- Passed the referred Committees and Floor in the Senate.
 - Labor, Public Employment and Retirement (4/26/23) | Appropriations (5/8/23) | Judiciary (1/11/24) – Consent | Senate Floor – Consent (1/18/24)
- Staff Note: As of June 3, 2024, the bill includes language regarding additional disclosures related to the purchase of zero-emission appliances for replacement purposes.

SB 382 (Becker) (cont.)



Single-family residential property: disclosures.

- Passed the referred Committee and Floor in the Assembly on consent.
 - Judiciary – Consent (6/11/24) | Assembly Floor – Consent (6/20/24)
- Next Step: Back on the Senate Floor for Concurrence of the amendments made in the Assembly.
- Position: Sponsor

SB 1095 (Becker)



Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

SB 1095 would make specified changes to the Manufactured Housing Act, State Housing Law, and the Davis-Sterling Common Interest Development Act to facilitate the installation of electric water heaters, space heating systems, and appliances in manufactured homes, mobilehomes, and homes within a common interest development, as specified. The bill would also require the Department of Housing and Community Development to develop and revise related rules and regulations by July 1, 2026, as specified.

SB 1095 (Becker) (cont.)



Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

- Double-referred to the Senate Housing Committee and Senate Judiciary Committee.
 - Housing (3/19/24): Passed | Vote: 7-1
 - Judiciary (4/2/24) : Passed | Vote: 11-0
- Final Status: Held under submission in the Senate Appropriations Committee due to fiscal concerns. The bill is dead.
- Position: Sponsor



Board-Approved Position Bills

AB 817 (Pacheco)



Open meetings: teleconferencing: subsidiary body.

AB 817 allows, until January 1, 2026, a subsidiary body of a local agency to teleconference without meeting all of the teleconferencing requirements of the Ralph M. Brown Act. Builds on pandemic-era rules to boost accessibility to local civic leadership opportunities.

AB 817 (Pacheco) (cont.)



Open meetings: teleconferencing: subsidiary body.

- Passed the referred Committee and Floor in the Assembly.
 - Local Government (1/10/24) | Assembly Floor (1/25/24)
- Double-referred to the Senate Local Government Committee and the Senate Judiciary Committee.
 - Local Government (6/5/24): Failed | Vote: 0-4
- Next Step: Reconsideration was granted but it does not appear like the bill will move forward this year.

Position: Support

AB 1894 (Ta)



Nonvehicular air pollution: civil penalties.

AB 1894 would require an air district to allow small business, as defined, a minimum of 30 days, and up to 60 days, to rectify a violation before the air district can issue a Notice of Violation.

AB 1894 (Ta) (cont.)



Nonvehicular air pollution: civil penalties.

- Double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee.
- The bill was set to be heard in Assembly Natural Resources but was canceled at the request of the author.
- Failed to meet the deadline for fiscal bills to get out of their referred policy committees. This bill is dead.

Position: Oppose

AB 2522 (Carrillo)



Air districts: governing boards: compensation.

AB 2522 will increase outdated compensation limits for board members of local air districts and would authorize an annual increase going forward.

AB 2522 (Carrillo) (cont.)



Air districts: governing boards: compensation.

- Passed the referred Committees and Floor in the Assembly.
 - Natural Resources (4/8/24) | Assembly Floor - Consent (4/18/24)
- Double-Referred to the Senate Environmental Quality Committee and the Senate Local Government Committee.
 - Environmental Quality (6/5/24): Passed | Vote 5-0
 - Local Government (6/27/24): Passed | Vote 4-3
- Staff Note: On June 19, 2024, the bill was expanded from being a South Coast-specific bill and now includes additional air districts, including the Bay Area.

AB 2522 (Carrillo) (cont.)



Air districts: governing boards: compensation.

- Next Step: Ordered to the Senate Floor.
- Position: Support

AB 2851 (Bonta)



Metal shredding facilities: fence-line air quality monitoring.

AB 2851 requires the Department of Toxic Substances Control, in consultation with local air districts, to develop requirements for facility-wide fence-line air quality monitoring at metal shredding facilities, as specified.

AB 2851 (Bonta) (cont.)



Metal shredding facilities: fence-line air quality monitoring.

- Passed the referred Committees and Floor in the Assembly. Environmental Safety and Toxic Materials (4/9/24) | Natural Resources (4/22/24) | Appropriations (5/16/24) | Assembly Floor (5/23/24)
- Referred to the Senate Environmental Quality Committee.
- Next Step: Senate Environmental Quality Committee hearing on July 3, 2024.

Position: Support

AB 2958 (Calderon)



State Air Resources Board: board members: compensation.

AB 2958 would repeal the prohibition on compensation of the members of the state board from air districts and would provide for the per diem amount for all members of the state board.

AB 2958 (Calderon) (cont.)



State Air Resources Board: board members: compensation.

- Passed the referred Committees and Floor in the Assembly.
Natural Resources (4/8/24) | Appropriations (5/16/24) |
Assembly Floor (5/23/24)
- Referred to the Senate Environmental Quality Committee
- Next Step: Senate Environmental Quality Committee hearing on
July 3, 2024.

Position: Support

*SB 537 (Becker)



Department of General Services: memorial to forcibly deported Mexican Americans and Mexican immigrants.

- ***Previous Topic: Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences.***

Staff Note: SB 537 was gut and amended on June 10, 2024, and no longer pertains to the Air District.

SB 674 (Gonzalez)



Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.

SB 674 makes several changes to the fence-line monitoring system program for communities and petroleum refineries, including expanding the program to include monitoring for biofuel refineries and additional pollutants, applying to contiguous or adjacent refinery-related facilities, increasing the standards for data quality, and providing enhanced processes for notifying affected communities.

SB 674 (Gonzalez) (cont.)



Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.

- Passed the referred Committees and Floor in the Senate.
 - Environmental Quality (3/29/23) | Judiciary (4/18/23) | Senate Floor (5/22/23)
- Passed the referred Committees and Floor in the Assembly.
 - Natural Resources (6/26/23) | Judiciary (7/11/23) | Appropriations (8/23/23) | Assembly Floor (7/1/24)
- Next Step: The bill was sent back to the Senate Floor for concurrence of those amendments – vote pending.

Position: Support

SB 1158 (Archuleta)



Carl Moyer Memorial Air Quality Standards Attainment Program.

SB 1158 would extend the time air districts have to disburse Carl Moyer Program funds from four to six years.

SB 1158 (Archuleta) (cont.)



Carl Moyer Memorial Air Quality Standards Attainment Program.

- Passed the referred Committees and Floor in the Senate.
 - Environmental Quality (3/20/24) | Transportation (4/23/24) | Senate Floor (5/9/24) – On Consent
- Double-referred to the Assembly Transportation Committee and the Assembly Natural Resources Committee.
 - Transportation (6/17/24): Passed – Consent | Vote: 15-0
 - Natural Resources (6/24/24): Passed – Consent | Vote: 10-0
- Next Step: Assembly Appropriations Committee
- Position: Support

SB 1193 (Menjivar)



Airports: leaded aviation gasoline.

SB 1193 would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers on or after January 1, 2031, as provided. Because these provisions would be a part of the State Aeronautics Act, the bill would impose a state-mandated local program.

SB 1193 (Menjivar) (cont.)



Airports: leaded aviation gasoline.

- Passed the referred Committees and Floor in the Senate.
 - Transportation (4/9/24) | Appropriations (4/29/24) | Appropriations – Suspense File (5/16/24) | Senate Floor (5/22/24)
- Double-referred to the Assembly Transportation and Assembly Local Government.
 - Transportation (6/17/24): Passed | Vote: 11-1
 - Local Government (6/24/24): Passed | Vote: 8-0

Next Step: Assembly Appropriations Committee – hearing date pending.

Position: Support



Other Bill(s) of Interest

SB 1234 (Allen)



Hazardous materials: metal shredding facilities.

SB 1234 would establish a new statutory framework to ensure comprehensive and safe regulation of metal shredding facilities in California. The new framework would be administered and enforced by the Department of Toxic Substances Control and mirrors the Department's existing regimes.

SB 1234 (Allen) (cont.)



Hazardous materials: metal shredding facilities.

- Staff Note: SB 1234 was gut and amended on June 10, 2024, to its current form. Because of this, previous votes are not being included. If the bill makes it through the Assembly process it will need to go back to the Senate for Concurrence of the amendments made in the Assembly.

SB 1234 (Allen) (cont.)



Hazardous materials: metal shredding facilities.

- Double-referred to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Local Government Committee.
 - Environmental Safety and Toxic Materials (6/25/24):
Passed | Vote: 7-0
- Next Step: As of this writing, the bill will next be heard in the Assembly Appropriations Committee – hearing date pending – and will not be scheduled for a hearing in the Assembly Local Government Committee.

Position: None



State Budget Update FY 2024-25

State Budget Update



On June 22, 2024, the Legislature and the Governor reached an agreement on the Budget Act of 2024 in the form of budget bill juniors and trailer bills. The final agreement closes a budget shortfall of over \$45 billion. The whole of the budget package includes the Budget Bill, budget bill juniors, and trailer bills.

A table of programs significant to the Air District, along with budget data from the previous year is included as an attachment to this agenda item.

Staff Note: These items may be subject to change based on future budget adjustments.

State Budget Update (cont.)



Some key takeaways from the budget deal:

- Approves \$250 million per year for AB 617 for the next 5 years.
 - \$195 million – Incentives
 - \$50 million – Implementation
 - \$5 million – Community Grants
- Approves the extension of the Prescribed Burn Reporting and Monitoring Grant Program beyond 2023-24.
 - \$3 million in this year's budget for air districts compared to \$2 million in previous budget years.
- Loans \$300 million from the Air Pollution Control Fund Loan to the General Fund.

State Budget Update (cont.)



Some key takeaways from the budget deal (continued):

- **Clean Cars for All: No funding in this budget.**
 - New statutory changes that requires the California Air Resources Board (CARB) to annually report to the Legislature the amount of funding allocated by CARB to the statewide Clean Cars 4 All Program and to each local district Clean Cars 4 All program and requires CARB to shift previously appropriated funds to district programs if processed demand exists.
- **Delays \$100 million from the Ports and Freight Infrastructure Program of the \$1.2 billion total, leaving \$1 million for 2024-25.**

State Budget Update (cont.)



Some key takeaways from the budget deal (continued):

- Includes \$8.4 million from Greenhouse Gas Reduction Fund for the implementation of Climate Corporate Data Accountability Act: Chapter 382, Statutes of 2023 (SB 253) and Climate-Related Financial Risk: Chapter 383, Statutes of 2023 (SB 261).

State Budget Update (cont.)



Budget Bills Reference:

- AB 107 (Gabriel) – Budget Act of 2024 – Chaptered
 - Budget Bill
- SB 108 (Wiener) – Budget Act of 2024 – Chaptered
 - Budget Bill Junior – Makes amendments to Budget Act of 2024 to reflect the deal made by the Legislature and the Governor.
- SB 109 (Wiener) – Budget Act of 2023 – Chaptered
 - Budget Bill Junior – Makes amendments to Budget Act of 2023.
- SB 156 (Committee on Budget and Fiscal Review) – Enrolled
 - Public Resources: Omnibus Budget Trailer Bill



Recent Federal Activities

Pending Federal Legislation



- California Congressmen Salud Carbajal (CA-24) and Jared Huffman (CA-02) recently announced they are introducing legislation (H.R. 8726) to create a new federal program encouraging commercial shipping companies operating off the Pacific coast to reduce speeds of their vessels in order to protect marine life and cut air pollution.
- The bill models the new federal program off the regional **Protecting Blue Whales and Blue Skies** vessel speed reduction (VSR) program, which recognizes shipping companies that reduce speeds off California's coast.

House Subcommittee Testimony



On June 13, 2024, the U.S. House of Representatives Committee on Science, Space, and Technology's Subcommittee on Investigation and Oversight held a hearing titled, "Environmentalism Off the Rails: How CARB will Cripple the National Rail Network." Air District Legislative Officer, Alan Abbs attended this hearing at the request of Congresswoman Zoe Lofgren to testify in support of and to highlight the health benefits of CARB's In-Use Locomotive Regulation.



Questions / Discussion