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

• 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

• THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE

https://bayareametro.zoom.us/j/82270881478

(669) 900-6833 or (408) 638-0968

WEBINAR ID: 822 7088 1478

• THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A COMMENT CAN USE THE “RAISE HAND” FEATURE BY DIALING “*9”. IN ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR APPLICATION IS UP TO DATE
LEGISLATIVE COMMITTEE MEETING
AGENDA

MONDAY, JUNE 13, 2022
1:00 PM

1. Call to Order - Roll Call

2. Pledge of Allegiance

3. Public Meeting Procedure

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

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

   Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have two minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.

CONSENT CALENDAR (Item 4)

4. Approval of the Minutes of May 9, 2022

   The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of May 9, 2022.

PRESENTATIONS (Items 5 - 7)

5. State Legislative Budget Update

   This is an informational item only and will be presented by Alan Abbs, Legislative Officer.
6. Air District-Sponsored Bills

This is an informational item only and will be presented by Alan Abbs, Legislative Officer.

7. State Legislative Update

This is an informational item only and will be presented by Alan Abbs, Legislative Officer.

**OTHER BUSINESS**

8. 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 for the meeting, will have two minutes each to address the Committee.

9. 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)

10. Time and Place of Next Meeting

Monday, July 11, 2022, at 1:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

11. Adjournment

The Committee meeting shall be adjourned by the Chair.
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](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.
JUNE 2022

<table>
<thead>
<tr>
<th>TYPE OF MEETING</th>
<th>DAY</th>
<th>DATE</th>
<th>TIME</th>
<th>ROOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Council Meeting - CANCELLED</td>
<td>Monday</td>
<td>13</td>
<td>8:30 a.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
</tr>
<tr>
<td>Board of Directors Legislative Committee</td>
<td>Monday</td>
<td>13</td>
<td>1:00 p.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
</tr>
<tr>
<td>Board of Directors Stationary Source and Climate Impacts Committee</td>
<td>Monday</td>
<td>13</td>
<td>2:30 p.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
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<td>Board of Directors Meeting</td>
<td>Wednesday</td>
<td>15</td>
<td>9:00 a.m.</td>
<td>1st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361</td>
</tr>
<tr>
<td>Board of Directors Administration Committee</td>
<td>Wednesday</td>
<td>15</td>
<td>11:00 a.m.</td>
<td>1st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361</td>
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<tr>
<td>Board of Directors Stationary Source and Climate Impacts Committee – CANCELLED &amp; RESCHEDULED TO MONDAY, JUNE 13, 2022 AT 2:30 P.M.</td>
<td>Monday</td>
<td>20</td>
<td>9:00 a.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
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<tr>
<td>Board of Directors Budget and Finance Committee - CANCELLED</td>
<td>Wednesday</td>
<td>22</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
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<tr>
<td>Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED</td>
<td>Thursday</td>
<td>23</td>
<td>9:30 a.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
</tr>
<tr>
<td>Path to Clean Air Community Emissions Reduction Plan Steering Committee</td>
<td>Monday</td>
<td>27</td>
<td>5:30 p.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
</tr>
<tr>
<td>Community Advisory Council Meeting</td>
<td>Thursday</td>
<td>30</td>
<td>6:00 p.m.</td>
<td>Webcast only pursuant to Assembly Bill 361</td>
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<td>TYPE OF MEETING</td>
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<td>DATE</td>
<td>TIME</td>
<td>ROOM</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
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<td>--------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Board of Directors Meeting                          | Wednesday| 6    | 9:00 a.m. | 1st Floor, Board Room  
(In person option available) and REMOTE  
pursuant to Assembly Bill 361 |
| Board of Directors Community Equity, Health and Justice Committee | Thursday | 7    | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Advisory Council Meeting                            | Monday   | 11   | 8:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Legislative Committee            | Monday   | 11   | 1:00 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Stationary Source and Climate Impacts Committee | Monday   | 18   | 9:00 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Path to Clean Air Community Emissions Reduction Plan Steering Committee | Monday   | 18   | 5:30 p.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Meeting                          | Wednesday| 20   | 9:00 a.m. | 1st Floor, Board Room  
(In person option available) and REMOTE  
pursuant to Assembly Bill 361 |
| Board of Directors Administration Committee         | Wednesday| 20   | 11:00 a.m. | 1st Floor, Board Room  
(In person option available) and REMOTE  
pursuant to Assembly Bill 361 |
| Board of Directors Budget and Finance Committee     | Wednesday| 27   | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |
| Board of Directors Mobile Source and Climate Impacts Committee | Thursday | 28   | 9:30 a.m. | Webcast only pursuant to Assembly Bill 361 |

JULY 2022

HL 6/9/2022 – 12:30 P.M.  
G/Board/Executive Office/Moncal
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 13, 2022

Re: Approval of the Minutes of May 9, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of May 9, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of May 9, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson
ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of May 9, 2022
This meeting was conducted under procedures in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.

1. CALL TO ORDER - ROLL CALL

Opening Comments: Legislative Committee (Committee) Chair Pauline Russo Cutter called the meeting to order at 1:02 p.m.

Roll Call:

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

Absent: None.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF APRIL 11, 2022

Public Comments

No requests received.

Committee Comments

None.
Committee Action

Director Hudson made a motion, seconded by Director Haubert, to approve the minutes of April 11, 2022; and the motion carried by the following vote of the Committee:

NOES: None.
ABSTAIN: None.
ABSENT: Hannigan and Lopez.

5. AIR DISTRICT-SPONSORED BILLS

Alan Abbs, Legislative Officer, gave the staff presentation Air District-Sponsored Bills, which referenced four bills:

- **Assembly Bill (AB) 1897 (Wicks) – Nonvehicular Air Pollution Control: civil penalties: refineries.** Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under existing law, a person who violates this provision, or any other statute, rule, regulation, permit, or order, as provided, is strictly liable for a civil penalty of not more than $10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than $5,000. A violator who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Existing law requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs. Existing law precludes prosecution under specified statutes if civil penalties are recovered for the same offense. This bill would make a person who violates the above provision liable for a civil penalty of not more than $30,000 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 Title V of the federal Clean Air Act, and the stationary source is a refinery, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than $100,000 for a subsequent violation within a 12-month period. The bill would require civil penalties collected pursuant to this provision, above the costs of prosecution, to be expended to mitigate the effects of air pollution in communities affected by the violation. The bill would prohibit this provision from applying if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest. The bill would preclude prosecution under specified statutes if civil penalties are recovered pursuant to this provision. The bill would authorize the Attorney General, a district attorney, or an attorney for the district in which the violation occurs who prevails in a civil action for a violation of the above provisions, or any other statute, rule, regulation, permit, or order, as
provided, to recover the actual costs of investigation, expert witness fees, and reasonable attorney’s fees. Mr. Abbs reported that this bill was well received at the Assembly’s Committee on Natural Resources, and in the Assembly’s Judiciary Committee. The first hearing is set for May 11, 2022, and the bill may be referred to suspense file. The California Council for Environmental and Economic Balance and Western States Petroleum Association oppose this bill.

- **AB 2214 (C. Garcia) - California Environmental Quality Act (CEQA): schoolsites: acquisition of property: school districts, charter schools, and private schools.** CEQA prohibits an Environmental Impact Report or Negative Declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met relating to, among other things, hazardous emissions or substances safety considerations. This bill would impose those prohibitions on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools. The bill would apply the Phase I environmental assessment requirements to charter schools and private schools, without conditioning the requirements on the receipt of state funds. CEQA requires the Office of Planning and Research to prepare and adopt guidelines to implement CEQA, and requires those guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that are required to be exempt from CEQA. Mr. Abbs reported that this bill was doubly referred and passed by the Assembly’s Committee on Education and the Assembly’s Committee on Environmental Safety and Toxic Materials. The next hearing is scheduled for May 11, 2022, and the bill may be referred to suspense file.

- **AB 2721 (Lee) – Bay Area Air Quality Management District: district board: compensation.** Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district and prescribes the membership of the district board. Existing law authorizes the district board to provide, by ordinance, compensation not to exceed $100 per day for board members for attending meetings of the board or committees of the board or while on official business of the district and not to exceed $6,000 per year. Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their duties. This bill would revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a meeting while on official business of the district to an amount not to exceed $100 per meeting and $200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the $6,000 total annual compensation limit. Mr. Abbs reported that this bill was passed in the Assembly’s Committee on Natural Resources, and as there was no fiscal component, it was heard and passed on the Assembly floor. The bill will next be heard in the Senate’s Environmental Quality and Governance & Finance Committees.

- **AB 2836 (E. Garcia) – Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.** 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, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Existing law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2034. Mr. Abbs reported that this bill was double-referred and passed in the Assembly’s Committees on Natural Resources and Transportation. A date has yet to be determined for an Assembly Appropriations hearing.

NOTED PRESENT: Director Hannigan was noted present at 1:18 p.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed when AB 2721 would take effect, if approved by the Governor; and regarding AB 2721, the proposed per day and per year maximum amounts, and how other regional Bay Area agencies are paying their Board members.

Committee Action

None; receive and file.

6. STATE LEGISLATIVE UPDATE

Mr. Abbs provided an oral update regarding bills that the Air District has taken positions on during the 2022 Legislative Session, including:

— **AB 1944** (Lee) - Local government: open and public meetings (SUPPORTED)
— **AB 2141** (E. Garcia) - Greenhouse Gas Reduction Fund: community projects: funding (SUPPORTED)
— **AB 2206** (Lee) - Nonattainment basins: employee parking: parking cash-out program (SUPPORTED)
— **AB 2563** (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles (OPPOSED)
— **AB 2816** (Ting) - State Air Resources Board: zero-emission incentive programs: requirements (OPPOSED UNLESS AMENDED)
— **AB 2852** (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding (SUPPORTED)
— **AB 2910** (Santiago) - Nonvehicular air pollution: civil penalties (SUPPORTED)
— **Senate Bill (SB) 1235** (Borgeas) - Air pollution: portable equipment: emergency events (OPPOSED)
— **SB 1382 (Gonzalez)** - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption (SUPPORTED)
— **SB 1393 (Archuleta)** - Energy: appliances: local requirements (OPPOSED)

NOTED PRESENT: Director Lopez was noted present at 1:30 p.m.

**Public Comments**

No requests received.

**Committee Comments**

The Committee and staff discussed which legislators are opposing AB 1944; and Board members’ concerns about having to identify the address of their teleconference location in the noticing of a meeting agenda or having the location be accessible to the public.

**Committee Action**

None; receive and file.

**OTHER BUSINESS**

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

No requests received.

8. **COMMITTEE MEMBER COMMENTS**

Director Hudson expressed his desire for a future Air & Waste Management Association Conference to be held in Honolulu, Hawaii.

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

Monday, June 13, 2022, at 1:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

10. **ADJOURNMENT**

The meeting was adjourned at 1:54 p.m.

Marcy Hiratzka  
Clerk of the Boards
AGENDA: 5.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
   of the Legislative Committee

From: Sharon L. Landers
       Interim Executive Officer/APCO

Date: June 13, 2022

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On January 10, 2022, Governor Newsom released his initial proposal for the fiscal year (FY) 2022-23 Budget. On May 13, 2022, the Governor released the May Revision (May Revise) to the proposed 2022-23 Budget. The Senate and Assembly must vote on and pass their proposed budget bill by June 15, 2022, to meet the state’s constitutional deadline. The budget bill must be signed by the Governor by July 1, 2022.

Prior to the Assembly and Senate voting on a budget bill, the bill must be in print for 72 hours, or no later than June 12, 2022.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on activities related to the budget, as well as an update about the future Greenhouse Gas Reduction Fund Budget.

Attached is a table of programs significant to the Air District, along with budget data from the previous year. Compared to previous years, through the May Revise, there is significant new funding for zero-emission vehicle and infrastructure programs, as well as new funding for various building decarbonization initiatives.

On June 1, 2022, Senate and Assembly leadership announced a budget deal between the two houses that would meet the July 1st deadline, but would require a second budget later in the summer to address climate and energy issues. The budget deal as described includes $300 million for AB 617, with the agreement that there would also be future ongoing funding for AB 617. The length of ongoing funding has not been revealed. The proposed budget still requires the Governor’s approval, and further negotiations are likely.
Staff will likely see the agreed upon budget in print only a day or so prior to the Committee meeting, and will provide updates and commentary as necessary.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Sharon L. Landers

**ATTACHMENTS:**

1. 2022-23 Proposed State Budget vs. Previous Year
<table>
<thead>
<tr>
<th>Program</th>
<th>FY 21/22 Approved Budget</th>
<th>FY 22/23 Proposed Budget (January)</th>
<th>FY 22/23 Proposed Budget (May Revise)</th>
<th>FY 22/23 Proposed Budget (AB 154/SB 154)</th>
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<tbody>
<tr>
<td>AB 617 – Implementation</td>
<td>$50M</td>
<td>$50M</td>
<td>$50M</td>
<td>$300M</td>
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<td>AB 617 – Incentives</td>
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<td>AB 617 – Community Grants</td>
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<td>Ag Diesel Engine Replacement</td>
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<td>Clean Cars For All/School Bus/Equity</td>
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<td>AB 836 – Clean Air Centers</td>
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<td>Carl Moyer Program</td>
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<td>ZEV Port Equipment</td>
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<td>Long Duration Energy Storage</td>
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<td>Low-Income Residential Decarbonization</td>
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<td>Consumer Rebates for Residential Decarbonization</td>
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<td>$300M (over two years)</td>
<td>$300M (over two years)</td>
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</tr>
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*Deferred to Summer ’22
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
   of the Legislative Committee

From: Sharon L. Landers
       Interim Executive Officer/APCO

Date: June 13, 2022

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This year, the Air District is sponsoring the following three bills:

- Assembly Bill (AB) 1897 (Wicks) – Nonvehicular air pollution control: civil penalties: refineries.
- AB 2214 (C. Garcia and Lee) – California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.
- AB 2721 (Lee) – Bay Area Air Quality Management District: district board: compensation.

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

- AB 2836 (E. Garcia) – Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

DISCUSSION

Staff will provide the Legislative Committee with a summary and status of the three Air District-sponsored bills and one co-sponsored bill.

AB 1897 (Wicks) - Nonvehicular air pollution control: civil penalties: refineries.
CapitolTrack Bill Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under current law, a person who violates this
provision, or any other statute, rule, regulation, permit, or order, as provided, is strictly liable for a civil penalty of not more than $10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than $5,000. A violator who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Current law requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs. Current law precludes prosecution under specified statutes if civil penalties are recovered for the same offense. This bill would make a person who violates the above provision liable for a civil penalty of not more than $30,000 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 Title V of the federal Clean Air Act, and the stationary source is a refinery, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified.

Current Status: AB 1897 was introduced by Assemblymember Wicks on February 9, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 41-25. With the first house completed, AB 1897 has been ordered to the Senate and is currently pending referral.

AB 2214 (C. Garcia and Lee) - California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.
CapitolTrack Bill Summary: Current law requires the governing board of a school district, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. Current law requires the planning commission to investigate the proposed site and submit a written report to the governing board of the school district, as provided. Current law prohibits the governing board from acquiring title to the property until the report of the planning commission has been received. This bill would impose those prohibitions, and related requirements, on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools, as provided. The bill would apply the Phase I environmental assessment requirements to charter schools and private schools, without conditioning the requirements on the receipt of state funds.

Current Status: AB 2214 was introduced by Assembly Members Cristina Garcia and Alex Lee on February 15, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 23, 2022, where it received a vote in favor of 50-19. With the first house completed, AB 2214 has been ordered to the Senate and has been double-referred to Senate Committees on Environmental Quality and Education - hearing schedule pending.

AB 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation.
CapitolTrack Bill Summary: Current law establishes a district board to govern the Bay Area Air Quality Management District and prescribes the membership of the district board. Current law authorizes the district board to provide, by ordinance, compensation not to exceed $100 per day for board members for attending meetings of the board or committees of the board or while on
official business of the district and not to exceed $6,000 per year. Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their duties. This bill would revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a meeting while on official business of the district to an amount not to exceed $100 per meeting and $200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the $6,000 total annual compensation limit.

Current Status: AB 2721 was introduced by Assemblymember Lee on February 18, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on April 18, 2022, where it received a vote in favor of 66-3. With the first house completed, AB 2721 was ordered to the Senate and has been double-referred to Senate Committees on Environmental Quality and Governance & Finance. The bill was heard in Senate Environmental Quality on June 1, 2022, where it received a vote in favor of 5:0. Scheduled hearing for Senate Governance & Finance Committee pending.

AB 2836 (E. Garcia) - Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.
CapitolTrack Summary: Current law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Current law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2033.

Current Status: AB 2836 was introduced by Assemblymember Eduardo Garcia on February 18, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 25, 2022, where it received a vote in favor of 65-0. With the first house completed, AB 2836 has been ordered to the Senate and is currently pending referral.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers
ATTACHMENTS:

1. AB 1897 (Wicks) - Bill Text - As Amended on April 27, 2022
2. AB 2214 (C. Garcia and Lee) - Bill Text - As Amended on April 25, 2022
3. AB 2721 (Lee) - Bill Text - As Amended on March 10, 2022
4. AB 2836 (E. Garcia) - Bill Text - As Amended on May 19, 2022
An act to amend Sections 42400.7, 42402, 42402.1, 42402.2, 42402.3, and 42403 of, and to add Sections 42402.6 and 42412 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1897, as amended, Wicks. Nonvehicular air pollution control: civil penalties: refineries.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under existing law, a provision is guilty of a misdemeanor, as specified, or any other statute, rule, regulation, permit, or order, as provided, is strictly liable for a civil penalty of not more than $10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than $5,000. A person who violates this provision and who acts negligently, knowingly, willfully and intentionally, or with
reckless disregard, is liable for a civil penalty in a greater amount, as specified. *Existing law requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs.* Existing law precludes prosecution under specified statutes if civil penalties are recovered pursuant to the above provisions for the same offense.

This bill would make a person who violates this the above provision liable for a civil penalty of not more than $30,000 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 Title V of the federal Clean Air Act, and the stationary source is a refinery, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than $100,000 for a subsequent violation within a 12-month period. The bill would require civil penalties collected pursuant to this provision, above the costs of prosecution, to be expended to mitigate the effects of air pollution in communities affected by the violation. The bill would prohibit this provision from applying if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest. The bill would additionally preclude prosecution under specified statutes if civil penalties are recovered pursuant to this provision. *The bill would authorize the Attorney General, a district attorney, or an attorney for the district in which the violation occurs who prevails in a civil action for a violation of the above provisions, or any other statute, rule, regulation, permit, or order, as provided, to recover the actual costs of investigation, expert witness fees, and reasonable attorney’s fees.*


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

1 SECTION 1. Section 42400.7 of the Health and Safety Code is amended to read:
2 42400.7. (a) The recovery of civil penalties pursuant to Section 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, 42402.4, 42402.6 precludes prosecution under Section 42400, 42400.1, 42400.2, 42400.3, 42400.3.5, or 42400.4 for the same offense.
When a district refers a violation to a prosecuting agency, the filing of a criminal complaint is grounds requiring the dismissal of a civil action brought pursuant to this article for the same offense.

(b) If the pending civil action described in subdivision (a) includes a request for injunctive relief, that portion of the civil action shall not be dismissed upon the filing of a criminal complaint for the same offense.

SEC. 2. Section 42402 of the Health and Safety Code is amended to read:

42402. (a) Except as provided in Sections 42402.1, 42402.2, 42402.3, 42402.4, and 42402.6, a person who violates this part, an order issued pursuant to Section 42316, or a rule, regulation, permit, or order of a district, including a district hearing board, or of the state board issued pursuant to Part 1 (commencing with Section 39000) to Part 4 (commencing with Section 41500), inclusive, is strictly liable for a civil penalty of not more than five thousand dollars ($5,000).

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

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

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

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

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

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

SEC. 3. Section 42402.1 of the Health and Safety Code is amended to read:

42402.1. (a) Except as provided in Section 42402.6, a person who negligently emits an air contaminant in violation of this part or a rule, regulation, permit, or order of the state board or of a district, including a district hearing board, pertaining to emission regulations or limitations is liable for a civil penalty of not more than twenty-five thousand dollars ($25,000).

(b) A person who negligently emits an air contaminant in violation of Section 41700 that causes great bodily injury, as defined in subdivision (f) of Section 12022.7 of the Penal Code, to a person or that causes the death of a person, is liable for a civil penalty of not more than one hundred thousand dollars ($100,000).

(c) Each day during a portion of which a violation occurs is a separate offense.

SEC. 4. Section 42402.2 of the Health and Safety Code is amended to read:

42402.2. (a) Except as provided in Section 42402.6, a person who emits an air contaminant in violation of a provision of this part, or a rule, regulation, permit, or order of the state board or of a district, including a district hearing board, pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action, as defined in subdivision (b) of Section 42400.2, within a reasonable period of time under the circumstances, is liable for a civil penalty of not more than forty thousand dollars ($40,000).

(b) A person who owns or operates a source of air contaminants in violation of Section 41700 that causes great bodily injury, as defined in subdivision (f) of Section 12022.7 of the Penal Code, to a person or that causes the death of a person, and who knew of the emission and failed to take corrective action, as defined in subdivision (b) of Section 42400.2, within a reasonable period of time under the circumstances, is liable for a civil penalty not to exceed two hundred fifty thousand dollars ($250,000).

(c) Each day during a portion of which a violation occurs is a separate offense.
SEC. 5. Section 42402.3 of the Health and Safety Code is amended to read:

42402.3. (a) Except as provided in Section 42402.6, a person who willfully and intentionally emits an air contaminant in violation of this part or a rule, regulation, permit, or order of the state board, or of a district, including a district hearing board, pertaining to emission regulations or limitations, is liable for a civil penalty of not more than seventy-five thousand dollars ($75,000).

(b) A person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury, as defined in subdivision (f) of Section 12022.7 of the Penal Code, to, or death of, a person, emits an air contaminant in violation of Section 41700 that results in an unreasonable risk of great bodily injury to, or death of, a person, is liable for a civil penalty of not more than one hundred twenty-five thousand dollars ($125,000). If the violator is a corporation, the maximum penalty may be up to five hundred thousand dollars ($500,000).

(c) A person who willfully and intentionally, or with reckless disregard for the risk of great bodily injury, as defined in subdivision (f) of Section 12022.7 of the Penal Code, to, or death of, a person, emits an air contaminant in violation of Section 41700 that causes great bodily injury, as defined in subdivision (f) of Section 12022.7 of the Penal Code, to a person or that causes the death of a person, is liable for a civil penalty of not more than two hundred fifty thousand dollars ($250,000). If the violator is a corporation, the maximum penalty may be up to one million dollars ($1,000,000).

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

SEC. 6. Section 42402.6 is added to the Health and Safety Code, to read:

42402.6. (a) (1) A person is liable for a civil penalty of not more than thirty thousand dollars ($30,000) if the person violates Section 41700 and all of the following occur:

(A) (i) The discharge is from a Title V source that is a refinery.

(ii) For purposes of this subparagraph, “refinery” means an establishment that is located on one or more contiguous or adjacent properties that produces gasoline, diesel fuel, aviation fuel, lubricating oil, asphalt, petrochemical feedstock, or other similar
product through the processing of crude oil or alternative feedstock, redistillation of unfinished petroleum derivatives, cracking, or other processes.

(B) The discharge results in a disruption to the community, including, but not limited to, residential displacement, shelter in place, evacuation, or destruction of property.

(C) The discharge contains or includes one or more toxic air contaminants, as identified by the state board pursuant to Section 39657.

(2) A person shall be liable for a civil penalty of not more than one hundred thousand dollars ($100,000) for a discharge subject to paragraph (1) if that discharge occurs within 12 months of a prior discharge subject to paragraph (1).

(b) Except as provided in subdivision (b) of Section 42402.2 or subdivision (b) or (c) of Section 42402.3, a civil penalty described in subdivision (a) shall apply on the initial date of a violation.

(c) If a violation of subdivision (a) continues to occur subsequent to the initial date of the violation, the civil penalty described in Section 42402, 42402.1, 42402.2, or 42402.3 shall apply to those subsequent days.

(d) The civil penalty described in paragraphs (1) and (2) of subdivision (a) shall not apply if the violation is caused by unforeseen and unforeseeable criminal acts, acts of war, acts of terrorism, or civil unrest.

(e) Civil penalties collected pursuant to this section above the costs of prosecution shall be expended to mitigate the effects of air pollution in communities affected by the violation.

SEC. 7. Section 42403 of the Health and Safety Code is amended to read:

42403. (a) The civil penalties prescribed in Sections 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by a district attorney, or by the attorney for the district in which the violation occurs in a court of competent jurisdiction.

(b) In determining the amount of the civil penalty assessed, the court, or in reaching a settlement, the district, shall take into consideration all relevant circumstances, including, but not limited to, the following:

(1) The extent of harm caused by the violation.
(2) The nature and persistence of the violation.
(3) The length of time over which the violation occurs.
(4) The frequency of past violations.
(5) The record of maintenance.
(6) The unproven or innovative nature of the control equipment.
(7) Action, if any, taken by the defendant, including the nature, extent, and time of response of the cleanup and construction undertaken, to mitigate the violation.
(8) The financial burden to the defendant.

SEC. 8. Section 42412 is added to the Health and Safety Code, to read:

42412. In any action brought pursuant to this article, a prevailing plaintiff may recover its actual costs of investigation, expert witness fees, and reasonable attorney’s fees.
An act to amend Sections 17212, 17213.1, and 17251 of, and to add Article 3 (commencing with Section 17235) to Chapter 1 of Part 10.5 of Division 1 of Title 1 of the Education Code, and to amend Sections 21084, 21151.2, 21151.2 and 21151.8 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST


(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits an environmental impact report or negative declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met relating to, among other things, hazardous emissions or substances safety considerations, as provided.
Existing law requires the governing board of a school district, as a condition of receiving state funding under the Leroy F. Greene School Facilities Act of 1998, to conduct a Phase I environmental assessment of a proposed school site before acquiring the site, as provided.

Existing law requires the State Department of Education, upon the request of the governing board of a school district, to advise the governing board on the acquisition of new school sites, as specified.

Existing law requires the governing board of a school district, before acquiring title to property for a new school site or for an addition to a present school site, to give notice in writing of the proposed acquisition to the planning commission. Existing law requires the planning commission to investigate the proposed site and submit a written report to the governing board of the school district, as provided. Existing law prohibits the governing board from acquiring title to the property until the report of the planning commission has been received.

This bill would impose those prohibitions, and related requirements, on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools, as provided. The bill would apply the Phase I environmental assessment requirements to school districts, charter schools, charter schools and private schools, without conditioning the requirements on the receipt of state funds. By imposing new requirements on school districts, charter schools, lead agencies, cities, and counties, the bill would impose a state-mandated local program.

(2) Under existing law, CEQA requires the Office of Planning and Research to prepare and adopt guidelines to implement CEQA, and requires those guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that are required to be exempt from CEQA.

This bill would prohibit a project that involves demolition, construction, or alteration of a public school, including a charter school, or a private school from being exempted from CEQA pursuant to those guidelines.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.
With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


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

SECTION 1. Section 17212 of the Education Code is amended to read:

17212. (a) (1) The governing board of a school district, or the governing body of a charter school, before acquiring any site on which it proposes to construct any school building as defined in Section 17283 shall have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only. If the prospective schoolsite is located within the boundaries of any special studies zone or within an area designated as geologically hazardous in the safety element of the local general plan as provided in subdivision (g) of Section 65302 of the Government Code, the investigation shall include any geological and soil engineering studies by competent personnel needed to provide an assessment of the nature of the site and potential for earthquake or other geologic hazard damage.

(2) The geological and soil engineering studies of the site shall be of a nature that will preclude siting of a school in any location where the geological and site characteristics are such that the construction effort required to make the school building safe for occupancy is economically unfeasible. No studies are required to be made if the site or sites under consideration have been the subject of adequate prior studies. The evaluation shall also include location of the site with respect to population, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting the operating costs, as well as the initial costs, of the total project.

(b) For the purposes of this article, “special studies zone” means an area that is identified as a special studies zone on any map, or maps, compiled by the State Geologist pursuant to Chapter 7.5
(commencing with Section 2621) of Division 2 of the Public Resources Code.

SEC. 2. Section 17213.1 of the Education Code is amended to read:

17213.1. The governing board of a school district, the governing board of a school district shall comply with subdivision (a), and is not required to comply with subdivision (a) of Section 17213, before acquiring a schoolsite, or if the school district owns or leases a schoolsite, before the construction of a project. The governing body of a charter school, school or the governing body of a private school shall comply with subdivision (a), before acquiring a schoolsite, or if the school district, charter school, charter school or private school owns or leases a schoolsite, before the construction of a project.

(a) Before acquiring a schoolsite, the governing board or body shall contract with an environmental assessor to supervise the preparation of, and sign, a Phase I environmental assessment of the proposed schoolsite unless the governing board or body decides to proceed directly to a preliminary endangerment assessment, in which case it shall comply with paragraph (4).

(1) The Phase I environmental assessment shall contain one of the following recommendations:

(A) A further investigation of the site is not required.

(B) A preliminary endangerment assessment is needed, including sampling or testing, to determine the following:

(i) If a release of hazardous material has occurred and, if so, the extent of the release.

(ii) If there is the threat of a release of hazardous materials.

(iii) If a naturally occurring hazardous material is present.

(2) If the Phase I environmental assessment concludes that further investigation of the site is not required, the signed assessment, proof that the environmental assessor meets the qualifications specified in subdivision (b) of Section 17210, and the renewal fee shall be submitted to the Department of Toxic Substances Control. The Department of Toxic Substances Control shall conduct its review and approval, within 30 calendar days of its receipt of that assessment, proof of qualifications, and the
renewal fee. In those instances in which the Department of Toxic Substances Control requests additional information after receipt of the Phase I environmental assessment pursuant to paragraph (3), the Department of Toxic Substances Control shall conduct its review and approval within 30 calendar days of its receipt of the requested additional information. If the Department of Toxic Substances Control concurs with the conclusion of the Phase I environmental assessment that a further investigation of the site is not required, the Department of Toxic Substances Control shall approve the Phase I environmental assessment and shall notify, in writing, the State Department of Education and the governing board of the school district, the governing body of the charter school, or the governing body of the private school of the approval.

(3) If the Department of Toxic Substances Control determines that the Phase I environmental assessment is not complete or disapproves the Phase I environmental assessment, the department shall inform the school district, charter school, or private school of the decision, the basis for the decision, and actions necessary to secure department approval of the Phase I environmental assessment. The school district, charter school, or private school shall take actions necessary to secure the approval of the Phase I environmental assessment, elect to conduct a preliminary endangerment assessment, or elect not to pursue the acquisition or the construction project. To facilitate completion of the Phase I environmental assessment, the information required by this paragraph may be provided by telephonic or electronic means.

(4) (A) If the Department of Toxic Substances Control concludes after its review of a Phase I environmental assessment pursuant to this section that a preliminary endangerment assessment is needed, the Department of Toxic Substances Control shall notify, in writing, the State Department of Education and the governing board of the school district, the governing body of the charter school, or the governing body of the private school of that decision and the basis for that decision. The school district, charter school, or private school shall submit to the State Department of Education the Phase I environmental assessment and requested additional information, if any, that was reviewed by the Department of Toxic Substances Control pursuant to that subparagraph. Submittal of the Phase I assessment and additional information, if any, to the State Department of Education shall be before the State Department
of Education issuance of final site or plan approvals affected by
that Phase I assessment.
(B) If the Phase I environmental assessment concludes that a
preliminary endangerment assessment is needed, or if the
Department of Toxic Substances Control concludes after it reviews
a Phase I environmental assessment pursuant to this section that
a preliminary endangerment assessment is needed, the school
district, charter school, or private school shall either contract with
an environmental assessor to supervise the preparation of, and
sign, a preliminary endangerment assessment of the proposed
school site and enter into an agreement with the Department of
Toxic Substances Control to oversee the preparation of the
preliminary endangerment assessment or elect not to pursue the
acquisition or construction project. The agreement entered into
with the Department of Toxic Substances Control may be entitled
an “Environmental Oversight Agreement” and shall reference this
paragraph. A school district, charter school, or private school may,
with the concurrence of the Department of Toxic Substances
Control, enter into an agreement with the Department of Toxic
Substances Control to oversee the preparation of a preliminary
endangerment assessment without first having prepared a Phase I
environmental assessment. Upon request from the school district,
charter school, or private school, the Director of Toxic Substances
Control shall exercise its authority to designate a person to enter
the site and inspect and obtain samples pursuant to Section 25358.1
of the Health and Safety Code, if the director determines that the
exercise of that authority will assist in expeditiously completing
the preliminary endangerment assessment. The preliminary
endangerment assessment shall contain one of the following
conclusions:
(i) A further investigation of the site is not required.
(ii) A release of hazardous materials has occurred, and if so, the
extent of the release, that there is the threat of a release of
hazardous materials, or that a naturally occurring hazardous
material is present, or any combination thereof.
(5) The school district, charter school, or private school shall
submit the preliminary endangerment assessment to the Department
of Toxic Substances Control for its review and approval and to
the State Department of Education for its files. The school district,
charter school, or private school may entitle a document that is
meant to fulfill the requirements of a preliminary endangerment
assessment a “preliminary environmental assessment” and that
document shall be deemed to be a preliminary endangerment
assessment if it specifically refers to the statutory provisions whose
requirements it intends to meet and the document meets the
requirements of a preliminary endangerment assessment.

(6) At the same time a school district, charter school, or private
school submits a preliminary endangerment assessment to the
Department of Toxic Substances Control pursuant to paragraph
(5), the school district, charter school, or private school shall
publish a notice that the assessment has been submitted to the
department in a local newspaper of general circulation, and shall
post the notice in a prominent manner at the proposed schoolsite
that is the subject of that notice. The notice shall state the school
district’s, charter school’s, or private school’s determination to
make the preliminary endangerment assessment available for public
review and comment pursuant to subparagraph (A) or (B):

(A) If the school district, charter school, or private school
chooses to make the assessment available for public review and
comment pursuant to this subparagraph, it shall offer to receive
written comments for a period of at least 30 calendar days after
the assessment is submitted to the Department of Toxic Substances
Control, commencing on the date the notice is originally published,
and shall hold a public hearing to receive further comments. The
school district, charter school, or private school shall make all of
the following documents available to the public upon request
through the time of the public hearing:

(i) The preliminary endangerment assessment.

(ii) The changes requested by the Department of Toxic
Substances Control for the preliminary endangerment assessment,
if any.

(iii) Any correspondence between the school district, charter
school, or private school, and the Department of Toxic Substances
Control that relates to the preliminary endangerment assessment.

(B) For the purposes of this subparagraph, \textit{subparagraph (A)},
the notice of the public hearing shall include the date and location
of the public hearing, and the location where the public may review
the documents described in clauses (i) to (iii), inclusive. \textit{inclusive},
of \textit{subparagraph (A)}. If the preliminary endangerment assessment
is revised or altered following the public hearing, the school
district, charter school, or private school shall make those revisions
or alterations available to the public. The school district, charter
school, or private school shall transmit a copy of all public
comments received by the school district, charter school, or private
school on the preliminary endangerment assessment to the
Department of Toxic Substances Control. The Department of Toxic
Substances Control shall complete its review of the preliminary
endangerment assessment and public comments received thereon
and shall either approve or disapprove the assessment within 30
calendar days of the close of the public review period. If the
Department of Toxic Substances Control determines that it is likely
to disapprove the assessment prior to its receipt of the public
comments, it shall inform the school district, charter school, or
private school of that determination and of any action that the
school district, charter school, or private school is required to take
for the Department of Toxic Substances Control to approve the
assessment.

(C) If the school district, charter school, or private school
chooses to make the preliminary endangerment assessment
available for public review and comment pursuant to this
subparagraph, the Department of Toxic Substances Control shall
complete its review of the assessment within 60 calendar days of
receipt of the assessment and shall either return the assessment to
the school district, charter school, or private school with comments
and requested modifications or requested further assessment or
concur with the adequacy of the assessment pending review of
public comment. If the Department of Toxic Substances Control
concurs with the adequacy of the assessment, and the school
district, charter school, or private school proposes to proceed with
site acquisition or a construction project, the school district, charter
school, or private school shall make the assessment available to
the public on the same basis and at the same time it makes available
the draft environmental impact report or negative declaration
pursuant to the California Environmental Quality Act (Division
13 (commencing with Section 21000) of the Public Resources
Code) for the site, unless the document developed pursuant to the
California Environmental Quality Act (Division 13 (commencing
with Section 21000) of the Public Resources Code) will not be
made available until more than 90 days after the assessment is approved, in which case the school district, charter school, or private school shall, within 60 days of the approval of the assessment, separately publish a notice of the availability of the assessment for public review in a local newspaper of general circulation. The school district, charter school, or private school shall hold a public hearing on the preliminary endangerment assessment and the draft environmental impact report or negative declaration at the same time, pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). All public comments pertaining to the preliminary endangerment assessment shall be forwarded to the Department of Toxic Substances Control immediately. The Department of Toxic Substances Control shall review the public comments forwarded by the school district, charter school, or private school, and shall approve or disapprove the preliminary endangerment assessment within 30 days of the district’s, charter school’s, or private school’s approval action of the environmental impact report or the negative declaration.

(7) The school district, charter school, or private school shall comply with the public participation requirements of Sections 25358.7 and 25358.7.1 of the Health and Safety Code and other applicable provisions of the state act with respect to those response actions only if further response actions beyond a preliminary endangerment assessment are required and the school district, charter school, or private school determines that it will proceed with the acquisition or construction project.

(8) If the Department of Toxic Substances Control disapproves the preliminary endangerment assessment, it shall inform the school district, charter school, or private school of the decision, the basis for the decision, and actions necessary to secure the Department of Toxic Substances Control approval of the assessment. The school district, charter school, or private school shall take actions necessary to secure the approval of the Department of Toxic Substances Control of the preliminary endangerment assessment or elect not to pursue the acquisition or construction project.

(9) If the preliminary endangerment assessment determines that a further investigation of the site is not required and the Department of Toxic Substances Control approves this determination, it shall notify the State Department of Education and the school district,
charter school, or private school of its approval. The school district, charter school, or private school may then proceed with the acquisition or construction project.

(10) If the preliminary endangerment assessment determines that a release of hazardous material has occurred, that there is the threat of a release of hazardous materials, that a naturally occurring hazardous material is present, or any combination thereof, that requires further investigation, and the Department of Toxic Substances Control approves this determination, the school district, charter school, or private school may elect not to pursue the acquisition or construction project. If the school district, charter school, or private school elects to pursue the acquisition or construction project, it shall do all of the following:

(A) Prepare a financial analysis that estimates the cost of response action that will be required at the proposed schoolsite.

(B) Assess the benefits that accrue from using the proposed schoolsite when compared to the use of alternative schoolsites, if any.

(C) Obtain the approval of the State Department of Education that the proposed schoolsite meets the schoolsite selection standards adopted by the State Department of Education pursuant to subdivision (b) of Section 17251.

(D) Evaluate the suitability of the proposed schoolsite in light of the recommended alternative schoolsite locations in order of merit if the school district has requested the assistance of the State Department of Education, based upon the standards of the State Department of Education, pursuant to subdivision (a) of Section 17251.

(11) The school district, charter school, or private school shall reimburse the Department of Toxic Substances Control for all of the department’s response costs.

(b) The costs incurred by the school districts when complying with this section are allowable costs for purposes of an applicant under Chapter 12.5 (commencing with Section 17070.10) of Part 10 and may be reimbursed in accordance with Section 17072.13.

(c) A school district, charter school, or private school that releases a Phase I environmental assessment, a preliminary endangerment assessment, or information concerning either of these assessments, any of which is required by this section, may not be held liable in any action filed against the school district,
charter school, or private school for making either of these assessments available for public review.

(d) The changes made to this section by the act amending this section during the 2001 portion of the 2001–02 Regular Session do not apply to a schoolsite acquisition project or a school construction project, if either of the following occurred on or before the effective date of the act amending this section during the 2001 portion of the 2001–02 Regular Session:

(1) The final preliminary endangerment assessment for the project was approved by the Department of Toxic Substances Control pursuant to this section as this section read on the date of the approval.

(2) The school district seeking state funding for the project completed a public hearing for the project pursuant to this section, as this section read on the date of the hearing.

(e) The changes made to this section by Assembly Bill 2214 of the 2021–22 Regular Session apply to a schoolsite acquisition project or a schoolsite construction project pending approval before a local or state agency on or before January 1, 2023, in addition to a new schoolsite acquisition project or a schoolsite construction project on or after January 1, 2023.

SEC. 3. Article 3 (commencing with Section 17235) is added to Chapter 1 of Part 10.5 of Division 1 of Title 1 of the Education Code, to read:

Article 3. Charter School and Private School Schoolsites

17235. (a) For purposes of this section, the following definitions apply:

(1) “Administering agency” means an agency authorized pursuant to Section 25502 of the Health and Safety Code to implement and enforce Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code.

(2) “Extremely hazardous substance” has the same meaning as defined in paragraph (2) of subdivision (i) of Section 25532 of the Health and Safety Code.

(3) “Facilities” means a source with a potential to use, generate, emit, or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an
emission source pursuant to the most recent list of source categories published by the State Air Resources Board.

(4) “Freeway or other busy traffic corridor” means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

(5) “Handle” has the same meaning as defined in Section 25501 of the Health and Safety Code.

(6) “Hazardous air emissions” means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(7) “Hazardous substance” has the same meaning as defined in Section 25316 of the Health and Safety Code.

(8) “Hazardous waste” has the same meaning as defined in Section 25117 of the Health and Safety Code.

(9) “Hazardous waste disposal site” has the same meaning as “disposal site,” as defined in Section 25114 of the Health and Safety Code.

(b) The governing body of a charter school or the governing board of a private school shall not approve the acquisition or purchase of a schoolsite, or the construction of a new elementary or secondary school, by, or for use by, a charter school or a private school unless all of the following occur:

(1) The city or county determines that the property proposed to be acquired or purchased, or to be constructed upon, is not any of the following:

(A) The site of a current or former hazardous waste disposal site or solid waste disposal site, unless, if the site was a former solid waste disposal site, the city or county concludes that the wastes have been removed.

(B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for
removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(C) A site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools.

(2) (A) The governing body or board has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district’s authority, including, but not limited to, freeways or other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of one mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste. The notification by the governing body or board shall include a list of the locations for which information is sought.

(B) Each administering agency, air pollution control district, or air quality management district receiving written notification from a governing body or board to identify facilities pursuant to subparagraph (A) shall provide the requested information and provide a written response to the governing body or board within 30 days of receiving the notification.

(3) The city or county makes one of the following written findings:

(A) Consultation identified no facilities of the type specified in paragraph (2) or other significant pollution sources.

(B) One or more facilities specified in paragraph (2) or other pollution sources exist, but one of the following conditions applies:

(i) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.

(ii) Corrective measures required under an existing order by another agency having jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment.
of public health to persons who would attend or be employed at
the proposed school. If the city or county makes a finding pursuant
to this clause, it shall also make a subsequent finding, before
occupancy of the school, that the emissions have been so mitigated.

(iii) For a schoolsite with a boundary that is within 500 feet of
the edge of the closest traffic lane of a freeway or other busy traffic
corridor, the city or county determines, through analysis pursuant
to paragraph (2) of subdivision (b) of Section 44360 of the Health
and Safety Code, based on appropriate air dispersion modeling,
and after considering any potential mitigation measures, that the
air quality at the proposed site is such that neither short-term nor
long-term exposure poses significant health risks to pupils.

(C) One or more facilities specified in paragraph (2) or other
pollution sources exist, but conditions in clause (i), (ii), or (iii) of
subparagraph (B) cannot be met, and the charter school or private
school is unable to locate an alternative site that is suitable due to
a severe shortage of sites that meet the requirements in this section.

SEC. 4. Section 17251 of the Education Code is amended to
read:

17251. The department shall:

(a) Upon the request of the governing board of a school district
or the governing body of a charter school, advise the governing
board of the school district or the governing body of the charter
school on the acquisition of new schoolsites and, after a review of
available plots, give the governing board of the school district or
the governing body of the charter school in writing a list of the
recommended locations in the order of their merit, considering
especially the matters of educational merit, safety, reduction of
traffic hazards, and conformity to the land use element in the
general plan of the city, county, or city and county having
jurisdiction. The governing board of the school district or the
governing body of the charter school may purchase a site deemed
unsuitable for school purposes by the department only after
reviewing the report of the department on proposed sites at a public
hearing. The department shall charge the school district or charter
school a reasonable fee for each schoolsite reviewed not to exceed
the actual administrative costs incurred for that purpose.

(b) Develop standards for use by a school district or charter
school in the selection of schoolsites, in accordance with the
objectives set forth in subdivision (a). The department shall
investigate complaints of noncompliance with site selection
standards, and shall notify the governing board of the school district
or the governing body of the charter school of the results of the
investigation. If that notification is received before the acquisition
of the site, the governing board of the school district or the
governing body of the charter school shall discuss the findings of
the investigation in a public hearing.

(c) Establish standards for use by school districts and charter
schools to ensure that the design and construction of school
facilities are educationally appropriate, promote school safety, and
provide school districts and charter schools with flexibility in
designing instructional facilities.

(d) Upon the request of the governing board of a school district
or the governing body of a charter school, review plans and
specifications for school buildings in the school district or charter
school. The department shall charge the school district or charter
school, for the review of plans and specifications, a reasonable fee
not to exceed the actual administrative costs incurred for that
purpose.

(e) Upon the request of the governing board of a school district
or the governing body of a charter school, make a survey of the
building needs of the school district or charter school, advise the
governing board of the school district or the governing body of
the charter school concerning the building needs, and suggest plans
for financing a building program to meet the needs. The department
shall charge the school district or charter school, for the cost of
the survey, a reasonable fee not to exceed the actual administrative
costs incurred for that purpose.

(f) Provide information relating to the impact or potential impact
upon a schoolsite of hazardous substances, solid waste, safety,
hazardous air emissions, and other information as the department
may deem appropriate.

(g) (1) Develop strategies to assist small school districts with
technical assistance relating to school construction and the funding
of school facilities. The strategies may include informing those
small school districts of how to receive the approval required for
school construction, including the requirements of the Division of
the State Architect, and how to secure state funding, including
from the state bond funds made available pursuant to the Leroy F.
Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(2) For purposes of this subdivision, “small school district” means a school district with fewer than 2,501 units of average daily attendance.

SEC. 5. Section 21084 of the Public Resources Code is amended to read:
21084. (a) The guidelines prepared and adopted pursuant to Section 21083 shall include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be exempt from this division. In adopting the guidelines, the Secretary of the Natural Resources Agency shall make a finding that the listed classes of projects referred to in this section do not have a significant effect on the environment.

(b) A project’s greenhouse gas emissions shall not, in and of themselves, be deemed to cause an exemption adopted pursuant to subdivision (a) to be inapplicable if the project complies with all applicable regulations or requirements adopted to implement statewide, regional, or local plans consistent with Section 15183.5 of Title 14 of the California Code of Regulations.

(c) A project that may result in damage to scenic resources, including, but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway designated as an official state scenic highway, pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, shall not be exempted from this division pursuant to subdivision (a). This subdivision does not apply to improvements as mitigation for a project for which a negative declaration has been approved or an environmental impact report has been certified.

(d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a).

(e) A project that may cause a substantial adverse change in the significance of a historical resource, as specified in Section 21084.1, shall not be exempted from this division pursuant to subdivision (a).

(f) A project that involves demolition, construction, or alteration of a public school, including a charter school, or a private school
shall not be exempted from this division pursuant to subdivision (a).

SEC. 5. Section 21151.2 of the Public Resources Code is amended to read:

21151.2. (a) To promote the health and safety of pupils and comprehensive community planning, the governing board or body of each school district, charter school, or private school shall, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, give the planning commission having jurisdiction notice in writing of the proposed acquisition.

(b) The planning commission shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board or body of the school district, charter school, or private school a written report of the investigation and its recommendations concerning acquisition of the site.

(c) The governing board or body of the school district, charter school, or private school shall not acquire title to the property until the report of the planning commission has been received.

(d) If the report does not favor the acquisition of the property for a schoolsite, or for an addition to a present schoolsite, the governing board or body of the school district, charter school, or private school shall not acquire title to the property until 30 days after the commission’s report is received.

SEC. 6. Section 21151.8 of the Public Resources Code is amended to read:

21151.8. (a) A lead agency shall not certify an environmental impact report or approve a negative declaration for a project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district, a charter school, or a private school unless all of the following occur:

(1) The environmental impact report or negative declaration includes information that is needed to determine if the property proposed to be purchased, or to be constructed upon, is any of the following:

(A) The site of a current or former hazardous waste disposal site or solid waste disposal site and, if so, whether the wastes have been removed.
(B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(C) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools.

(D) A site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

(2) (A) The lead agency in preparing the environmental impact report or negative declaration has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district’s authority, including, but not limited to, freeways or other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of one mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste. The notification by the lead agency shall include a list of the locations for which information is sought.

(B) Each administering agency, air pollution control district, or air quality management district receiving written notification from a lead agency to identify facilities pursuant to subparagraph (A) shall provide the requested information and provide a written response to the lead agency within 30 days of receiving the notification. The environmental impact report or negative declaration shall be conclusively presumed to comply with subparagraph (A) as to the area of responsibility of an agency that does not respond within 30 days.

(C) If the lead agency has carried out the consultation required by subparagraph (A), the environmental impact report or the negative declaration shall be conclusively presumed to comply with subparagraph (A), notwithstanding any failure of the
consultation to identify an existing facility or other pollution source
specified in subparagraph (A).

(3) The lead agency makes one of the following written findings:

(A) Consultation identified no facilities of this type or other
significant pollution sources specified in paragraph (2).

(B) The facilities or other pollution sources specified in
paragraph (2) exist, but one of the following conditions applies:

(i) The health risks from the facilities or other pollution sources
do not and will not constitute an actual or potential endangerment
of public health to persons who would attend or be employed at
the proposed school.

(ii) Corrective measures required under an existing order by
another agency having jurisdiction over the facilities or other
pollution sources will, before the school is occupied, result in the
mitigation of all chronic or accidental hazardous air emissions to
levels that do not constitute an actual or potential endangerment
of public health to persons who would attend or be employed at
the proposed school. If the lead agency makes a finding pursuant
to this clause, it shall also make a subsequent finding, before
occupancy of the school, that the emissions have been so mitigated.

(iii) For a schoolsite with a boundary that is within 500 feet of
the edge of the closest traffic lane of a freeway or other busy traffic
corridor, the lead agency determines, through analysis pursuant to
paragraph (2) of subdivision (b) of Section 44360 of the Health
and Safety Code, based on appropriate air dispersion modeling,
and after considering any potential mitigation measures, that the
air quality at the proposed site is such that neither short-term nor
long-term exposure poses significant health risks to pupils.

(C) The facilities or other pollution sources specified in
paragraph (2) exist, but conditions in clause (i), (ii), or (iii) of
subparagraph (B) cannot be met, and the lead agency is unable to
locate an alternative site that is suitable due to a severe shortage
of sites that meet the requirements in subdivision (a) of Section
17213 of the Education Code. If the lead agency makes this finding,
the lead agency shall adopt a statement of overriding considerations
pursuant to Section 15093 of Title 14 of the California Code of
Regulations.

(b) For purposes of this section, the following definitions apply:

(1) “Administering agency” means an agency authorized
pursuant to Section 25502 of the Health and Safety Code to
implement and enforce Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code.

(2) “Extremely hazardous substances” means an extremely hazardous substance, as defined pursuant to paragraph (2) of subdivision (i) of Section 25532 of the Health and Safety Code.

(3) “Facilities” means a source with a potential to use, generate, emit, or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the State Air Resources Board.

(4) “Freeway or other busy traffic corridor” means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

(5) “Handle” means handle as defined in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(6) “Hazardous air emissions” means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substances identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.


(9) “Hazardous waste disposal site” means a site defined in Section 25114 of the Health and Safety Code.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.
However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
An act to amend Section 40227 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district and prescribes the membership of the district board. Existing law authorizes the district board to provide, by ordinance, compensation not to exceed $100 per day for board members for attending meetings of the board or committees of the board or while on official business of the district and not to exceed $6,000 per year. Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their duties, as specified. duties.

This bill would state the intent of the Legislature to enact subsequent legislation that would make changes to the compensation and expenses that members of the district board receive in the performance of their board duties.

revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a
meeting while on official business of the district to an amount not to exceed $100 per meeting and $200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the $6,000 total annual compensation limit.


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

SECTION 1. Section 40227 of the Health and Safety Code is amended to read:

40227. (a) Each member of the bay district board shall receive actual and necessary expenses incurred in the performance of board duties, and board duties.

(b) Each member of the bay district board may receive compensation, to be determined by the bay district board, not to exceed one hundred dollars ($100) for each day attending the meetings board subject to subdivision (c), for any of the following:

(1) Attending a meeting of the bay district board and or a committee meetings thereof, or, of the bay district board.

(2) Attending a meeting, upon authorization of the bay district board, while on official business of the bay district, but the district.

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

(c) The compensation provided for attending a meeting pursuant to paragraph (1) or (2) of subdivision (b) shall not exceed one hundred dollars ($100) for each meeting and shall not exceed two hundred dollars ($200) per day. The compensation provided pursuant to subdivision (b) shall not exceed six thousand dollars ($6,000) in any one year.

(d) Compensation pursuant to this section shall be fixed by ordinance.

SECTION 1. In order to promote active transportation, reduce air pollution, and protect public health in the bay area region, it is the intent of the Legislature to enact subsequent legislation that would make changes to the compensation and expenses that
members of the board of the Bay Area Air Quality Management District receive in the performance of their board duties.
marine vessel and any other category necessary for the state and air districts to meet air quality goals.

This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2033.

(2) Existing law authorizes the Sacramento Metropolitan Air Quality Management District to adopt a surcharge on motor vehicle registration fees applicable to all motor vehicles registered in counties within the district. Existing law, until January 1, 2024, raises the limit on the amount of that surcharge from $4 to $6 and requires that $2 of the surcharge be used to implement the Carl Moyer Program, among other programs. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by the district, and requires the department, after deducting its administrative costs, to distribute the revenues to the district. Beginning January 1, 2024, existing law returns the surcharge limit to its previous amount of $4.

This bill would extend the authorization to increase the surcharge to $6 until January 1, 2033.

(3) Existing law authorizes an air pollution control or air quality management district, except the Sacramento district, to levy a surcharge on the registration fees for motor vehicles registered in the air district, as specified by the governing body of the air district. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by an air district, and requires the department, after deducting its administrative costs, to distribute the revenues to the air districts. Existing law, until January 1, 2024, raises the limit on the amount of that surcharge from $4 to $6 and requires that $2 of the surcharge be used to implement the Carl Moyer Program, among other programs. Beginning January 1, 2024, existing law returns the surcharge limit to its previous amount of $4. Existing law authorizes the San Joaquin Valley Unified Air Pollution Control District to increase the surcharge up to, but not exceeding, $30 for incentive-based programs to achieve surplus emissions reductions, as specified, and authorizes an adopted increased surcharge to be charged in any fiscal years 2009–10 to 2023–24, inclusive.

This bill would extend the authorization to increase the surcharge to $6 until January 1, 2033. The bill would also extend the authorization for the San Joaquin Valley Unified Air Pollution Control District to charge an adopted increased surcharge up to, but not exceeding, $30, through fiscal year 2032–33.
(4) Existing law imposes, until January 1, 2024, a California tire fee of $1.75 per tire on a person who purchases a new tire, with the revenues generated to be allocated for prescribed purposes related to disposal and use of used tires. Existing law requires that $0.75 per tire on which the fee is imposed be deposited in the Air Pollution Control Fund with these moneys to be available upon appropriation by the Legislature for use by the state board and air districts for specified purposes. Existing law reduces the tire fee to $0.75 per tire on and after January 1, 2024. This bill would extend the collection of the tire fee at $1.75 per tire until January 1, 2033, and would therefore impose a tax.

(5) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.


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

SECTION 1. Section 40612 of the Health and Safety Code is amended to read:

40612. (a) In order to provide funding for air pollution control programs needed to achieve and maintain state and federal air quality, the district may do both of the following:

(1) Notwithstanding the limits on the amount of the motor vehicle fee specified in Sections 44223 and 44225, increase the fee established pursuant to these sections to up to, but not exceeding, thirty dollars ($30) per motor vehicle per year for the purposes of establishing and implementing incentive-based programs to achieve surplus emissions reductions that the district determines are needed to remediate air pollution harms created by motor vehicles on which the fee is imposed and that are intended to achieve and maintain state and federal ambient air quality standards required by the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.). Except for the amount of the fee, any increase shall be subject to Chapter 7 (commencing with Section 44220) of Part 5, including, but not limited to, the adoption of a resolution providing for both the fee increase and a corresponding program...
for expenditure of the moneys raised by the increased fees for the
reduction of mobile source emissions.

(2) Notwithstanding Section 40717.9, adopt rules and regulations
to reduce vehicle trips in order to reduce air pollution from
vehicular sources.

(b) Fees adopted pursuant to this section are in addition to any
other fees imposed by the district, and may be charged in any of
fiscal years 2009–10 to 2032–33, 2033–34, inclusive. Fees may
be assessed after the 2012–13 fiscal year only if the United States
Environmental Protection Agency approves the district’s proposed
reclassification of its nonattainment status for ozone from severe
to extreme. The fees adopted pursuant to this section are for the
district portion of the total amount needed to achieve and maintain
state and federal ambient air quality standards. At least ten million
dollars ($10,000,000) shall be used to mitigate the impacts of air
pollution on public health and the environment in
disproportionately impacted environmental justice communities
in the San Joaquin Valley. The district board shall convene an
environmental justice advisory committee, selected from a list
given to the board by environmental justice groups from the San
Joaquin Valley, to recommend the neighborhoods in the district
that constitute environmental justice communities, and how to
expend funds within these communities.

(c) (1) The fees adopted pursuant to this section shall become
effective after the state board makes both of the following findings:
(A) The district has undertaken all feasible measures to reduce
nonattainment air pollutants from sources within the district’s
jurisdiction and regulatory control.
(B) The district has notified the state board that fees have been
adopted pursuant to this section and provided the state board with
an estimate of the total funds that will be provided annually by
each of those fees.
(2) The state board shall file a written copy of its findings made
pursuant to this subdivision with the Secretary of State within two
days of its determination.
(3) The fees adopted pursuant to this section shall be collected
nine months after the requirements of paragraph (2) are met.
(d) This section shall remain in effect only until June 30, 2034,
and as of that date is repealed.
SEC. 2. Section 41081 of the Health and Safety Code, as amended by Section 2 of Chapter 401 of the Statutes of 2013, is amended to read:

41081. (a) Subject to Article 3.7 (commencing with Section 53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, or with the approval of the board of supervisors of each county included, in whole or in part, within the Sacramento district, the Sacramento district board may adopt a surcharge on the motor vehicle registration fees applicable to all motor vehicles registered in those counties within the Sacramento district whose boards of supervisors have adopted a resolution approving the surcharge. The surcharge shall be collected by the Department of Motor Vehicles and, after deducting the department’s administrative costs, the remaining funds shall be transferred to the Sacramento district. Before the adoption of any surcharge pursuant to this subdivision, the district board shall make a finding that any funds allocated to the district as a result of the adoption of a county transportation sales and use tax are insufficient to carry out the purposes of this chapter.

(b) The surcharge shall not exceed four dollars ($4).

(c) After consulting with the Department of Motor Vehicles on the feasibility thereof, the Sacramento district board may provide, in the surcharge adopted pursuant to subdivision (a), to exempt from all or part of the surcharge any category of low-emission motor vehicle.

(d) Funds received by the Sacramento district pursuant to this section shall be used to implement the strategy with respect to the reduction in emissions from vehicular sources, including, but not limited to, a clean fuels program and motor vehicle use reduction measures. Not more than 5 percent of the funds collected pursuant to this section shall be used by the district for administrative expenses.

(e) This section shall become operative on January 1, 2033.

SEC. 3. Section 41081 of the Health and Safety Code, as amended by Section 1 of Chapter 610 of the Statutes of 2015, is amended to read:

41081. (a) Subject to Article 3.7 (commencing with Section 53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, or with the approval of the board of supervisors
of each county included, in whole or in part, within the Sacramento
district, the Sacramento district board may adopt a surcharge on
the motor vehicle registration fees applicable to all motor vehicles
registered in those counties within the Sacramento district whose
boards of supervisors have adopted a resolution approving the
surcharge. The surcharge shall be collected by the Department of
Motor Vehicles and, after deducting the department’s
administrative costs, the remaining funds shall be transferred to
the Sacramento district. Before the adoption of any surcharge
pursuant to this subdivision, the district board shall make a finding
that any funds allocated to the district as a result of the adoption
of a county transportation sales and use tax are insufficient to carry
out the purposes of this chapter.

(b) The surcharge shall not exceed six dollars ($6).

(c) After consulting with the Department of Motor Vehicles on
the feasibility thereof, the Sacramento district board may provide,
in the surcharge adopted pursuant to subdivision (a), to exempt
from all or part of the surcharge any category of low-emission
motor vehicle.

(d) Funds received by the Sacramento district pursuant to this
section shall be used by that district as follows:

1. The revenues resulting from the first four dollars ($4) of
each surcharge shall be used to implement reductions in emissions
from vehicular sources, including, but not limited to, a clean fuels
program and motor vehicle use reduction measures.

2. The revenues resulting from the next two dollars ($2) of
each surcharge shall be used to implement the following programs
that achieve emission reductions from vehicular sources and
off-road engines, to the extent that the district determines the
program remediates air pollution harms created by motor vehicles
on which the surcharge is imposed:

A. Projects eligible for grants under the Carl Moyer Memorial
Air Quality Standards Attainment Program (Chapter 9
(commencing with Section 44275) of Part 5).

B. The new purchase, retrofit, repower, or add-on of equipment
for previously unregulated agricultural sources of air pollution, as
defined in Section 39011.5, within the Sacramento district, for a
minimum of three years from the date of adoption of an applicable
rule or standard, or until the compliance date of that rule or
standard, whichever is later, if the state board has determined that
the rule or standard complies with Sections 40913, 40914, and 41503.1, after which period of time, a new purchase, retrofit, repower, or add-on of equipment shall not be funded pursuant to this chapter. The district shall follow any guidelines developed under subdivision (a) of Section 44287 for awarding grants under this program.

(C) The purchase of new schoolbuses or the repower or retrofit of emissions control equipment for existing schoolbuses pursuant to the Lower-Emission School Bus Program adopted by the state board. (D) An accelerated vehicle retirement or repair program that is adopted by the state board pursuant to authority granted hereafter by the Legislature by statute.

(E) The replacement of onboard natural gas fuel tanks on schoolbuses that are 14 years or older or the enhancement of deteriorating natural gas fueling dispensers of fueling infrastructure, pursuant to the Lower-Emission School Bus Program adopted by the state board.

(F) The funding of alternative fuel and electric infrastructure projects solicited and selected through a competitive bid process. (e) Not more than 6.25 percent of the funds collected pursuant to this section shall be used by the district for administrative expenses.

(f) A project funded by the program shall not be used for credit under any state or federal emissions averaging, banking, or trading program. An emission reduction generated by the program shall not be used as marketable emission reduction credits or to offset any emission reduction obligation of any person or entity. Projects involving new engines that would otherwise generate marketable credits under state or federal averaging, banking, and trading programs shall include transfer of credits to the engine end user and retirement of those credits toward reducing air emissions in order to qualify for funding under the program. A purchase of a low-emission vehicle or of equipment pursuant to a corporate or a controlling board’s policy, but not otherwise required by law, shall generate surplus emissions reductions and may be funded by the program.

(g) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute,
that is enacted before January 1, 2033, deletes or extends that date.

SEC. 4. Section 44225 of the Health and Safety Code, as amended by Section 7 of Chapter 401 of the Statutes of 2013, is amended to read:

44225. (a) A district may increase the fee established under Section 44223 to up to four dollars ($4). A district may increase the fee only if both of the following conditions are met:

(1) A resolution providing for both the fee increase and a corresponding program for expenditure of the increased fees for the reduction of air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of, the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988) is adopted and approved by the governing board of the district.

(2) In districts with nonelected officials on their governing boards, the resolution shall be adopted and approved by both a majority of the governing board and a majority of the board members who are elected officials.

(b) An increase in fees established pursuant to this section shall become effective on either April 1 or October 1, as provided in the resolution adopted by the board pursuant to subdivision (a).

(c) This section shall become operative on January 1, 2033, 2034.

SEC. 5. Section 44225 of the Health and Safety Code, as amended by Section 3 of Chapter 610 of the Statutes of 2015, is amended to read:

44225. (a) A district may increase the fee established under Section 44223 to up to six dollars ($6). A district may increase the fee only if both of the following conditions are met:

(1) A resolution providing for both the fee increase and a corresponding program for expenditure of the increased fees for the reduction of air pollution from motor vehicles pursuant to, and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of, the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988), or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles, is adopted and approved by the governing board of the district.
(2) In districts with nonelected officials on their governing boards, the resolution shall be adopted and approved by both a majority of the governing board and a majority of the board members who are elected officials.

(b) An increase in fees established pursuant to this section shall become effective on either April 1 or October 1, as provided in the resolution adopted by the board pursuant to subdivision (a).

(c) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 6. Section 44229 of the Health and Safety Code, as amended by Section 9 of Chapter 401 of the Statutes of 2013, is amended to read:

44229. (a) After deducting all administrative costs it incurs through collection of fees pursuant to Section 44227, the Department of Motor Vehicles shall distribute the revenues to districts, which shall use the fees to reduce air pollution from motor vehicles and to carry out related planning, monitoring, enforcement, and technical studies necessary for implementation of the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988). Fees collected by the Department of Motor Vehicles pursuant to this chapter shall be distributed to districts based upon the amount of fees collected from motor vehicles registered within each district.

(b) The Department of Motor Vehicles may annually expend not more than the following percentages of the fees collected pursuant to Section 44227 on administrative costs:

(1) During the first year after the operative date of this chapter, not more than 5 percent of the fees collected may be used for administrative costs.

(2) During the second year after the operative date of this chapter, not more than 3 percent of the fees collected may be used for administrative costs.

(3) During any year subsequent to the second year after the operative date of this chapter, not more than 1 percent of the fees collected may be used for administrative costs.

(c) This section shall become operative on January 1, 2033, 2034.
SEC. 7. Section 44229 of the Health and Safety Code, as amended by Section 4 of Chapter 610 of the Statutes of 2015, is amended to read:

44229. (a) After deducting all administrative costs it incurs through collection of fees pursuant to Section 44227, the Department of Motor Vehicles shall distribute the revenues to districts, which shall use the revenues resulting from the first four dollars ($4) of each fee imposed to reduce air pollution from motor vehicles and to carry out related planning, monitoring, enforcement, and technical studies necessary for implementation of the California Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988). Fees collected by the Department of Motor Vehicles pursuant to this chapter shall be distributed to districts based upon the amount of fees collected from motor vehicles registered within each district.

(b) Notwithstanding Sections 44241 and 44243, a district shall use the revenues resulting from the next two dollars ($2) of each fee imposed pursuant to Section 44227 to implement the following programs that the district determines remediate air pollution harms created by motor vehicles on which the surcharge is imposed:

(1) Projects eligible for grants under the Carl Moyer Memorial Air Quality Standards Attainment Program (Chapter 9 (commencing with Section 44275) of Part 5).

(2) The new purchase, retrofit, repower, or add-on equipment for previously unregulated agricultural sources of air pollution, as defined in Section 39011.5, for a minimum of three years from the date of adoption of an applicable rule or standard, or until the compliance date of that rule or standard, whichever is later, if the state board has determined that the rule or standard complies with Sections 40913, 40914, and 41503.1, after which period of time, a new purchase, retrofit, repower, or add-on of equipment shall not be funded pursuant to this chapter. The districts shall follow any guidelines developed under subdivision (a) of Section 44287 for awarding grants under this program.

(3) The purchase of new schoolbuses or the repower or retrofit of emissions control equipment for existing schoolbuses pursuant to the Lower-Emission School Bus Program adopted by the state board.

(4) An accelerated vehicle retirement or repair program that is adopted by the state board pursuant to authority granted hereafter by the Legislature by statute.
(5) The replacement of onboard natural gas fuel tanks on schoolbuses that are 14 years or older or the enhancement of deteriorating natural gas fueling dispensers of fueling infrastructure, pursuant to the Lower-Emission School Bus Program adopted by the state board.

(6) The funding of alternative fuel and electric infrastructure projects solicited and selected through a competitive bid process.

(c) The Department of Motor Vehicles may annually expend not more than 1 percent of the fees collected pursuant to Section 44227 on administrative costs.

(d) A project funded by the program shall not be used for credit under any state or federal emissions averaging, banking, or trading program. An emission reduction generated by the program shall not be used as marketable emission reduction credits or to offset any emission reduction obligation of any person or entity. Projects involving new engines that would otherwise generate marketable credits under state or federal averaging, banking, and trading programs shall include transfer of credits to the engine end user and retirement of those credits toward reducing air emissions in order to qualify for funding under the program. A purchase of a low-emission vehicle or of equipment pursuant to a corporate or a controlling board’s policy, but not otherwise required by law, shall generate surplus emissions reductions and may be funded by the program.

(e) This section shall remain in effect only until January 1, 2033, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2034, deletes or extends that date.

SEC. 8. Section 44275 of the Health and Safety Code, as amended by Section 1 of Chapter 634 of the Statutes of 2017, is amended to read:

44275. (a) As used in this chapter, the following terms have the following meanings:

(1) [Reserved]

(2) “Btu” means British thermal unit.

(3) “Commission” means the State Energy Resources Conservation and Development Commission.

(4) “Cost-effectiveness” means dollars provided to a project pursuant to subdivision (d) of Section 44283 for each ton of covered emission reduction attributed to a project or to the program.
as a whole. In calculating cost-effectiveness, one-time grants of
funds made at the beginning of a project shall be annualized using
a time value of public funds or discount rate determined for each
project by the state board, taking into account the interest rate on
bonds, interest earned by state funds, and other factors as
determined appropriate by the state board. Cost-effectiveness shall
be calculated by dividing annualized costs by average annual
emissions reduction. The state board, in consultation with the
districts and concerned members of the public, shall establish
appropriate cost-effective limits for oxides of nitrogen, particulate
matter, and reactive organic gases and a reasonable system for
comparing the cost-effectiveness of proposed projects as described
in subdivision (a) of Section 44283.

(5) “Covered emissions” include emissions of oxides of nitrogen,
particulate matter, and reactive organic gases from any covered
source.

(6) “Covered engine” includes any internal combustion engine
or electric motor and drive powering a covered source.

(7) “Covered source” includes onroad vehicles, off-road
nonrecreational equipment and vehicles, locomotives, marine
vessels, agricultural sources of air pollution, as defined in Section
39011.5, stationary irrigation or water conveyance engines, and,
as determined by the state board, other categories necessary for
the state and districts to meet air quality goals.

(8) “Covered vehicle” includes any vehicle or piece of
equipment powered by a covered engine.

(9) “District” means a county air pollution control district or an
air quality management district.

(10) “Fund” means the Air Pollution Control Fund established
pursuant to Section 43015.

(11) “Incremental cost” means the cost of the project less a
baseline cost that would otherwise be incurred by the applicant in
the normal course of business. Incremental costs may include
added lease, energy, or fuel costs pursuant to Section 44283 as
well as incremental capital costs.

(12) “Liquidated” means that all moneys for a specified fiscal
year have been spent by a district to reimburse grantees for valid
and eligible project invoices and district administrative costs.
Payments withheld from the grantee by a district until all
contractual reporting requirements are met may be excluded from these amounts for purposes of liquidation.

(13) “Mobile Source Air Pollution Reduction Review Committee” means the Mobile Source Air Pollution Reduction Review Committee created by Section 44244.

(14) “New very low emission vehicle” means a heavy-duty vehicle that qualifies as a very low emission vehicle when it is a new vehicle, where new vehicle has the same meaning as defined in Section 430 of the Vehicle Code, or that is modified with the approval and warranty of the original equipment manufacturer to qualify as a very low emission vehicle within 12 months of delivery to an owner for private or commercial use.

(15) “NOx” means oxides of nitrogen.

(16) “Program” means the Carl Moyer Memorial Air Quality Standards Attainment Program created by subdivision (a) of Section 44280.

(17) “Recaptured” means those moneys that are returned to a district or the state board by a grantee because that grantee did not meet contractual obligations.

(18) “Repower” means replacing an engine with a different engine. The term repower, as used in this chapter, generally refers to replacing an older, uncontrolled engine with a new, emissions-certified engine, although replacing an older emissions-certified engine with a newer engine certified to lower emissions standards may be eligible for funding under this program.

(19) “Retrofit” means making modifications to the engine and fuel system so that the retrofitted engine does not have the same specifications as the original engine.

(20) “Returned” means those moneys sent by a district to the state board for reallocation because those moneys are not liquidated by a liquidation deadline.

(21) “Schoolbus project” means the purchase of new schoolbuses or the repower or retrofit of emissions control equipment for existing schoolbuses.

(22) “Very low emission vehicle” means a heavy-duty vehicle with emissions significantly lower than otherwise applicable baseline emission standards or uncontrolled emission levels pursuant to Section 44282.

(b) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute,
that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 9. Section 44275 of the Health and Safety Code, as amended by Section 2 of Chapter 634 of the Statutes of 2017, is amended to read:

44275. (a) As used in this chapter, the following terms have the following meanings:

(1) [Reserved]

(2) “Btu” means British thermal unit.

(3) “Commission” means the State Energy Resources Conservation and Development Commission.

(4) “Cost-effectiveness” means dollars provided to a project pursuant to subdivision (d) of Section 44283 for each ton of NO\textsubscript{x} reduction attributed to a project or to the program as a whole. In calculating cost-effectiveness, one-time grants of funds made at the beginning of a project shall be annualized using a time value of public funds or discount rate determined for each project by the state board, taking into account the interest rate on bonds, interest earned by state funds, and other factors as determined appropriate by the state board. Cost-effectiveness shall be calculated by dividing annualized costs by average annual emissions reduction of NO\textsubscript{x} in this state.

(5) “Covered engine” includes any internal combustion engine or electric motor and drive powering a covered source.

(6) “Covered source” includes onroad vehicles of 14,000 pounds gross vehicle weight rating (GVWR) or greater, off-road nonrecreational equipment and vehicles, locomotives, diesel marine vessels, stationary agricultural engines, stationary irrigation or water conveyance engines, and, as determined by the state board, other high-emitting diesel engine categories.

(7) “Covered vehicle” includes any vehicle or piece of equipment powered by a covered engine.

(8) “District” means a county air pollution control district or an air quality management district.

(9) “Fund” means the Air Pollution Control Fund established pursuant to Section 43015.

(10) “Incremental cost” means the cost of the project less a baseline cost that would otherwise be incurred by the applicant in the normal course of business. Incremental costs may include
added lease or fuel costs pursuant to Section 44283 as well as incremental capital costs.

(11) “Liquidated” means that all moneys for a specified fiscal year have been spent by a district to reimburse grantees for valid and eligible project invoices and district administrative costs. Payments withheld from the grantee by a district until all contractual reporting requirements are met may be excluded from these amounts for purposes of liquidation.

(12) “Mobile Source Air Pollution Reduction Review Committee” means the Mobile Source Air Pollution Reduction Review Committee created by Section 44244.

(13) “New very low emission vehicle” means a vehicle that qualifies as a very low emission vehicle when it is a new vehicle, where new vehicle has the same meaning as defined in Section 430 of the Vehicle Code, or that is modified with the approval and warranty of the original equipment manufacturer to qualify as a very low emission vehicle within 12 months of delivery to an owner for private or commercial use.

(14) “NO\(_x\)” means oxides of nitrogen.

(15) “Program” means the Carl Moyer Memorial Air Quality Standards Attainment Program created by subdivision (a) of Section 44280.

(16) “Recaptured” means those moneys that are returned to a district or the state board by a grantee because that grantee did not meet contractual obligations.

(17) “Repower” means replacing an engine with a different engine. The term repower, as used in this chapter, generally refers to replacing an older, uncontrolled engine with a new, emissions-certified engine, although replacing an older emissions-certified engine with a newer engine certified to lower emissions standards may be eligible for funding under this program.

(18) “Retrofit” means making modifications to the engine and fuel system such that the retrofitted engine does not have the same specifications as the original engine.

(19) “Returned” means those moneys sent by a district to the state board for reallocation because those moneys are not liquidated by a liquidation deadline.

(20) “Schoolbus project” means the purchase of new schoolbuses or the repower or retrofit of emissions control equipment for existing schoolbuses.
“Very low emission vehicle” means a vehicle with emissions significantly lower than otherwise applicable baseline emission standards or uncontrolled emission levels pursuant to Section 44282.

(b) This section shall become operative on January 1, 2033.

SEC. 10. Section 44280 of the Health and Safety Code, as amended by Section 17 of Chapter 401 of the Statutes of 2013, is amended to read:

44280. (a) There is hereby created the Carl Moyer Memorial Air Quality Standards Attainment Program. The program shall be administered by the state board in accordance with this chapter. The administration of the program may be delegated to the districts.

(b) The program shall provide grants to offset the incremental cost of projects that reduce covered emissions from covered sources in the state. Eligibility for grant awards shall be determined by the state board, in consultation with the districts, in accordance with this chapter.

(c) The program shall also provide funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals. The infrastructure demonstration and technology development portions of the program shall be managed by the commission, in consultation with the state board.

(d) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 11. Section 44280 of the Health and Safety Code, as amended by Section 18 of Chapter 401 of the Statutes of 2013, is amended to read:

44280. (a) There is hereby created the Carl Moyer Memorial Air Quality Standards Attainment Program. The program shall be administered by the state board in accordance with this chapter. The administration of the program may be delegated to the districts.

(b) The program shall provide grants to offset the incremental cost of projects that reduce emissions of NOx from covered sources in the state. Eligibility for grant awards shall be determined by the
state board, in consultation with the districts, in accordance with this chapter.

(c) The program shall also provide funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals. The infrastructure demonstration and technology development portions of the program shall be managed by the commission, in consultation with the state board.

(d) This section shall become operative on January 1, 2033–2034.

SEC. 12. Section 44281 of the Health and Safety Code, as amended by Section 20 of Chapter 401 of the Statutes of 2013, is amended to read:

44281. (a) Eligible projects are any of the following:

(1) Purchase of new very low or zero-emission covered vehicles or covered engines.

(2) Emission-reducing retrofit of covered engines, or replacement of old engines powering covered sources with newer engines certified to more stringent emissions standards than the engine being replaced, or with electric motors or drives.

(3) Purchase and use of emission-reducing add-on equipment for covered vehicles.

(4) Development and demonstration of practical, low-emission retrofit technologies, repower options, and advanced technologies for covered engines and vehicles with very low emissions of NOx.

(b) No new purchase, retrofit, repower, or add-on equipment shall be funded under this chapter if it is required by any local, state, or federal statute, rule, regulation, memoranda of agreement or understanding, or other legally binding document, except that an otherwise qualified project may be funded even if the state implementation plan assumes that the change in equipment, vehicles, or operations will occur, if the change is not required by a statute, regulation, or other legally binding document in effect as of the date the grant is awarded. No project funded by the program shall be used for credit under any state or federal emissions averaging, banking, or trading program. No emission reduction generated by the program shall be used as marketable emission reduction credits or to offset any emission reduction
obligation of any entity. Projects involving new engines that would otherwise generate marketable credits under state or federal averaging, banking, and trading programs shall include transfer of credits to the engine end user and retirement of those credits toward reducing air emissions in order to qualify for funding under the program. A purchase of a low-emission vehicle or of equipment pursuant to a corporate or a controlling board’s policy, but not otherwise required by law, shall generate surplus emissions reductions and may be funded by the program.

(c) The program may also provide funding toward installation of fueling or electrification infrastructure as provided in Section 44284.

(d) Eligible applicants may be any individual, company, or public agency that owns one or more covered vehicles that operate primarily in the state or otherwise contribute substantially to the NO\(_x\) emissions inventory in the state.

(e) It is the intent of the Legislature that all emission reductions generated by this chapter shall contribute to public health by reducing, for the life of the vehicle being funded, the total amount of emissions in the state.

(f) This section shall become operative on January 1, 2033.

SEC. 13. Section 44281 of the Health and Safety Code, as amended by Section 8 of Chapter 610 of the Statutes of 2015, is amended to read:

44281. (a) Eligible projects include, but are not limited to, any of the following:

(1) Purchase of new very low or zero-emission covered vehicles or covered heavy-duty engines.

(2) Emission-reducing retrofit of covered engines, or replacement of old engines powering covered sources with newer engines certified to more stringent emissions standards than the engine being replaced, or with electric motors or drives.

(3) Purchase and use of emission-reducing add-on equipment that has been verified by the state board for covered vehicles.

(4) Development and demonstration of practical, low-emission retrofit technologies, repower options, and advanced technologies for covered engines and vehicles with very low emissions of NO\(_x\).
(5) Light- and medium-duty vehicle projects in compliance with guidelines adopted by the state board pursuant to Title 13 of the California Code of Regulations.

(b) No project shall be funded under this chapter after the compliance date required by any local, state, or federal statute, rule, regulation, memoranda of agreement or understanding, or other legally binding document, except that an otherwise qualified project may be funded even if the state implementation plan assumes that the change in equipment, vehicles, or operations will occur, if the change is not required by the compliance date of a statute, regulation, or other legally binding document in effect as of the date the grant is awarded. No project funded by the program shall be used for credit under any state or federal emissions averaging, banking, or trading program. No covered emission reduction generated by the program shall be used as marketable emission reduction credits or to offset any emission reduction obligation of any person or entity. Projects involving new engines that would otherwise generate marketable credits under state or federal averaging, banking, and trading programs shall include transfer of credits to the engine end user and retirement of those credits toward reducing air emissions in order to qualify for funding under the program. A purchase of a low-emission vehicle or of equipment pursuant to a corporate or a controlling board’s policy, but not otherwise required by law, shall generate surplus emissions reductions and may be funded by the program.

(c) The program may also provide funding toward the installation of fueling or energy infrastructure to fuel or power covered sources.

(d) Eligible applicants may be any individual, company, or public agency that owns one or more covered vehicles that operate primarily in the state or otherwise contribute substantially to the NO\(_x\), particulate matter (PM), or reactive organic gas (ROG) emissions inventory in the state.

(e) It is the intent of the Legislature that all emission reductions generated by this chapter shall contribute to public health by reducing, for the life of the vehicle being funded, the total amount of emissions in the state.

(f) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute,
that is enacted before January 1, 2033, deletes or extends that date.

SEC. 14. Section 44282 of the Health and Safety Code, as amended by Section 8 of Chapter 748 of the Statutes of 2021, is amended to read:

44282. The following criteria apply to all projects to be funded through the program except for projects funded through the infrastructure demonstration program and infrastructure projects, pursuant to subdivision (c) of Section 44281 and Section 44284:

(a) The state board may establish project criteria, including minimum project life for source categories, in the guidelines described in Section 44287. For previously unregulated source categories, project criteria shall consider the timing of newly established regulatory requirements.

(b) To be eligible, projects shall meet the cost-effectiveness per ton of covered emissions reduced requirements of Section 44283.

(c) To be eligible, retrofits, repowers, and installation of add-on equipment for covered vehicles shall be performed, or new covered vehicles delivered to the end user, or covered vehicles scrapped on or after the date the program is implemented.

(d) Retrofit technologies, new engines, and new vehicles shall be certified for sale or under experimental permit for operation in the state.

(e) Repower projects that replace older, uncontrolled engines with new, emissions-certified engines or that replace emissions-certified engines with new engines certified to a more stringent NOx emissions standard are approvable subject to the other applicable selection criteria. The state board shall determine appropriate baseline emission levels for the uncontrolled engines being replaced.

(f) For heavy-duty-vehicle projects, retrofit and add-on equipment projects shall document a NOx or PM emission reduction of at least 25 percent and no increase in other covered emissions compared to the applicable baseline emissions accepted by the state board for that engine year and application. The state board shall determine appropriate baseline emission levels. Acceptable documentation shall be defined by the state board.

After study of available emission reduction technologies and after public notice and comment, the state board may revise the minimum percentage emission reduction criterion for retrofits and
add-on equipment provided for in this section to improve the ability of the program to achieve its goals.

(g) (1) For heavy-duty-vehicle projects involving the purchase of new very low or zero-emission vehicles, engines shall be certified to an optional low NO\textsubscript{x} emissions standard established by the state board, except as provided for in paragraph (2).

(2) For heavy-duty-vehicle projects involving the purchase of new very low or zero-emission covered vehicles for which no optional low NO\textsubscript{x} emission standards are available, documentation shall be provided showing that the low or zero-emission engine emits not more than 70 percent of the NO\textsubscript{x} or NO\textsubscript{x} plus hydrocarbon emissions of a new engine certified to the applicable baseline NO\textsubscript{x} or NO\textsubscript{x} plus hydrocarbon emission standard for that engine and meets applicable particulate standards. The state board shall specify the documentation required. If no baseline emission standard exists for new vehicles in a particular category, the state board shall determine an appropriate baseline emission level for comparison.

(h) For projects other than heavy-duty-vehicle projects, the state board shall determine appropriate criteria under the provisions of Section 44287.

(i) Projects using grants, loans, vouchers, or other incentives pursuant to this chapter shall condition eligibility on the requirements of Chapter 3.6 (commencing with Section 39680) of Part 2, as applicable.

(j) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 15. Section 44282 of the Health and Safety Code, as amended by Section 9 of Chapter 748 of the Statutes of 2021, is amended to read:

44282. The following criteria apply to all projects to be funded through the program except for projects funded through the infrastructure demonstration program:

(a) Except for projects involving marine vessels, 75 percent or more of vehicle miles traveled or hours of operation shall be projected to be in the state for at least five years following the grant award. Projects involving marine vessels and engines shall be limited to those that spend enough time operating in air basins
in the state over the lifetime of the project to meet the
cost-effectiveness criteria based on NO\textsubscript{x} reductions in the state, as
provided in Section 44283.
(b) To be eligible, projects shall meet cost-effectiveness per ton
of NO\textsubscript{x} reduced requirements of Section 44283.
(c) To be eligible, retrofits, repowers, and installation of add-on
equipment for covered vehicles shall be performed, or new covered
vehicles delivered to the end user, on or after the date the program
is implemented.
(d) Retrofit technologies, new engines, and new vehicles shall
be certified for sale or under experimental permit for operation in
the state.
(e) Repower projects that replace older, uncontrolled engines
with new, emissions-certified engines or that replace
emissions-certified engines with new engines certified to a more
stringent NO\textsubscript{x} emissions standard are approvable subject to the
other applicable selection criteria. The state board shall determine
appropriate baseline emission levels for the uncontrolled engines
being replaced.
(f) Retrofit and add-on equipment projects shall document a
NO\textsubscript{x} emission reduction of at least 25 percent and no increase in
particulate emissions compared to the applicable baseline emissions
accepted by the state board for that engine year and application.
The state board shall determine appropriate baseline emission
levels. Acceptable documentation shall be defined by the state
board. After study of available emission reduction technologies
and after public notice and comment, the state board may revise
the minimum percentage NO\textsubscript{x} reduction criterion for retrofits and
add-on equipment provided for in this section to improve the ability
of the program to achieve its goals.
(g) (1) For projects involving the purchase of new very low or
zero-emission vehicles, engines shall be certified to an optional
low NO\textsubscript{x} emissions standard established by the state board, except
as provided for in paragraph (2).
(2) For projects involving the purchase of new very low or
zero-emission covered vehicles for which no optional low NO\textsubscript{x}
emission standards are available, documentation shall be provided
showing that the low- or zero-emission engine emits not more than
70 percent of the NO\textsubscript{x} or NO\textsubscript{x} plus hydrocarbon emissions of a
new engine certified to the applicable baseline NO\textsubscript{x} or NO\textsubscript{x} plus
hydrocarbon emission standard for that engine and meets applicable
particulate standards. The state board shall specify the
documentation required. If no baseline emission standard exists
for new vehicles in a particular category, the state board shall
determine an appropriate baseline emission level for comparison.
(h) Projects using grants, loans, vouchers, or other incentives
pursuant to this chapter shall condition eligibility on the
requirements of Chapter 3.6 (commencing with Section 39680) of
Part 2, as applicable.
(i) This section shall become operative on January 1, 2033,
2034.
SEC. 16. Section 44283 of the Health and Safety Code, as
amended by Section 24 of Chapter 401 of the Statutes of 2013, is
amended to read:
44283. (a) Grants shall not be made for projects with a
cost-effectiveness, calculated in accordance with this section, of
more than twelve thousand dollars ($12,000) per ton of NO\textsubscript{x}
reduced in the state or a higher value that reflects state consumer
price index adjustments on or after January 1, 2033, 2034, as
determined by the state board.
(b) Only NO\textsubscript{x} reductions occurring in this state shall be included
in the cost-effectiveness determination. The extent to which
emissions generated at sea contribute to air quality in nonattainment
areas in the state shall be incorporated into these methodologies
based on a reasonable assessment of currently available information
and modeling assumptions.
(c) The state board shall develop protocols for calculating the
surplus NO\textsubscript{x} reductions in the state from representative project
types over the life of the project.
(d) The cost of the NO\textsubscript{x} reduction is the amount of the grant
from the program, including matching funds provided pursuant to
subdivision (e) of Section 44287, plus any other state funds, or
funds under the district’s budget authority or fiduciary control,
provided toward the project, not including funds described in
paragraphs (1) and (2) of subdivision (a) of Section 44287.2. The
state board shall establish reasonable methodologies for evaluating
project cost-effectiveness, consistent with the definition contained
in paragraph (4) of subdivision (a) of Section 44275, and with
accepted methods, taking into account a fair and reasonable
discount rate or time value of public funds.
(e) A grant shall not be made that, net of taxes, provides the applicant with funds in excess of the incremental cost of the project. Incremental lease costs may be capitalized according to guidelines adopted by the state board so that these incremental costs may be offset by a one-time grant award.

(f) Funds under a district’s budget authority or fiduciary control may be used to pay for the incremental cost of liquid or gaseous fuel, other than standard gasoline or diesel, which is integral to a NOx reducing technology that is part of a project receiving grant funding under the program. The fuel shall be approved for sale by the state board. The incremental fuel cost over the expected lifetime of the vehicle may be offset by the district if the project as a whole, including the incremental fuel cost, meets all of the requirements of this chapter, including the maximum allowed cost-effectiveness. The state board shall develop an appropriate methodology for converting incremental fuel costs over the vehicle lifetime into an initial cost for purposes of determining project cost-effectiveness. Incremental fuel costs shall not be included in project costs for fuels dispensed from any facility that was funded, in whole or in part, from the fund.

(g) For purposes of determining any grant amount pursuant to this chapter, the incremental cost of any new purchase, retrofit, repower, or add-on equipment shall be reduced by the value of any current financial incentive that directly reduces the project price, including any tax credits or deductions, grants, or other public financial assistance, not including funds described in paragraphs (1) and (2) of subdivision (a) of Section 44287.2. Project proponents applying for funding shall be required to state in their application any other public financial assistance to the project.

(h) For projects that would repower off-road equipment by replacing uncontrolled diesel engines with new, certified diesel engines, the state board may establish maximum grant award amounts per repower. A repower project shall also be subject to the incremental cost maximum pursuant to subdivision (e).

(i) After study of available emission reduction technologies and costs and after public notice and comment, the state board may reduce the values of the maximum grant award criteria stated in this section to improve the ability of the program to achieve its goals. Every year the state board shall adjust the maximum
cost-effectiveness amount established in subdivision (a) and any
per-project maximum set by the state board pursuant to subdivision
(h) to account for inflation.

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

SEC. 17. Section 44283 of the Health and Safety Code, as amended by Section 10 of Chapter 610 of the Statutes of 2015, is amended to read:

44283. (a) (1) For all projects funded pursuant to this chapter, except for an infrastructure project described in subdivision (c) of Section 44281, the following cost-effectiveness criteria shall apply:

(A) (i) Project grants shall not be made that exceed cost-effectiveness values calculated in accordance with this section.

(ii) The state board, in collaboration with the districts, shall establish cost-effectiveness values in the guidelines issued pursuant to Section 44287, taking into consideration factors, including, but not limited to, the following:

(I) The cost of emission control technologies identified in Section 44281.

(II) The cost-effectiveness values for NOx, particulate matter, or reactive organic gases for any adopted rule or control measure in any district’s approved state implementation plan, or rule adopted by the state board.

(iii) A grant for a schoolbus project shall not exceed the cost caps established in the Lower-Emission School Bus Program and consistent with Section 44299.901. The cost-effectiveness value for these projects shall be set forth in the guidelines issued pursuant to Section 44287.

(B) For projects obtaining reactive organic gas and particulate matter reductions, the state board shall determine appropriate adjustment factors to calculate a weighted cost-effectiveness value.

(2) When a district board approves funding for a project or project category, the district board shall include, in its agenda or supporting materials for the meeting approving funding for the project or project category, a brief statement of the rationale for funding that source category, including the basis for selection and the importance of that project type.

(b) Only covered emission reductions occurring in this state shall be included in the cost-effectiveness determination. The extent to which emissions generated at sea contribute to air quality
in nonattainment areas in the state shall be incorporated into these methodologies based on a reasonable assessment of currently available information and modeling assumptions.

(c) The state board shall develop protocols for calculating the surplus covered emission reductions in the state from representative project types over the life of the project.

(d) The cost of the covered emission reduction is the amount of the grant from the program, including matching funds provided pursuant to subdivision (e) of Section 44287, or funding provided pursuant to paragraph (2) of subdivision (d) of Section 41081 or subdivision (b) of Section 44229, not including funds described in subdivision (a) of Section 44287.2. The state board shall establish reasonable methodologies for evaluating project cost-effectiveness, consistent with the definition contained in paragraph (4) of subdivision (a) of Section 44275, and with accepted methods, taking into account a fair and reasonable discount rate or time value of public funds.

(e) A grant shall not be made that, net of taxes, provides the applicant with funds in excess of the incremental cost of the project. Incremental lease costs may be capitalized according to guidelines adopted by the state board so that these incremental costs may be offset by a one-time grant award.

(f) Funds under a district’s budget authority or fiduciary control may be used to pay for the incremental cost of energy or liquid or gaseous fuel, other than standard gasoline or diesel, which is integral to a covered emission reducing technology that is part of a project receiving grant funding under the program. The fuel shall be approved for sale in the state. The incremental energy or fuel cost over the expected lifetime of the vehicle may be offset by the district if the project as a whole, including the incremental energy or fuel cost, meets all of the requirements of this chapter, including the maximum allowed cost-effectiveness. The state board shall develop an appropriate methodology for converting incremental energy or fuel costs over the vehicle lifetime into an initial cost for purposes of determining project cost-effectiveness. Incremental energy or fuel costs shall not be included in project costs for fuels dispensed from any facility that was funded, in whole or in part, from the fund.

(g) For purposes of determining any grant amount pursuant to this chapter, project proponents applying for funding shall be
required to state in their application any other public financial
assistance to the project.

(h) For projects that would repower off-road equipment by
replacing uncontrolled diesel engines with new, certified diesel
engines, the state board may establish maximum grant award
amounts per repower. A repower project shall also be subject to
the incremental cost maximum pursuant to subdivision (e).

(i) After study of available emission reduction technologies and
costs and after public notice and comment, the state board may
adjust the values of the maximum grant award criteria stated in
this section to improve the ability of the program to achieve its
goals. Every year the state board shall adjust the maximum
cost-effectiveness amount established in subdivision (a) and any
per-project maximum set by the state board pursuant to subdivision
(h) to account for inflation and other factors as authorized by this
section.

(j) This section shall remain in effect only until January 1, 2033,
2034, and as of that date is repealed, unless a later enacted statute,
that is enacted before January 1, 2033, 2034, deletes or extends
that date.

SEC. 18. Section 44287 of the Health and Safety Code, as
amended by Section 26 of Chapter 401 of the Statutes of 2013, is
amended to read:

44287. (a) The state board shall establish grant criteria and
guidelines consistent with this chapter for covered vehicle projects
as soon as practicable, but not later than January 1, 2000. The
adoption of guidelines is exempt from the rulemaking provisions
of the Administrative Procedure Act, Chapter 3.5 (commencing
with Section 11340) of Part 1 of Division 3 of Title 2 of the
Government Code. The state board shall solicit input and comment
from the districts during the development of the criteria and
guidelines and shall make every effort to develop criteria and
guidelines that are compatible with existing district programs that
are also consistent with this chapter. Guidelines shall include
protocols to calculate project cost-effectiveness. The grant criteria
and guidelines shall include safeguards to ensure that the project
generates surplus emissions reductions. Guidelines shall enable
and encourage districts to cofund projects that provide emissions
reductions in more than one district. The state board shall make
draft criteria and guidelines available to the public 45 days before
(b) The state board, in consultation with the participating districts, may propose revisions to the criteria and guidelines established pursuant to subdivision (a) as necessary to improve the ability of the program to achieve its goals. A proposed revision shall be made available to the public 45 days before final adoption of the revision and the state board shall hold at least one public meeting to consider public comments before final adoption of the revision.

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) The state board, in consultation with the participating
districts, may propose revisions to the criteria and guidelines
established pursuant to subdivision (o) as necessary to improve
the ability of the program to achieve its goals. A revision may be
proposed at any time, or may be proposed in response to a finding
made in the annual report on the program published by the state
board pursuant to Section 44295. A proposed revision shall be
made available to the public 45 days before final adoption of the
revision and the commission shall hold at least one public meeting
to consider public comments before final adoption of the revision.
(q) This section shall become operative on January 1, 2033.

SEC. 19. Section 44287 of the Health and Safety Code, as
amended by Section 12 of Chapter 610 of the Statutes of 2015, is
amended to read:

44287. (a) The state board shall establish or update grant
criteria and guidelines consistent with this chapter for covered
vehicle and infrastructure projects as soon as practicable, but not
later than July 1, 2017. The adoption of guidelines is exempt from
the rulemaking provisions of the Administrative Procedure Act
(Chapter 3.5 (commencing with Section 11340) of Part 1 of
Division 3 of Title 2 of the Government Code). The state board
shall solicit input and comment from the districts during the
development of the criteria and guidelines and shall make every
effort to develop criteria and guidelines that are compatible with
existing district programs that are also consistent with this chapter.
Guidelines shall include protocols to calculate project
cost-effectiveness. The grant criteria and guidelines shall include
safeguards to ensure that the project generates surplus emissions
reductions. Guidelines shall enable and encourage districts to
cofund projects that provide emissions reductions in more than
one district. The state board shall make draft criteria and guidelines
available to the public 45 days before final adoption, and shall
hold at least one public meeting to consider public comments
before final adoption. The state board may develop separate
guidelines and criteria for the different types of eligible projects
described in subdivision (a) of Section 44281.
(b) The state board, in consultation with the participating
districts, may propose revisions to the criteria and guidelines
established pursuant to subdivision (a) as necessary to improve
the ability of the program to achieve its goals. A proposed revision
shall be made available to the public 45 days before final adoption
of the revision and the state board shall hold at least one public
meeting to consider public comments before final adoption of the
revision.
(c) The state board shall reserve funds for, and disburse funds
to, districts from the fund for administration pursuant to this section
and Section 44299.1.
(d) The state board shall develop guidelines for a district to follow in applying for the reservation of funds, in accordance with this chapter. It is the intent of the Legislature that district administration of any reserved funds be in accordance with the project selection criteria specified in Sections 44281, 44282, and 44283 and all other provisions of this chapter. The guidelines shall be established and published by the state board as soon as practicable, but not later than January 1, 2006.

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

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

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

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

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

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

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

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

(m) A district application shall be reviewed by the state board immediately upon receipt. If the state board determines that an application is incomplete, the applicant shall be notified within 10 working days with an explanation of what is missing from the
(n) The commission, in consultation with the districts, shall establish project approval criteria and guidelines for infrastructure projects consistent with Section 44284 as soon as practicable, but not later than February 15, 2000. The commission shall make draft criteria and guidelines available to the public 45 days before final adoption, and shall hold at least one public meeting to consider public comments before final adoption.

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

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

(q) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 20. Section 42885 of the Public Resources Code, as amended by Section 31 of Chapter 401 of the Statutes of 2013, is amended to read:

42885. (a) For purposes of this section, “California tire fee” means the fee imposed pursuant to this section. (b) (1) A person who purchases a new tire, as defined in subdivision (g), shall pay a California tire fee of one dollar and seventy-five cents ($1.75) per tire. (2) The retail seller shall charge the retail purchaser the amount of the California tire fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the retail purchaser. (3) The retail seller shall collect the California tire fee from the retail purchaser at the time of sale and may retain 1 ½ percent of
the fee as reimbursement for any costs associated with the

collection of the fee. The retail seller shall remit the remainder to

the state on a quarterly schedule for deposit in the California Tire

Recycling Management Fund, which is hereby created in the State

Treasury.

(c) The department, or its agent authorized pursuant to Section

42882, shall be reimbursed for its costs of collection, auditing, and

making refunds associated with the California Tire Recycling

Management Fund, but not to exceed 3 percent of the total annual

revenue deposited in the fund.

(d) The California tire fee imposed pursuant to subdivision (b)

shall be separately stated by the retail seller on the invoice given

to the customer at the time of sale. Any other disposal or

transaction fee charged by the retail seller related to the tire

purchase shall be identified separately from the California tire fee.

(e) A person or business who knowingly, or with reckless

disregard, makes a false statement or representation in a document

used to comply with this section is liable for a civil penalty for

each violation or, for continuing violations, for each day that the

violation continues. Liability under this section may be imposed

in a civil action and shall not exceed twenty-five thousand dollars

($25,000) for each violation.

(f) In addition to the civil penalty that may be imposed pursuant

to subdivision (e), the department may impose an administrative

penalty in an amount not to exceed five thousand dollars ($5,000)

for each violation of a separate provision or, for continuing

violations, for each day that the violation continues, on a person

who intentionally or negligently violates a permit, rule, regulation,

standard, or requirement issued or adopted pursuant to this chapter.

The department shall adopt regulations that specify the amount of

the administrative penalty and the procedure for imposing an

administrative penalty pursuant to this subdivision.

(g) For purposes of this section, “new tire” means a pneumatic

or solid tire intended for use with onroad or off-road motor

vehicles, motorized equipment, construction equipment, or farm

equipment that is sold separately from the motorized equipment,

or a new tire sold with a new or used motor vehicle, as defined in

Section 42803.5, including the spare tire, construction equipment,

or farm equipment. “New tire” does not include retreaded, reused,
or recycled tires.
(h) The California tire fee shall not be imposed on a tire sold with, or sold separately for use on, any of the following:

(1) A self-propelled wheelchair.
(2) A motorized tricycle or motorized quadricycle, as defined in Section 407 of the Vehicle Code.
(3) A vehicle that is similar to a motorized tricycle or motorized quadricycle and is designed to be operated by a person who, by reason of the person’s physical disability, is otherwise unable to move about as a pedestrian.

(i) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 21. Section 42885 of the Public Resources Code, as amended by Section 32 of Chapter 401 of the Statutes of 2013, is amended to read:

42885. (a) For purposes of this section, “California tire fee” means the fee imposed pursuant to this section.

(b) (1) Every person who purchases a new tire, as defined in subdivision (g), shall pay a California tire fee of seventy-five cents ($0.75) per tire.

(2) The retail seller shall charge the retail purchaser the amount of the California tire fee as a charge that is separate from, and not included in, any other fee, charge, or other amount paid by the retail purchaser.

(3) The retail seller shall collect the California tire fee from the retail purchaser at the time of sale and may retain 3 percent of the fee as reimbursement for any costs associated with the collection of the fee. The retail seller shall remit the remainder to the state on a quarterly schedule for deposit in the California Tire Recycling Management Fund, which is hereby created in the State Treasury.

(c) The department, or its agent authorized pursuant to Section 42882, shall be reimbursed for its costs of collection, auditing, and making refunds associated with the California Tire Recycling Management Fund, but not to exceed 3 percent of the total annual revenue deposited in the fund.

(d) The California tire fee imposed pursuant to subdivision (b) shall be separately stated by the retail seller on the invoice given to the customer at the time of sale. Any other disposal or
transaction fee charged by the retail seller related to the tire
purchase shall be identified separately from the California tire fee.

(e) Any person or business who knowingly, or with reckless
disregard, makes any false statement or representation in any
document used to comply with this section is liable for a civil
penalty for each violation or, for continuing violations, for each
day that the violation continues. Liability under this section may
be imposed in a civil action and shall not exceed twenty-five
thousand dollars ($25,000) for each violation.

(f) In addition to the civil penalty that may be imposed pursuant
to subdivision (e), the department may impose an administrative
penalty in an amount not to exceed five thousand dollars ($5,000)
for each violation of a separate provision or, for continuing
violations, for each day that the violation continues, on any person
who intentionally or negligently violates any permit, rule,
regulation, standard, or requirement issued or adopted pursuant to
this chapter. The department shall adopt regulations that specify
the amount of the administrative penalty and the procedure for
imposing an administrative penalty pursuant to this subdivision.

(g) For purposes of this section, “new tire” means a pneumatic
or solid tire intended for use with onroad or off-road motor
vehicles, motorized equipment, construction equipment, or farm
equipment that is sold separately from the motorized equipment,
or a new tire sold with a new or used motor vehicle, as defined in
Section 42803.5, including the spare tire, construction equipment,
or farm equipment. “New tire” does not include retreaded, reused,
or recycled tires.

(h) The California tire fee may not be imposed on any tire sold
with, or sold separately for use on, any of the following:

1. Any self-propelled wheelchair.
2. Any motorized tricycle or motorized quadricycle, as defined
   in Section 407 of the Vehicle Code.
3. Any vehicle that is similar to a motorized tricycle or
   motorized quadricycle and is designed to be operated by a person
   who, by reason of the person’s physical disability, is otherwise
   unable to move about as a pedestrian.

(i) This section shall become operative on January 1, 2033.
SEC. 22. Section 42889 of the Public Resources Code, as amended by Section 152 of Chapter 35 of the Statutes of 2014, is amended to read:

42889. (a) Of the moneys collected pursuant to Section 42885, an amount equal to seventy-five cents ($0.75) per tire on which the fee is imposed shall be transferred by the State Board of Equalization to the Air Pollution Control Fund. The state board shall expend those moneys, or allocate those moneys to the districts for expenditure, to fund programs and projects that mitigate or remediate air pollution caused by tires in the state, to the extent that the state board or the applicable district determines that the program or project remediates air pollution harms created by tires upon which the fee described in Section 42885 is imposed.

(b) The remaining moneys collected pursuant to Section 42885 shall be used to fund the waste tire program, and shall be appropriated to the department in the annual Budget Act in a manner consistent with the five-year plan adopted and updated by the department. These moneys shall be expended for the payment of refunds under this chapter and for the following purposes:

1. To pay the administrative overhead cost of this chapter, not to exceed 6 percent of the total revenue deposited in the fund annually, or an amount otherwise specified in the annual Budget Act.

2. To pay the costs of administration associated with collection, making refunds, and auditing revenues in the fund, not to exceed 3 percent of the total revenue deposited in the fund, as provided in subdivision (c) of Section 42885.

3. To pay the costs associated with operating the tire recycling program specified in Article 3 (commencing with Section 42870).

4. To pay the costs associated with the development and enforcement of regulations relating to the storage of waste tires and used tires. The department shall consider designating a city, county, or city and county as the enforcement authority of regulations relating to the storage of waste tires and used tires, as provided in subdivision (c) of Section 42850, and regulations relating to the hauling of waste and used tires, as provided in subdivision (b) of Section 42963. If the department designates a local entity for that purpose, the department shall provide sufficient, stable, and noncompetitive funding to that entity for that purpose, based on available resources, as provided in the five-year plan...
adopted and updated as provided in subdivision (a) of Section 42885.5. The department may consider and create, as appropriate, financial incentives for citizens who report the illegal hauling or disposal of waste tires as a means of enhancing local and statewide waste tire and used tire enforcement programs.

(5) To pay the costs of cleanup, abatement, removal, or other remedial action related to waste tire stockpiles throughout the state, including all approved costs incurred by other public agencies involved in these activities by contract with the department. Not less than six million five hundred thousand dollars ($6,500,000) shall be expended by the department during each of the following fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

(6) To make studies and conduct research directed at promoting and developing alternatives to the landfill disposal of waste tires.

(7) To assist in developing markets and new technologies for used tires and waste tires. The department’s expenditure of funds for purposes of this subdivision shall reflect the priorities for waste management practices specified in subdivision (a) of Section 40051.

(8) To pay the costs associated with implementing and operating a waste tire and used tire hauler program and manifest system pursuant to Chapter 19 (commencing with Section 42950).

(9) To pay the costs to create and maintain an emergency reserve, which shall not exceed one million dollars ($1,000,000).

(10) To pay the costs of cleanup, abatement, or other remedial action related to the disposal of waste tires in implementing and operating the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program established pursuant to Chapter 2.5 (commencing with Section 48100) of Part 7.

(11) To fund border region activities specified in paragraph (8) of subdivision (b) of Section 42885.5.

(12) For expenditure pursuant to paragraph (3) of subdivision (a) of, and paragraph (3) of subdivision (b) of, Section 17001.

This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 23. Section 42889 of the Public Resources Code, as amended by Section 153 of Chapter 35 of the Statutes of 2014, is amended to read:
42889. Funding for the waste tire program shall be appropriated to the department in the annual Budget Act. The moneys in the fund shall be expended for the payment of refunds under this chapter and for the following purposes:

(a) To pay the administrative overhead cost of this chapter, not to exceed 5 percent of the total revenue deposited in the fund annually, or an amount otherwise specified in the annual Budget Act.

(b) To pay the costs of administration associated with collection, making refunds, and auditing revenues in the fund, not to exceed 3 percent of the total revenue deposited in the fund, as provided in subdivision (b) of Section 42885.

(c) To pay the costs associated with operating the tire recycling program specified in Article 3 (commencing with Section 42870).

(d) To pay the costs associated with the development and enforcement of regulations relating to the storage of waste tires and used tires. The department shall consider designating a city, county, or city and county as the enforcement authority of regulations relating to the storage of waste tires and used tires, as provided in subdivision (c) of Section 42850, and regulations relating to the hauling of waste and used tires, as provided in subdivision (b) of Section 42963. If the department designates a local entity for that purpose, the department shall provide sufficient, stable, and noncompetitive funding to that entity for that purpose, based on available resources, as provided in the five-year plan adopted and updated as provided in subdivision (a) of Section 42885.5. The department may consider and create, as appropriate, financial incentives for citizens who report the illegal hauling or disposal of waste tires as a means of enhancing local and statewide waste tire and used tire enforcement programs.

(e) To pay the costs of cleanup, abatement, removal, or other remedial action related to waste tire stockpiles throughout the state, including all approved costs incurred by other public agencies involved in these activities by contract with the department. Not less than six million five hundred thousand dollars ($6,500,000) shall be expended by the department during each of the following fiscal years for this purpose: 2001–02 to 2006–07, inclusive.

(f) To fund border region activities specified in paragraph (8) of subdivision (b) of Section 42885.5.
(g) For expenditure pursuant to paragraph (3) of subdivision (a) of, and paragraph (3) of subdivision (b) of, Section 17001.

(h) This section shall become operative on January 1, 2033, 2034.

SEC. 24. Section 9250.2 of the Vehicle Code, as amended by Section 36 of Chapter 401 of the Statutes of 2013, is amended to read:

9250.2. (a) The department, if requested by the Sacramento Metropolitan Air Quality Management District pursuant to Section 41081 of the Health and Safety Code, shall impose and collect a surcharge on the registration fees for every motor vehicle registered in that district, not to exceed the amount of six dollars ($6), as specified by the governing body of that district.

(b) This section shall remain in effect only until January 1, 2033, 2034, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2033, 2034, deletes or extends that date.

SEC. 25. Section 9250.2 of the Vehicle Code, as amended by Section 37 of Chapter 401 of the Statutes of 2013, is amended to read:

9250.2. (a) The department, if requested by the Sacramento Metropolitan Air Quality Management District pursuant to Section 41081 of the Health and Safety Code, shall impose and collect a surcharge on the registration fees for every motor vehicle registered in that district, not to exceed four dollars ($4).

(b) This section shall become operative on January 1, 2033, 2034.
MEMORANDUM

To: Chairperson Pauline Russo Cutter and Members of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 13, 2022

Re: State Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The last day for each house to pass bills introduced in that house was May 27, 2022.

Below are bills the Air District has taken positions on or discussed during the 2022 Legislative Session and their current status:

- Assembly Bill (AB) 1944 (Lee) - Local government: open and public meetings.
- AB 2449 (Rubio) - Open meetings: local agencies: teleconferences.
- AB 2206 (Lee) - Nonattainment basins: employee parking: parking cash-out program.
- AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles.
- AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.
- AB 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.
- AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.
- Senate Bill (SB) 1235 (Borgeas) - Air pollution: portable equipment: emergency events.
- SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.
- SB 1393 (Archuleta) - Energy: appliances: local requirements.
DISCUSSION

Staff will provide the Legislative Committee (Committee) with a brief summary and status of bills listed on the attached list. Specifically, staff will discuss the following bills:

**AB 1944 (Lee) - Local government: open and public meetings.**
CapitolTrack Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 44-12. Ordered to the Senate – this bill is currently pending referral.

Position: Support

**AB 2449 (Rubio) - Open meetings: local agencies: teleconferences.**
CapitolTrack Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency’s jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise and recast those teleconferencing provisions and, until January 1, 2028, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency’s jurisdiction.
Position: None

**AB 2141 (E. Garcia) - Greenhouse Gas Reduction Fund: community projects: funding.**

CapitolTrack Summary: Current law requires that all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism be deposited in the Greenhouse Gas Reduction Fund and be available, upon appropriation by the Legislature, for purposes relating to the reduction of greenhouse gas emissions. Current law continuously appropriates 35% of the annual proceeds of the fund for transit, affordable housing, and sustainable communities programs and 25% of the annual proceeds of the fund for certain components of a specified high-speed rail project. This bill would continuously appropriate to the state board, beginning in the 2023–24 fiscal year, 20% of the annual proceeds of the Greenhouse Gas Reduction Fund, up to $600,000,000, for allocation to air pollution control districts and air quality management districts for the purpose of supporting community emissions reduction strategies in, and reimbursement for participation by, communities selected by the state board, as specified.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 65:4. Ordered to the Senate – this bill is currently pending referral.

Position: Support

**AB 2206 (Lee) - Nonattainment basins: employee parking: parking cash-out program.**

CapitolTrack Summary: Current law requires, in any air basin designated as nonattainment for certain air quality standards, an employer, defined as an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program. Current law defines “parking cash-out program” as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. Current law defines a “parking subsidy” as the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space. This bill would revise the definitions of “employer,” “parking cash-out program,” and “parking subsidy.” The bill would require a lessor that enters into or renews a lease on or after January 1, 2023, with a lessee that is an employer and that offers parking to the employer to list the market-rate parking costs as a separate line item in the lease, as provided, or to provide a list of parking costs to the employer within 30 days after the lease is entered into or renewed.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 23, 2022, where it received a vote in favor of 54-18. Ordered to the Senate – this bill is currently pending referral.
Position: Support

AB 2563 (Quirk) - Air pollution: permits: mobile fueling on-demand tank vehicles.
CapitolTrack Summary: Current law requires air pollution control and air quality management districts, except county districts with a population of less than 250,000, to establish, by regulation, a program to provide for the expedited review of permits. A person who violates these requirements, or any rules, regulation, permit, or order of a district is guilty of a misdemeanor. This bill would, except as provided, require air pollution control and air quality management districts to establish a mobile fueling on-demand tank vehicle permit program for mobile fueling on-demand tank vehicle operations, as defined. The bill would require that a mobile fueling on-demand tank vehicle permit program provide, among other things, a consistent permitting process for an operation that requires more than one permit and an expedited permit review and fee schedule.

Current Status: Dead – Last location was the Assembly Appropriations Suspense File.

Position: Oppose

AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.
CapitolTrack Summary: Would require the State Air Resources Board to develop a tool to determine the annual average gallons of gasoline or diesel consumed by a particular vehicle and would require the state board to make the tool publicly available on its internet website for use by potential applicants of a ZEV incentive program. To maximize equity benefits, the bill would require the state board to ensure that additional per gallon incentive payments are provided to an applicant of a ZEV incentive program if the applicant is low or moderate income. The bill would require the state board to submit a report to the Legislature on or before January 1, 2024, and every 2 years thereafter, regarding the ZEV incentive programs.

Current Status: Dead – Last location was the Assembly Appropriations Suspense File.

Position: Oppose unless amended

AB 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.
CapitolTrack Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. This bill would designate, retroactive to January 1, 2020, a district as an independent special district for purposes of receiving state funds or funds disbursed by the state, including federal funds.

Current Status: Dead – Last location was the Assembly Local Government Committee.

Position: Support
AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.
CapitolTrack Summary: Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources. A person who violates these laws and who acts negligently is liable for a civil penalty in a greater amount, as specified. Current law annually adjusts the maximum penalties for violations of these laws based on the California Consumer Price Index. This bill would increase the maximum amount of those civil penalties and would subject those maximum amounts to the annual adjustment based on the California Consumer Price Index, as specified.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 52:17. Ordered to the Senate – this bill is currently pending approval.

Position: Support

SB 1235 (Borgeas) - Air pollution: portable equipment: emergency events.
CapitolTrack Summary: Would codify the State Air Resources Board’s regulation authorizing portable equipment to be operated during an emergency event, as defined above, and would also authorize portable equipment to be operated during a public safety power shut-off event. The bill would define "public safety power shut-off event," in part, as a planned power outage undertaken by an electrical corporation to reduce the risk of wildfires caused by utility equipment.

Current Status: Dead – Last location was the Senate Environmental Quality Committee.

Position: Oppose

SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.
CapitolTrack Summary: Current law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board, to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option. Current law requires the implementing regulations to ensure, among other things, that there is improved coordination, integration, and partnerships with other specified programs that target disadvantaged communities. This bill would require the implementing regulations for the Clean Cars 4 All Program to additionally ensure that the state board coordinates with air quality management districts and local nonprofit and community organizations to identify barriers to accessing the Clean Cars 4 All Program and to develop outreach protocols and metrics to assess the success of outreach across the districts.

Current Status: Made its way through the Senate committee process and was voted on the Senate Floor on May 26, 2022, where it received a vote in favor of 33:5. Ordered to the Assembly – this bill is currently pending referral.
Position: Support

**SB 1393 (Archuleta) - Energy: appliances: local requirements.**

CapitolTrack Summary: Current law requires the State Energy Resources Conservation and Development Commission to gather or develop, and publish on its internet website, guidance and best practices to help building owners, the construction industry, and local governments overcome barriers to electrification of buildings and installation of electric vehicle charging equipment that include one or more specified topics. This bill would require the commission to gather or develop, and publish on its internet website, the guidance and best practices by July 1, 2023, and would require the guidance to include all of those specified topics and additional topics. The bill would require the commission to update annually the guidance and best practices. The bill would require a city, including a charter city, or county, when adopting an ordinance requiring the replacement of a fossil fuel-fired appliance with an electric appliance upon the alteration or retrofit of a residential and nonresidential building, to consider the guidance published by the commission.

Current Status: Made its way through the Senate committee process and was voted on the Senate Floor on May 26, 2022, where it received a vote in favor of 21:3. Ordered to the Assembly – this bill is currently pending referral.

Position: Oppose

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Sharon L. Landers

**ATTACHMENTS:**

1. Bills of Interest Matrix - As of June 2, 2022
<table>
<thead>
<tr>
<th>Bill #</th>
<th>Author</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Last Status - As of 6/2/2022</th>
<th>Location</th>
<th>Notes</th>
<th>Position (Low/Medium/High)</th>
<th>Category</th>
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<tbody>
<tr>
<td>AB 1749</td>
<td>García, Cristina</td>
<td>Community emissions reduction programs: toxic air contaminants and criteria air pollutants.</td>
<td>5/19/2022</td>
<td>5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.</td>
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<td>AB 617</td>
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<td>AB 204</td>
<td>Rivas, Robert</td>
<td>California Global Warming Solutions Act of 2006: climate goal: natural and working lands.</td>
<td>7/14/2021</td>
<td>9/10/2021-Failed Deadline pursuant to Rule 61(c)(15). (Last location was INACTIVE FILE on 9/2/2021)(May be acted upon Jan 2022.)</td>
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<td>AB 1355</td>
<td>Muratauchi</td>
<td>The California Climate Crisis Act.</td>
<td>9/3/2021</td>
<td>9/10/2021-Failed Deadline pursuant to Rule 61(c)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022.)</td>
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<td>AB 2442</td>
<td>Rivas, Robert</td>
<td>Climate change.</td>
<td>4/5/2022</td>
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<td>AB 2446</td>
<td>Hildon</td>
<td>Embedded carbon emissions: construction materials.</td>
<td>4/7/2022</td>
<td>6/1/2022-Referred to Coms. on E., U. &amp; C. and E.Q.</td>
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<td>AB 2532</td>
<td>Bonnet</td>
<td>Scoping plan: state agency, board, and department compliance and implementation reports.</td>
<td>4/19/2022</td>
<td>6/1/2022-Referred to Coms. on G.O. and E.Q.</td>
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<td>AB 2578</td>
<td>Cunningham</td>
<td>State Energy Resources Conservation and Development Commission: integrated energy policy report: carbon capture, utilization, and sequestration.</td>
<td>5/19/2022</td>
<td>5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.</td>
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<td>AB 2700</td>
<td>McCarty</td>
<td>Transportation electrification: electrical distribution grid upgrades.</td>
<td>4/27/2022</td>
<td>5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.</td>
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<td>AB 2944</td>
<td>Potrie-Norris</td>
<td>Clean energy and pollution reduction objectives.</td>
<td>2/23/2022</td>
<td>6/1/2022-S. E.Q.</td>
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<td>SB 260</td>
<td>Wiener</td>
<td>Climate Change Preparedness, Resilience, and Jobs for Communities Program: climate-beneficial projects: grant funding.</td>
<td>1/3/2022</td>
<td>5/30/2022-June 6 set for first hearing canceled at the request of author.</td>
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<td>Neld</td>
<td>Climate change district: formation: funding mechanisms.</td>
<td>5/18/2022</td>
<td>5/27/2022-Referred to Coms. on L. GOV. and NAT. RES.</td>
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<td>SB 1020</td>
<td>Laird</td>
<td>Carbon sequestration: pore-space ownership and Carbon Capture, Utilization, and Storage Program.</td>
<td>4/18/2022</td>
<td>5/27/2022-Referred to Com. on NAT. RES.</td>
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<td>SB 1126</td>
<td>Cabeleiro</td>
<td>Carbon sequestration: climate change regulations.</td>
<td>5/2/2022</td>
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<td>SB 1206</td>
<td>Skinner</td>
<td>Hydrofluorocarbon gases: sale or distribution.</td>
<td>5/19/2022</td>
<td>5/27/2022-In Assembly. Read first time. Held at Desk.</td>
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<td>SB 1230</td>
<td>Linón</td>
<td>Zero-emission and near-zero-emission vehicle incentive programs: requirements.</td>
<td>5/19/2022</td>
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<td>SB 1297</td>
<td>Cortese</td>
<td>Local-benefited carbon building materials: carbon sequestration.</td>
<td>5/19/2022</td>
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<td>SB 1347</td>
<td>Hueso</td>
<td>California Global Warming Solutions Act of 2006: renewable hydrogen production study.</td>
<td>5/2/2022</td>
<td>5/26/2022-In Assembly. Read first time. Held at Desk.</td>
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<td>SB 1369</td>
<td>Wielicki</td>
<td>Carbon Capture Technology Demonstration Project Grant Program.</td>
<td>5/19/2022</td>
<td>5/26/2022-In Assembly. Read first time. Held at Desk.</td>
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<td>SB 1507</td>
<td>Ting</td>
<td>Energy electric vehicle charging standards.</td>
<td>5/19/2022</td>
<td>5/27/2022-Referred to Coms. on HOUSING and E., U. &amp; C.</td>
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<td>AB 2304</td>
<td>Borenstein Horvath</td>
<td>Clean energy: Office of Clean Energy Workforce.</td>
<td>5/19/2022</td>
<td>5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.</td>
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<td>AB 2516</td>
<td>Ward</td>
<td>Public Utilities Commission: community renewable energy program.</td>
<td>5/19/2022</td>
<td>5/27/2022-In Senate. Read first time. To Com. on RLS. for assignment.</td>
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<td>5/26/2022-In Senate. Read first time. To Com. on RLS. for assignment.</td>
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<td>3/17/2022-S. RLS.</td>
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<td>State transportation funding: freeway projects: poverty and pollution.</td>
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<td>California Carbon Sequestration and Climate Resilience Project Registry: whole orchard recycling projects.</td>
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<td>Alternative vehicle and vessel technologies: funding programs: commercial harbor craft.</td>
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<td>Silos and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program: transit buses.</td>
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<td>Electric vehicle charging stations: reliability standards: low-income and disadvantaged community financial assistance.</td>
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<td>AB 2754</td>
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<td>Air pollution: purchase of new drayage and short-haul trucks: incentive programs: lessees: labor standards.</td>
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<td>Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.</td>
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<td>Silos and use taxes: exemptions: medium- or heavy-duty zero-emission trucks.</td>
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