BOARD OF DIRECTORS
POLICY, GRANTS, AND TECHNOLOGY COMMITTEE
July 10, 2024

COMMITTEE MEMBERS

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

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

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

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

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

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

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

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

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

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

Public Comment on Agenda Items: The public may comment on each item on the agenda
as the item is taken up. Members of the public who wish to speak on a matter on the
agenda will have two minutes each to address the Committee on that agenda item, unless a
different time limit is established by the Chair. No speaker who has already spoken on an
item will be entitled to speak to that item again.
The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.
POLICY, GRANTS, AND TECHNOLOGY COMMITTEE
SPECIAL MEETING AGENDA

WEDNESDAY, JULY 10, 2024
11:00 AM

1. Call to Order - Roll Call

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

2. Pledge of Allegiance

CONSENT CALENDAR (Item 3)

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

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

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

ACTION ITEM(S)

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

   The Committee will consider recommending the Board of Directors approve the award of state and local incentive funding to five projects with proposed grant awards in excess of $500,000 and authorize the Executive Officer/APCO to execute grant agreements for the recommended projects. This item will be presented by Clair Keleher, Senior Staff Specialist, Strategic Incentives Division.
5. Reconsideration of Board-Approved Position for Senate Bill 1298 (Cortese)

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

INFORMATIONAL ITEM(S)

6. State and Federal Legislative Update

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

OTHER BUSINESS

7. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Committee. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

8. Committee Member Comments

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov’t Code § 54954.2)
9. **Time and Place of Next Meeting**

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

10. **Adjournment**

   The Committee meeting shall be adjourned by the Chair.
CONTACT:
MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov
(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

• Any writing relating to an open session item on this Agenda that is distributed to all, or a
majority of all, members of the body to which this Agenda relates shall be made available
at the Air District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the
time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the
basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual
orientation, gender identity, gender expression, color, genetic information, medical condition,
or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or
activity administered by Air District. The Air District will not tolerate discrimination against
any person(s) seeking to participate in, or receive the benefits of, any program or activity
offered or conducted by the Air District. Members of the public who believe they or others
were unlawfully denied full and equal access to an Air District program or activity may file a
discrimination complaint under this policy. This non-discrimination policy also applies to other
people or entities affiliated with Air District, including contractors or grantees that the Air
District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening
devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary
to ensure effective communication or an equal opportunity to participate fully in the benefits,
activities, programs and services will be provided by the Air District in a timely manner and
in such a way as to protect the privacy and independence of the individual. Please contact the
Non-Discrimination Coordinator identified below at least three days in advance of a meeting
so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity,
you may contact the Non-Discrimination Coordinator identified below or visit our website at
www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination
Coordinator, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.
## JULY 2024

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

**NO MEETINGS SCHEDULED**
## SEPTEMBER 2024

<table>
<thead>
<tr>
<th>TYPE OF MEETING</th>
<th>DAY</th>
<th>DATE</th>
<th>TIME</th>
<th>ROOM</th>
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</thead>
<tbody>
<tr>
<td>Board of Directors Meeting</td>
<td>Wednesday</td>
<td>4</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Stationary Source Committee</td>
<td>Wednesday</td>
<td>11</td>
<td>10:00 a.m.</td>
<td>1st Floor, Temazcal Room</td>
</tr>
<tr>
<td>Board of Directors Community Equity, Health and Justice Committee</td>
<td>Wednesday</td>
<td>11</td>
<td>1:00 p.m.</td>
<td>1st Floor, Temazcal Room</td>
</tr>
<tr>
<td>Board of Directors Finance and Administration Committee</td>
<td>Wednesday</td>
<td>18</td>
<td>10:00 a.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Policy, Grants and Technology Committee</td>
<td>Wednesday</td>
<td>18</td>
<td>1:00 p.m.</td>
<td>1st Floor Board Room</td>
</tr>
<tr>
<td>Board of Directors Community Advisory Council Meeting</td>
<td>Thursday</td>
<td>19</td>
<td>6:00 p.m.</td>
<td>1st Floor, Yerba Buena Room</td>
</tr>
<tr>
<td>Advisory Council Meeting</td>
<td>Thursday</td>
<td>19</td>
<td>9:30 a.m.</td>
<td>1st Floor Board Room</td>
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MV 6/26/2024 – 12:09 p.m.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
       Executive Officer/APCO

Date: July 10, 2024

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

RECOMMENDED ACTION

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

BACKGROUND

None.

DISCUSSION

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

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

1. Draft Minutes of the Policy, Grants, and Technology Committee Meeting of May 15, 2024
CALL TO ORDER

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

Roll Call:

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

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


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

Absent: Directors Margaret Abe-Koga and Erin Hannigan.

2. PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

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

Public Comments

No requests received.
Committee Comments

None.

Committee Action

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

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

ACTION ITEMS

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

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

Public Comments

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

Committee Comments

The Committee and staff discussed fluctuation of the TFCA cost-effectiveness limit over time; whether diesel trucks replacement projects are eligible for TFCA funding; cost-effectiveness for diesel truck replacement projects; how frequently TFCA policies are evaluated; advantages and disadvantages of reverting the amount of time in which a grantee must commence a project from 24 to 12 months (Policy #8: Readiness; whether a project’s timeline may be extended beyond 12 months if a grantee experiences a problem; whether there is uptime requirement electric vehicle charging infrastructure projects; whether any of the policies address post-project maintenance; appreciation for upgrades from Class III or Class II (non-buffered) to Class II buffered bike line as an eligible project category (Policy #32: Bikeways); appreciation for updating the evaluation criteria to prioritize projects in communities identified through the Assembly Bill (AB) 617 process communities; whether Class IV protected bike lanes are eligible projects; the increase of the maximum cost-effectiveness (Policy #23: On-Road Zero- and Partial-Zero-Emissions Vehicles); the fact that experimental techniques may not be cost-effective but may be helpful in Research and Development (what proportion of experimental techniques are going to high cost-effective projects versus low cost-effective ones); and whether the Air District funds advanced demonstration projects.
NOTED PRESENT: Director Corzo was noted present at 1:11 p.m.

Committee Action

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

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

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

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

Public Comments

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

Committee Comments

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

Committee Action

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

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

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

### INFORMATIONAL ITEM

#### 6. STATE LEGISLATIVE UPDATE

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

**Public Comments**

No requests received.

**Committee Comments**

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

**Committee Action**

No action taken.
OTHER BUSINESS

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBER COMMENTS

None.

9. TIME AND PLACE OF NEXT MEETING

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

10. ADJOURNMENT

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

Marcy Hiratzka
Clerk of the Boards
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: July 10, 2024

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

RECOMMENDED ACTION

The Committee to consider recommending the Board of Directors:

1. Approve five recommended projects with proposed grant awards over $500,000 as shown in Attachment 1; and

2. Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into all necessary agreements with applicants for the recommended projects.

BACKGROUND

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

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle-registration surcharges by up to $2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District’s Mobile Source Incentive Fund (MSIF).
Community Air Protection Program - Incentives
In 2017, AB 617 directed CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for the development of community-identified strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the state, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

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

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

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

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

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

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

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

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

Attachment 2 lists all eligible projects that have been either recommended for award or awarded by the Air District between July 1, 2023, and June 13, 2024, including information about project equipment, award amounts, project locations, estimated emissions reductions, and whether the project will benefit air quality in priority communities. As of June 13, 2024, over $97.3 million
has been awarded or recommended, of which $3.1 million was allocated to “regional” projects that benefit all communities or where the benefit has not yet been determined. $94.2 million, or 85% of the funds, have been awarded or allocated to projects that reduce emissions in disadvantaged SB 535 communities, low-income AB 1550 communities, and/or CARE communities, or to low-income residents.

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

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

ATTACHMENTS:

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

**Recommended Projects with Grant Awards Greater than $500k**

**Evaluated between 5/15/2024 and 6/13/24**

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

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

| **5 Projects** | **Totals** | $19,572,776 | $21,078,482 | 3.95 | 0.28 | 0.12 |

* Pending case-by-case approval by CARB

**If approved, the execution of the contract for this project will nullify the award for project #23MOY12, which was previously awarded $444,800 to repower this vessel's engines to Tier-3 diesel. Under this new project #25MOY88, the applicant is proposing the cleaner option of a diesel-electric hybrid system, which has received an award from the California Air Resources Board's Advanced Technology Demonstration and Pilot Projects.
### ATTACHMENT 2

**All Projects**

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

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

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

<table>
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<tr>
<th>Project #</th>
<th>Applicant Name</th>
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<th>Project Description</th>
<th>Proposed Contract Award</th>
<th>Number of Engines</th>
<th>Emission Reductions (tons per year)</th>
<th>County</th>
<th>Board/APCO Approval Date</th>
<th>Benefits Priority Area(s)</th>
<th>Projected Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>24R01</td>
<td>BAAQMD</td>
<td>Trip Reduction</td>
<td>Enhance Mobile Source &amp; Commuter Benefits Enforcement</td>
<td>$150,000</td>
<td>N/A</td>
<td>Tbd</td>
<td>Regional</td>
<td>6/7/2023</td>
<td>N/A</td>
<td>1</td>
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<tr>
<td>24R02</td>
<td>BAAQMD</td>
<td>Light Duty (LD) Vehicles</td>
<td>Vehicle Buy Back Program Implementation</td>
<td>$700,000</td>
<td>N/A</td>
<td>-</td>
<td>Regional</td>
<td>6/7/2023</td>
<td>N/A</td>
<td>1</td>
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<tr>
<td>24R03</td>
<td>BAAQMD</td>
<td>Trip Reduction</td>
<td>Spare The Air Intermittent Control / Fix Your Commute Programs</td>
<td>$2,290,000</td>
<td>Tbd</td>
<td>Tbd</td>
<td>Regional</td>
<td>6/7/2023</td>
<td>N/A</td>
<td>1</td>
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<tr>
<td>2302-34214</td>
<td>1567 Mckinley St HDA</td>
<td>LD Infrastructure</td>
<td>Install and operate 5 Level 2 (high) chargers at a MFH facility in San Francisco</td>
<td>$17,500</td>
<td>N/A</td>
<td>0.002</td>
<td>0.001</td>
<td>0.000</td>
<td>San Francisco</td>
<td>6/1/2023</td>
</tr>
<tr>
<td>2301-33229</td>
<td>Carmel Gardens HDA, Burlingame</td>
<td>LD Infrastructure</td>
<td>Install and operate 18 Level 1 chargers at a MFH facility in Burlingame</td>
<td>$45,000</td>
<td>N/A</td>
<td>0.000</td>
<td>0.000</td>
<td>0.000</td>
<td>San Mateo</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2302-34181</td>
<td>San Rafael Manor</td>
<td>LD Infrastructure</td>
<td>Install and operate 7 Level 2 (high) chargers at a MFH facility in San Rafael</td>
<td>$24,500</td>
<td>N/A</td>
<td>0.007</td>
<td>0.004</td>
<td>0.003</td>
<td>Marin</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2302-33756</td>
<td>City of Pittsburg</td>
<td>LD Infrastructure</td>
<td>Install and operate 18 Level 2 (high) and 4 DC Fast chargers at one destination and five workplace facilities in Pittsburg</td>
<td>$349,000</td>
<td>N/A</td>
<td>0.125</td>
<td>0.074</td>
<td>0.009</td>
<td>Contra Costa</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2303-34270</td>
<td>Contra Costa County</td>
<td>LD Infrastructure</td>
<td>Install and operate 151 Level 2 (high) chargers at 19 workplace facilities in Antioch, Concord, Peculvera, Martinez, and Richmond</td>
<td>$748,000</td>
<td>N/A</td>
<td>0.102</td>
<td>0.060</td>
<td>0.038</td>
<td>Contra Costa</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2303-34330</td>
<td>Evers Services LLC</td>
<td>LD Infrastructure</td>
<td>Install and operate 50 DC Fast chargers at nine transportation corridor facilities in Antioch, Berkeley, Contra, Concord, Hayward, Oakland, Petaluma, San Jose, and San Mateo</td>
<td>$2,950,000</td>
<td>N/A</td>
<td>1.083</td>
<td>0.671</td>
<td>0.449</td>
<td>Regional</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2302-33844</td>
<td>Grand Petroleum, Inc.</td>
<td>LD Infrastructure</td>
<td>Install and operate 8 DC Fast chargers at one destination and three transportation corridor facilities in Campbell, Concord, Hayward, and Pleasant Hill</td>
<td>$280,000</td>
<td>N/A</td>
<td>0.016</td>
<td>0.010</td>
<td>0.007</td>
<td>Alameda / Contra Costa / Santa Clara</td>
<td>6/7/2023</td>
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<tr>
<td>2302-33921</td>
<td>Alameda County Government</td>
<td>LD Infrastructure</td>
<td>Install and operate 7 Level 2 (high) chargers at a destination facility in Castro Valley</td>
<td>$38,500</td>
<td>N/A</td>
<td>0.014</td>
<td>0.006</td>
<td>0.005</td>
<td>Alameda</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2301-33228</td>
<td>7-Eleven, Inc.</td>
<td>LD Infrastructure</td>
<td>Install and operate 38 DC Fast chargers at nine transportation corridor facilities in Hayward, Milpitas, Redwood City, San Jose, San Ramon, South San Francisco, and Sunnyvale</td>
<td>$980,000</td>
<td>N/A</td>
<td>0.091</td>
<td>0.036</td>
<td>0.030</td>
<td>Regional</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2302-34083</td>
<td>Circle K</td>
<td>LD Infrastructure</td>
<td>Install and operate 6 DC Fast chargers at a transportation corridor facility in Gilroy</td>
<td>$270,000</td>
<td>N/A</td>
<td>0.041</td>
<td>0.026</td>
<td>0.017</td>
<td>Santa Clara</td>
<td>6/7/2023</td>
</tr>
<tr>
<td>2303-34083</td>
<td>Safttrans Transportation, Inc.</td>
<td>School Bus + Infrastructure</td>
<td>Replace 14 diesel school buses with 14 new electric school buses, and install 11 chargers</td>
<td>$4,822,770</td>
<td>14</td>
<td>0.739</td>
<td>0.040</td>
<td>0.004</td>
<td>Santa Clara</td>
<td>7/19/23</td>
</tr>
<tr>
<td>2303-34083</td>
<td>Everport Terminal Services</td>
<td>Off-Road</td>
<td>Repower two Tier-1, one Tier-4 Intern, and two Tier-4 final diesel-powered rubber-tired gantry cranes (RTGs) with five Hybrid, diesel-electric Tier-4 final RTGs</td>
<td>$1,065,200</td>
<td>5</td>
<td>3.707</td>
<td>0.308</td>
<td>0.051</td>
<td>Alameda</td>
<td>7/19/23</td>
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<tr>
<td>2303-34083</td>
<td>Richmond Pacific Railroad</td>
<td>Locomotive</td>
<td>Replace one Tier-0 diesel-powered locomotive with a Tier-4 final diesel-powered locomotive</td>
<td>$828,000</td>
<td>1</td>
<td>2.951</td>
<td>0.431</td>
<td>0.124</td>
<td>Contra Costa</td>
<td>7/19/23</td>
</tr>
<tr>
<td>2303-34083</td>
<td>B &amp; S Ranch</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 with two Tier-4 diesel-powered agriculture loaders</td>
<td>$88,000</td>
<td>2</td>
<td>0.140</td>
<td>0.024</td>
<td>0.017</td>
<td>Marin</td>
<td>7/14/23</td>
</tr>
<tr>
<td>2303-34083</td>
<td>Kistler Vineyards LLC</td>
<td>Ag/ off-road</td>
<td>Replace three Tier-1 with three Tier-4 diesel-powered agriculture tractors, and two Tier-2 with two Tier-4 diesel-powered agriculture tractor</td>
<td>$232,950</td>
<td>3</td>
<td>0.009</td>
<td>0.085</td>
<td>0.096</td>
<td>Sonoma</td>
<td>7/24/23</td>
</tr>
</tbody>
</table>
## ATTACHMENT 2
### All Projects

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

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<th>Projected Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>23MOY93</td>
<td>Massa LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-2 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$58,250</td>
<td>1</td>
<td>0.091 0.005 0.005</td>
<td>Napa</td>
<td>7/24/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY118</td>
<td>Ranteria Vineyard Management, LLC</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-1 to two Tier-4 diesel-powered agriculture tractor/crawler</td>
<td>$147,800</td>
<td>2</td>
<td>0.239 0.045 0.030</td>
<td>Napa</td>
<td>7/26/23</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>23MOY98</td>
<td>T and M Agricultural Services LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor/crawler, and one Tier-0 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$55,600</td>
<td>2</td>
<td>0.052 0.046 0.012</td>
<td>Napa</td>
<td>7/26/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY98</td>
<td>Fiorio Farm, Inc</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$73,900</td>
<td>1</td>
<td>0.588 0.076 0.044</td>
<td>Santa Clara</td>
<td>8/4/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY116</td>
<td>Tru2Earth Farm LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$21,000</td>
<td>1</td>
<td>0.029 0.024 0.009</td>
<td>Santa Clara</td>
<td>8/10/23</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>23MOY74</td>
<td>Sequoia Grove Vineyards, LP</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with one Tier-4 diesel-powered agriculture other equipment</td>
<td>$49,000</td>
<td>1</td>
<td>0.036 0.007 0.005</td>
<td>Napa</td>
<td>8/10/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY166</td>
<td>V. Sattui Winery</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor, and one Tier-1 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$149,800</td>
<td>2</td>
<td>0.274 0.045 0.033</td>
<td>Napa</td>
<td>8/10/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY132</td>
<td>Dottu Bros. LLC</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 with two Tier-4 diesel-powered agriculture other equipment</td>
<td>$182,900</td>
<td>2</td>
<td>0.352 0.045 0.028</td>
<td>Sonoma</td>
<td>8/10/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY126</td>
<td>Krasilak Pacific Farms, LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$76,300</td>
<td>1</td>
<td>0.134 0.016 0.011</td>
<td>Sonoma</td>
<td>8/10/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY108</td>
<td>Rocca Family Vineyards</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor</td>
<td>$62,900</td>
<td>1</td>
<td>0.130 0.033 0.028</td>
<td>Napa</td>
<td>8/21/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY128</td>
<td>Golden Gate Scenic Steamship</td>
<td>Marine</td>
<td>Replace two Tier-2 with two Tier-3 diesel-powered auxiliary engine on a ferry/exursion vessel</td>
<td>$15,750</td>
<td>2</td>
<td>0.052 0.009 0.003</td>
<td>Alameda / Marin / San Francisco</td>
<td>8/4/23</td>
<td>Yes</td>
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<tr>
<td>23SBP54</td>
<td>Sunnyvale School District</td>
<td>School Bus</td>
<td>Replace 2 compressed natural gas school buses with 2 electric school buses</td>
<td>$847,000</td>
<td>2</td>
<td>0.078 0.004 0.002</td>
<td>Santa Clara</td>
<td>9/20/23</td>
<td>Yes</td>
<td>1, 2</td>
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<tr>
<td>23MOY150</td>
<td>Sysco</td>
<td>EV / Trucks + Infrastructure</td>
<td>Replace 18 diesel-powered heavy-duty trucks with 18 electric heavy-duty trucks and install 23 electric vehicle charging stations</td>
<td>$4,595,084</td>
<td>18</td>
<td>0.967 0.064 0.002</td>
<td>Alameda</td>
<td>9/20/23</td>
<td>No</td>
<td>1,2</td>
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<tr>
<td>23SBP10</td>
<td>San Mateo Union High School District</td>
<td>School Bus + Infrastructure</td>
<td>Replace 8 diesel school buses with 8 electric school buses and associated infrastructure</td>
<td>$2,749,666</td>
<td>8</td>
<td>0.295 0.017 0.005</td>
<td>San Mateo</td>
<td>9/20/23</td>
<td>Yes</td>
<td>1,2</td>
</tr>
<tr>
<td>23MOY12</td>
<td>Brian Collier</td>
<td>Marine</td>
<td>Repower two Tier-0 engines to Tier 4 engines on a commercial fishing vessel</td>
<td>$444,800</td>
<td>1</td>
<td>2.554 0.119 0.077</td>
<td>Alameda / Contra Costa</td>
<td>9/20/23</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>23MOY145</td>
<td>Amnav Maritime, LLC</td>
<td>Marine</td>
<td>Repower two 2018 Tier 3 main engines to 2023 Tier 4 diesel engines on the tug boat Revolution</td>
<td>$2,900,000</td>
<td>1</td>
<td>15.478 1.935 0.362</td>
<td>Alameda / Contra Costa / San Francisco / San Mateo / Solano</td>
<td>9/20/23</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>23MOY146</td>
<td>Amnav Maritime, LLC</td>
<td>Marine</td>
<td>Repower two 2018 Tier 3 main engines to 2023 Tier 4 diesel engines on the tug boat Sandra Hugh</td>
<td>$3,150,000</td>
<td>1</td>
<td>16.885 2.110 0.330</td>
<td>Alameda / Contra Costa / San Francisco / San Mateo / Solano</td>
<td>9/20/23</td>
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<tr>
<td>Project #</td>
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</tr>
<tr>
<td>------------</td>
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<tr>
<td>23MOY130</td>
<td>Ramasai Ale</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with Tier-4 diesel-powered agriculture tractor/crawler</td>
<td>$31,400</td>
<td>1</td>
<td>NOx: 0.049, ROG: 0.007, PM: 0.004</td>
<td>Contra Costa</td>
<td>8/24/23</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>23MOY95</td>
<td>Cobb Creek Holdings, LLC DBA CCH Ag Services</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with Tier-4 diesel-powered agriculture excavator</td>
<td>$172,400</td>
<td>1</td>
<td>NOx: 0.119, ROG: 0.020, PM: 0.014</td>
<td>Napa</td>
<td>8/28/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY113</td>
<td>E &amp; M Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with Tier-4 diesel-powered agriculture tractor</td>
<td>$351,400</td>
<td>1</td>
<td>NOx: 0.788, ROG: 0.076, PM: 0.041</td>
<td>Sonoma</td>
<td>8/30/23</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>23MOY176</td>
<td>dirt Farmer &amp; Company, A California Corporation</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-2 with Tier-4 diesel-powered agriculture tractor, and two Tier-3 with Tier-4 diesel-powered agriculture tractor</td>
<td>$285,600</td>
<td>4</td>
<td>NOx: 0.572, ROG: 0.041, PM: 0.036</td>
<td>Sonoma</td>
<td>8/30/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY117</td>
<td>Heritage Vineyard Management, Inc</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-2 with Tier-4 diesel-powered agriculture tractor</td>
<td>$38,400</td>
<td>1</td>
<td>NOx: 0.035, ROG: 0.003, PM: 0.005</td>
<td>Napa</td>
<td>8/30/23</td>
<td>No</td>
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<tr>
<td>23MOY190</td>
<td>Isley Brothers Farming, LLC</td>
<td>Ag/ off-road</td>
<td>Replace three Tier-0 to Tier-4 diesel-powered agriculture equipment, including one tractor, one tractor/crawler, and one loader/backhoe</td>
<td>$172,400</td>
<td>3</td>
<td>NOx: 0.163, ROG: 0.068, PM: 0.026</td>
<td>Napa</td>
<td>9/11/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY136</td>
<td>Barbour Vineyards Management LLC</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-1 with Tier-4 diesel-powered agriculture equipment, including one tractor, and one tractor/crawler</td>
<td>$121,150</td>
<td>2</td>
<td>NOx: 0.180, ROG: 0.031, PM: 0.022</td>
<td>Napa</td>
<td>9/5/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY117</td>
<td>A Cut Above Viticulture Service inc.</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with Tier-4 diesel-powered agriculture tractor, and one Tier-0 with Tier-4 diesel-powered agriculture tractor</td>
<td>$88,600</td>
<td>2</td>
<td>NOx: 0.127, ROG: 0.028, PM: 0.019</td>
<td>Napa</td>
<td>9/6/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY127</td>
<td>Circle R Ranch Management LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with Tier-4 diesel-powered agriculture tractor</td>
<td>$85,200</td>
<td>1</td>
<td>NOx: 0.135, ROG: 0.021, PM: 0.016</td>
<td>Napa</td>
<td>9/6/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY129</td>
<td>Tim McDonald</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with Tier-4 diesel-powered agriculture other equipment</td>
<td>$93,700</td>
<td>1</td>
<td>NOx: 0.082, ROG: 0.019, PM: 0.015</td>
<td>Napa</td>
<td>9/12/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23SBP172</td>
<td>Zum Services</td>
<td>School Bus Infrastructure</td>
<td>Install 13 electric charging stations and associated infrastructure to support electric school buses</td>
<td>$229,000</td>
<td>0</td>
<td>-</td>
<td>Alameda</td>
<td>9/13/23</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>23SBP167</td>
<td>Zum Services Inc</td>
<td>School Bus Infrastructure</td>
<td>Install 221 electric charging stations and associated infrastructure to support electric school buses</td>
<td>$1,000,000</td>
<td>0</td>
<td>-</td>
<td>San Francisco</td>
<td>11/1/23</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>23SBP171</td>
<td>Zum Services Inc</td>
<td>School Bus Infrastructure</td>
<td>Install 74 electric charging stations and associated infrastructure to support electric school buses</td>
<td>$985,930</td>
<td>0</td>
<td>-</td>
<td>Alameda</td>
<td>11/1/23</td>
<td>Yes</td>
<td>2, 3</td>
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<tr>
<td>23MOY152</td>
<td>US Foods, Inc.</td>
<td>EV Trucks + Infrastructure</td>
<td>Replace 27 diesel-powered heavy-duty trucks with electric trucks, and install 27 electric charging stations and associated infrastructure</td>
<td>$4,262,751</td>
<td>27</td>
<td>1.024, NOx: 0.059, ROG: 0.002</td>
<td>Alameda</td>
<td>11/1/23</td>
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<td>23MOY174</td>
<td>Swirexport USA Inc.</td>
<td>Oil-Road</td>
<td>Replace 13 large-spark ignition airport ground support equipment units with 13 zero-emissions units</td>
<td>$689,975</td>
<td>13</td>
<td>0.062, NOx: 0.151, ROG: 0.031</td>
<td>San Mateo</td>
<td>11/1/23</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>23MOY182</td>
<td>City of Fairfield</td>
<td>On-road Infrastructure</td>
<td>Install 16 electric charging stations and associated infrastructure</td>
<td>$330,000</td>
<td>0</td>
<td>-</td>
<td>Solano</td>
<td>9/19/23</td>
<td>Yes</td>
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<tr>
<td>23MOY107</td>
<td>Brisas Ranch, LLC</td>
<td>Oil-Road</td>
<td>Replace two Tier-0 with Tier-4 diesel-powered agriculture equipment, including one tractor and one tractor/crawler</td>
<td>$144,100</td>
<td>2</td>
<td>0.325, NOx: 0.049, ROG: 0.019</td>
<td>San Mateo</td>
<td>9/22/23</td>
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<tr>
<td>23MOY122</td>
<td>FM Greenville</td>
<td>On-road Infrastructure</td>
<td>Install 40 electric charging stations and associated infrastructure</td>
<td>$495,000</td>
<td>0</td>
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<td>Alameda</td>
<td>9/23/23</td>
<td>No</td>
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</tr>
</tbody>
</table>
## ATTACHMENT 2
### All Projects

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

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

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<tr>
<th>Project #</th>
<th>Applicant Name</th>
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<th>Projected Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>23MOY160</td>
<td>Bains Farms LLC</td>
<td>Off-Road</td>
<td>Replace two Tier-0 with Tier-4 diesel-powered agriculture tractors</td>
<td>$162,900</td>
<td>2</td>
<td>0.395 0.057 0.039</td>
<td>Solano</td>
<td>9/28/23</td>
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<tr>
<td>23MOY151</td>
<td>Napa Select Vineyard Services, Inc.</td>
<td>Off-Road</td>
<td>Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor/loader</td>
<td>$103,400</td>
<td>1</td>
<td>0.093 0.021 0.017</td>
<td>Napa</td>
<td>9/29/23</td>
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<tr>
<td>23MOY144</td>
<td>Moraga Organic Farms LLC</td>
<td>Off-Road</td>
<td>Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor/loader</td>
<td>$100,900</td>
<td>1</td>
<td>0.138 0.031 0.029</td>
<td>Alameda</td>
<td>9/29/23</td>
<td>No</td>
<td>2</td>
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<tr>
<td>23MOY183</td>
<td>Fathom Ventures, LLC</td>
<td>Marine</td>
<td>Repower one propulsion and four auxiliary marine engines to a marine diesel-electric hybrid system in a registered historic survey-capable excursion vessel</td>
<td>$1,085,000</td>
<td>5</td>
<td>2.339 0.141 0.082</td>
<td>Alameda / San Francisco / Contra Costa / Solano / Marin</td>
<td>11/15/23</td>
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<tr>
<td>23MOY162</td>
<td>Valley View Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader</td>
<td>$52,600</td>
<td>1</td>
<td>0.148 0.023 0.014</td>
<td>Sonoma</td>
<td>10/17/23</td>
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<tr>
<td>23MOY124</td>
<td>Glen E Dajeva</td>
<td>Ag/ off-road</td>
<td>Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader/backhoe</td>
<td>$49,900</td>
<td>1</td>
<td>0.035 0.022 0.006</td>
<td>Contra Costa</td>
<td>10/17/23</td>
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<tr>
<td>23MOY184</td>
<td>Altemura Winery Inc.</td>
<td>Ag/ off-road</td>
<td>Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader and one Tier 0 with a Tier-4 diesel-powered agriculture loader/backhoe</td>
<td>$116,100</td>
<td>2</td>
<td>0.159 0.037 0.016</td>
<td>Napa</td>
<td>10/17/23</td>
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<td>2</td>
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<tr>
<td>23SBP137</td>
<td>Napa Valley Unified School District</td>
<td>School bus</td>
<td>Replace two CNG buses with two LPG buses</td>
<td>$193,577</td>
<td>2</td>
<td>0.209 0.017</td>
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<td>10/19/23</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>23MOY173</td>
<td>Cheen Goat Grazing LLC</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 with Tier-4 diesel-powered agriculture tractors</td>
<td>$70,500</td>
<td>1</td>
<td>0.167 0.021 0.014</td>
<td>Sonoma</td>
<td>10/20/23</td>
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<tr>
<td>23MOY123</td>
<td>Melgoza Oino</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with a Tier-4 diesel-powered agriculture tractor/load</td>
<td>$39,200</td>
<td>1</td>
<td>0.103 0.016 0.009</td>
<td>Contra Costa</td>
<td>10/24/23</td>
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<tr>
<td>23MOY99</td>
<td>Garvey Vineyard Management, LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor, one Tier-2 with a Tier-4 diesel-powered agriculture tractor, and one Tier-3 with a Tier-4 diesel-powered agriculture tractor</td>
<td>$170,900</td>
<td>3</td>
<td>0.248 0.030 0.025</td>
<td>Napa</td>
<td>10/27/23</td>
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<tr>
<td>23MOY175</td>
<td>Emanuel Corneia</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with a Tier-4 diesel-powered agriculture loader</td>
<td>$45,700</td>
<td>1</td>
<td>0.097 0.012 0.009</td>
<td>Sonoma</td>
<td>10/30/23</td>
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<td>2</td>
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<tr>
<td>23MOY112</td>
<td>Grgich Hills Cellar dba Grgich Hills Estate</td>
<td>Ag/ off-road</td>
<td>Replace one Tier 1 with a Tier-4 diesel-powered agriculture tractor, one Tier-2 with a Tier-4 diesel-powered agriculture tractor, and two Tier-3 agriculture tractor/loaders with a Tier-4 diesel-powered agriculture tractor</td>
<td>$280,800</td>
<td>4</td>
<td>0.394 0.055 0.043</td>
<td>Napa</td>
<td>11/3/23</td>
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<tr>
<td>23MOY156</td>
<td>Four Seasons Vineyard Management</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor and one Tier-0 with a Tier-4 diesel-powered agriculture tractor</td>
<td>$99,000</td>
<td>2</td>
<td>0.245 0.042 0.026</td>
<td>Sonoma</td>
<td>11/6/23</td>
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<tr>
<td>23MOY111</td>
<td>County Line Harvest, Inc.</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 with Tier-4 diesel-powered agriculture tractors</td>
<td>$152,300</td>
<td>1</td>
<td>0.338 0.037 0.023</td>
<td>Sonoma</td>
<td>11/6/23</td>
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<tr>
<td>24MOY14</td>
<td>WattEV CA4, Inc.</td>
<td>On-road Infrastructure</td>
<td>Installation of 35 DC Fast 360 kW electric charging stations and associated infrastructure for a public EV Charging Depot to support Heavy Duty Trucks in West Oakland near Interstate 80</td>
<td>$5,000,000</td>
<td>0</td>
<td>- - -</td>
<td>Alameda</td>
<td>12/8/23</td>
<td>Yes</td>
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<tr>
<td>24MOY20</td>
<td>Prologis Mobility LLC</td>
<td>On-road Infrastructure</td>
<td>Installation of 69 9.9 kW level 2 and 3 180 kW DC Fast electric charging stations and associated infrastructure to support heavy duty trucks and last-mile delivery vehicles for private fleets</td>
<td>$1,500,000</td>
<td>0</td>
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<td>Alameda</td>
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<tr>
<td>24MOY4</td>
<td>Saltchuk Resources, Inc. dba AmNav Maritime, LLC</td>
<td>Marine Infrastructure</td>
<td>Installation of a 1MW marine power system to support a 6 MWt electric tug</td>
<td>$5,000,000</td>
<td>0</td>
<td>- - -</td>
<td>Alameda</td>
<td>12/8/23</td>
<td>Yes</td>
<td>2</td>
</tr>
</tbody>
</table>
## ATTACHMENT 2

### All Projects

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</tr>
</thead>
<tbody>
<tr>
<td>24SBY17</td>
<td>Half Moon Bay High School</td>
<td>School Bus Infrastructure</td>
<td>Installation of three 85 kW DC Fast and four 30 kW DC Fast electric charging stations and associated infrastructure to support public school bus fleet</td>
<td>$ 416,634</td>
<td>0</td>
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<td>San Mateo</td>
<td>12/23</td>
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<tr>
<td>24MOY11</td>
<td>City &amp; County of San Francisco - Recreation &amp; Park</td>
<td>Off-road Infrastructure</td>
<td>Installation of 7 electric chargers to support electric utility carts and riding lawn mowers</td>
<td>$ 126,510</td>
<td>0</td>
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<td>San Francisco</td>
<td>12/23</td>
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<tr>
<td>24MOY9</td>
<td>City &amp; County of San Francisco - Recreation &amp; Park</td>
<td>Off-road Infrastructure</td>
<td>Installation of 6 electric chargers to support electric utility carts</td>
<td>$ 115,448</td>
<td>0</td>
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<td>San Francisco</td>
<td>12/23</td>
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<tr>
<td>24MOY8</td>
<td>City &amp; County of San Francisco - Recreation &amp; Park</td>
<td>Off-road Infrastructure</td>
<td>Installation of 3 electric chargers to support electric utility carts and riding lawn mowers</td>
<td>$ 82,700</td>
<td>0</td>
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<td>San Francisco</td>
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<tr>
<td>24MOY12</td>
<td>City &amp; County of San Francisco - Recreation &amp; Park</td>
<td>Off-road Infrastructure</td>
<td>Installation of 1 electric charger to support electric riding lawn mowers</td>
<td>$ 24,460</td>
<td>0</td>
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<td>San Francisco</td>
<td>12/23</td>
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<tr>
<td>24MOY10</td>
<td>City &amp; County of San Francisco - Recreation &amp; Park</td>
<td>Off-road Infrastructure</td>
<td>Installation of 3 electric chargers to support electric utility carts and riding lawn mowers</td>
<td>$ 105,033</td>
<td>0</td>
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<td>San Francisco</td>
<td>12/23</td>
<td>Yes</td>
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<tr>
<td>24MOY13</td>
<td>CA-ALA-002 PROJECT LLC (EV Realty, Inc.)</td>
<td>On-road Infrastructure</td>
<td>Installation of fifty-eight DC Fast ports, and associated electric infrastructure for a public EV Charging Depot to support mixed private fleets in Livermore</td>
<td>$ 3,350,000</td>
<td>0</td>
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<td>Alameda</td>
<td>12/23</td>
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<tr>
<td>23MOY158</td>
<td>Delta Air Lines, Inc</td>
<td>Off-road Infrastructure</td>
<td>Installation of 8 electric chargers to support electric ground support equipment</td>
<td>$ 211,680</td>
<td>0</td>
<td>-</td>
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<td>San Mateo</td>
<td>11/15/23</td>
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<tr>
<td>23MOY143</td>
<td>Larry’s Produce LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with Tier-4 diesel-powered skid steer loader</td>
<td>$ 56,300</td>
<td>1</td>
<td>0.067</td>
<td>0.010</td>
<td>0.006</td>
<td>Solano</td>
<td>11/17/23</td>
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<tr>
<td>23MOY181</td>
<td>San Francisco Water Taxi</td>
<td>Marine</td>
<td>Install a ChargePoint CPE 250 marine fast charging station for N30 electric hydrofoil water taxi at Pier 39 in San Francisco</td>
<td>$ 87,200</td>
<td>0</td>
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<td>San Francisco</td>
<td>11/28/23</td>
<td>Yes</td>
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<tr>
<td>23MOY131</td>
<td>Palm Drive Vineyards LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier 0 with Tier 4 diesel-powered tractor/lawn mower</td>
<td>$ 86,900</td>
<td>1</td>
<td>0.037</td>
<td>0.031</td>
<td>0.006</td>
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<td>11/29/23</td>
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<tr>
<td>23MOY121</td>
<td>Cross Holdings, LLC</td>
<td>Marine</td>
<td>Repower one Tier-0 with one Tier-3 diesel-powered engine on a commercial fishing boat</td>
<td>$ 89,000</td>
<td>1</td>
<td>0.205</td>
<td>(0.005)</td>
<td>0.009</td>
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<td>12/20/23</td>
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<tr>
<td>23MOY147</td>
<td>Tijerina Bell Farms LLC</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 with Tier-4 diesel-powered tractors</td>
<td>$ 153,200</td>
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<td>0.619</td>
<td>0.084</td>
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<td>12/21/23</td>
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<td>25MOY1</td>
<td>McClouden's Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with a Tier-4 diesel powered rubber-tined loader</td>
<td>$ 260,400</td>
<td>1</td>
<td>0.770</td>
<td>0.071</td>
<td>0.041</td>
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<td>1/19/24</td>
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<tr>
<td>25MOY4</td>
<td>Tunst Brothers Cattle Co</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 with a Tier-4 diesel powered tractor/loder</td>
<td>$ 46,800</td>
<td>1</td>
<td>0.035</td>
<td>0.035</td>
<td>0.009</td>
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<tr>
<td>25MOY24</td>
<td>HARUHT DHANOA LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 tractor with a Tier-4 diesel powered tractor</td>
<td>$ 76,830</td>
<td>1</td>
<td>0.217</td>
<td>0.027</td>
<td>0.016</td>
<td>Solano</td>
<td>3/26/24</td>
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<tr>
<td>25MOY19</td>
<td>Donald Doe</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 tractor/loder with a Tier-4 diesel powered tractor/loder</td>
<td>$ 64,400</td>
<td>1</td>
<td>0.074</td>
<td>0.012</td>
<td>0.009</td>
<td>Sonoma</td>
<td>3/27/24</td>
</tr>
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## ATTACHMENT 2
### All Projects

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

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<tr>
<td>25MOY28</td>
<td>Larry Martin Pelenman</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 tractor with a Tier-4 diesel powered tractor</td>
<td>$70,300</td>
<td>1</td>
<td>0.216 0.028 0.016</td>
<td>Sonoma</td>
<td>3/23/24</td>
<td>No</td>
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<tr>
<td>25MOY21</td>
<td>Martinelli Farms, Inc.</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 tractor with a Tier-4 diesel powered tractor</td>
<td>$51,400</td>
<td>1</td>
<td>0.105 0.026 0.018</td>
<td>Sonoma</td>
<td>4/4/24</td>
<td>No</td>
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<tr>
<td>25MOY49</td>
<td>Tierpane Belt Farms LLC</td>
<td>Ag/ Off-road</td>
<td>Replace two Tier-0 tractors with two Tier-4 diesel powered tractors</td>
<td>$154,500</td>
<td>1</td>
<td>0.488 0.087 0.039</td>
<td>Alameda</td>
<td>4/4/24</td>
<td>No</td>
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<tr>
<td>25MOY8</td>
<td>Farm Napa Valley, LLC</td>
<td>Ag/ Off-road</td>
<td>Replace two Tier-2 tractors with two Tier-4 diesel powered tractors and one Tier-0 tractor with a Tier-4 diesel powered tractor</td>
<td>$224,200</td>
<td>3</td>
<td>0.450 0.054 0.045</td>
<td>Napa</td>
<td>4/9/24</td>
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<tr>
<td>25MOY14</td>
<td>Rocky Hill Enterprises</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 tractor with a Tier-4 diesel powered tractor</td>
<td>$59,200</td>
<td>1</td>
<td>0.161 0.025 0.014</td>
<td>Sonoma</td>
<td>4/4/24</td>
<td>No</td>
<td>2</td>
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<tr>
<td>25MOY2</td>
<td>The Bay Leaf Spice Company</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 agricultural excavator with a Tier-4 diesel powered agricultural excavator</td>
<td>$126,200</td>
<td>1</td>
<td>0.196 0.031 0.023</td>
<td>Solano</td>
<td>4/11/24</td>
<td>No</td>
<td>2</td>
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<tr>
<td>25MOY10</td>
<td>Shafer Vineyards</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-1 tractor with a Tier-4 diesel powered tractor and one Tier-2 tractor/crawler with a Tier-4 diesel powered tractor/crawler</td>
<td>$159,140</td>
<td>2</td>
<td>0.347 0.043 0.037</td>
<td>Napa</td>
<td>4/11/24</td>
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<td>25MOY7</td>
<td>Opitz Vineyard Management, Inc.</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-3 tractor/crawler with a Tier-4 diesel powered tractor/crawler</td>
<td>$89,000</td>
<td>1</td>
<td>0.119 0.011 0.006</td>
<td>Napa</td>
<td>4/11/24</td>
<td>No</td>
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<tr>
<td>25MOY20</td>
<td>GERMAN VINEYARDS LLC</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 tractor with a Tier-4 diesel powered tractor</td>
<td>$111,800</td>
<td>1</td>
<td>0.248 0.032 0.022</td>
<td>Solano</td>
<td>4/12/24</td>
<td>No</td>
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<tr>
<td>25MOY18</td>
<td>Amazon Recycling and Disposal Inc</td>
<td>Off-road</td>
<td>Replace one Tier-0 with a Tier-4 diesel shredder used to shred construction debris and waste</td>
<td>$3,897,100</td>
<td>5</td>
<td>22.447 2.190 1.334</td>
<td>Contra Costa/San Francisco/Alameda</td>
<td>6/5/24</td>
<td>Yes</td>
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<tr>
<td>25MOY53</td>
<td>Morrison Chopping, LLC</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 utility tractor with a Tier-4 diesel powered tractor and one Tier-3 utility tractor with a Tier-4 diesel powered tractor</td>
<td>$873,400</td>
<td>2</td>
<td>2.017 0.192 0.114</td>
<td>Sonoma</td>
<td>6/5/24</td>
<td>Yes</td>
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<tr>
<td>25MOY15</td>
<td>B &amp; T Farms</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-0 tractor with a Tier-4 diesel powered tractor and one Tier-3 tractor with a Tier-4 diesel powered tractor</td>
<td>$582,800</td>
<td>2</td>
<td>1.408 0.145 0.075</td>
<td>Santa Clara</td>
<td>6/5/24</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>25MOY55</td>
<td>Amnav Maritime, LLC</td>
<td>Marine</td>
<td>Replace two remanufactured Tier 3 marine propulsion engines with Tier 4 marine propulsion engines in a tugboat</td>
<td>$3,150,000</td>
<td>2</td>
<td>18.885 2.110 0.330</td>
<td>Alameda/Contra Costa/San Francisco</td>
<td>6/5/24</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>25MOY31</td>
<td>Romero Vineyard Management LLC</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-1 tractor with a Tier-4 diesel powered tractor</td>
<td>$66,700</td>
<td>1</td>
<td>0.105 0.024 0.016</td>
<td>Napa</td>
<td>4/30/24</td>
<td>No</td>
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<tr>
<td>25MOY35</td>
<td>Dutton Ranch corp.</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-2 tractor with a Tier-4 diesel powered tractor and one Tier-1 tractor with a Tier-4 diesel powered tractor</td>
<td>$100,800</td>
<td>2</td>
<td>0.147 0.025 0.022</td>
<td>Sonoma</td>
<td>5/3/24</td>
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<tr>
<td>25MOY45</td>
<td>Lopez Vineyard Management</td>
<td>Ag/ Off-road</td>
<td>Replace one Tier-1 tractor with a Tier-4 diesel powered tractor</td>
<td>$63,600</td>
<td>1</td>
<td>0.076 0.030 0.016</td>
<td>Napa</td>
<td>5/6/24</td>
<td>No</td>
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<tr>
<td>25MOY34</td>
<td>Jasweed S. Bains</td>
<td>Ag/ Off-road</td>
<td>Replace two Tier-0 agricultural bin carriers with a Tier-4 diesel powered agricultural bin carrier</td>
<td>$179,800</td>
<td>2</td>
<td>0.181 0.029 0.021</td>
<td>Solano</td>
<td>5/9/24</td>
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</tr>
</tbody>
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## ATTACHMENT 2

### All Projects

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

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

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<tbody>
<tr>
<td>25MOY143</td>
<td>Webb Ranch, Inc.</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$129,900</td>
<td>2</td>
<td>0.193 0.018 0.010</td>
<td>San Mateo</td>
<td>5/6/24</td>
<td>No</td>
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<tr>
<td>25MOY39</td>
<td>C &amp; F Farms Inc</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$488,400</td>
<td>2</td>
<td>0.957 0.085 0.036</td>
<td>Santa Clara</td>
<td>5/10/24</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>25MOY33</td>
<td>Blue House Farm, LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$59,300</td>
<td>1</td>
<td>0.242 0.031 0.017</td>
<td>San Mateo</td>
<td>5/14/24</td>
<td>No</td>
<td>2</td>
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<tr>
<td>25MOY25</td>
<td>Liano Oakes Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$294,300</td>
<td>1</td>
<td>0.514 0.005 0.027</td>
<td>Sonoma</td>
<td>5/19/24</td>
<td>No</td>
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<tr>
<td>25MOY85</td>
<td>McClanahan's Dairy</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 agricultural tractors with a Tier-4 diesel powered agricultural tractor</td>
<td>$244,700</td>
<td>2</td>
<td>0.654 0.083 0.047</td>
<td>Sonoma</td>
<td>6/5/24</td>
<td>No</td>
<td>2</td>
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<tr>
<td>25SBP64</td>
<td>Napa Valley Unified School District</td>
<td>School bus</td>
<td>Replace 1 diesel and 3 CNG school buses with 2 electric school buses</td>
<td>$1,616,038</td>
<td>4</td>
<td>0.143 0.009 0.005</td>
<td>Napa</td>
<td>6/5/24</td>
<td>Yes</td>
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<tr>
<td>25MOY144</td>
<td>Tony Lamperti</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor and one Tier-0 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader</td>
<td>$95,855</td>
<td>2</td>
<td>0.138 0.040 0.017</td>
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<td>5/16/24</td>
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<tr>
<td>25MOY40</td>
<td>Dolcini Jersey Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$60,000</td>
<td>1</td>
<td>0.249 0.032 0.018</td>
<td>Marin</td>
<td>5/20/24</td>
<td>Yes</td>
<td>2</td>
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<tr>
<td>25MOY83</td>
<td>Andrews Vineyards</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$70,850</td>
<td>1</td>
<td>0.183 0.029 0.017</td>
<td>Solano</td>
<td>5/20/24</td>
<td>No</td>
<td>2</td>
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<tr>
<td>25MOY89</td>
<td>Hink Mountain Hens</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader</td>
<td>$44,000</td>
<td>1</td>
<td>0.028 0.024 0.006</td>
<td>Marin</td>
<td>5/28/24</td>
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<tr>
<td>25MOY42</td>
<td>Meridian Vineyard Management, Inc.</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor/crawler</td>
<td>$79,600</td>
<td>1</td>
<td>0.112 0.017 0.010</td>
<td>Sonoma</td>
<td>5/28/24</td>
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<tr>
<td>25MOY112</td>
<td>Isley Brothers Farming, LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$70,850</td>
<td>1</td>
<td>0.086 0.016 0.012</td>
<td>Napa</td>
<td>5/29/24</td>
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<tr>
<td>25MOY129</td>
<td>Palm Drive Vineyards LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$38,200</td>
<td>1</td>
<td>0.038 0.032 0.008</td>
<td>Sonoma</td>
<td>5/30/24</td>
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<tr>
<td>25MOY122</td>
<td>Samuel Eakle</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-1 agricultural tractors with a Tier-4 diesel powered agricultural tractor and one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$497,700</td>
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<td>1.043 0.085 0.059</td>
<td>Napa</td>
<td>5/30/24</td>
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<tr>
<td>25MOY70</td>
<td>Beretta Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor/loader and one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$308,650</td>
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<td>0.563 0.070 0.046</td>
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<td>5/30/24</td>
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<td>25MOY84</td>
<td>Neve Bros Inc</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$37,250</td>
<td>1</td>
<td>0.036 0.009 0.006</td>
<td>Sonoma</td>
<td>5/30/24</td>
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<tr>
<td>25MOY57</td>
<td>Wight Vineyard Management, Inc.</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-1 agricultural tractors with a Tier-4 diesel powered agricultural tractor with one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$220,100</td>
<td>3</td>
<td>0.532 0.083 0.048</td>
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<td>6/5/24</td>
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<tr>
<td>25MOY126</td>
<td>Cook's Flat Associates DBA Smith-Madrone Winery</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$50,300</td>
<td>1</td>
<td>0.038 0.009 0.007</td>
<td>Napa</td>
<td>6/5/24</td>
<td>No</td>
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## All Projects

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<td>2M0Y08</td>
<td>Pomponio Farms LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor/crawler with a Tier-4 diesel powered agricultural compact track loader</td>
<td>$ 94,000</td>
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<td>0.021 0.031 0.016</td>
<td>San Mateo</td>
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<tr>
<td>2M0Y09</td>
<td>Morela Valley Dairy</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor/loader with a Tier-4 diesel powered agricultural tractor/loader</td>
<td>$ 133,000</td>
<td>1</td>
<td>0.126 0.020 0.015</td>
<td>Sonoma</td>
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<td>2M0Y099</td>
<td>James Rabii</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 73,200</td>
<td>1</td>
<td>0.208 0.037 0.026</td>
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<td>2M0Y111</td>
<td>Perale Vineyards LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 59,000</td>
<td>1</td>
<td>0.159 0.025 0.014</td>
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<td>2M0Y137</td>
<td>V. Sangiacomo &amp; Sons, Limited Partnership</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 59,950</td>
<td>1</td>
<td>0.106 0.018 0.013</td>
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<tr>
<td>2M0Y98</td>
<td>Storyville Made, Inc.</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 120,500</td>
<td>2</td>
<td>0.370 0.080 0.042</td>
<td>Napa</td>
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<tr>
<td>2M0Y121</td>
<td>La Prenda vineyards management, Inc.</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 88,700</td>
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<td>0.087 0.020 0.016</td>
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<tr>
<td>2M0Y109</td>
<td>Shafer Vineyards</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural skid steer loader with a Tier-4 diesel powered agricultural compact tracked loader</td>
<td>$ 80,400</td>
<td>1</td>
<td>0.081 0.018 0.014</td>
<td>Napa</td>
<td>No</td>
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<tr>
<td>2M0Y92</td>
<td>Rick Spaletta</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor/loader</td>
<td>$ 68,900</td>
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<td>0.080 0.010 0.007</td>
<td>Sonoma</td>
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<tr>
<td>2M0Y94</td>
<td>Loney Ranch, LLC</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 71,600</td>
<td>1</td>
<td>0.105 0.022 0.016</td>
<td>Solano</td>
<td>No</td>
<td>2</td>
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<tr>
<td>2M0Y91</td>
<td>Andrew Cheda</td>
<td>Ag/ off-road</td>
<td>Replace one Tier-0 agricultural tractor with a Tier-4 diesel powered agricultural tractor</td>
<td>$ 51,700</td>
<td>1</td>
<td>0.138 0.021 0.013</td>
<td>Marin</td>
<td>No</td>
<td>2</td>
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<tr>
<td>2M0Y119</td>
<td>Nieco LLC</td>
<td>Off-road</td>
<td>Replace two uncontrolled LPG industrial forklifts with two zero-emission electric forklifts</td>
<td>$ 90,500</td>
<td>2</td>
<td>0.117 0.022 0.001</td>
<td>Sonoma</td>
<td>No</td>
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<tr>
<td>2M0Y36</td>
<td>San Felipe Farms LP</td>
<td>Ag/ off-road</td>
<td>Replace two Tier-0 agricultural tractors with Tier-4 diesel powered agricultural tractors, one Tier-1 agricultural tractor with a Tier-4 diesel powered agricultural tractor, and three Tier-0 agricultural rough terrain forklifts with Tier-4 diesel powered agricultural rough terrain forklifts</td>
<td>$ 381,650</td>
<td>6</td>
<td>0.578 0.075 0.046</td>
<td>Santa Clara</td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>25SBP123</td>
<td>Mt Diablo School District</td>
<td>School bus + infrastructure</td>
<td>Replace 6 diesel school buses with 6 electric school buses and associated electric infrastructure</td>
<td>$ 6,249,600</td>
<td>6</td>
<td>0.564 0.051 0.004</td>
<td>Alameda</td>
<td>TBD</td>
<td>Yes</td>
</tr>
<tr>
<td>25SBP79</td>
<td>Fairfield-Suisun Unified School District</td>
<td>School bus + infrastructure</td>
<td>Replace 5 diesel school buses with 5 electric school buses and associated electric infrastructure</td>
<td>$ 4,208,900</td>
<td>5</td>
<td>0.263 0.012 0.001</td>
<td>Solano</td>
<td>TBD</td>
<td>Yes</td>
</tr>
<tr>
<td>25SBP108</td>
<td>Brian Collier</td>
<td>Marine</td>
<td>Repower two Tier 0 propulsion engines to a diesel-electric hybrid system in a commercial fishing vessel</td>
<td>$ 921,000</td>
<td>2</td>
<td>1.078 - 0.041</td>
<td>San Francisco, Alameda, Contra Costa</td>
<td>TBD</td>
<td>Yes</td>
</tr>
<tr>
<td>25SBP107</td>
<td>Cupertino-Union School District</td>
<td>School bus + infrastructure</td>
<td>Replace 15 diesel school buses with 15 EV school buses and associated electric infrastructure</td>
<td>$ 6,638,100</td>
<td>15</td>
<td>1.080 0.098 0.060</td>
<td>Santa Clara</td>
<td>TBD</td>
<td>Yes</td>
</tr>
<tr>
<td>25SBP105</td>
<td>San Lorenzo Unified School District</td>
<td>School bus + infrastructure</td>
<td>Replace 3 diesel school buses with 3 electric school buses and associated infrastructure</td>
<td>$ 1,553,176</td>
<td>3</td>
<td>0.123 0.008 0.001</td>
<td>Alameda</td>
<td>TBD</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**San Francisco, Contra Costa**
### ATTACHMENT 2

#### All Projects

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

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

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

<table>
<thead>
<tr>
<th>Project #</th>
<th>Applicant Name</th>
<th>Project Category</th>
<th>Project Description</th>
<th>Proposed Contract Award</th>
<th>Number of Engines</th>
<th>Emission Reductions (tons per year)</th>
<th>County</th>
<th>Board/APCO Approval Date</th>
<th>Benefits Priority Area(s)</th>
<th>Projected Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>VBB-FY24</td>
<td>Various</td>
<td>Light Duty (LD) Vehicles</td>
<td>Vehicle retirements under the Vehicle Buy Back program</td>
<td>$711,880</td>
<td>557</td>
<td>5.398</td>
<td>8.154</td>
<td>0.030</td>
<td>All</td>
<td>As of 12/31/2023</td>
</tr>
</tbody>
</table>

144 Projects

<table>
<thead>
<tr>
<th>Project</th>
<th>Details</th>
<th>Emission Reductions (tons per year)</th>
<th>County</th>
<th>Board/APCO Approval Date</th>
<th>Benefits Priority Area(s)</th>
<th>Projected Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>VBB-FY24</td>
<td></td>
<td>$711,880</td>
<td>557</td>
<td>5.398</td>
<td>8.154</td>
<td>0.030</td>
</tr>
</tbody>
</table>

**Totals**

- $97,299,548
- 836
- 121.0
- 22.3
- 5.5

---

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

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

3 Date when BOD approved the program budget for FYE 2024

Note: Projects that were previously awarded, but then withdrawn by the grantee, are not shown.
ATTACHMENT 3
Funding Facts and Figures
7/1/23 through 6/13/24
Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives

Figure 1. Status of FYE 2024 funding

$97.3M Awarded, Allocated, & Recommended
148.8 tons/year emissions reduced,
$80.9M to projects benefitting priority areas
$3.1M to projects with regional benefit

$48.0M Remaining

Figure 2. Funding Awarded by County in FYE 2024
includes funds allocated, awarded, & recommended for award

Figure 3. Funding Awarded by Project Category in FYE 2024
includes funds allocated, awarded, & recommended for award
**Attachment 4**

**Sources of Incentive Program Revenue (FYE 2024)**

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

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

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

* Some revenues were partially obligated to projects in fiscal year ending (FYE) 2023 and therefore full amounts may not have been available for award to projects in FYE 2024.
Projects and Contracts with Proposed Grant Awards Over $500,000

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

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

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

1. Approve five recommended projects with proposed grant awards over $500,000 as shown in Attachment 1; and

2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.
Outline

• Background and funding sources
• Proposed Projects with Grants Over $500k
• Status of incentive funding in Fiscal Year Ending (FYE) 2024
  o Funds available and awarded as of 6/13/24
  o Community benefits & project locations as of 6/13/24
• Recommendations
## CMP/MSIF, CAP, and FARMER

<table>
<thead>
<tr>
<th>Carl Moyer Program (CMP)</th>
<th>Funding Agricultural Replacement Measures for Emission Reductions (FARMER)</th>
<th>Community Air Protection (CAP) Incentives</th>
<th>Mobile Source Incentive Fund (MSIF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Air Resources Board</td>
<td>$104.6 Million (M)</td>
<td></td>
<td>DMV Fees $11.2M</td>
</tr>
</tbody>
</table>

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

Bay Area Air Quality Management District
Transportation Fund for Clean Air (TFCA)

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

Regional Fund & Air District-Sponsored

60% Fund

40% Fund

Passed through to Counties
Proposed Projects

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

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

Emissions Reductions
- Over 4.3 tons per year of criteria pollutants
Incentive Funds Awarded & Remaining since July 2023

$97.3M Awarded, Allocated, & Recommended

$48.5M Remaining

List of all projects is shown in Attachment 3

Updated as of 6/13/2024
## Funds Awarded by Project Category since July 2023

<table>
<thead>
<tr>
<th>Project Category</th>
<th>Funds Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Buses</td>
<td>$31.5M</td>
</tr>
<tr>
<td>Off-road Equipment</td>
<td>$18.5M</td>
</tr>
<tr>
<td>Trucks &amp; Buses</td>
<td>$20.1M</td>
</tr>
<tr>
<td>Light-duty Infrastructure and Cars</td>
<td>$7.1M</td>
</tr>
<tr>
<td>Marine &amp; Rail</td>
<td>$17.7M</td>
</tr>
<tr>
<td>Air District Sponsored</td>
<td>$2.4M</td>
</tr>
</tbody>
</table>

**Total = $97.3M**

*Updated as of 6/13/2024*
$97.3M
Total Funds Awarded

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

*Reductions from regional allocations not reported.
Benefits to Priority Areas since July 2023

~$80.9M to projects benefitting Priority Areas

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

Total Awards = $97.3M

~$3.1M allocated to regional grants
Recommendations

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

1. Approve five recommended projects with proposed grant awards over $500,000 as shown in Attachment 1; and

2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
      Executive Officer/APCO

Date: July 10, 2024

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

RECOMMENDED ACTION

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

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

BACKGROUND

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

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

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

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

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

SB 1298 (Cortese) – Certification of thermal powerplants: data centers.
CapitolTrack Summary: Current law vests the State Energy Resources Conservation and Development Commission with the exclusive power to certify all locations on which an electrical transmission line or thermal powerplant is constructed, or is proposed to be constructed, and related electrical transmission lines or thermal powerplants. Current law authorizes the commission to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts, and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications. This bill would additionally authorize the commission to exempt from certification a thermal powerplant with a generating capacity of up to 150 megawatts if specified requirements are met, including that it is used solely as a backup generation facility for a data center, it is located on the customer side of the meter and is not interconnected to the distribution system, a skilled and trained workforce is used to perform all construction work on the facility, as specified, the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction and operation of the facility, and the commission obtains a determination from the applicable air pollution control district or air quality management district that the facility’s backup generation technology meets the best available control technology requirements. (Based on 06/24/2024 text)

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

Current Board-Approved Position: Oppose Unless Amended

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.
Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. SB 1298 (Cortese) - Bill Text - As Amended on June 24, 2024
2. Presentation - Reconsideration of SB 1298 (Cortese)
SB 1298, as amended, Cortese. Certification of thermal powerplants: data centers.

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

This bill would additionally authorize the commission to exempt from certification a thermal powerplant with a generating capacity of up to 150 megawatts if specified requirements are met, including that it is used solely as a backup generation facility for a data center, it is located
on the customer side of the meter and is not interconnected to the distribution system, a skilled and trained workforce is used to perform all construction work on the facility, as specified, the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction and operation of the facility, and the commission finds obtains a determination from the applicable air pollution control district or air quality management district that the facility’s backup generation technology meets the best available control technology requirements set by the applicable air pollution control district or air quality management district. The bill would repeal its provisions on January 1, 2030.


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

SECTION 1. Section 25541 of the Public Resources Code is amended to read:

25541. The commission may exempt from this chapter both of the following:

(a) Thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

(b) (1) Thermal powerplants with a generating capacity of up to 150 megawatts, subject to all of the following conditions:

(A) The facility is used solely as a backup generation facility for a data center.

(B) The facility is located on the customer side of the meter and is not interconnected to the distribution system.

(C) A skilled and trained workforce will be used to perform all construction work on the facility pursuant to paragraph (2).

(D) The commission finds that no substantial adverse impact on the environment or energy resources will result from the construction and operation of the facility.

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

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

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

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

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

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

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

(D) For purposes of this subparagraph, an applicant shall be
considered to be an “awarding body” under Chapter 2.9
(commencing with Section 2600) of Part 1 of Division 2 of the
Public Contract Code. Except as provided in subparagraph (E),
the applicant shall retain records, including copies of monthly
reports, that demonstrate compliance with Chapter 2.9
(commencing with Section 2600) of Part 1 of Division 2 of the
Public Contract Code while the facility or contract is being
performed and for three years after completion of the facility or contract. The applicant shall submit these records immediately upon request of the commission. When submitted to the commission, these records shall be a public record under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and shall be open to public inspection.

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

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

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

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

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

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

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

25541. (a) The commission may exempt from this chapter thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.
(b) This section shall become operative on January 1, 2030.
Reconsideration of Board-Approved Position for Senate Bill 1298 (Cortese)

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

Viet Tran
Deputy Executive Officer of Public Affairs
vtran@baaqmd.gov
The Committee will discuss and consider recommending the Board of Directors remove the current Board-approved position of “Oppose Unless Amended” and move the Air District to a “Neutral” position on the following bill:

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

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

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

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

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

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

• Passed the referred Committees and Floor in the Senate.

• Originally double-referred to the Assembly Utilities and Energy Committee and Assembly Labor and Employment Committee, however, it has since additionally been referred to the Assembly Natural Resources Committee.
  • Utilities and Energy (6/19/24): Passed | Vote: 14-0
Certification of thermal powerplants: data centers.

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

Position: Oppose Unless Amended
Recap: Presentation Requested Action

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

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

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

BACKGROUND

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

Important Legislative Dates and Deadlines:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 3</td>
<td>Last day for policy committees to meet and report bills.</td>
</tr>
<tr>
<td></td>
<td>Summer recess begins upon adjournment.</td>
</tr>
<tr>
<td>August 5</td>
<td>Legislature returns from summer recess.</td>
</tr>
<tr>
<td>August 16</td>
<td>Last day for fiscal committees to meet and report bills.</td>
</tr>
<tr>
<td>August 23</td>
<td>Last day to amend bills on the Floor.</td>
</tr>
<tr>
<td>August 31</td>
<td>Last day for each house to pass bills. Final recess begins upon adjournment.</td>
</tr>
<tr>
<td>September 30</td>
<td>Last day for Governor to sign or veto bills.</td>
</tr>
</tbody>
</table>

Bills of Interest:

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

**Sponsored Bills**
- **Assembly Bill (AB) 1465 (Wicks)** – Nonvehicular air pollution: civil penalties.
- **Senate Bill (SB) 382 (Becker)** – Single-family residential property: disclosures.

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

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

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

**Oppose Unless Amended**
- **SB 1298 (Cortese)** – Certification of thermal powerplants: data centers.
  - Staff Note: Based on recent amendments, staff is recommending – for the Committee’s consideration to recommend to the Board of Directors – the removal of the current Board-approved position of “Oppose Unless Amended” and moving the Air District to a “Neutral” position on SB 1298. This staff recommendation will be discussed during the Action Items portion of the meeting agenda.
State Budget Update for Fiscal Year (FY) 2024-25:

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

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

Recent Federal Activities:

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

DISCUSSION

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

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

Bills of Interest:

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

Air District Sponsored or Co-Sponsored Bills

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.
CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Current law provides that civil penalties for specified violations are
to be assessed and recovered in a civil action brought by the Attorney General, by any district
attorney, or by the attorney for any district in which the violation occurs. This bill would triple
specified civil penalties if the violation results from a discharge from a stationary source required
by federal law to be included in an operating permit program established pursuant to specified
provisions of the federal Clean Air Act, and the discharge contains or includes one or more air
contaminants, as specified. The bill would define “source” for this purpose. The bill would
require, in assessing penalties, that health impacts, community disruptions, and other
circumstances related to the violation be considered, as specified. (Based on 07/13/2023 text)

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

Board-Approved Position (if any): Sponsor

AB 2298 (Hart, et al.) – Coastal resources: Protecting Blue Whales and Blue Skies Program.
CapitolTrack Summary: Current law establishes the Ocean Protection Council in state
government to, among other things, establish policies to coordinate the collection, evaluation,
and sharing of scientific data related to coastal and ocean resources among agencies. Current law
requires the council to develop and implement a voluntary sustainable seafood promotion
program for the state, to consist of specified components, including a competitive grant and loan
program for eligible entities, including, but not limited to, fishery groups and associations, for
the purpose of assisting California fisheries in qualifying for certification to internationally
accepted standards for sustainable seafood. This bill would, subject to the availability of funding,
require the council to participate as a stakeholder, and in an advisory capacity, to the Protecting
Blue Whales and Blue Skies Program with air pollution control districts and air quality
management districts along the coast and other stakeholders, including the State Air Resources
Board, to support, in an advisory capacity, coastal air districts in their efforts to implement a
statewide voluntary vessel speed reduction and sustainable shipping program for the California
coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful
underwater acoustic impacts. The bill would authorize the expansion of the existing Protecting
Blue Whales and Blue Skies Program to include specified components, including incentives to
program participants based on a percentage of distance traveled by a participating vessel at a
reduced speed, as provided. (Based on 05/16/2024 text)

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

Board-Approved Position (if any): Co-Sponsor
SB 382 (Becker) – Single-family residential property: disclosures.
CapitolTrack Summary: Would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property, except as specified, and to disclose, in writing, the existence of any state or local requirements relating to the future replacement of existing gas-powered appliances that are being transferred with the property, as specified. (Based on 06/03/2024 text)

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

Board-Approved Position (if any): Sponsor

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

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

Board-Approved Position (if any): Sponsor

Board-Approved Position Bills

AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body.
CapitolTrack Summary: The Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1,
2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met (nonemergency provisions). Current law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to provide specific means by which the public may remotely hear and visually observe the meeting. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. The bill would require at least one staff member of the local agency to be present at a designated primary physical meeting location during the meeting. The bill would require the local agency to post the agenda at the primary physical meeting location. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. The bill would also require the subsidiary body to list a member of the subsidiary body who participates in a teleconference meeting from a remote location in the minutes of the meeting. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. (Based on 05/29/2024 text)

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

Board-Approved Position (if any): Support

AB 1894 (Ta) – Nonvehicular air pollution: civil penalties.
CapitolTrack Summary: Current law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties. This bill would require a district to provide a small business, as defined, with a period of not less than 30 days to rectify a violation before the small business may be subject to those civil penalties. (Based on 03/11/2024 text)

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

Board-Approved Position (if any): Oppose
AB 2522 (Carrillo, Wendy) – Air districts: governing boards: compensation.
CapitolTrack Summary: Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law provides that the south coast district is governed by a district board consisting of 13 members and that each member of the board shall receive compensation of $100 for each day, or portion thereof, but not to exceed $1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member’s official duties. This bill would raise the above-described compensation each member of the board receives to $200 for each day, or portion thereof, but not to exceed $2,000 per month. (Based on 06/19/2024 text)

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

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

Board-Approved Position (if any): Support

AB 2851 (Bonta) – Metal shredding facilities: fence-line air quality monitoring.
CapitolTrack Summary: Existing law defines a “fence-line monitoring system,” for purposes of specified laws requiring the monitoring of toxic air contaminants from nonvehicular sources, to mean monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts. This bill would require, instead of authorize, the department to collect the above-described annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, as provided. The bill would require, on or before July 1, 2025, the department, in consultation with affected local air pollution control and air quality management districts, to develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities. Those requirements would include, among other things, monitoring light fibrous material, lead, zinc, cadmium, and any other substance required to be monitored by the department, and a requirement that, if the monitoring indicates a potential adverse impact on air quality or public health, the local public health department issue a community notification, as provided. The bill would also require all metal shredding facilities that are subject to the hazardous waste control laws to implement the fence-line air quality monitoring requirements. The bill would require the department to oversee and enforce the implementation of the fence-line air quality monitoring requirements on or before December 31, 2025. The bill would also authorize any regulatory costs incurred by the department in implementing the bill’s requirements to be reimbursed from the subaccount in the Hazardous Waste Control Account.
imposing new duties on local public health departments, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 05/16/2024 text)

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

Board-Approved Position (if any): Support

**AB 2958 (Calderon) – State Air Resources Board: board members: compensation.**
CapitolTrack Summary: Existing law establishes the State Air Resources Board consisting of 14 members with 12 members appointed by the Governor, with the consent of the Senate. Existing law provides that, of the 12 members appointed by the Governor, 6 of those members are to be from certain air quality management districts or air pollution control districts, as provided. In addition to the 14 members of the state board, existing law provides that 2 Members of the Legislature serve on the state board as ex officio, nonvoting members of the state board. Existing law provides that members appointed as members from the air districts serve on the state board without compensation. Existing law provides that the elected official members of the state board receive $100 for each day, or a portion of that amount, but not to exceed $1,000 in any month, attending meetings of the state board or its committees, or upon authorization of the state board while on official business of the state board (per diem amount). Existing law specifies the annual salary of each member of the state board. This bill would repeal the prohibition on compensation of the members of the state board from air districts and would specify that those members are to receive the annual salary provided to other members of the state board. The bill would repeal the per diem amount provided to elected official members of the state board. (Based on 03/21/2024 text)

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

Board-Approved Position (if any): Support

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

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

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

**SB 674 (Gonzalez) – Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.**
CapitolTrack Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air
quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format. This bill would expand the application of these provisions to any “covered facility,” defined to include refineries that produce gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products, and to include facilities with operations related to a refinery that are located on contiguous or adjacent properties. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of covered facilities to notify the air district and the public, as provided, as quickly as possible of any exceedances of specified pollutant thresholds. (Based on 06/27/2024 text)

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

Board-Approved Position (if any): Support

**SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment Program.** CapitolTrack Summary: Current law requires that funds be allocated under the Carl Moyer Memorial Air Quality Standards Attainment Program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the State Air Resources Board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Current law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, current law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. (Based on 04/16/2024 text)
Status: SB 1158 passed the Senate favorably. The bill was double-referred to the Assembly Transportation Committee and the Assembly Natural Resources Committee. The bill was heard on June 17, 2024, in the Assembly Transportation Committee and passed favorably with a vote of 15-0. The bill was heard on June 24, 2024, in the Assembly Natural Resources Committee and passed favorably with a vote of 10-0. The bill has been referred to the Assembly Appropriations Committee – hearing date pending.

Board-Approved Position (if any): Support

SB 1193 (Menjivar) – Airports: leaded aviation gasoline.
CapitolTrack Summary: Would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers on or after January 1, 2031, as provided. Because these provisions would be part of the State Aeronautics Act, the bill would impose a state-mandated local program. (Based on 06/27/2024 text)

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

Board-Approved Position (if any): Support

Other Bill(s) of Interest

SB 1234 (Allen) – Hazardous materials: metal shredding facilities.
CapitolTrack Summary: Current law authorizes the Department of Toxic Substances Control (DTSC), in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, to adopt regulations to establish management standards for metal shredding facilities for hazardous waste management activities within DTSC’s jurisdiction, as provided. Current law provides that treated metal shredder waste that is managed in accordance with those regulations is deemed to be solid waste, and not hazardous waste, as provided. This bill would repeal those provisions and would establish a comprehensive scheme for the regulation of metal shredding facilities. The bill would prohibit an owner or operator from operating a metal shredding facility, as defined, in the state unless they have a permit from DTSC or are deemed to have a permit. The bill would prescribe the requirements for obtaining a permit, for being deemed to have a permit, for operating a metal shredding facility, and for transporting certain materials related to metal shredding, as specified. The bill would provide that certain materials related to metal shredding are not hazardous waste if they meet specified requirements. (Based on 06/10/2024 text)
Status: SB 1234 was gut and amended on June 10, 2024, to its current form. The bill has been double-referred to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Local Government Committee. The bill was heard on June 25, 2024, in the Assembly Environmental Safety and Toxic Materials Committee and passed favorably with a vote of 7-0. As of this writing, the bill will next be heard in the Assembly Appropriations Committee - hearing date pending - and will not be scheduled for a hearing in the Assembly Local Government Committee.

Board-Approved Position (if any): None

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

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

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

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

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

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

Recent Federal Activities:

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

On June 13, 2024, the U.S. House of Representatives Committee on Science, Space, and Technology’s Subcommittee on Investigation and Oversight held a hearing titled, “Environmentalism Off the Rails: How CARB will Cripple the National Rail Network.” Air
District Legislative Officer, Alan Abbs attended this hearing at the request of Congresswoman Zoe Lofgren to testify in support of and to highlight the health benefits of CARB’s In-Use Locomotive Regulation which was passed by CARB on April 27, 2023, and is awaiting approval by the U.S. Environmental Protection.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. Bills of Interest Matrix - As of July 2, 2024
2. AB 1465 (Wicks) - Bill Text - As Amended on July 13, 2023
3. AB 2298 (Hart) - Bill Text - As Amended on May 16, 2024
4. SB 382 (Becker) - Bill Text - As Amended on June 3, 2024
5. SB 1095 (Becker) - Bill Text - As Amended on April 8, 2024
6. AB 817 (Pacheco) - Bill Text - As Amended on May 29, 2024
7. AB 1894 (Ta) - Bill Text - As Amended on March 11, 2024
8. AB 2522 (Carrillo) - Bill Text - As Amended on June 19, 2024
9. AB 2851 (Bonta) - Bill Text - As Amended on May 16, 2024
10. AB 2958 (Calderon) - Bill Text - As Amended on March 21, 2024
11. SB 674 (Gonzalez) - Bill Text - As Amended on June 27, 2024
12. SB 1158 (Archuleta) - Bill Text - As Amended on April 16, 2024
13. SB 1193 (Menjivar) - Bill Text - As Amended on June 27, 2024
14. SB 1234 (Allen) - Bill Text - As Amended on June 10, 2024
15. Budget Table - FY 2024-25 Approved Budget vs. Current Year
17. Federal Bill Text - Alan S. Lowenthal Blue Whales and Blue Skies Act
18. Presentation - State and Federal Legislative Update - July PGT
<table>
<thead>
<tr>
<th>Bill #</th>
<th>Author</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Last Status - As of 7/2/2024</th>
<th>Location</th>
<th>Notes</th>
<th>Position</th>
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<td>AB 393</td>
<td>Nancy</td>
<td>Carbon emission reduction strategy: building sector.</td>
<td>7/13/2023</td>
<td>06/01/2022 - Financial Deadline pursuant to Rule 6(f)(11) (Last location was APPR. SUSPENSE FILE on 6/14/2023)</td>
<td>Law</td>
<td>Climate Change</td>
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<td>AB 1993</td>
<td>Boerner</td>
<td>Coastal resources: coastal development permits: blue carbon demonstration projects.</td>
<td>6/16/2024</td>
<td>07/01/2024 - In committee: Referred to suspense file.</td>
<td>Law</td>
<td>Climate Change</td>
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<td>AB 2008</td>
<td>Wallis</td>
<td>Reliable Energy N toda for Everyone in the West Program.</td>
<td>6/16/2024</td>
<td>05/02/2024 - Co-authors revised.</td>
<td>Law</td>
<td>Climate Change</td>
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<td>AB 3331</td>
<td>Gabriel</td>
<td>Voluntary carbon market disclosures.</td>
<td>6/20/2024</td>
<td>06/20/2024 - Read second time and amended. Re-referred to Com. on JUD.</td>
<td>Law</td>
<td>Climate Change</td>
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<td>SB 308</td>
<td>Buck</td>
<td>Net zero greenhouse gas emissions goal: carbon dioxide removal: regulations.</td>
<td>6/5/2024</td>
<td>07/01/2024 - VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS).</td>
<td>Law</td>
<td>Climate Change</td>
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<td>SB 422</td>
<td>Pariente</td>
<td>California Environmental Quality Act: expedited environmental review: climate change regulations.</td>
<td>3/20/2023</td>
<td>06/14/2023 - Financial Deadline pursuant to Rule 6(f)(14). (Last location was INACTIVE FILE on 9/12/2023) (May be re-debated upon Jan 2024)</td>
<td>Medium</td>
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<td>AB 941</td>
<td>Trumbo</td>
<td>California Global Warming Solutions Act of 2006: scope plan: industrial sources of emissions.</td>
<td>5/16/2024</td>
<td>06/26/2024 - June 26 hearing postponed by committee.</td>
<td>Law</td>
<td>Climate Change</td>
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<td>AB 277</td>
<td>Miu</td>
<td>methane emissions: organic waste: landfills.</td>
<td>6/19/2024</td>
<td>06/19/2024 - Read second time and amended. Re-referred to Com. on APPR.</td>
<td>Law</td>
<td>Climate Change</td>
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<td>AB 156</td>
<td>Leong</td>
<td>voluntary carbon offsets: business regulation.</td>
<td>5/16/2024</td>
<td>06/28/2024 - July 1 set for first hearing canceled at request of author.</td>
<td>Law</td>
<td>Climate Change</td>
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<td>AB 1136</td>
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<tr>
<td>AB 2446</td>
<td>Jackson</td>
<td>Electric Vehicle Economic Opportunity Zone: County of Riverside.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
<td>03/01/2023 - Senate RLS. 2 YEAR</td>
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<td>AB 2519</td>
<td>Pinto-Norris</td>
<td>Local planning: electric vehicle service equipment: permitting delays.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
<td>03/01/2023 - Senate RLS. 2 YEAR</td>
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<td>AB 2679</td>
<td>Wallis</td>
<td>Vehicles: high occupancy vehicle lanes.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
<td>03/01/2023 - Senate RLS. 2 YEAR</td>
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<td>AB 2697</td>
<td>Irwin</td>
<td>Transportation electrification: electric vehicle charging stations: network planning standards.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
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<td>SB 768</td>
<td>Caballero</td>
<td>California Environmental Quality Act: Transportation Agency: vehicle miles traveled study</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
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<td>SB 1231</td>
<td>Warner</td>
<td>San Francisco Bay area: local revenue measure: transportation improvements.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
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<td>AB 3110</td>
<td>Dodd</td>
<td>Prescribed fire: civil liability: cultural burns.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
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<td>AB 941</td>
<td>Paredes-Gil</td>
<td>The Wildfire Smoke and Health Outcomes Data Act.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
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<td>AB 1779</td>
<td>Nieto</td>
<td>Wildfire: workgroup: toxic heavy metals.</td>
<td>03/01/2023 - Final Deadline pursuant to Rule 6(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023) May be acted upon Jan 2024</td>
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**Total Active Bills:** 112
An act to amend Section 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

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

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

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


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

SECTION 1. Section 42402.6 is added to the Health and Safety Code, to read:

42402.6. (a) Penalties prescribed pursuant to Sections 42402, 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 for violations shall be tripled if both of the following occur:

(1) The discharge is from a Title V source.
(2) The discharge contains or includes one or more air contaminants, as identified by the state board pursuant to Section 39567, 39657, and as defined in Section 39013, or as listed in the Table of Standards pursuant to Section 70200 of Title 17 of the California Code of Regulations.

(b) For purposes of this section, “source” means an establishment that is located on one or more contiguous or adjacent properties.

(c) In assessing penalties, health impacts, community disruptions, and other circumstances related to the violation shall be considered, pursuant to Section 42403.

SEC. 2. 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 any district attorney, or by the attorney for any district in which the violation occurs in any court of competent jurisdiction.
(b) In determining the amount assessed, the court, or in reaching any 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. Any action 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.
ASSEMBLY BILL  No. 2298

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

February 12, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Hart. Coastal resources: voluntary vessel speed reduction and sustainable shipping program: Protecting Blue Whales and Blue Skies Program.

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

This bill would, subject to the availability of funding, require the council, on or before January 1, 2027, in coordination and in
consultation with various entities, council to participate as a stakeholder, and in an advisory capacity, to the Protecting Blue Whales and Blue Skies Program with air pollution control districts and air quality management districts along the coast and other stakeholders, including the State Air Resources Board, to support, in an advisory capacity, coastal air districts in their efforts to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and would authorize the program expansion of the existing Protecting Blue Whales and Blue Skies Program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, participating air pollution control districts and air quality management districts, on or before December 31, 2028, to submit a report to the Legislature regarding the implementation of the program.


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

SECTION 1. Chapter 3.3 (commencing with Section 35640) is added to Division 26.5 of the Public Resources Code, to read:

CHAPTER 3.3. PROTECTING BLUE WHALES AND BLUE SKIES PROGRAM

35640. The Legislature finds and declares all of the following:
(a) California’s seaports are North America’s primary intermodal gateway to Asia and Transpacific trade. Maritime industry activities at California’s public seaports are responsible for employing more than 500,000 people in the state. Nationwide, more than 2,000,000 jobs are linked to maritime industry business conducted at California’s public seaports, contributing to California having the largest state economy in the United States.
(b) Every year, the world’s largest container ships and auto carriers make thousands of transits along the California coast,
with an estimated 185 tons per day of nitrogen oxides, an ozone precursor, being emitted along the coast. These emissions negatively affect the public health of coastal communities and cause some areas of the coast to be in nonattainment with the national ambient air quality standards for ozone and particulate matter.

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

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

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

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

35641. (a) The Legislature finds and declares that expansion of the Protecting Blue Whales and Blue Skies Program by local air pollution control districts and air quality management districts and stakeholders is a critical strategy in advancing protection of marine mammals through partnerships that also support the maritime industry and local public health.
(b) Subject to the availability of funding, the council shall participate as a stakeholder, and in an advisory capacity, to the Protecting Blue Whales and Blue Skies Program with air pollution control districts and air quality management districts along the coast and other stakeholders, including the federal Office of National Marine Sanctuaries, the United States Environmental Protection Agency, the United States Navy, the United States Coast Guard, the State Air Resources Board, and maritime industry, to support, in an advisory capacity, coastal air districts in their efforts to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

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

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

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

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

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

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

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

(7) Seasonality of the program.

(8) Description of covered vessels.

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

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

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

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

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

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

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

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

(b) Every year, the world’s largest container ships and auto carriers make thousands of transits along the California coast, with an estimated 185 tons per day of nitrogen oxides, an ozone precursor, being emitted along the coast. These emissions negatively affect the public health of coastal communities and cause some areas of the coast to be in nonattainment with the
section 35618 is added to the Public Resources Code, to read:

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

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

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

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

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

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

35618. (a) On or before January 1, 2027, the council shall, in coordination with air pollution control districts and air quality management districts along the coast and in consultation with the federal Office of National Marine Sanctuaries, the federal Environmental Protection Agency, the United States Navy, the United States Coast Guard, the State Air Resources Board, and maritime industry, implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast
in order to reduce air pollution, the risk of fatal vessel strikes on
whales, and harmful underwater acoustic impacts.
(b) The program shall expand the existing Protecting Blue
Whales and Blue Skies Program and may include all of the
following components developed in a manner that is consistent
with how the program components were developed for the
Protecting Blue Whales and Blue Skies Program:
(1) A marketing program to engage cargo owners and other
commercial interests to promote voluntary vessel speed reduction
and sustainable shipping, and an acknowledgment of the program’s
participants:
(2) Data collection on ship speeds along the California coast in
order to analyze the program for future refinement, expansion, or
both:
(3) Data collection on underwater acoustic impacts or fatal
vessel strikes on whales, to the extent data is available:
(4) Data collection on the regional air quality impacts on the
coast and impacts to air quality in coastal disadvantaged
communities from oceangoing vessel traffic, as collected and
provided by the regional air pollution control districts and air
quality management districts:
(5) Incentives to program participants based on a percentage of
distance traveled by a participating vessel at a reduced speed,
including speed zones at 10 knots or less, to the extent that local
or federal funding is available:
(6) Development of vessel speed reduction zones along the coast
that take into account navigational safety, protected marine
mammal migration and breeding seasons, federal marine
sanctuaries and state marine protected areas, shipping lanes, and
any other relevant variables:
(7) Seasonality of the program:
(8) Description of covered vessels:
(c) The program shall exclude any ocean territories that are
covered by any vessel speed reduction program other than the
Protecting Blue Whales and Blue Skies Program or a memorandum
of understanding entered into before January 1, 2025:
(d) The program shall only apply to vessels that are 300 gross
tons or greater:
(e) The council may impose additional qualifying criteria on
program participants in order to receive incentives under the
program, including, but not limited to, individual transit speeds, such as maximum speed in transit or maximum transit average speed.

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

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

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

(g) The program, each component of the program, and actions taken by the council to implement the program are based upon voluntary actions initiated by entities pursuant to this section and are not regulations as defined in Section 11342.600 of the Government Code, and shall not be implemented in a way that conflicts with federal law and regulations.
SENATE BILL No. 382

Introduced by Senator Becker

February 9, 2023

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

LEGISLATIVE COUNSEL’S DIGEST


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

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

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

SECTION 1. Section 1102.6i is added to the Civil Code, to read:

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

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

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

1102.6j. On or after January 1, 2026, the seller of a single-family residential property subject to this article shall disclose, in writing, the existence of any state or local requirements or restrictions relating to the future replacement of existing gas-powered appliances that are being transferred with the property to the extent they or their agent are aware of those requirements or restrictions. For purposes of this section, “gas-powered appliance” includes, but is not limited to, appliances fueled by natural gas or liquid propane.
An act to add Section 4737 to the Civil Code, and to amend Sections 17958.8, 18031.7, and 18031.8 of, and to add Section 18031.9 to, the Health and Safety Code, relating to building standards.

Legislative Counsel’s Digest


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

The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified.
This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome.

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

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

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

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

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

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

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

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

The act provides that any person who knowingly violates any provision of the act or any rule or regulation issued pursuant to the act is guilty of a misdemeanor.
By establishing new standards applicable to the installation and replacement of electric water heaters, the bill would expand the above-mentioned crime and thus impose a state-mandated local program.

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

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

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

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

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

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

(5) The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.
This bill would make void and unenforceable any provision of the governing documents or architectural guidelines or policies to the extent that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

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

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

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


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

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

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

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

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

17958.8. (a) Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction for any building or accessory structure subject to this part, including a hotel, lodginghouse, motel, apartment house, or dwelling, or portions thereof, as long as the portion of the building and structure subject to the replacement, retention, or extension of original materials and the use of original methods of construction complies with the building code provisions governing that portion of the building or accessory structure at the time of construction, and the other rules and regulations of the department or alternative local standards governing that portion at the time of its construction and adopted...
pursuant to Section 13143.2 and the building or accessory structure
does not become or continue to be a substandard building.

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

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

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

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

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

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

(d) Replacement electric or fuel-gas-burning water heaters
installed in accordance with subdivision (c) shall bear a label
permanently affixed in a visible location adjacent to the fuel gas
inlet or electrical power source which reads, as applicable:
<table>
<thead>
<tr>
<th>WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>This appliance is approved only for use with natural gas (NG).</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>This appliance is approved only for use with liquified petroleum gas (LPG).</td>
</tr>
</tbody>
</table>

OR

<table>
<thead>
<tr>
<th>WARNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>This appliance is approved only for electrical use.</td>
</tr>
</tbody>
</table>

Lettering on the label shall be black on a red background and not less than 7/16 inch in height except for the word “WARNING” which shall be not less than 1/2 inch in height.

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

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

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

(4) On or before August 15, 2025, July 1, 2026, the department shall promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either
the guidelines developed pursuant to Section 19215 or the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), and shall be applicable statewide.

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

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

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

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

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

18031.8. (a) Nothing in this part or the regulations promulgated thereunder shall prohibit the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with electric
or fuel gas burning ovens, ranges, or clothes dryers not specifically listed for use in a manufactured home or mobilehome.

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

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

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

18031.9. The department shall, if necessary, by December 31, 2025, update existing rules and regulations that facilitate the use of electricity-powered space and water heating technologies for manufactured homes, mobilehomes, and multifamily manufactured homes when necessary to replace fuel-burning appliances with electric appliances.

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

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
An act to add and repeal Section 54953.05 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

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

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within
the boundaries of the territory over which the local agency exercises jurisdiction.

Existing law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to provide specific means by which the public may remotely hear and visually observe the meeting.

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.


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

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

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

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

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

(B) Serves exclusively in an advisory capacity.

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

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

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

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

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

(A) A two-way audiovisual platform.

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

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

(5) The subsidiary body shall designate a primary physical meeting location where members of the public may physically
attend, observe, hear, and participate in the meeting. At least one staff member of the local agency shall be present at the primary physical meeting location during the meeting. The local agency shall post the agenda at the primary physical meeting location, but need not post the agenda at a remote location.

(5) In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the subsidiary body shall also give notice of the means by which members of the public may access the meeting and offer public comment.

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

(7) In the event of a disruption that prevents the subsidiary body from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the subsidiary body’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the subsidiary body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption that prevents the subsidiary body from broadcasting the meeting may be challenged pursuant to Section 54960.1.

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

(10) The members of the subsidiary body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform.
(A) The visual appearance of a member of the subsidiary body on camera may cease only when the appearance would be technologically impracticable, including, but not limited to, when the member experiences a lack of reliable broadband or internet connectivity that would be remedied by joining without video, or when the visual display of meeting materials, information, or speakers on the internet or other online platform requires the visual appearance of a member of a subsidiary body on camera to cease.

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

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

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

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

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

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

(c) In order to use teleconferencing pursuant to this section, the legislative body that established the subsidiary body by charter,
ordinance, resolution, or other formal action shall make the following findings by majority vote before the subsidiary body uses teleconferencing pursuant to this section for the first time, and every 12 months thereafter:

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

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

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

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

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

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

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 54953.05 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:
This act is necessary to provide opportunities for public participation in meetings of specified public agencies and to promote the attraction and retention of members of those agencies.
An act to add Section 42407.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 1894, as amended, Ta. Nonvehicular air pollution: civil penalties.
Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties.

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

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

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

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


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

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

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

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

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

SEC. 2. If the Commission on State Mandates determines that this act contains 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.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B 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.
Assembly Bill No. 2522

Introduced by Assembly Member Wendy Carrillo

February 13, 2024

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

Legislative Counsel's Digest


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

This bill would raise the above-described compensation each member of the board shall receive compensation of $200 for each day, or portion thereof, but not to exceed $2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing
the member’s official duties. The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified.

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

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

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

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

Existing law provides that the Sacramento Metropolitan Air Quality Management District shall, at a minimum, be governed by a district board composed of the Board of Supervisors of the County of
Sacramento. Existing law requires each member of the Sacramento district board to receive actual and necessary expenses incurred in the performance of board duties, and authorizes compensation, to be determined by the Sacramento district board, not to exceed $100 for each day attending the meetings of the district board and committee meetings thereof, or upon authorization of the district board, while on official business of the Sacramento district. Existing law prohibits the compensation from exceeding $6,000 in any one year.

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

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

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

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

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

SECTION 1. Section 40100.6 of the Health and Safety Code is amended to read:

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

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

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

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

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

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

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

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

(B) One public member shall be a person representing environmental justice interests and who works directly with communities within the boundaries of the San Diego County Air Pollution Control District that are most significantly burdened by, and vulnerable to, high levels of pollution, including communities
with diverse racial and ethnic populations and communities with low-income populations. This member may be a resident of that community and have a demonstrated record of community leadership.

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

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

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

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

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

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

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

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

(f) (1) A vacancy on the San Diego County Air Pollution Control District governing board shall be filled by appointment in the same manner as the vacating member was appointed.
(2) A member of the San Diego County Air Pollution Control District governing board may be removed at any time in the same manner as the member was appointed.

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

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

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

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

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

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

(1) An amount equal to 5 percent for each calendar year from the operative date of the last adjustment of the compensation.
(2) Beginning January 1, 2025, an amount not to exceed 10 percent for each calendar year that is equal to the annual change in inflation as determined by the California Consumer Price Index.

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

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

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

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

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

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

(c) (1) The compensation provided for attending meetings 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 and shall not exceed two thousand dollars ($2,000) per month.

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

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

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

(A) An amount equal to 5 percent for each year that has passed since the operative date of the last adjustment of the compensation.
(B) Beginning January 1, 2025, an amount not to exceed 10 percent for each calendar year that is equal to the annual change in inflation as determined by the California Consumer Price Index.

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

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

SECTION 1.
SEC. 4. Section 40426 of the Health and Safety Code is amended to read:

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

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

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

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

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

40982. (a) Each member of the Sacramento district board shall receive actual and necessary expenses incurred in the performance of board duties, and while performing board duties. In addition, members may receive compensation, to be compensation for their service, as determined by the Sacramento district board. The compensation shall not exceed one hundred dollars ($100) for each ($200) per day of attending the meetings of the Sacramento district board and committee meetings thereof, or upon
authorization of the Sacramento district board, while on official business of the Sacramento district, but as authorized by the board. However, the compensation shall not exceed six twelve thousand dollars ($6,000) ($12,000) in any one year. Compensation pursuant to this section shall be fixed by ordinance.

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

SEC. 2. SEC. 6. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to modernize the decades old nominal compensation structure unique to the South Coast Air Quality Management District board, the Sacramento Metropolitan Air Quality Management District board, the San Diego Air Pollution Control District board, the South Coast Air Quality Management District board, and unified district governing boards to ensure board members are adequately compensated for the important public service they perform.
An act to amend Section 25150.84 of, and to add Section 25150.87 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

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

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

Existing law requires the Department of Toxic Substances Control to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment, including the operation of metal shredding facilities for appliance recycling. Existing law authorizes the department to collect an annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and to deposit those fees into a
subaccount in the Hazardous Waste Control Account. Existing law makes those moneys available to the department, upon appropriation by the Legislature, to reimburse the department’s costs to implement the hazardous waste control laws applicable to metal shredder facilities.

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

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

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

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

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

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

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

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:
(A) A fee imposed pursuant to Section 25205.7.
(B) A disposal fee imposed pursuant to Section 25174.1 until July 1, 2022.
(C) A facility fee imposed pursuant to Section 25205.2.
(D) A fee imposed pursuant to Section 25205.5.
(E) A transportable treatment unit fee imposed pursuant to Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.

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

SECTION 1.
SEC. 2. Section 25150.87 is added to the Health and Safety Code, to read:

25150.87. (a) On or before July 1, 2025, the department, in consultation with affected local air pollution control and air quality management districts, shall develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities, as defined in Section 25150.82, that are subject to this chapter.
(b) The requirements developed pursuant to subdivision (a) shall include, but not be limited to, all of the following:
(1) Monitoring of light fibrous material, lead, zinc, cadmium, nickel, and any other substance required to be monitored by the department.
(2) Monitoring at prescribed frequencies of substances monitored pursuant to paragraph (1).
(3) Reporting on the results of the monitoring required pursuant to this subdivision to the department, the local air district or local air quality management district, and the local public health department.
(4) If the monitoring required pursuant to this subdivision indicates a potential adverse impact on air quality or public health, requiring the local public health department to issue a community notification to the public for the area in which the metal shredding facility is located that informs the public that the facility is causing the potential adverse impact on air quality or public health.
(c) All metal shredding facilities subject to this chapter shall implement the facilitywide fence-line air quality monitoring requirements developed pursuant to this section.
(d) The department shall oversee and enforce the implementation of the facilitywide fence-line air quality monitoring requirements developed pursuant to this section on or before December 31, 2025.

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

SEC. 2. SEC. 3. If the Commission on State Mandates determines that this act contains 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.
AMENDED IN ASSEMBLY MARCH 21, 2024
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL No. 2958

Introduced by Assembly Member Calderon

February 16, 2024

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

LEGISLATIVE COUNSEL’S DIGEST


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

This bill would repeal the prohibition on compensation of the members of the state board from air districts and would provide for the per diem...
amount for all members of the state board. specify that those members are to receive the annual salary provided to other members of the state board. The bill would repeal the per diem amount provided to elected official members of the state board.


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

SECTION 1. Section 39512.5 of the Health and Safety Code is amended to read:

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

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

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

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

(c) Each member described in subdivision (a) shall receive the salary specified in Section 11564 of the Government Code to be paid by the state board.
An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST


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

This bill would expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock. The application of these provisions to any “covered facility,” defined to include refineries that produce gasoline, diesel fuel, aviation fuel, biofuel, lubricating oil, asphalt, petrochemical feedstock, or other similar products, and to include facilities with operations related to a refinery that are located on contiguous or adjacent properties. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries covered facilities to notify the air district and the public, as provided, as quickly as possible of any exceedances of specified pollutant thresholds. The bill would require the owners or operators of refineries covered facilities, within 24 hours of a fence-line monitoring system detecting an exceedance of those thresholds, to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries covered facilities to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.
Under existing law, a violation of requirements for stationary sources or any rule, regulation, permit, or order of the state board or of an air district is a crime.

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

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

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


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

SECTION 1. This act shall be known, and may be cited, as the Refinery Air Pollution Transparency and Reduction Act.

SEC. 2. Section 42705.6 of the Health and Safety Code is amended to read:

42705.6. (a) For purposes of this section, the following definitions apply:

(1) “Biofuel” means biodiesel, renewable diesel, and renewable aviation fuel, and other liquid products derived from alternative feedstock, if the alternative feedstock is refined through coprocessing or at a refinery that was converted from petroleum to alternative feedstock.

(2) “Covered facility” means either of the following:

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

(B) A facility with operations related to a refinery, including storage tanks, sulfur recovery plants, port terminals, electrical generation plants, and hydrogen plants, that is located on a property that is contiguous or adjacent to the refinery.
(2) “Fence-line monitoring system” means equipment that measures and records ambient air pollutant concentrations at or adjacent to a refinery covered facility and that detects and estimates the quantity of fugitive emissions, gas leaks, and other air emissions from the refinery covered facility and that may be useful for estimating associated pollutant exposures and health risks and in determining trends in air pollutant levels over time.

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

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

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

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

(1) A district shall update an existing refinery-related community air monitoring system to implement this section or design, develop, install, operate, and maintain a new refinery-related community air monitoring system, which shall be operated and maintained in accordance with guidance from the appropriate district. A district may contract with a third party to implement this paragraph.
(2) The refinery-related community air monitoring system shall include equipment capable of measuring compounds emitted to the atmosphere from refinery covered facility processes, meteorological parameters, and digital components capable of enabling real-time access to air pollution and meteorological measurements via an internet website and application programming interface, as determined by the appropriate district.

(c) On or before January 1, 2028, the owner or operator of a refinery covered facility shall, after a 30-day public comment period and approval by the appropriate district, update an existing fence-line monitoring system to implement this section or develop, install, operate, and maintain a new fence-line monitoring system in accordance with guidance developed by the appropriate district. The fence-line monitoring system shall cover the entire perimeter of the refinery, unless it is infeasible based on substantial evidence:

The fence-line monitoring system shall cover all facilities at the refinery, including related facilities as described in paragraph (3) of subdivision (a). The fence-line monitoring system shall provide coverage along all areas of the covered facility property line that are within five miles of any area that is zoned for residential, commercial, business, industrial, recreational, or open-space use, unless that coverage is infeasible based on substantial evidence.

The fence-line monitoring system shall include equipment capable of measuring compounds emitted to the atmosphere from refinery covered facility processes, meteorological parameters, and digital components capable of enabling real-time access to air pollution and meteorological measurements via an internet website and application programming interface.

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

(A) Acetaldehyde.
(B) Ammonia.
(C) Benzene.
(D) 1,3-butadiene.
(E) Cadmium.
(F) Diethanolamine.
(G) Formaldehyde.
(H) Hydrogen fluoride.
(I) Hydrogen sulfide.
(J) Manganese.
(K) Naphthalene.
(L) Nickel.
(M) Oxides of nitrogen.
(N) Polycyclic aromatic hydrocarbons.
(O) Particulate matter.
(P) Sulfur dioxide.
(Q) Sulfuric acid.
(R) Toluene.

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

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

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

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

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

(1) An initial audit shall be conducted as follows:
   (A) For a fence-line monitoring system installed on or after January 1, 2024, 2025, within six months after the installation and operation of the system.
   (B) For a fence-line monitoring system installed before January 1, 2024, 2025, by July 1, 2024, 2025.

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

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

(g) The owner or operator of a refinery covered facility shall notify the district and public as quickly as possible of any exceedances of the notification threshold that are detected by the
fence-line monitoring system. The notification threshold shall be
established as the lowest available one-hour average of the National
Ambient Air Quality Standards, California Ambient Air Quality
Standards, and the acute reference exposure levels as assessed by
the Office of Environmental Health Hazard Assessment, or, if not
established, the historical concentration of any measured pollutant,
if historical data is available. At a minimum, the notification to
the public shall include email and text message notifications to
members of the public requesting notification by email or text
message notification, as appropriate.

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

(A) Optical gas imaging.
(B) Leak inspection using Method 21 under Appendix A-7 of
Part 60 (commencing with Section 60.1) of Title 40 of the Code
of Federal Regulations.
(C) Other test or monitoring method approved by the district,
the state board, or the United States Environmental Protection
Agency.

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

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

(4) (A) A fence-line monitoring system approved by the district
shall presumptively yield credible evidence that may be used to
establish whether a refinery covered facility has violated or is in
violation of any plan, order, permit, rule, regulation, or law.
(B) A refinery covered facility may rebut the presumption established in subparagraph (A) by providing evidence that the refinery covered facility was not the source of pollution that triggered the fence-line monitoring system.

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

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

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

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

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

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

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

SEC. 3. 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 or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
SENATE BILL No. 1158

Introduced by Senator Archuleta

February 14, 2024

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

LEGISLATIVE COUNSEL’S DIGEST

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

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Existing law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation.
This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes.

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

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


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

SECTION 1. Section 44287 of the Health and Safety Code, as amended by Section 121 of Chapter 131 of the Statutes of 2023, 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 final adoption, and shall hold at least one public meeting to consider public comments before final adoption.

(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 (2) 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 sixth calendar year following the date of disbursement 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.
(l) 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, 2034.
SEC. 2. Section 44287 of the Health and Safety Code, as amended by Section 122 of Chapter 131 of the Statutes of 2023, 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 (2) 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 sixth calendar year following the date of disbursement 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 application. A completed application fulfilling the criteria shall be approved as soon as practicable, but not later than 60 working days after receipt.
(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, 2034, 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. 3. Section 44299.1 of the Health and Safety Code is amended to read:

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

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

(2) Not more than 2.5 percent of the moneys in the fund for use by the program shall be allocated to direct program outreach activities. The state board may use these funds for program outreach contracts or may allocate outreach funds to participating districts in proportion to each district’s allocation from the program
moneys in the fund. The state board shall report on the use of outreach funds in their reports to the Legislature pursuant to Section 44295.

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

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

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

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

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

(a) Available funds shall be distributed to districts taking into consideration the population of the area, the severity of the air quality problems experienced by the population, and the historical allocation of the program funds, except that the south coast district shall be allocated a percentage of the total funds available to districts that is proportional to the percentage of the total state population residing within the jurisdictional boundaries of that district. For the purposes of this subdivision, population shall be determined by the state board based on the most recent data provided by the Department of Finance. The allocation to the south coast district shall be subtracted from the total funds available to districts. Each district, except the south coast district, shall be awarded a minimum allocation of two hundred thousand dollars
($200,000), and the remainder, which shall be known as the
“allocation amount,” shall be allocated to all districts as follows:

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

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

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

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

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

(B) Each district shall be awarded severity points based on the
annual diesel particulate emissions in the air basin, as determined
by the state board. One point shall be awarded to the district, in
increments, for each 1,000 tons of diesel particulate emissions. In
making this determination, 0 to 999 tons shall be awarded no
points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
2,999 tons shall be awarded two points, and so forth. If a district
encompasses more than one air basin, the air basin with the greatest
diesel particulate emissions shall be used to determine the points
awarded to the district. The San Diego County Air Pollution
Control District and the Imperial County Air Pollution Control
District shall be awarded one additional point each to account for
annual diesel particulate emissions transported from Mexico.
(C) The points awarded under subparagraphs (A) and (B), shall be added together for each district, and the total shall be multiplied by the population residing within the district boundaries, to yield the local air quality exposure index.

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

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

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

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

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

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

(iii) The percentage share shall be calculated for each district by dividing the district’s share amount by the base amount, and multiplying the result by the total directed funds available under this subparagraph.
(b) Funds shall be distributed as expeditiously as reasonably practicable, and a report of the distribution shall be made available to the public.

(c) All funds allocated pursuant to this section shall be liquidated as provided for in the guidelines adopted pursuant to Section 44287.
An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.
This bill would provide that no reimbursement is required by this act for a specified reason.


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

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

Chapter 8. Leaded Aviation Gasoline

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

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

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

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
An act to amend Sections 30512 and 30513 of the Public Resources Code, relating to coastal resources; amend Section 25117 of, to add Chapter 6.4 (commencing with Section 25095) to Division 20 of, and to repeal Sections 25150.82, 25150.84, and 25150.86 of, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL’S DIGEST


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

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

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

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

The bill would prohibit a local agency from deeming a metal shredding facility operating pursuant to these provisions to be conducting hazardous waste treatment or storage operations for purposes of making a land use decision.
The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

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

State-mandated local program: no.

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

SECTION 1. Chapter 6.4 (commencing with Section 25095) is added to Division 20 of the Health and Safety Code, to read:

Chapter 6.4. Metal Shredding Facilities

Article 1. Findings and Declarations

25095. The Legislature finds and declares all of the following:
(a) Metal shredding facilities are essential to a thriving circular economy in the State of California because they provide an efficient, reliable, and effective means of recycling the millions of tons of recyclable metal, including end-of-life vehicles and household appliances, that are generated annually in the state.

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

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

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

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

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

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

Article 2. Definitions and General Provisions

25095.1. For purposes of this chapter, the following definitions apply:
(a) “Chemically treated metal shredder residue” or “CTMSR” means the waste generated from the shredding and processing of metallic materials, which may include, but is not limited to, end-of-life vehicles, appliances, and other metal-containing items, by a metal shredding facility where recoverable ferrous or nonferrous metals have been removed and the remaining metal shredder residue has been treated by a waste stabilization process, as described in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. An individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation, including, but not limited to, a governmental corporation.

2. A city, county, district, commission, the state, and any department, agency, or political subdivision thereof.
(3) An interstate body.

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

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

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

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

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

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

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

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

(b) For purposes of this section, “land use decision” means a discretionary decision of a local agency concerning a metal shredding facility project, including the issuance of a land use permit or conditional use permit, the granting of a variance, the subdivision of property, and the modification of existing property lines pursuant to the Planning and Zoning Law (Title 7 (commencing with Section 65000) of the Government Code), and any local agency decision concerning a metal shredding facility that is in existence and the enforcement of those decisions. This
section does not limit or restrict the authority of a local agency to
impose conditions on, or otherwise regulate, metal shredding
facilities in accordance with applicable law.

25095.7. The department shall adopt regulations to implement
this chapter.

Article 3. Permits and Operations

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

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

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

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

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

(B) A metal shredding facility inspection plan.

(C) A closure plan.

(D) A current closure cost estimate.

(E) A corrective action cost estimate, if any.
(F) A metal shredding facility housekeeping plan.

(G) An inventory management plan.

(H) A preparedness and prevention plan consistent with the requirements of Article 3 (commencing with Section 66265.30) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(I) A contingency plan consistent with the requirements of Article 4 (commencing with Section 66265.50) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(J) A flood plain map, if applicable.

(K) Evidence of financial assurance consistent with the requirements of Article 8 (commencing with Section 66265.140) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(L) A written compliance plan as required by Section 25095.11, if applicable.

(4) The department shall post all information provided by the owner or operator of an existing metal shredding facility pursuant to paragraph (3) on the department’s internet website in a manner that is readily accessible to the public, with the exception of information that is submitted to the department under a claim of trade secrecy or business confidentiality and that has been determined by the department to be exempt from disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(5) The department may impose additional metal shredding facility-specific conditions that the department determines to be necessary for the protection of human health and the environment.

(6) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the review or approval of the information provided by the owner or operator of an existing metal shredding facility, as required by paragraph (3).

(c) (1) The owner or operator of a new metal shredding facility shall submit an application to the department for a metal shredding facility permit and shall not commence operations at the new metal shredding facility until the department issues a permit for the new metal shredding facility.

(2) The application shall consist of both of the following:
(A) All the information described in paragraph (3) of subdivision (b).

(B) Any other information requested by the department.

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

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

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

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

(3) The owner or operator of an existing metal shredding facility may operate the metal shredding facility pending implementation of the actions required by an approved written compliance plan. The owner or operator may request an extension of time for completing a required action if delay is caused by circumstances...
beyond the metal shredding facility’s reasonable control. The
compliance dates and actions described in an approved written
compliance plan may also be modified or extended if the owner
or operator demonstrates in writing, to the satisfaction of the
department, that the delay or need for modification or extension
is the result of force majeure conditions. A request for extension
shall be submitted to the department, in writing, no later than 30
days before the implementation date set forth in the approved
written compliance plan. The department’s decision to deny a
timely request for extension shall be considered a final agency
action subject to judicial review in accordance with law.

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

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

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

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

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

(2) Hazardous waste.

(3) Hazardous waste constituents.

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

(A) RCRA hazardous waste, as defined in Section 66261.100 of
Title 22 of the California Code of Regulations, and non-RCRA
hazardous waste, as defined in Section 66261.101 of Title 22 of the California Code of Regulations.

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

(C) Radioactive materials.

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

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

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

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

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

(I) Regulated electronic waste.

(J) Mercury containing devices.

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

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

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

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

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

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

(D) A requirement to maintain all documentation related to the inbound source control policy and load checking onsite for at least 97—12—

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five years and provide the documentation to the department upon request.

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

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

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

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

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

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

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

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

(F) A copy of documents related to an environmental investigation and any cleanup, abatement, or other necessary corrective action taken pursuant to Section 67450.7 of Title 22 of the California Code of Regulations.
(G) The onsite metal shredding facility housekeeping plan prepared pursuant to Section 25095.13.

(2) The owner or operator shall make the documents described in paragraph (1) available at the metal shredding facility to the department, the United States Environmental Protection Agency, or a local governmental agency upon request.

(e) Maintain compliance with all of the following regulations, if applicable:

1. Article 2 (commencing with Section 66265.10) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

2. Article 3 (commencing with Section 66265.30) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

3. Article 4 (commencing with Section 66265.50) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

4. Article 10 (commencing with Section 66265.190) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations.

(f) The owner or operator of a metal shredding facility shall comply with subdivision (b) of Section 66265.142 of Title 22 of the California Code of Regulations.

(g) The owner or operator of a metal shredding facility shall provide notice to the department of an imminent or actual emergency situation, as required by Section 66265.56 of Title 22 of the California Code of Regulations.

25095.13. The owner or operator of a metal shredding facility shall develop and comply with plans and minimum standards relating to each of the following aspects of the metal processing operation:

(a) The control of releases, including, but not limited to:

1. Plans for complying with applicable local air quality management district or air pollution control district regulations and permit requirements, including the requirements of any approved emissions minimization plan or comparable plan required by applicable regulations.

2. An onsite metal shredding facility housekeeping plan that is approved by the department and that does all of the following:

(A) Details all measures to control dispersal of light fibrous material, metal shredder aggregate and its constituents, and metal shredder residue and constituents. Those measures shall include, but are not limited to, mechanical and manual sweeping,
housekeeping, water trucks, dust suppression equipment, sprinklers, spray bars, deluge systems, fencing, and enclosures.

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

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

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

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

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

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

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

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

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

(5) Standards for the installation and maintenance of paving with concrete surfacing, steel plate, or other department-approved impervious surface that is designed to collect and route water that drains to a process water management system. The paving shall be inspected quarterly and repaired as needed. The results of the paving inspections and any paving repairs shall be submitted to
the department with the annual report and as requested by the
department.
(b) (1) A separate written plan for the prevention, detection,
and suppression of fires. The plan shall comply with all of the
following:
(A) Be shared with local emergency responders.
(B) Be used to monitor metal shredding facility operations for
evidence of incipient fire.
(C) Establish procedures for responding to fires of different
duration and severity.
(D) Be activated in response to any incident at the metal
shredding facility that falls within the scope of the plan.
(2) The plan shall include all of the following:
(A) Maintenance of appropriate response to incipient fires and
access to adequate water, firefighting foam, and other supplies at
the metal shredding facility that can be used in responding to an
incipient or larger fire.
(B) Training of metal shredding facility personnel in the proper
use of fire-response equipment and procedures and notification
requirements.
(C) Coordination with local fire departments and other first
responders as necessary to support maximum effectiveness in
responding to an emergency at the metal shredding facility.
(D) The monitoring of temperatures on all feedstock, metal
shredder aggregate piles, and equipment relating to metal
processing operations using an infrared camera or other
equivalent.
(E) A pile of metal shredder aggregate or feedstock shall not
be larger than the amount of material that can be processed in 48
hours. Metal shredder aggregate or feedstock shall not remain in
piles for more than 48 hours, except during weekends or holidays.
Metal shredder aggregate or feedstock piles held in excess of 24
hours, including during weekends or holidays, shall be subject to
24-hour onsite surveillance.
(c) Stormwater management and control, including, but not
limited to:
(1) Containment of stormwater in sumps, tanks, and associated
piping or other engineered retention units to minimize ponding at
the metal shredding facility.
(2) A stormwater testing plan to identify if stormwater exhibits any characteristic of toxicity as described in Section 66261.24 of Title 22 of the California Code of Regulations.

(3) Compliance with the metal shredding facility’s stormwater pollution prevention plan and spill prevention, control, and countermeasures plan.

(4) Discharge of stormwater in accordance with the general permit for discharges of stormwater associated with industrial activities or waste discharge requirements issued by a regional water quality control board, including sampling requirements.

25095.14. (a) Subject to subdivision (b), the owner or operator of a metal shredding facility may make the following physical or operational changes to the metal shredding facility without seeking prior approval from the department:

(1) Throughput increases and increases in operating rate.

(2) Increases in efficiency of metal processing operations, including, without limitation, sizing, separation, sorting, removal, and recovery.

(3) Changes in design of processing equipment and conveyance systems.

(4) Changes in operations and methods of operation.

(5) Installation and modification of processing and other equipment and conveyance systems.

(6) Repair and replacement of processing and other equipment and conveyance systems.

(7) Decommissioning and removal of equipment and conveyance systems that are no longer in use.

(8) Construction of new structures and enclosures and changes to structures and enclosures.

(9) Installation and modification of abatement equipment and emission control systems.

(10) Installation of and modifications to water reuse and recycling systems.

(11) Installation of and repair to paving.

(12) Changes to the metal shredding facility unrelated to the storage or processing of metal shredder aggregate and metal shredder residue.

(b) (1) The changes described in subdivision (a) may only be made without seeking prior approval from the department if the metal shredding facility maintains compliance with this chapter.
(2) The owner or operator of a metal shredding facility that proposes to modify the metal shredding facility in a manner that could result in a significant environmental impact from operations that were not considered by the department in reviewing the information submitted pursuant to this article shall provide the department with 60 days advance written notice of the modification and shall not implement the modification without approval from the department.

(3) On or before July 1 of each year, the owner or operator of a metal shredding facility shall submit an annual report to the department describing the material physical or operational changes, if any, made to the metal shredding facility during the previous calendar year relating to the management of metal shredder aggregate or metal shredder residue.

(4) Upon request by the department, the metal shredding facility shall be required to provide additional information about the nature or extent of changes described in the annual report as necessary to demonstrate the metal shredding facility’s ongoing compliance with applicable regulations.

(5) Physical changes to the metal shredding facility’s ongoing operations that are reported to the department in compliance with paragraph (3) may be subject to modification as required by the department as necessary to comply with the requirements of this chapter.

25095.15. (a) The owner or operator of a metal shredding facility shall maintain all metal shredder aggregate during metal processing operations as necessary to achieve the following minimum standards:

(1) All outdoor equipment used for processing metal shredder aggregate shall be enclosed or covered and designed, operated, and maintained to prevent the release of light fibrous material into the environment.

(2) All outdoor equipment used for the conveyance of metal shredder aggregate from one location within the metal shredding facility to another location within the metal shredding facility shall be enclosed or covered and designed, operated, and maintained to prevent the release of light fibrous material into the environment.

(3) All vehicles used for the outdoor transfer of metal shredder aggregate shall be loaded and unloaded in a manner that minimizes
the possibility of releasing light fibrous material into the environment.

(b) Metal shredder aggregate shall be stored or accumulated inside a structure that protects the material from exposure to the elements and prevents the release of light fibrous material into the environment. At a minimum, the structure shall meet all of the following requirements:

(1) The structure shall be enclosed with a floor, roof, and walls sufficient to protect the metal shredder aggregate from exposure to the elements and to contain the metal shredder aggregate and any process residues that are managed in the structure.

(2) The roof shall completely cover all areas used for storage or accumulation of metal shredder aggregate.

(3) The floor shall be constructed of concrete surfacing, steel plate, or other impervious surface and designed to collect and route any water that drains from the metal shredder aggregate to a process water management system. The floor shall be inspected on a quarterly basis and repaired as needed. The results of the inspections and any repairs to the floor shall be submitted to the department with the annual report submitted pursuant to Section 25095.14 or as otherwise requested by the department.

(4) Any free liquids that drain from materials stored inside the enclosure shall be collected and routed to the metal shredding facility’s water management system.

(c) Trommel or augers shall be maintained in a building or otherwise covered or enclosed so as to prevent releases.

(d) Subject to written approval by the department, outdoor stockpiling of metal shredder aggregate may be allowed for limited periods of time if all of the following conditions are met:

(1) The activity is necessary to accommodate unforeseen circumstances or operational disruptions that prevent the material from being stored inside an enclosure.

(2) The operator provides written notice to the department at least 24 hours before the need to store material outside arises.

(3) The operator conducts watering or other dust control measures to minimize the release of light fibrous material from the stockpile into the environment.

(4) The outdoor stockpiling activity is conducted for 10 or fewer consecutive operating days.
(e) The requirements of this section shall also apply to the management of untreated and treated metal shredder residue.

25095.16. (a) Metal shredder aggregate that is transported to an offsite metal shredding facility for purposes of processing shall be tarped or otherwise contained during shipment and transported in a manner that prevents its release into the environment.

(b) The metal shredder aggregate shall be shipped directly to the offsite metal shredding facility and shall not be handled at any interim location or held at any publicly accessible interim location for more than four hours unless required by hours of service or other applicable law or held by a rail transporter for reasons outside the control of the person arranging for transport.

(c) Each shipment of metal shredder aggregate by truck or rail shall be identified by a standard bill of lading or other shipping document that complies with applicable United States Department of Transportation requirements and that contains all of the following:

1. The quantity, by weight, of metal shredder aggregate being transported.
2. The name, physical and mailing addresses, and telephone number of the metal shredding facility that produced the metal shredder aggregate.
3. The name, physical and mailing addresses, and telephone number of the metal processing facility that will process the metal shredder aggregate.
4. The date the shipment of metal shredder aggregate leaves the metal shredding facility.
5. The date the shipment of metal shredder aggregate is scheduled to arrive at the receiving metal processing facility.
6. The name of the transporter that shipped the metal shredder aggregate from the metal shredding facility to the metal processing facility.

(d) The originating metal shredding facility shall retain a copy of all shipping documents onsite, in either paper or electronic form, for a period of at least three years. The three-year record retention period may be extended at the direction of the department during the course of any unresolved enforcement action regarding the shipments.
Article 4. Nonhazardous Waste Materials

25095.20. (a) If managed in accordance with this chapter, the following materials are not hazardous waste, as defined in Section 25117, and shall not be subject to regulation under Chapter 6.5 (commencing with Section 25100) of this division or Division 4.5 (commencing with Section 66250) of Title 22 of the California Code of Regulations:

1. Scrap metal.
2. Metal shredder aggregate that is managed in any of the following ways:
   (A) The metal shredder aggregate is stored and processed at the same metal shredding facility that produced the metal shredder aggregate.
   (B) The metal shredder aggregate is transferred from a metal shredding facility to another metal recycling facility for the purpose of processing or further processing the metal shredder aggregate to separate and remove ferrous or nonferrous metals, subject to all of the following:
      (i) The receiving facility is a metal shredding facility located in the State of California and operates in accordance with the requirements of this chapter.
      (ii) The receiving facility is a metal recycling facility located in a state other than the State of California, is owned or operated by the same person that produced the metal shredder aggregate in the State of California, and the metal shredding facility manages the metal shredder aggregate in compliance with the law of the state where the receiving facility is located. For purposes of this subparagraph, “person” also includes a corporate parent, corporate subsidiary, or a subsidiary of the same corporate parent.
      (iii) The receiving facility keeps records of the amount of ferrous and nonferrous metal recovered from the metal shredder aggregate and makes this information available to the department upon request.
      (iv) The metal shredder aggregate is transported in accordance with the requirements of Section 25095.16.
3. Intermediate or finished metal products that are subject to further processing to improve product quality.
(4) Ferrous and nonferrous metal commodities that are separated or removed from metal shredder aggregate at a metal shredding facility.

(5) Nonmetallic recyclable items recovered from metal shredder aggregate for which a market exists.

(6) Chemically treated metal shredder residue that is treated and managed in accordance with the conditions set forth in Section 25095.21.

(b) Notwithstanding subdivision (a), metal shredder aggregate that is released into the environment during transportation shall be subject to any applicable definition of hazardous waste in law and to regulation under Chapter 6.5 (commencing with Section 25100).

25095.21. (a) Chemically treated metal shredder residue is not hazardous waste after waste stabilization if all of the following conditions are met:

(1) Untreated metal shredder residue shall be treated with at least 0.7 gallons of silicate solution per short ton of the untreated metal shredder residue and cement by weight equal to 8.5 percent of the weight of the untreated metal shredder residue.

(2) Metal shredding facilities shall document, on a weekly basis, how many tons of metal shredder residue was treated and how much silicate solution and cement were used in the treatment of the untreated metal shredder residue to comply with paragraph (1).

(3) The chemically treated metal shredder residue does not meet the definition of RCRA hazardous waste, as defined in Section 66261.100 of Title 22 of the California Code of Regulations.

(4) Immediately after waste stabilization, and at all times before offsite transportation and disposal, chemically treated metal shredder residue shall be managed in a manner that prevents releases of chemically treated metal shredder residue outside of a designated accumulation area. The designated accumulation area shall meet the requirements of either of the following:

(A) Meets all of the following requirements:

(i) The chemically treated metal shredder residue shall be accumulated in a designated area within a self-supporting structure to assure containment of the chemically treated metal shredder residue. The designated accumulation area shall only hold chemically treated metal shredder residue. The self-supporting

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structure shall be fully or partially enclosed with a floor, at least three walls, and a roof to prevent exposure to the elements, such as surface transport by precipitation runoff, contamination of soil and groundwater, wind dispersal of chemically treated metal shredder residue, and catastrophic failures.

(ii) The self-supporting structure shall be constructed of man-made materials of sufficient strength and thickness to support themselves, the waste contents, any personnel and heavy equipment that operate within the unit, and the stresses of daily operation, such as the movement of personnel, wastes, and handling of equipment within the structure.

(iii) The designated accumulation area shall be labeled or marked clearly with the words “Chemically Treated Metal Shredder Residue” or “CTMSR.” The metal shredding facility shall comply with accumulation time limits as required in Section 66262.34 of Title 22 of the California Code of Regulations.

(B) A containment building holding chemically treated metal shredder residue that meets the requirements of either of the following:

(i) Article 29 (commencing with Section 66264.1100) of Chapter 14 of Title 22 of the California Code of Regulations.

(ii) Article 29 (commencing with Section 66265.1100) of Chapter 15 of Title 22 of the California Code of Regulations.

(b) Chemically treated metal shredder residue shall not be transported to, and shall not be disposed of at, any location other than one of the following:

(1) A composite-lined portion of a solid waste landfill unit that meets all requirements applicable to disposal of municipal solid waste in California after October 9, 1993, based on State Water Resources Control Board Resolution No. 93-62.

(2) A solid waste landfill or other facility that is regulated by waste discharge requirements issued pursuant to Division 7 (commencing with section 13000) of the Water Code for discharges of designated waste, as defined in Section 13173 of the Water Code, or that allows for the discharge of chemically treated metal shredder residue. The discharge of chemically treated metal shredder residue includes its use as an alternative daily cover or for other beneficial reuse pursuant to Section 41781.3 of the Public Resources Code and the regulations adopted to implement that section.
(3) Any other landfill or location that is authorized by law to receive chemically treated metal shredder residue for disposal or beneficial use.

(c) The transporter of chemically treated metal shredder residue shall comply with all of the following conditions:

(1) Chemically treated metal shredder residue shall be contained and covered during shipment and transported in a manner that prevents any release into the environment.

(2) The transporter shall comply with all applicable United States Department of Transportation shipping requirements.

(3) The container used to transport chemically treated metal shredder residue shall lack evidence of leakage, spillage, or damage that could cause releases under reasonably foreseeable conditions.

(4) The transporter of chemically treated metal shredder residue shall not transport chemically treated metal shredder residue to a place other than a landfill approved to receive chemically treated metal shredder residue, as described in subdivision (b).

(5) The chemically treated metal shredder residue is not held at any publicly accessible interim location for more than four hours, unless required by other provisions of law, before disposal.

(6) If an unauthorized release of chemically treated metal shredder residue occurs during transportation, the transporter shall immediately contain all releases of chemically treated metal shredder residue and residues from chemically treated metal shredder residue into the environment and determine whether any material resulting from that release is a hazardous waste and, if so, shall manage the hazardous waste in compliance with all applicable requirements of this division. The transporter of chemically treated metal shredder residue is considered the generator of any hazardous waste resulting from the release and is subject to the requirements of Chapter 12 (commencing with Section 66262.10) of Division 4.5 of Title 22 of the California Code of Regulations.

(d) Each shipment of chemically treated metal shredder residue shall be accompanied by a shipping document containing all of the following information:

(1) The quantity, by weight in short tons, of chemically treated metal shredder residue being transported.
(2) The name, physical and mailing addresses, and telephone number of the generating metal shredding facility.

(3) The name, physical and mailing addresses, and telephone number of the destination landfill.

(4) The date the shipment of chemically treated metal shredder residue leaves the metal shredding facility.

(5) The date the shipment of chemically treated metal shredder residue arrives at the destination landfill.

(6) The name and telephone number of the transporter who shipped the chemically treated metal shredder residue from the metal shredding facility to the destination landfill.

(e) The metal shredding facility shall retain onsite a copy of all documentation produced pursuant to this section for at least three years from the date that the chemically treated metal shredder residue that is the subject of the documentation was generated. The department may request the information identified in subdivision (d) in the form of a summary log or a copy of each individual shipping document. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding chemically treated metal shredder residue management activity or as requested by the department.

(f) The generating metal shredding facility shall, on or before February 1 of the following year, submit to the department, at the address specified in subdivision (g) of this section, a written annual report containing all of the following information:

(1) The name, physical and mailing addresses, and telephone number of the generating metal shredding facility.

(2) The name, telephone number, and email address of the contact person at the generating metal shredding facility who should be contacted regarding management, transportation, and disposal of chemically treated metal shredder residue.

(3) The name, physical and mailing address, and telephone number for each of the landfills to which the generating metal shredding facility shipped chemically treated metal shredder residue during the previous calendar year.

(4) The total cumulative quantity of chemically treated metal shredder residue, by weight in short tons, shipped to all landfills, and the respective quantity of chemically treated metal shredder residue...
residue, by weight in short tons, shipped to each landfill, during the previous calendar year.

(5) The United States Environmental Protection Agency identification number of the generating metal shredding facility.

(g) The metal shredding facility shall provide a copy of any relevant document identified in subdivision (e) upon receipt of a request from the department. Annual reports submitted to the department pursuant to subdivision (f) shall be sent to the following address: Department of Toxic Substances Control, CTMSR Reporting Staff, P.O. Box 806, Sacramento, CA 95812-0806, with the words “Attention: CTMSR Annual Report” prominently displayed on the front of the envelope.

Article 5. Reporting

25095.30. (a) Except as otherwise provided in subdivision (c), within one year after the effective date, the owner or operator of a metal shredding facility shall conduct a preliminary endangerment assessment, as defined in Section 78095, and submit it to the department. The preliminary endangerment assessment shall be conducted in accordance with the most current department guidance manual for evaluating hazardous substance release sites and shall include an evaluation of process areas or locations where releases of materials containing hazardous constituents may have or have occurred, a conceptual site model, and site-specific human health and ecological screening evaluations.

(b) The owner or operator of a metal shredding facility shall conduct corrective action as needed to address releases of hazardous substances that pose a significant threat to human health or the environment. This subdivision does not prohibit the department from issuing a corrective action order under Section 25187 subsequent to any investigation of the metal shredding facility.

(c) The owner or operator of a metal shredding facility may demonstrate compliance with this section by providing evidence to the department that, within the last five years, the metal shredding facility has completed an assessment of the metal shredding facility pursuant to an order issued by the department, a regional water quality control board, or any other federal, state,
or local agency and is implementing, or has implemented, any corrective action requirements imposed by the agency.

25095.31. (a) The owner or operator of a metal shredding facility shall provide the department with immediate notice of a fire or other incident at the metal shredding facility that requires the assistance of a local fire department or other first responder. This notice shall be in addition to any notice that is required to be made to the Office of Emergency Services or any other agency under applicable law.

(b) The owner or operator of a metal shredding facility shall establish an effective means of providing public notice to members of the surrounding community upon the occurrence of a fire or other incident at the metal shredding facility that requires the assistance of a local fire department or other first responder.

(c) The department shall evaluate how to apply to metal shredding facilities its policies relating to environmental justice and the protection of vulnerable communities or sensitive receptors and other sensitive locations as described in subdivisions (b) and (c) of Section 25200.21.

Article 6. Closure

25095.40. (a) The owner or operator of a metal shredding facility shall have a written closure plan.

(1) The written closure plan shall address all of the following:

(A) The closure and removal of all feedstock, metal shredder aggregate, and treated and untreated metal shredder residue.

(B) The decontamination of equipment and operating areas used for processing metal shredder aggregate.

(C) The treatment of metal shredder residue and management of chemically treated metal shredder residue.

(2) The written closure plan shall include all of the following:

(A) A description of how each authorized unit will be closed. The description shall identify the maximum extent of the operation during the life of the unit, and how all of the following requirements will be met, if applicable:

(i) Section 66265.114 of Title 22 of the California Code of Regulations.
(ii) Subdivisions (a), (b), and paragraphs (1) and (2) of subdivision (c) of Section 66265.197 of Title 22 of the California Code of Regulations.

(iii) Section 66265.404 of Title 22 of the California Code of Regulations.

(B) An estimate of the maximum inventory of material in storage and in treatment at any time during the operation of an authorized unit at the metal shredding facility.

(C) A description of the steps needed to remove or decontaminate a unit, equipment, or structure during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required.

(D) An estimate of the expected year of closure and a schedule for final closure. The schedule for final closure shall include, at minimum, the total time required to close each authorized unit.

(3) The written closure plan shall be subject to approval by the department.

(4) An amendment to the written closure plan shall be done in compliance with subdivision (c) of Section 66265.112 of Title 22 of the California Code of Regulations.

(b) The metal shredder facility shall maintain compliance with both of the following requirements regarding closure:

(1) Subdivisions (a) and (b) of Section 66265.111 of Title 22 of the California Code of Regulations, in the same manner as those provisions apply to metal shredding facilities.

(2) Section 66265.114 of Title 22 of the California Code of Regulations.

(c) Within 90 days after processing the final volume of metal shredder aggregate, the owner or operator shall commence closure of the metal shredding facility in accordance with the written closure plan.

(d) The owner or operator shall complete closure activities in accordance with the written closure plan within 180 days after processing the final volume of metal shredder aggregate unless the owner or operator demonstrates to the department any of the following:

(1) The activities required to complete the closure will require longer than 180 days to complete.
(2) An authorized unit has the capacity to process additional metal shredder aggregate.

(3) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of a unit, closure of the unit would be incompatible with the operation of the metal shredding facility, and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment.

(e) The owner or operator shall notify the department and any other agencies having jurisdiction over the closure project at least 15 days before completion of closure.

(f) The owner or operator shall remain in compliance with all applicable requirements of this chapter until the owner or operator submits to the department or authorized agency a certification signed by the owner or operator and by an independent, professional engineer registered in California that closure has been completed in accordance with the written closure plan and that the written closure plan meets or exceeds the applicable requirements of this chapter.

25095.41. (a) The owner or operator shall provide a closure cost estimate to the department in accordance with Section 66265.142 of Title 22 of the California Code of Regulations and based on all of the following factors:

(1) The cost of transporting any unprocessed metal shredder aggregate and metal shredder residue to another metal shredding facility for processing or disposal.

(2) The cost of decontaminating all areas and equipment used for storage and processing of metal shredder aggregate.

(3) The cost of decontaminating all areas and equipment used for treatment and storage of treated or untreated metal shredder residue.

(4) The cost for all closure sampling and analysis confirming decontamination sufficiently meets closure performance standards.

(5) The cost of disposition of the maximum amount of metal shredder aggregate and metal shredder residue that may be present at the metal shredding facility at the time of closure.

(6) The cost of closure certification.

(b) For purposes of calculating the closure cost estimate, the owner or operator may apply the fair market value of any remaining feedstock and metal shredder aggregate against the
estimated cost of closure. In addition, the owner or operator may take into consideration metal shredding facility structures, equipment, and other assets that may continue to be used, sold to third parties, or salvaged for scrap value. The closure cost estimate shall also be determined based on the site-specific aspects of the metal shredding facility, including, without limitation, those site-specific aspects specified in Section 25095.40.

(c) The owner or operator shall provide a financial assurance mechanism for closure of the metal shredding facility using one or more of the financial mechanisms described in Section 66265.143 of Title 22 of the California Code of Regulations.

(d) The owner or operator shall provide a financial assurance mechanism for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the metal shredding facility. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least one million dollars ($1,000,000) per occurrence with an annual aggregate of at least two million dollars ($2,000,000), exclusive of legal defense costs. The owner or operator may satisfy the requirements of this subdivision through a financial mechanism identified in Section 66265.147 of Title 22 of the California Code of Regulations.

Article 7. Fees

25095.50. (a) The department may collect an annual fee from all metal shredding facilities that are subject to the requirements of this chapter. The department shall establish and adopt regulations necessary to administer this fee and to establish a fee schedule that is set at a rate sufficient to reimburse the department’s reasonable costs to implement this chapter as applicable to metal shredding facilities. The fee schedule established by the department may be adjusted annually by the Board of Environmental Safety as necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department to implement this chapter, as applicable to metal shredding facilities.

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be
available for expenditure by the department, upon appropriation by the Legislature, solely for purposes of implementation and administration of this chapter.

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

(d) (1) A metal shredding facility paying an annual fee in accordance with this section is not subject to any of the following fees set forth in Chapter 6.5 (commencing with Section 25100), with respect to the production and processing of metal shredder aggregate and the generation, handling, treatment, transportation, and disposal of untreated or treated metal shredder residue:

(A) A fee imposed pursuant to Section 25205.7.
(B) A disposal fee imposed pursuant to Section 25174.1.
(C) A facility fee imposed pursuant to Section 25205.2.
(D) A fee imposed pursuant to Section 25205.5.

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any hazardous waste generated and handled by the metal shredding facility that are ancillary to metal processing operations at the metal shredding facility.

Article 8. Enforcement

25095.60. The authority granted to the department in Article 8 (commencing with Section 25180) of Chapter 6.5 and its implementing regulations may be used to enforce this chapter, including, but not limited to, the authority to suspend the authorization of any metal shredding facility that has been
The department may revoke or suspend a permit, including a deemed permit, authorizing a metal shredding facility to operate under this chapter. A revocation or suspension shall be based on at least one of the following:

(A) Noncompliance with a condition of the applicable permit.

(B) An owner or operator’s failure in the application or during the permit issuance process to disclose fully all relevant facts or a misrepresentation of any relevant fact at any time.

(C) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit denial, modification, suspension, or revocation.

(D) Any cause specified in Section 25186.

(2) The department shall provide notice of any adverse action it proposes to be taken to the owner or operator of the metal shredding facility by certified mail with return receipt requested or by personal service.

(3) An owner or operator who wishes to appeal that adverse action shall appeal by submitting a letter to the department, within 10 days of receipt of notice of the adverse action, and requesting a hearing.

(4) Proceedings to appeal the department’s decision concerning the revocation or suspension of a permit to operate a metal shredding facility pursuant to this chapter shall be conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) An authorization to operate pursuant to this chapter is contingent upon the accuracy of information contained in the notifications and other documents required to be maintained.

SEC. 2. Section 25117 of the Health and Safety Code is amended to read:

(a) Except as provided in subdivision (d), “hazardous waste” means a waste that meets any of the criteria for the identification of a hazardous waste adopted by the department pursuant to Section 25141.

(b) “Hazardous waste” includes, but is not limited to, RCRA hazardous waste.
(c) Unless expressly provided otherwise, “hazardous waste” also includes extremely hazardous waste and acutely hazardous waste.

(d) “Hazardous waste” does not include a material that is not hazardous waste pursuant to Section 25095.20 or 25095.21.

(e) Notwithstanding subdivision (a), in any criminal or civil prosecution brought by a city attorney, county counsel, district attorney, or the Attorney General for violation of this chapter, when it is an element of proof that the person knew or reasonably should have known of the violation, or violated the chapter willfully or with reckless disregard for the risk, or acted intentionally or negligently, the element of proof that the waste is hazardous waste may be satisfied by demonstrating that the waste exhibited the characteristics set forth in subdivision (b) of Section 25141.

SEC. 3. Section 25150.82 of the Health and Safety Code is repealed.

25150.82. (a) The Legislature finds and declares that this section is intended to address the unique circumstances associated with the operation of metal shredding facilities, and the generation and management of wastes generated by metal shredding facilities. The Legislature further declares that this section does not set a precedent applicable to the management, including disposal, of other hazardous wastes.

(b) For purposes of this section, “metal shredding facility” means an operation that uses a shredding technique to process end-of-life vehicles, appliances, and other forms of scrap metal to facilitate the separation and sorting of ferrous metals, nonferrous metals, and other recyclable materials from nonrecyclable materials that are components of the end-of-life vehicles, appliances, and other forms of scrap metal. “Metal shredding facility” does not include a feeder yard, a metal crusher, or a metal baler, if that facility does not otherwise conduct metal-shredding operations.

(c) The department, in consultation with the Department of Resources Recycling and Recovery, the State Water Resources Control Board, and affected local air quality management districts, may adopt regulations establishing management standards for metal-shredding facilities for hazardous waste management activities within the department’s jurisdiction as an alternative to
the requirements specified in this chapter and the regulations adopted pursuant to this chapter, if the department does all of the following:

(1) Prepares an analysis of the activities to which the alternative management standards will apply pursuant to subdivision (d). The department shall first prepare the analysis as a preliminary analysis and make it available to the public at the same time that the department gives notice, pursuant to Section 11346.4 of the Government Code, that it proposes to adopt the alternative management standards. The department shall include in the notice a statement that the department has prepared a preliminary analysis and a statement concerning where a copy of the preliminary analysis can be obtained. The information in the preliminary analysis shall be updated and the department shall make the analysis available to the public as a final analysis not less than 10 working days before the date that the regulation is adopted.

(2) Demonstrates at least one of the conclusions set forth in paragraphs (1) to (4), inclusive, of subdivision (e).

(3) Imposes, as may be necessary, conditions and limitations as part of the alternative management standards that ensure that the hazardous waste management activity to which the alternative management standards will apply will not pose a significant potential hazard to human health or safety or to the environment.

(d) Before the department gives notice of a proposal to adopt the alternative management standards pursuant to subdivision (c), and before the department adopts the regulation, the department shall do all of the following:

(1) Evaluate the operative environmental and public health regulatory oversight of metal shredding facilities, identifying activities that need to be addressed by the alternative management standards, or other advisable regulatory or statutory changes.

(2) Evaluate the hazardous waste management activities.

(3) Prepare, as required by paragraph (1) of subdivision (c), an analysis that addresses all of the following aspects of the activity, to the extent that the alternative management standards can affect these aspects of the activity:

(A) The types of hazardous waste and the estimated amounts of each hazardous waste that are managed as part of the activity and the hazards to human health or safety or to the environment posed by reasonably foreseeable mismanagement of those...
hazardous wastes and their hazardous constituents. The estimate of the amounts of each hazardous waste that are managed as part of the activity shall be based upon information reasonably available to the department:

(B) The complexity of the activity, and the amount and complexity of operator training, equipment installation and maintenance, and monitoring that are required to ensure that the activity is conducted in a manner that safely and effectively manages each hazardous waste:

(C) The chemical or physical hazards that are associated with the activity and the degree to which those hazards are similar to, or different from, the chemical or physical hazards that are associated with the production processes that are carried out in the facilities that produce the hazardous waste that is managed as part of the activity:

(D) The types of accidents that might reasonably be foreseen to occur during the management of particular types of hazardous waste streams as part of the activity, the likely consequences of those accidents, and the reasonably available actual accident history associated with the activity:

(E) The types of locations where hazardous waste management activities associated with metal shredding and management of treated metal shredder waste may be carried out and the types of hazards or risks that may be posed by proximity to the land uses described in Section 25227. The estimate of the number of locations where the activity may be carried out shall be based upon information reasonably available to the department:

(e) The department shall not give notice proposing the adoption of, and the department shall not adopt, a regulation pursuant to subdivision (c) unless it first demonstrates at least one of the following, using the information developed in the analysis prepared pursuant to subdivision (d) and any other information available to the department:

(1) The requirements that the alternative management standards replace are not significant or important in either of the following situations:

(A) Preventing or mitigating potential hazards to human health or safety or to the environment posed by the activity.
(B) Ensuring that the activity is conducted in compliance with other applicable requirements of this chapter and the regulations adopted pursuant to this chapter.

(2) A requirement is imposed and enforced by another public agency that provides protection of human health and safety and the environment that is as effective as, and equivalent to, the protection provided by the requirement, or requirements, that the alternative management standards replace.

(3) Conditions or limitations imposed as part of the alternative management standards will provide protection of human health and safety and the environment equivalent to the requirement, or requirements, that the alternative management standards replace.

(4) Conditions or limitations imposed as part of the alternative management standards accomplish the same regulatory purpose as the requirement, or requirements, that the alternative management standards replace, but at less cost or with greater administrative convenience, and without increasing potential risks to human health or safety or to the environment.

(f) The department shall not adopt alternative management standards pursuant to this section if those standards are less stringent than the standards that would otherwise apply under the federal act.

(g) Nothing in the alternative management standards authorized by this section is intended to duplicate or conflict with other laws, rules, or regulations adopted by other state agencies or affected local air quality management districts. The department shall, as much as possible, align the alternative management standards with the laws, rules, and regulations of other state agencies or affected local air quality management districts.

(h) The owner or operator of a metal shredding facility, or solid waste disposal facility that has accepted treated metal shredder waste, that may be subject to the alternative management standards shall provide to the department all information and data determined by the department to be relevant to the evaluation and preparation of the analysis required by subparagraphs (A) to (E), inclusive, of paragraph (3) of subdivision (d).

(i) The alternative management standards adopted by the department pursuant to this section may, to the extent it is consistent with the standards that would otherwise apply under the federal act, allow for treated metal shredder waste to be
classified and managed as nonhazardous waste, provided that the
analysis prepared pursuant to subdivision (d) demonstrates that
classification and management as hazardous waste is not necessary
to prevent or mitigate potential hazards to human health or safety
or to the environment posed by the treated metal shredder waste.

(j) (1) The disposal of treated metal shredder waste shall be
regulated pursuant to this chapter and the regulations adopted
pursuant to this chapter, unless alternative management standards
are adopted by the department pursuant to this section:

(2) If the alternative management standards adopted by the
department pursuant to this section result in treated metal shredder
waste being classified as nonhazardous waste, the material may
be managed in either of the following manners:

(A) It may be used at a unit described in subparagraph (B) as
alternative daily cover or for beneficial reuse pursuant to Section
41781.3 of the Public Resources Code and the regulations adopted
to implement that section:

(B) It may be placed in a unit that meets the waste discharge
requirements issued pursuant to Division 7 (commencing with
Section 13000) of the Water Code that allow for discharges of
designated waste, as defined in Section 13173 of the Water Code,
or of treated metal shredder waste.

(3) This section does not limit the disposal or use of treated
metal shredder waste as alternative daily cover pursuant to Section
41781.3 of the Public Resources Code and the regulations adopted
to implement that section, or for other authorized beneficial uses
if that disposal or use is at a facility meeting the requirements of
subparagraph (B) of paragraph (2), is made under the authority of
the hazardous waste determinations governing metal shredder
waste issued by the department before January 1, 2014, and is
made before the department does either of the following:

(A) Rescinds, in accordance with applicable law, the conditional
nonhazardous waste classifications issued pursuant to subdivision
(f) of Section 66260.200 of Title 22 of the California Code of
Regulations with regard to treated metal shredder waste:

(B) Completes the adoption of alternative management standards
pursuant to this section:

(k) The department shall complete the analysis described in
paragraph (1) of subdivision (c) and subsequent regulatory action
before January 1, 2018. All hazardous waste classifications and
policies, procedures, or guidance issued by the department before January 1, 2014, governing or related to the generation, treatment, and management of metal shredder waste or treated metal shredder waste shall be inoperative and have no further effect on January 1, 2018, if the department completes its analysis pursuant to subdivision (c) and takes one of the following actions:

(1) Rescinds the conditional nonhazardous waste classifications issued pursuant to subdivision (f) of Section 66260.200 of Title 22 of the California Code of Regulations with regard to that waste;

(2) Adopts alternative management standards pursuant to this section;

(f) The authority of the department to adopt original regulations pursuant to this section shall remain in effect only until January 1, 2018, unless a later enacted statute, which is enacted before January 1, 2018, deletes or extends that date. This subdivision does not invalidate any regulation adopted pursuant to this section before the expiration of the department’s authority.

(m) A regulation adopted pursuant to this section on or before January 1, 2018, shall continue in force and effect after that date, until repealed or revised by the department.

SEC. 4. Section 25150.84 of the Health and Safety Code is repealed.

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

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department upon appropriation by the Legislature.
(c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

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

(A) A fee imposed pursuant to Section 25205.7.
(B) A disposal fee imposed pursuant to Section 25174.1 until July 1, 2022.
(C) A facility fee imposed pursuant to Section 25205.2.
(D) A fee imposed pursuant to Section 25205.5.
(E) A transportable treatment unit fee imposed pursuant to Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.

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

SEC. 5. Section 25150.86 of the Health and Safety Code is repealed.

25150.86—Treated metal shredder waste that is managed in accordance with the alternative management standards adopted by the department pursuant to Section 25180.82 and that is accepted by a solid waste landfill or other authorized location for disposal or for use as alternative daily cover or other beneficial use shall thereafter be deemed to be a solid waste for purposes of this chapter and Section 40191 of the Public Resources Code.
SEC. 6. The Legislature finds and declares that metal shredding facilities are essential to a thriving circular economy in the State of California and the regulation of those facilities is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Chapter 6.4 (commencing with Section 25095) to Division 20 of the Health and Safety Code applies to all cities, including charter cities.

SECTION 1.—Section 30512 of the Public Resources Code is amended to read:

30512. (a) The land-use plan of a proposed local coastal program shall be submitted to the commission. The commission shall, within 90 working days after the submittal, after public hearing, either certify or refuse certification, in whole or in part, of the land-use plan pursuant to the following procedure:

1. (1) (A) No later than 60 working days after a land-use plan has been submitted to it, the commission shall, after public hearing and by majority vote of those members present, determine whether the land-use plan, or a portion thereof applicable to an identifiable geographic area, raises no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200).

(B) If the commission determines that no substantial issue is raised, the land-use plan, or portion thereof applicable to an identifiable area, which raises no substantial issue, shall be deemed certified as submitted. The commission shall adopt findings to support its action.

2. Where the commission determines pursuant to paragraph (1) that one or more portions of a land-use plan applicable to one or more identifiable geographic areas raise no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200), the remainder of that land-use plan applicable to other identifiable geographic areas shall be deemed to raise one or more substantial issues as to conformity with the policies of Chapter 3 (commencing with Section 30200). The commission shall identify each substantial issue for each geographic area.

3. The commission shall hold at least one public hearing on the matter or matters that have been identified as substantial issues pursuant to paragraph (2). No later than 90 working days after the submittal of the land-use plan, the commission shall determine
whether or not to certify the land use plan, in whole or in part. If
the commission fails to act within the required 90-day period, the
land use plan, or portion thereof, shall be deemed certified by the
commission.

(b) (1) If the commission determines not to certify a land use
plan, in whole or in part, the commission shall provide a written
explanation and may suggest modifications, which, if adopted and
transmitted to the commission by the local government, shall cause
the land use plan to be deemed certified upon confirmation of the
executive director. The local government may elect to meet the
commission’s refusal of certification in a manner other than as
suggested by the commission and may then resubmit its revised
land use plan to the commission. If a local government requests
that the commission not recommend or suggest modifications that,
if made, will result in certification, the commission shall refuse
certification with the required findings.

(2) For purposes of adopting modifications suggested by the
commission pursuant to paragraph (1), the legislative body of a
city or county may delegate to its planning director, or equivalent
position, the authority to adopt nonsubstantive modifications to a
land use plan if all of the following conditions are met:

(A) The land use plan amendment that is the subject of the
modification pertains to a project that has at least 15 percent of
the units affordable to lower income households.

(B) The modification qualifies as “nonsubstantive.” For the
purposes of this paragraph, a nonsubstantive modification means
a modification that has no significant adverse effect on the physical
environment, has no potential for any adverse effect, individually
or cumulatively, on coastal resources or on development, and does
not affect the intensity of permissible land uses on a parcel.

(C) The legislative body adopts a policy, via ordinance or
resolution, at a regular public meeting that delegates the authority
to a public official and includes a definition of the scope of
modifications that qualify as nonsubstantive that is no less
restrictive than the definition in subparagraph (B).

(D) The policy adopted pursuant to subparagraph (C) shall do
all of the following:

(i) Include identification of the public official to whom the
authority to adopt modifications is delegated.
(ii) Require the public official to make a finding, supported by substantial evidence, that the modification meets the requirements of subparagraphs (A) and (B).

(iii) Require online posting of the findings and proposed decisions, mailed notice to affected property owners in the manner required for zoning ordinances pursuant to existing law, and electronic notification to individuals that request to be notified of these decisions not less than 45 days before the decision becomes effective.

(iv) Require notice to the members of the legislative body not less than 45 days before the decision becomes effective.

(v) Establish a means for accepting written comments on the proposed decision for at least 30 days before the decision becomes effective.

(vi) Provide that the posting, notice, and comment periods in clauses (iii), (iv), and (v) may commence only after the commission has taken final action on a modification.

(vii) Provide the authority for a single member of the legislative body to refer any proposed decision to the legislative body for action before the decision becomes effective.

(viii) Include expiration of the delegation after no more than two years.

(c) The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the commission.

SEC. 2. Section 30513 of the Public Resources Code is amended to read:

30513. (a) The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.

(b) If within 60 working days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. The commission may only reject zoning ordinances, zoning district maps, or other implementing
actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

    (c) (1) The commission may suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director.

    (2) For purposes of adopting modifications suggested by the commission pursuant to paragraph (1), the legislative body of a city or county may delegate to its planning director, or equivalent position, the authority to adopt nonsubstantive modifications to zoning ordinances, zoning district maps, or other implementing actions if all of the following conditions are met:

      (A) The amendment to a zoning ordinance, zoning district map, or other implementing action that is the subject of the modification pertains to a project that has at least 15 percent of the units affordable to lower income households.

      (B) The modification qualifies as “nonsubstantive.” For the purposes of this subparagraph, a nonsubstantive modification means a modification that has no significant adverse effect on the physical environment, has no potential for any adverse effect, individually or cumulatively, on coastal resources or on development, and does not affect the intensity of permissible land uses on a parcel.

      (C) The legislative body adopts a policy, via ordinance or resolution, at a regular public meeting that delegates the authority to a public official and includes a definition of the scope of modifications that qualify as nonsubstantive that is no less restrictive than the definition in subparagraph (B).

      (D) The policy adopted pursuant to subparagraph (C) shall do all of the following:

        (i) Include identification of the public official to whom the authority to adopt modifications is delegated.
(ii) Require the public official to make a finding, supported by substantial evidence, that the modification meets the requirements of subparagraphs (A) and (B).

(iii) Require online posting of the findings and proposed decisions, mailed notice to affected property owners in the manner required for zoning ordinances pursuant to existing law, and electronic notification to individuals that request to be notified of these decisions not less than 45 days before the decision becomes effective.

(iv) Require notice to the members of the legislative body not less than 45 days before the decision becomes effective.

(v) Establish a means for accepting written comments on the proposed decision for at least 30 days before the decision becomes effective.

(vi) Provide that the posting, notice, and comment periods in clauses (iii), (iv), and (v) may commence only after the commission has taken final action on a modification.

(vii) Provide the authority for a single member of the legislative body to refer any proposed decision to the legislative body for action before the decision becomes effective.

(viii) Include expiration of the delegation after no more than two years.

(d) The local government may elect to meet the commission’s rejection in a manner other than as suggested by the commission and may then resubmit its revised zoning ordinances, zoning district maps, and other implementing actions to the commission.

(e) If a local government requests that the commission not suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing ordinances, the commission shall not do so.
<table>
<thead>
<tr>
<th>Program</th>
<th>FY 23/24 Approved Budget, Budget Bill Jr. + SB 109 (2024) Budget Bill Jr.</th>
<th>FY 24/25 Proposed Budget (January) AB 1812 (Gabriel) and SB 917 (Skinner)</th>
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*Funding amended due to the 2024 Budget Deal, SB 109 (Statutes of 2024)

*Reversions also noted in proposed budget for some previously allocated funding from previous budget years.

*Reversions also noted in budget for some previously allocated funding from previous budget years.

Updated 7/2/2024
REPS. CARBAJAL AND HUFFMAN UNVEIL BILL TO EXPAND ‘PROTECTING BLUE WHALE AND BLUE SKIES’ PROGRAM TO ENTIRE PACIFIC COAST

The regional Protecting Blue Whale Blue Skies program encourages commercial shipping vessels off California’s coast to reduce speeds, limit potential harm to marine mammals, and lower carbon pollution through voluntary recognition program

Washington, June 13, 2024

Today, California Congressmen Salud Carbajal (CA-24) and Jared Huffman (CA-02) announced they are introducing legislation to create a new federal program encouraging commercial shipping companies operating off the Pacific coast to reduce speeds of their vessels in order to protect marine life and cut air pollution.

The bill models the new federal program off the regional Protecting Blue Whales and Blue Skies vessel speed reduction (VSR) program, which recognizes shipping companies that reduce speeds off California’s coast – including shipping lanes within the Greater Santa Barbara Channel Region off Rep. Carbajal’s Central Coast district.

Last year, the program estimated the 33 companies that participated cut greenhouse gas emissions by 45,000 metric tons and lowered their strike mortality risk to whales by more than 50%. The program was launched ten years ago this year.
to build on this regional success with the resources and recognition of our federal government," said Rep. Carbajal. "The Blue Whales Blue Skies legislation I'm proposing will give shipping companies up and down the Pacific coast another reason to consider more than their bottom line when determining their vessels' speeds. And when we consider the success that the regional program has had, especially in recent years, I am confident this bill will help us protect ocean life and our air quality across the West Coast."

“When ships are barreling through the ocean, not only does it guzzle up fuel and throw out more emissions, it makes it hard for them to avoid collisions with whales – leading to the death of these iconic and endangered species on top of impacts to our climate and communities,” said Rep. Huffman. “California came up with a solution to tackle both of these problems that my friend and former colleague Alan Lowenthal championed locally as well as here in Congress. I’m glad to join Rep. Carbajal in this renewed and expanded legislation that would incentivize shipping companies to reduce their speeds along the entire West Coast, protecting marine mammals and our planet.”

The Alan S. Lowenthal Blue Whales, Blue Skies Act honors the retired California Congressman who had previously championed legislation to create federal recognition for speed reduction off California’s coastline. The legislation introduced in the U.S. House of Representatives today expands on Lowenthal’s advocacy by mandating the creation of a federal program that would cover the eligible recognition area to the entire Western coast of the lower 48 U.S. states.

The bill would create a federal recognition program within the National Oceanic and Atmospheric Administration (NOAA) with the ten year-old California program serving as the model for the qualifications and the recognition to be provided by NOAA to participating shipping companies.

The bill has the support of Oceana and the Environmental Defense Center (EDC).

"We commend Rep. Carbajal and his co-sponsors for introducing the Alan S. Lowenthal Blue Whales and Blue Skies Act, and applaud Congress for recognizing both the dire threat that vessel strikes pose to marine mammals and the need for reducing emissions and improving air quality. This voluntary program is part of a suite of management measures needed to bring about sweeping reductions in vessel speeds in order to prevent deadly ship strikes for blue whales, humpbacks, and other marine mammals nationwide," said Susan Murray, Deputy Vice President, Pacific at Oceana.
program has provided significant benefits to whales and air quality, and this legislation builds on its success by recognizing shipping companies for doing the right thing. This unique partnership between agencies, non-profits, foundations, and the shipping industry should be celebrated, and we commend Representatives Carbajal and Huffman for proposing this legislation.”

The text of the Alan S. Lowenthal Blue Whale Blue Skies Act can be found here.

The regional program is run by a partnership of public and nonprofit entities including the Santa Barbara County Air Pollution Control District, San Luis Obispo County Air Pollution Control District, Ventura County Air Pollution Control District, California Marine Sanctuary Foundation, and others.

More information on the Blue Whale Blue Skies Program can be found here.
<table>
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<tr>
<th>Office Location</th>
<th>Address</th>
<th>Phone Number</th>
<th>Fax Number</th>
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<tr>
<td>VENTURA OFFICE</td>
<td>505 Poli St., Suite 201</td>
<td>(805) 730-1710</td>
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<td>Ventura, CA 93001</td>
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<td>SAN LUIS OBISPO OFFICE</td>
<td>1411 Marsh St., Suite 205</td>
<td>(805) 546-8348</td>
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<tr>
<td></td>
<td>San Luis Obispo, CA 93401</td>
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To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the western coast of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CARBAJAL introduced the following bill; which was referred to the Committee on

A BILL

To direct the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration to establish a Blue Whales and Blue Skies Program to reduce air pollution and harmful underwater acoustic impacts and the risk of fatal vessel whale strikes by recognizing voluntary reductions in the speed of vessels transiting the western coast of the United States, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Alan S. Lowenthal Blue Whales, Blue Skies Act”.

SEC. 2. BLUE WHALES AND BLUE SKIES PROGRAM.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere of the National Oceanic and Atmospheric Administration, in consultation with the Commandant of the Coast Guard and the Administrator of the Environmental Protection Agency, shall establish the Blue Whales and Blue Skies Program, to—

(1) reduce air pollution, greenhouse gases, harmful underwater acoustic impacts, and the risk of fatal whale strikes by encouraging voluntary reduction in the speed of eligible vessels transiting the Program area; and

(2) annually award Blue Whales and Blue Skies Excellence Awards for verified successful participation in, and compliance with, the Program by eligible vessels.

(b) PROGRAM REQUIREMENTS.—The Under Secretary shall—

(1) model the Program after the Protecting Blue Whales and Blue Skies Vessel Speed Reduction Program, which is administered by the Air Pollution Control Districts of Santa Barbara, Ventura, San...
Luis Obispo, Monterey Bay Counties and the Bay Area Air Quality Management District, the Channel Islands, Monterey Bay, Cordell Bank, and Greater Farallones National Marine Sanctuaries, and the California Marine Sanctuary Foundation, the Environmental Defense Center (a nonprofit corporation established under the laws of the State of California as in effect on the date of the enactment of this Act), and the National Marine Sanctuary Foundation; and

(2) develop the Program in consultation with the entities referred to in paragraph (1).

(c) ANNUAL AWARDS.—

(1) IN GENERAL.—Under the Program, the Under Secretary shall annually award Blue Whales and Blue Skies Excellence Awards to owners of eligible vessels that have met the requirements during the preceding year.

(2) AWARD CONDITIONS.—As a condition of an award under this subsection, each eligible vessel of the awardee shall, at a minimum transit the Program area at a speed of 10 knots or lower, or, in certain circumstances described by the Under Secretary in guidance established under the Program, below a different maximum speed.
(d) OFFICIAL LOGO.—The Under Secretary shall create an official logo to be recognized as the symbol of excellence in compliance with the Program.

(e) USE OF OFFICIAL LOGO.—Subject to any licencing requirements, the logo described in subsection (d) may be used by shipping companies with eligible vessels for which a Blue Whales and Blue Skies Excellence Award is awarded under this section, as long as the logo is displayed alongside—

(1) the name of the shipping company;

(2) the year for which such award was made;

and

(3) the percentage of distance traveled by a participating vessel at a reduced speed through the Program area by eligible vessels of the shipping company in such year that the shipping company was in compliance with the Program, calculated as the percentage of distance traveled by a vessel at 10 knots or lower through the Program area by all vessels of the shipping company in such year, excluding transits directed by the Coast Guard to proceed in excess of the speed requirements of the Program.

(f) EXTENSION OF PROGRAM.—No later than 4 years after the date of the enactment of this Act, the Under Secretary shall—
(1) consider the feasibility of extending the program to encompass all shipping channels along the United States Pacific coast between Canada and Mexico; and

(2) report the findings and recommendations under paragraph (1) to the Committee on Transportation and Infrastructure and the Committee on Natural Resources of the House of Representatives, and to the Committee on Commerce, Science, and Transportation of the Senate.

(g) LIMITATIONS.—Nothing in this section shall be construed—

(1) to require participation in the Program;

(2) to authorize appropriations for, or the provision of, any financial incentive for participation in the Program; or

(3) to authorize any action that affects navigation safety.

(h) DEFINITIONS.—In this section:

(1) ELIGIBLE VESSEL.—The term “eligible vessel” means a vessel that is 300 gross tons or greater and has been approved by the Under Secretary to participate in the program.
(2) **Program.**—The term “Program” means the Blue Whales and Blue Skies Program established under this section.

(3) **Program area.**—The term “Program area”—

(A) means the marine area surrounding the western coast of the United States, as is designated by the Under Secretary for purposes of this section; and

(B) includes, at a minimum, the geographic area identified in the existing Vessel Reduction Program described in subsection (b)(1).
State and Federal Legislative Update

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

Viet Tran
Deputy Executive Officer of Public Affairs
vtran@baaqmd.gov
No action required.
Presentation Outline

Updates provided for the following:

1. Air District Sponsored and Co-Sponsored Bills
   - Assembly Bill (AB) 1465, AB 2298, Senate Bill (SB) 382, and SB 1095.

2. Board-Approved Position Bills
   - AB 817, AB 1894, AB 2522, AB 2851, AB 2958, SB 537, SB 674, SB 1158, and SB 1193.
     - Staff Note: SB 1298 was previously discussed as its own item during the Action Items portion of the meeting agenda.

3. Other Bills of Interest
   - SB 1234

4. State Budget for Fiscal Year (FY) 2024-25

5. Recent Federal Activities
Air District Sponsored and Co-Sponsored Bills
AB 1465 (Wicks)

Nonvehicular air pollution: civil penalties.

AB 1465 triples the penalties for air pollution violations if a Title V source, as defined, discharges one or more specified air contaminants.
Nonvehicular air pollution: civil penalties.

• Passed the referred Committees and Floor in the Assembly.

• Passed the referred Committees in the Senate.
  • Environmental Quality (7/5/23) | Senate Judiciary (7/11/23)

• Next Step: On July 1, 2024, the bill was removed from the inactive file and is currently awaiting a vote on the Senate Floor.

• Position: Sponsor
Coastal resources: Protecting Blue Whales and Blue Skies Program.

AB 2298 will require the State to coordinate with important stakeholders, such as federal and local agencies, nonprofits, and the marine industry, to expand the current Protecting Blue Whales and Blue Skies voluntary vessel speed reduction program into a statewide voluntary vessel speed reduction program.
Coastal resources: Protecting Blue Whales and Blue Skies Program.

• Passed the referred Committees and Floor in the Assembly.

• Double-referred to the Senate Natural Resources & Water Committee and the Senate Environmental Quality Committee.
  • Natural Resources & Water (6/11/24): Passed | Vote: 11-0

• Next Step: Environmental Quality Committee hearing on July 3, 2024.

Position: Co-Sponsor
SB 382 (Becker)

Single-family residential property: disclosures.

SB 382 would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property, except as specified, and to disclose, in writing, the existence of any state or local requirements relating to the future replacement of existing gas-powered appliances that are being transferred with the property, as specified.
Single-family residential property: disclosures.

• Passed the referred Committees and Floor in the Senate.

• Staff Note: As of June 3, 2024, the bill includes language regarding additional disclosures related to the purchase of zero-emission appliances for replacement purposes.
SB 382 (Becker) (cont.)

Single-family residential property: disclosures.

• Passed the referred Committee and Floor in the Assembly on consent.
  • Judiciary – Consent (6/11/24) | Assembly Floor – Consent (6/20/24)

• Next Step: Back on the Senate Floor for Concurrence of the amendments made in the Assembly.

• Position: Sponsor
SB 1095 (Becker)


SB 1095 would make specified changes to the Manufactured Housing Act, State Housing Law, and the Davis-Sterling Common Interest Development Act to facilitate the installation of electric water heaters, space heating systems, and appliances in manufactured homes, mobilehomes, and homes within a common interest development, as specified. The bill would also require the Department of Housing and Community Development to develop and revise related rules and regulations by July 1, 2026, as specified.
SB 1095 (Becker) (cont.)


• Double-referred to the Senate Housing Committee and Senate Judiciary Committee.
  • Housing (3/19/24): Passed | Vote: 7-1
  • Judiciary (4/2/24) : Passed | Vote: 11-0

• Final Status: Held under submission in the Senate Appropriations Committee due to fiscal concerns. The bill is dead.

• Position: Sponsor
Board-Approved Position Bills
AB 817 (Pacheco)

Open meetings: teleconferencing: subsidiary body.

AB 817 allows, until January 1, 2026, a subsidiary body of a local agency to teleconference without meeting all of the teleconferencing requirements of the Ralph M. Brown Act. Builds on pandemic-era rules to boost accessibility to local civic leadership opportunities.
AB 817 (Pacheco) (cont.)

Open meetings: teleconferencing: subsidiary body.

• Passed the referred Committee and Floor in the Assembly.
  • Local Government (1/10/24) | Assembly Floor (1/25/24)

• Double-referred to the Senate Local Government Committee and the Senate Judiciary Committee.
  • Local Government (6/5/24): Failed | Vote: 0-4

• Next Step: Reconsideration was granted but it does not appear like the bill will move forward this year.

Position: Support
AB 1894 (Ta)

Nonvehicular air pollution: civil penalties.

AB 1894 would require an air district to allow small business, as defined, a minimum of 30 days, and up to 60 days, to rectify a violation before the air district can issue a Notice of Violation.
Nonvehicular air pollution: civil penalties.

• Double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee.

• The bill was set to be heard in Assembly Natural Resources but was canceled at the request of the author.

• Failed to meet the deadline for fiscal bills to get out of their referred policy committees. This bill is dead.

Position: Oppose
AB 2522 (Carrillo)

Air districts: governing boards: compensation.

AB 2522 will increase outdated compensation limits for board members of local air districts and would authorize an annual increase going forward.
Air districts: governing boards: compensation.

• Passed the referred Committees and Floor in the Assembly.
  • Natural Resources (4/8/24) | Assembly Floor - Consent (4/18/24)

• Double-Referred to the Senate Environmental Quality Committee and the Senate Local Government Committee.
  • Environmental Quality (6/5/24): Passed | Vote 5-0
  • Local Government (6/27/24): Passed | Vote 4-3

• Staff Note: On June 19, 2024, the bill was expanded from being a South Coast-specific bill and now includes additional air districts, including the Bay Area.
Air districts: governing boards: compensation.

• Next Step: Ordered to the Senate Floor.

• Position: Support
AB 2851 (Bonta)

Metal shredding facilities: fence-line air quality monitoring.

AB 2851 requires the Department of Toxic Substances Control, in consultation with local air districts, to develop requirements for facility-wide fence-line air quality monitoring at metal shredding facilities, as specified.
Metal shredding facilities: fence-line air quality monitoring.


- Referred to the Senate Environmental Quality Committee.

- Next Step: Senate Environmental Quality Committee hearing on July 3, 2024.

Position: Support
AB 2958 (Calderon)

State Air Resources Board: board members: compensation.

AB 2958 would repeal the prohibition on compensation of the members of the state board from air districts and would provide for the per diem amount for all members of the state board.
State Air Resources Board: board members: compensation.

- Passed the referred Committees and Floor in the Assembly. Natural Resources (4/8/24) | Appropriations (5/16/24) | Assembly Floor (5/23/24)

- Referred to the Senate Environmental Quality Committee

- Next Step: Senate Environmental Quality Committee hearing on July 3, 2024.

Position: Support
*SB 537 (Becker)

Department of General Services: memorial to forcibly deported Mexican Americans and Mexican immigrants.

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

Staff Note: SB 537 was gut and amended on June 10, 2024, and no longer pertains to the Air District.
SB 674 (Gonzalez)

Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.

SB 674 makes several changes to the fence-line monitoring system program for communities and petroleum refineries, including expanding the program to include monitoring for biofuel refineries and additional pollutants, applying to contiguous or adjacent refinery-related facilities, increasing the standards for data quality, and providing enhanced processes for notifying affected communities.
SB 674 (Gonzalez) (cont.)

Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems.

• Passed the referred Committees and Floor in the Senate.
  • Environmental Quality (3/29/23) | Judiciary (4/18/23) | Senate Floor (5/22/23)

• Passed the referred Committees and Floor in the Assembly.
  • Natural Resources (6/26/23) | Judiciary (7/11/23) | Appropriations (8/23/23) | Assembly Floor (7/1/24)

• Next Step: The bill was sent back to the Senate Floor for concurrence of those amendments – vote pending.

Position: Support
Carl Moyer Memorial Air Quality Standards Attainment Program.

SB 1158 would extend the time air districts have to disburse Carl Moyer Program funds from four to six years.
SB 1158 (Archuleta) (cont.)

Carl Moyer Memorial Air Quality Standards Attainment Program.

- Passed the referred Committees and Floor in the Senate.
  - Environmental Quality (3/20/24) | Transportation (4/23/24) | Senate Floor (5/9/24) – On Consent

- Double-referred to the Assembly Transportation Committee and the Assembly Natural Resources Committee.
  - Transportation (6/17/24): Passed – Consent | Vote: 15-0
  - Natural Resources (6/24/24): Passed – Consent | Vote: 10-0

- Next Step: Assembly Appropriations Committee

- Position: Support
SB 1193 (Menjivar)

Airports: leaded aviation gasoline.

SB 1193 would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers on or after January 1, 2031, as provided. Because these provisions would be a part of the State Aeronautics Act, the bill would impose a state-mandated local program.
SB 1193 (Menjivar) (cont.)

Airports: leaded aviation gasoline.

• Passed the referred Committees and Floor in the Senate.
  • Transportation (4/9/24) | Appropriations (4/29/24) |
    Appropriations – Suspense File (5/16/24) | Senate Floor (5/22/24)

• Double-referred to the Assembly Transportation and Assembly Local Government.
  • Transportation (6/17/24): Passed | Vote: 11-1
  • Local Government (6/24/24): Passed | Vote: 8-0

Next Step: Assembly Appropriations Committee – hearing date pending.

Position: Support
Other Bill(s) of Interest
Hazardous materials: metal shredding facilities.

SB 1234 would establish a new statutory framework to ensure comprehensive and safe regulation of metal shredding facilities in California. The new framework would be administered and enforced by the Department of Toxic Substances Control and mirrors the Department’s existing regimes.
Hazardous materials: metal shredding facilities.

• Staff Note: SB 1234 was gut and amended on June 10, 2024, to its current form. Because of this, previous votes are not being included. If the bill makes it through the Assembly process it will need to go back to the Senate for Concurrence of the amendments made in the Assembly.
SB 1234 (Allen) (cont.)

Hazardous materials: metal shredding facilities.

- Double-referred to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Local Government Committee.
  - Environmental Safety and Toxic Materials (6/25/24): Passed | Vote: 7-0

- Next Step: As of this writing, the bill will next be heard in the Assembly Appropriations Committee – hearing date pending – and will not be scheduled for a hearing in the Assembly Local Government Committee.

Position: None
State Budget Update
FY 2024-25
State Budget Update

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

A table of programs significant to the Air District, along with budget data from the previous year is included as an attachment to this agenda item.

Staff Note: These items may be subject to change based on future budget adjustments.
State Budget Update (cont.)

Some key takeaways from the budget deal:

• Approves $250 million per year for AB 617 for the next 5 years.
  o $195 million – Incentives
  o $50 million – Implementation
  o $5 million – Community Grants

• Approves the extension of the Prescribed Burn Reporting and Monitoring Grant Program beyond 2023-24.
  • $3 million in this year’s budget for air districts compared to $2 million in previous budget years.

• Loans $300 million from the Air Pollution Control Fund Loan to the General Fund.
State Budget Update (cont.)

Some key takeaways from the budget deal (continued):

• **Clean Cars for All:** No funding in this budget.
  - New statutory changes that requires the California Air Resources Board (CARB) to annually report to the Legislature the amount of funding allocated by CARB to the statewide Clean Cars 4 All Program and to each local district Clean Cars 4 All program and requires CARB to shift previously appropriated funds to district programs if processed demand exists.

• Delays $100 million from the Ports and Freight Infrastructure Program of the $1.2 billion total, leaving $1 million for 2024-25.
Some key takeaways from the budget deal (continued):

- Includes $8.4 million from Greenhouse Gas Reduction Fund for the implementation of Climate Corporate Data Accountability Act: Chapter 382, Statutes of 2023 (SB 253) and Climate-Related Financial Risk: Chapter 383, Statutes of 2023 (SB 261).
Budget Bills Reference:

- **AB 107 (Gabriel) – Budget Act of 2024 – Chaptered**
  - Budget Bill
- **SB 108 (Wiener) – Budget Act of 2024 – Chaptered**
  - Budget Bill Junior – Makes amendments to Budget Act of 2024 to reflect the deal made by the Legislature and the Governor.
- **SB 109 (Wiener) – Budget Act of 2023 – Chaptered**
- **SB 156 (Committee on Budget and Fiscal Review) – Enrolled**
  - Public Resources: Omnibus Budget Trailer Bill
Recent Federal Activities
Pending Federal Legislation

• California Congressmen Salud Carbajal (CA-24) and Jared Huffman (CA-02) recently announced they are introducing legislation (H.R. 8726) to create a new federal program encouraging commercial shipping companies operating off the Pacific coast to reduce speeds of their vessels in order to protect marine life and cut air pollution.

• The bill models the new federal program off the regional Protecting Blue Whales and Blue Skies vessel speed reduction (VSR) program, which recognizes shipping companies that reduce speeds off California’s coast.
House Subcommittee Testimony

On June 13, 2024, the U.S. House of Representatives Committee on Science, Space, and Technology’s Subcommittee on Investigation and Oversight held a hearing titled, “Environmentalism Off the Rails: How CARB will Cripple the National Rail Network.” Air District Legislative Officer, Alan Abbs attended this hearing at the request of Congresswoman Zoe Lofgren to testify in support of and to highlight the health benefits of CARB’s In-Use Locomotive Regulation.
Questions / Discussion