

BOARD MEETING DATE: June 2, 2023

AGENDA NO. 21

REPORT: Legislative Committee

SYNOPSIS: A Special Legislative Committee meeting was held in a hybrid format on Friday, May 12, 2023 at the Hyatt Regency Indian Wells Resort & Spa. The following is a meeting summary and recommended actions.

| Agenda Item | Recommendation/Action |
|----------------------------------------------------------------------------------------------------------------|------------------------------|
| AB 557 (Hart) – Open meetings: local agencies: teleconferences | Support |
| AB 953 (Connolly) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program | Support |
| AB 1216 (Muratsuchi) - Wastewater treatment plants: monitoring of air pollutants | Support if Amended |
| AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties | Support |
| SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems | Support if Amended |

RECOMMENDED ACTION:

Receive and file this report and approve agenda items as specified in this letter.

Michael A. Cacciotti, Chair
Legislative Committee

Committee Members

Present: Councilmember Michael A. Cacciotti, Chair
Mayor Patricia Lock Dawson
Supervisor Curt Hagman
Supervisor V. Manuel Perez
Councilmember Nithya Raman
Councilmember José Luis Solache

Absent: None

Call to Order

Chair Michael Cacciotti called the meeting to order at 8:00 a.m.

DISCUSSION/ACTION ITEMS:

1. Recommend Position on State Bills:

Denise Gailey, Public Affairs Manager/Legislative, Public Affairs & Media, , presented AB 557 (Hart) – Open meetings: local agencies: teleconferences. This bill would remove the January 1, 2024 sunset on Brown Act provisions that allow local public agencies to use teleconferencing during a state of emergency without having to notice virtual locations or make them publicly accessible.

Staff recommended a “SUPPORT” position on this bill.

Moved by: Solache Second by: Perez

Ayes: Cacciotti, Dawson, Hagman, Perez, Raman, Solache

Noes: None

Abstain: None

There was no public comment.

Philip Crabbe, Senior Public Affairs Manager/Legislative, Public Affairs & Media, presented AB 953 (Connolly) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program. This bill would require the Ocean Protection Council to implement a voluntary vessel speed reduction program in coordination with various entities, including air districts and CARB, to reduce ship emissions, the risk to whale, and harmful underwater acoustics.

Councilmember Raman inquired about emissions impacts from Tier 3 marine vessel engines operating at lower speeds. Dr. Sarah Rees, Deputy Executive Officer/Planning, Rule Development and Implementation, replied that there are concerns regarding emissions for Tier 2 and Tier 3 engines, but they can be addressed and will be monitored. For additional information, please refer to the Webcast beginning at 8:54.

Staff recommended a “SUPPORT” position on this bill.

Moved by: Perez Second by: Hagman

Ayes: Cacciotti, Dawson, Hagman, Perez, Raman, Solache

Noes: None

Abstain: None

There was no public comment.

Mr. Crabbe presented AB 1216 (Muratsuchi) – Wastewater treatment plants: monitoring of air pollutants. This bill would require the owner or operator of a wastewater treatment facility located within 1,500 feet of a residential area and an original design capacity of 425 million gallons or more per day to design, implement and maintain a fence-line monitoring system. This bill only affects the Hyperion Water Reclamation Plant.

Staff recommended amendments to the bill, including:

- 1) Ensure full cost recovery for South Coast AQMD;
- 2) Extend timelines in the bill; and
- 3) Require sufficient notification requirements.

In response to a request from Chair Cacciotti, Terrence Mann, Deputy Executive Officer, Compliance and Enforcement, provided an update on Hyperion and recent activities. For additional information, please refer to the [Webcast](#) beginning at 12:48.

Staff recommended a “SUPPORT IF AMENDED” position on this bill.

Moved by: Raman Second by: Solache

Ayes: Cacciotti, Dawson, Hagman, Perez, Raman, Solache

Noes: None

Abstain: None

There was no public comment.

Ms. Gailey presented AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties. Sponsored by the Bay Area Air Quality Management District, this bill would triple penalty ceilings for air quality violations by Title V refineries, if the discharge contains toxic air contaminants.

Supervisor Hagman asked about the impacts of increased penalties. Barbara Baird, Chief Deputy Counsel, responded that the Health and Safety Code requires multiple factors to be considered to determine penalty amounts. Supervisor Hagman added that scale of operation should be considered for effective deterrence.

Supervisor Perez inquired as to what motivated this legislation and the prevalence of non-compliance. Wayne Nastri, Executive Officer, replied that higher penalties should deter violations by refineries. Mr. Mann replied that non-compliance is an issue and it can be affected by the cost of penalties.

Chair Cacciotti asked how many permits are issued for a Title V refinery. Jason Aspell, Deputy Executive Officer/Engineering and Permitting, replied that the number of permits at these facilities is substantial.

Supervisor Hagman asked if permitting delays have an impact on enforcement. Mr. Nastri responded that permitting and enforcement are separate. However, facilities must resolve existing violations prior to the issuance of a permit. For additional information, please refer to the [Webcast](#) at 16:08.

Staff recommended a “SUPPORT” position on this bill.

Moved by: Raman Second by: Solache

Ayes: Cacciotti, Dawson, Hagman, Perez, Raman, Solache

Noes: None

Abstain: None

There was no public comment.

Mr. Crabbe presented SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fenceline monitoring systems. This bill would extend refinery-related community air and fenceline monitoring system requirements to facilities engaging in other types of processes.

Staff recommended that South Coast AQMD seek amendments to the bill:

- 1) Ensure that the bill’s requirements are in line with South Coast AQMD’s new rulemaking related to Rule 1180;
- 2) Air districts get sufficient cost recovery; and
- 3) Existing timelines in the bill are extended.

Supervisor Hagman suggested delaying consideration of the bill pending draft amendments from staff. Mr. Nastri commented that updates to Rule 1180 are pending, and they will be brought to the Board in the fall for consideration. Taking a

position on this bill will allow staff to continue to work with the author to ensure that the legislation and rulemaking can be consistent.

Councilmember Solache asked staff to outline priority amendments for the bill. Mr. Crabbe advised two priorities would be to expand existing timelines and to secure cost recovery for air districts.

For additional information, please refer to the [Webcast](#) at 28:43.

Staff recommended a “SUPPORT IF AMENDED” position on this bill.

Moved by: Raman Second by: Perez

Ayes: Cacciotti, Dawson, Perez, Raman, Solache

Noes: Hagman

Abstain: None

There was no public comment.

DISCUSSION ITEMS:

2. Update and Discussion on Federal Legislative Issues

South Coast AQMD’s federal legislative consultants (Cassidy & Associates, Kadesh & Associates, and Carmen Group) provided written reports on key issues.

Amelia Morales, Cassidy & Associates, provided an update on the debt ceiling negotiations. The debate is over passage of a “clean bill” that only lifts the debt ceiling or a version which includes spending cuts and expediting federal permitting for energy projects.

Mark Kadesh, Kadesh & Associates, reported that the appropriations negotiations are likely to go past the October deadline requiring a continuing resolution to keep the federal government funded.

Gary Hoistma, Carmen Group, reported on Department of Transportation grant programs as well as a meeting with the Office of Naval Research and a U.S. EPA proposed rule for power plants.

In response to an inquiry from Chair Cacciotti the Office of Naval Research meeting, Mr. Hoitsma replied that it was an introductory meeting to discuss research to reduce emissions from ocean-going vessels. For additional information, please refer to the [Webcast](#) at 39:56.

There was no public comment.

3. Update and Discussion on State Legislative Issues

South Coast AQMD's state legislative consultants (California Advisors, LLC, Joe A. Gonsalves & Son, and Resolute) provided written reports on key issues in Sacramento.

Ross Buckley, California Advisors, LLC, reported on the state budget including the Governor's May budget revise which would be released today. Sales tax revenues exceeded January fiscal projections. However, the overall budget continues to have a sizable deficit due to decreases in personal and corporate tax revenues.

Paul Gonsalves, Joe A. Gonsalves & Son, reported that CARB approved their Advanced Clean Fleets regulation.

Alfredo Arredondo, Resolute, reported that the fiscal deadline for policy committee bills is approaching. He added that University of California, Berkely published a study on the redistribution of emissions related to the state's EV Rebate program. For additional information, please refer to the [Webcast](#) at 48:05.

There was no public comment.

OTHER MATTERS:

4. Other Business

There was no other business to report.

5. Public Comment Period

There was no public comment to report.

6. Next Meeting Date

The next regular Legislative Committee meeting is scheduled for Friday, June 9, 2023 at 9:00 a.m.

Adjournment

The meeting adjourned at 8:59 a.m.

Attachments

1. Attendance Record
2. Recommend Position on State Bill
3. Update on Federal Legislative Issues – Written Reports
4. Update on State Legislative Issues – Written Reports

ATTACHMENT 1

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT LEGISLATIVE COMMITTEE MEETING ATTENDANCE RECORD – May 12, 2023

| | |
|---------------------------------------|-------------------------------|
| Councilmember Michael Cacciotti | South Coast AQMD Board Member |
| Mayor Patricia Lock Dawson | South Coast AQMD Board Member |
| Supervisor Curt Hagman | South Coast AQMD Board Member |
| Supervisor V. Manuel Perez | South Coast AQMD Board Member |
| Councilmember Nithya Raman | South Coast AQMD Board Member |
| Councilmember José Luis Solache | South Coast AQMD Board Member |
| | |
| Ben Wong | Board Consultant (Cacciotti) |
| | |
| Alfredo Arredondo | Resolute |
| Ross Buckley | California Advisors, LLC |
| Paul Gonsalves | Joe A. Gonsalves & Son |
| Dal Harper | Carmen Group, Inc. |
| Gary Hoitsma | Carmen Group, Inc. |
| Mark Kadesh | Kadesh & Associates |
| Amelia Morales | Cassidy & Associates |
| | |
| Alan Abbs | Public |
| Mark Abramowitz | Public |
| Alex Economou | Public |
| Annie Hargrove | Public |
| Jacqueline Moore | Public |
| David Rothbart | Public |
| | |
| Derrick Alatorre | South Coast AQMD Staff |
| Debra Ashby | South Coast AQMD Staff |
| Jason Aspell | South Coast AQMD Staff |
| Barbara Baird | South Coast AQMD Staff |
| Cindy Bustillos | South Coast AQMD Staff |
| Lara Brown | South Coast AQMD Staff |
| Maria Corralejo | South Coast AQMD Staff |
| Philip Crabbe | South Coast AQMD Staff |
| Bayron Gilchrist | South Coast AQMD Staff |
| Anissa Cessa Heard-Johnson | South Coast AQMD Staff |
| Mark Henninger | South Coast AQMD Staff |
| Sujata Jain | South Coast AQMD Staff |
| Aaron Katzenstein | South Coast AQMD Staff |
| Angela Kim | South Coast AQMD Staff |
| Brisa Lopez | South Coast AQMD Staff |
| Jason Low | South Coast AQMD Staff |
| Terrence Mann | South Coast AQMD Staff |
| Ron Moskowitz | South Coast AQMD Staff |
| Susan Nakamura | South Coast AQMD Staff |
| Wayne Nastri | South Coast AQMD Staff |
| Denise Peralta Gailey | South Coast AQMD Staff |

Robert Paud South Coast AQMD Staff
Sarah Rees South Coast AQMD Staff
Mary Reichert South Coast AQMD Staff
Aisha Reyes South Coast AQMD Staff
Lisa Tanaka O'Malley South Coast AQMD Staff
Faye Thomas South Coast AQMD Staff
Elizabeth Vega South Coast AQMD Staff
Paul Wright South Coast AQMD Staff
Victor Yip South Coast AQMD Staff

ATTACHMENT 2A

South Coast Air Quality Management District
Legislative Analysis Summary – AB 557 (Hart)
Version: Introduced – 2/8/23
Analyst: PC

AB 557 (Hart)

Open meetings: local agencies: teleconferences.

Summary: This bill would extend indefinitely the abbreviated teleconferencing provisions that authorize a local agency to use teleconferencing without complying with specified teleconferencing requirements, including not requiring all teleconference locations to be noticed and made publicly accessible, when a declared state of emergency is in effect, or in other situations related to public health.

Background: Existing law, the Ralph M. Brown Act, requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The act contains provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in circumstances when a declared state of emergency is in effect, or in other situations related to public health. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

Status: 4/27/23 - Coauthors revised. Passed Assembly Local Government Committee.

Specific Provisions: Specifically, this bill would:

- 1) Extend indefinitely the abbreviated teleconferencing provisions that authorize a local agency to use teleconferencing without complying with specified teleconferencing requirements, including not requiring all teleconference locations to be noticed and made publicly accessible, in circumstances when a declared state of emergency is in effect, or in other situations related to public health.
- 2) Extend the period for a legislative body to make the required findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated virtual teleconferencing procedures.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: This bill would extend indefinitely provisions that authorize local public agencies to hold virtual public meetings during states of emergency and other public health-related situations. This law is currently in effect and sunsets on January 1, 2024.

These provisions have provided increased accessibility to South Coast AQMD public meetings for both Board Members and members of the public, even during the COVID-19 pandemic. Extending these commonsense provisions that allow public meetings to continue to be virtual in times with extenuating health-related circumstances is good policy and would facilitate South Coast AQMD’s ability to pursue its mission and policy priorities to clean the air and protect public health.

Recommended Position: SUPPORT

Support:

California Special Districts Association [CO-SPONSOR]
League of California Cities [CO-SPONSOR]
Alameda County Mosquito Abatement District
Alameda County Resource Conservation District
Anderson Valley Community Services District / Fire Department
Antelope Valley Mosquito and Vector Control District
Arbuckle Parks and Recreation District
Arcade Creek Recreation and Park District
Artesia Cemetery District
Association of California Healthcare Districts
Association of California School Administrators
Bodega Bay Public Utility District
Burbank Sanitary District

California Association of Public Authorities for Ihss
California Association of Recreation & Park Districts
California Downtown Association
California In-home Supportive Services Consumer Alliance
California Municipal Utilities Association
California School Boards Association
California State Association of Counties
California Travel Association (CALTRAVEL)
Calwa Recreation and Park District
Cameron Estates Community Services District
Carpinteria Valley Water District
Central Contra Costa Sanitary District
Chico Area Recreation and Park District
Chino Valley Fire District
City and County Association of Governments of San Mateo County
City Clerks Association of California
City of Belmont
City of Carlsbad
City of Mountain View
City of Woodland
Civicwell (formally the Local Government Commission)
Coachella Valley Public Cemetery District
Coachella Valley Water District
Coastside County Water District
Contra Costa Mosquito and Vector Control District
Copper Cove Rocky Road Community Service District
Cortina Community Services District
Cosumnes Community Services District
County of Monterey
County of Santa Cruz Board of Supervisors
Davis Cemetery District
Delta Diablo
Donner Summit Public Utility District
East Kern Health Care District
Eden Health District
Fall River Resource Conservation District
Feather River Resource Conservation District
Fresno Mosquito and Vector Control District
Fulton-el Camino Recreation and Park District
Gold Mountain Community Services District
Golden Valley Municipal Water District
Goleta West Sanitary District

Goleta; City of
Grossmont Healthcare District
Groveland Community Services District
Health Officers Association of California
Helix Water District
Hidden Valley Lake Community Services District
Hilmar County Water District
Indian Wells Valley Water District
Inverness Public Utility District
Ironhouse Sanitary District
Irvine Ranch Water District
Karr Advocacy Strategies
Kern County Cemetery District No. 1
Keyes Community Services District
Ladera Recreation District
Lake Oroville Area Public Utility District
Los Angeles County Sanitation Districts
Los Angeles Unified School District
Mckinleyville Community Services District
Mckinney Water District
Mendocino County Russian River Flood Control & Water Conservation
Mi Wuk Sugar Pine Fire Protection District
Midpeninsula Regional Open Space District
Mojave Desert Resource Conservation District
Monte Rio Recreation and Park District
Monte Vista Water District
Montecito Fire Protection District
Mosquito & Vector Management District of Santa Barbara County
Mt. View Sanitary District
Muir Beach Community Services District
Murphys Sanitary District
Nevada Sierra Connecting Point Public Authority
North County Fire Protection District
North Sonoma Coast Fire Protection District
Novato Sanitary District
Olympic Valley Public Service District
Orange County Cemetery District
Orange County Water District
Palm Springs Cemetery District
Palos Verdes Library District
Pauma Valley Community Services District
Peninsula Traffic Congestion Relief Alliance (COMMUTE.ORG)

Pit Resource Conservation District
Placer County Air Pollution Control District
Pleasant Valley Recreation and Park District
Ponderosa Community Services District
Rancho Simi Recreation and Park District
Reclamation District 1000
Richardson Bay Sanitary District
Riechel Reports Blog
Rolling Hills Community Services District
Rowland Water District
Running Springs Water District
Rural County Representatives of California
Sacramento Area Council of Governments
Sacramento Metropolitan Fire District
Sacramento Municipal Utility District
San Diego County Water Authority
San Diego; County of
San Geronimo PASS Water Agency
San Mateo County Harbor District
San Mateo; County of
Santa Barbara; County of
Santa Clara Valley Open Space Authority
Santa Clara Valley Water District
Santa Cruz County Board of Supervisors
Santa Margarita Water District
Santa Ynez Community Services District
Santa Ynez River Water Conservation District
Small School Districts Association
Sonoma County Water Agency
South Coast Water District
Southern Marin Fire Protection District
Stallion Springs Community Services District
Stege Sanitary District
Stockton East Water District
Stockton Port District
Strawberry Fire Protection District
Tahoe City Public Utility District
Templeton Community Services District
Three Valleys Municipal Water District
Trinity County Resource Conservation District
Truckee Sanitary District
Tulare Mosquito Abatement District

South Coast Air Quality Management District
Legislative Analysis Summary – AB 557 (Hart)
Version: Introduced – 2/8/23
Analyst: PC

Tuolumne Fire District
Twain Harte Community Services District
Urban Counties of California (UCC)
Valley Center Fire Protection District
Vandenberg Village Community Services District
Vista Irrigation District
Walnut Valley Water District
Water Replenishment District of Southern California
West Kern Water District
West Valley Mosquito and Vector Control District

Opposition:

N/A

ATTACHMENT 2B

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 557

Introduced by Assembly Member Hart

February 8, 2023

An act to amend and repeal Section 54953 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 557, as introduced, Hart. Open meetings: local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Existing law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely. The bill would also extend the period for a legislative body to make the above-described findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The bill would additionally make nonsubstantive changes to those provisions and correct erroneous cross references .

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

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953 of the Government Code, as
2 amended by Section 1 of Chapter 285 of the Statutes of 2022, is
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local
5 agency shall be open and public, and all persons shall be permitted
6 to attend any meeting of the legislative body of a local agency,
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the
9 legislative body of a local agency may use teleconferencing for
10 the benefit of the public and the legislative body of a local agency
11 in connection with any meeting or proceeding authorized by law.
12 The teleconferenced meeting or proceeding shall comply with all
13 otherwise applicable requirements of this chapter and all otherwise
14 applicable provisions of law relating to a specific type of meeting
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used
17 for all purposes in connection with any meeting within the subject
18 matter jurisdiction of the legislative body. If the legislative body
19 of a local agency elects to use teleconferencing, the legislative
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a
24 manner that protects the statutory and constitutional rights of the
25 parties or the public appearing before the legislative body of a
26 local agency.

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

29 (D) The legislative body shall allow members of the public to
30 access the meeting and the agenda shall provide an opportunity
31 for members of the public to address the legislative body directly
32 pursuant to Section 54954.3.

33 (3) If the legislative body of a local agency elects to use
34 teleconferencing, it shall post agendas at all teleconference
35 locations. Each teleconference location shall be identified in the
36 notice and agenda of the meeting or proceeding, and each
37 teleconference location shall be accessible to the public. During
38 the teleconference, at least a quorum of the members of the

1 legislative body shall participate from locations within the
2 boundaries of the territory over which the local agency exercises
3 jurisdiction, except as provided in subdivisions (d) and (e).

4 (c) (1) No legislative body shall take action by secret ballot,
5 whether preliminary or final.

6 (2) The legislative body of a local agency shall publicly report
7 any action taken and the vote or abstention on that action of each
8 member present for the action.

9 (3) Prior to taking final action, the legislative body shall orally
10 report a summary of a recommendation for a final action on the
11 salaries, salary schedules, or compensation paid in the form of
12 fringe benefits of a local agency executive, as defined in
13 subdivision (d) of Section 3511.1, during the open meeting in
14 which the final action is to be taken. This paragraph shall not affect
15 the public's right under the California Public Records Act (Division
16 10 (commencing with Section 7920.000) of Title 1) to inspect or
17 copy records created or received in the process of developing the
18 recommendation.

19 (d) (1) Notwithstanding the provisions relating to a quorum in
20 paragraph (3) of subdivision (b), if a health authority conducts a
21 teleconference meeting, members who are outside the jurisdiction
22 of the authority may be counted toward the establishment of a
23 quorum when participating in the teleconference if at least 50
24 percent of the number of members that would establish a quorum
25 are present within the boundaries of the territory over which the
26 authority exercises jurisdiction, and the health authority provides
27 a teleconference number, and associated access codes, if any, that
28 allows any person to call in to participate in the meeting and the
29 number and access codes are identified in the notice and agenda
30 of the meeting.

31 (2) Nothing in this subdivision shall be construed as
32 discouraging health authority members from regularly meeting at
33 a common physical site within the jurisdiction of the authority or
34 from using teleconference locations within or near the jurisdiction
35 of the authority. A teleconference meeting for which a quorum is
36 established pursuant to this subdivision shall be subject to all other
37 requirements of this section.

38 (3) For purposes of this subdivision, a health authority means
39 any entity created pursuant to Sections 14018.7, 14087.31,
40 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare

1 and Institutions Code, any joint powers authority created pursuant
2 to Article 1 (commencing with Section 6500) of Chapter 5 of
3 Division 7 for the purpose of contracting pursuant to Section
4 14087.3 of the Welfare and Institutions Code, and any advisory
5 committee to a county-sponsored health plan licensed pursuant to
6 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
7 Health and Safety Code if the advisory committee has 12 or more
8 members.

9 (e) (1) The legislative body of a local agency may use
10 teleconferencing without complying with the requirements of
11 paragraph (3) of subdivision (b) if the legislative body complies
12 with the requirements of paragraph (2) of this subdivision in any
13 of the following circumstances:

14 (A) The legislative body holds a meeting during a proclaimed
15 state of emergency, and state or local officials have imposed or
16 recommended measures to promote social distancing.

17 (B) The legislative body holds a meeting during a proclaimed
18 state of emergency for the purpose of determining, by majority
19 vote, whether as a result of the emergency, meeting in person
20 would present imminent risks to the health or safety of attendees.

21 (C) The legislative body holds a meeting during a proclaimed
22 state of emergency and has determined, by majority vote, pursuant
23 to subparagraph (B), that, as a result of the emergency, meeting
24 in person would present imminent risks to the health or safety of
25 attendees.

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

28 (A) In each instance in which notice of the time of the
29 teleconferenced meeting is otherwise given or the agenda for the
30 meeting is otherwise posted, the legislative body shall also give
31 notice of the means by which members of the public may access
32 the meeting and offer public comment. The agenda shall identify
33 and include an opportunity for all persons to attend via a call-in
34 option or an internet-based service option.

35 (B) In the event of a disruption that prevents the legislative body
36 from broadcasting the meeting to members of the public using the
37 call-in option or internet-based service option, or in the event of
38 a disruption within the local agency's control that prevents
39 members of the public from offering public comments using the
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting
2 agenda until public access to the meeting via the call-in option or
3 internet-based service option is restored. Actions taken on agenda
4 items during a disruption that prevents the legislative body from
5 broadcasting the meeting may be challenged pursuant to Section
6 54960.1.

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

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

17 (E) (i) A legislative body that provides a timed public comment
18 period for each agenda item shall not close the public comment
19 period for the agenda item, or the opportunity to register, pursuant
20 to subparagraph ~~(F)~~; (D), to provide public comment until that
21 timed public comment period has elapsed.

22 (ii) A legislative body that does not provide a timed public
23 comment period, but takes public comment separately on each
24 agenda item, shall allow a reasonable amount of time per agenda
25 item to allow public members the opportunity to provide public
26 comment, including time for members of the public to register
27 pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for
28 the purpose of providing public comment.

29 (iii) A legislative body that provides a timed general public
30 comment period that does not correspond to a specific agenda item
31 shall not close the public comment period or the opportunity to
32 register, pursuant to subparagraph ~~(F)~~; (D), until the timed general
33 public comment period has elapsed.

34 (3) If a state of emergency remains active, or state or local
35 officials have imposed or recommended measures to promote
36 social distancing, in order to continue to teleconference without
37 compliance with paragraph (3) of subdivision (b), the legislative
38 body shall, not later than ~~30~~ 45 days after teleconferencing for the
39 first time pursuant to subparagraph (A), (B), or (C) of paragraph

1 (1), and every ~~30~~ 45 days thereafter, make the following findings
2 by majority vote:

3 (A) The legislative body has reconsidered the circumstances of
4 the state of emergency.

5 (B) Any of the following circumstances exist:

6 (i) The state of emergency continues to directly impact the
7 ability of the members to meet safely in person.

8 (ii) State or local officials continue to impose or recommend
9 measures to promote social distancing.

10 (4) This subdivision shall not be construed to require the
11 legislative body to provide a physical location from which the
12 public may attend or comment.

13 (f) (1) The legislative body of a local agency may use
14 teleconferencing without complying with paragraph (3) of
15 subdivision (b) if, during the teleconference meeting, at least a
16 quorum of the members of the legislative body participates in
17 person from a singular physical location clearly identified on the
18 agenda, which location shall be open to the public and situated
19 within the boundaries of the territory over which the local agency
20 exercises jurisdiction and the legislative body complies with all
21 of the following:

22 (A) The legislative body shall provide at least one of the
23 following as a means by which the public may remotely hear and
24 visually observe the meeting, and remotely address the legislative
25 body:

26 (i) A two-way audiovisual platform.

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

29 (B) In each instance in which notice of the time of the
30 teleconferenced meeting is otherwise given or the agenda for the
31 meeting is otherwise posted, the legislative body shall also give
32 notice of the means by which members of the public may access
33 the meeting and offer public comment.

34 (C) The agenda shall identify and include an opportunity for all
35 persons to attend and address the legislative body directly pursuant
36 to Section 54954.3 via a call-in option, via an internet-based service
37 option, and at the in-person location of the meeting.

38 (D) In the event of a disruption that prevents the legislative body
39 from broadcasting the meeting to members of the public using the
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency's control that prevents
2 members of the public from offering public comments using the
3 call-in option or internet-based service option, the legislative body
4 shall take no further action on items appearing on the meeting
5 agenda until public access to the meeting via the call-in option or
6 internet-based service option is restored. Actions taken on agenda
7 items during a disruption that prevents the legislative body from
8 broadcasting the meeting may be challenged pursuant to Section
9 54960.1.

10 (E) The legislative body shall not require public comments to
11 be submitted in advance of the meeting and must provide an
12 opportunity for the public to address the legislative body and offer
13 comment in real time.

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

20 (2) A member of the legislative body shall only participate in
21 the meeting remotely pursuant to this subdivision, if all of the
22 following requirements are met:

23 (A) One of the following circumstances applies:

24 (i) The member notifies the legislative body at the earliest
25 opportunity possible, including at the start of a regular meeting,
26 of their need to participate remotely for just cause, including a
27 general description of the circumstances relating to their need to
28 appear remotely at the given meeting. The provisions of this clause
29 shall not be used by any member of the legislative body for more
30 than two meetings per calendar year.

31 (ii) The member requests the legislative body to allow them to
32 participate in the meeting remotely due to emergency circumstances
33 and the legislative body takes action to approve the request. The
34 legislative body shall request a general description of the
35 circumstances relating to their need to appear remotely at the given
36 meeting. A general description of an item generally need not exceed
37 20 words and shall not require the member to disclose any medical
38 diagnosis or disability, or any personal medical information that
39 is already exempt under existing law, such as the Confidentiality
40 of Medical Information Act (Chapter 1 (commencing with Section

1 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
2 of this clause, the following requirements apply:

3 (I) A member shall make a request to participate remotely at a
4 meeting pursuant to this clause as soon as possible. The member
5 shall make a separate request for each meeting in which they seek
6 to participate remotely.

7 (II) The legislative body may take action on a request to
8 participate remotely at the earliest opportunity. If the request does
9 not allow sufficient time to place proposed action on such a request
10 on the posted agenda for the meeting for which the request is made,
11 the legislative body may take action at the beginning of the meeting
12 in accordance with paragraph (4) of subdivision (b) of Section
13 54954.2.

14 (B) The member shall publicly disclose at the meeting before
15 any action is taken, whether any other individuals 18 years of age
16 or older are present in the room at the remote location with the
17 member, and the general nature of the member's relationship with
18 any such individuals.

19 (C) The member shall participate through both audio and visual
20 technology.

21 (3) The provisions of this subdivision shall not serve as a means
22 for any member of a legislative body to participate in meetings of
23 the legislative body solely by teleconference from a remote location
24 for a period of more than three consecutive months or 20 percent
25 of the regular meetings for the local agency within a calendar year,
26 or more than two meetings if the legislative body regularly meets
27 fewer than 10 times per calendar year.

28 (g) The legislative body shall have and implement a procedure
29 for receiving and swiftly resolving requests for reasonable
30 accommodation for individuals with disabilities, consistent with
31 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
32 Sec. 12132), and resolving any doubt in favor of accessibility. In
33 each instance in which notice of the time of the meeting is
34 otherwise given or the agenda for the meeting is otherwise posted,
35 the legislative body shall also give notice of the procedure for
36 receiving and resolving requests for accommodation.

37 (h) The legislative body shall conduct meetings subject to this
38 chapter consistent with applicable civil rights and
39 nondiscrimination laws.

1 (i) (1) Nothing in this section shall prohibit a legislative body
2 from providing the public with additional teleconference locations.

3 (2) Nothing in this section shall prohibit a legislative body from
4 providing ~~members of~~ the public with additional physical locations
5 in which the public may observe and address the legislative body
6 by electronic means.

7 (j) For the purposes of this section, the following definitions
8 shall apply:

9 (1) “Emergency circumstances” means a physical or family
10 medical emergency that prevents a member from attending in
11 person.

12 (2) “Just cause” means any of the following:

13 (A) A childcare or caregiving need of a child, parent,
14 grandparent, grandchild, sibling, spouse, or domestic partner that
15 requires them to participate remotely. “Child,” “parent,”
16 “grandparent,” “grandchild,” and “sibling” have the same meaning
17 as those terms do in Section 12945.2.

18 (B) A contagious illness that prevents a member from attending
19 in person.

20 (C) A need related to a physical or mental disability as defined
21 in Sections 12926 and 12926.1 not otherwise accommodated by
22 subdivision (g).

23 (D) Travel while on official business of the legislative body or
24 another state or local agency.

25 (3) “Remote location” means a location from which a member
26 of a legislative body participates in a meeting pursuant to
27 subdivision (f), other than any physical meeting location designated
28 in the notice of the meeting. Remote locations need not be
29 accessible to the public.

30 (4) “Remote participation” means participation in a meeting by
31 teleconference at a location other than any physical meeting
32 location designated in the notice of the meeting. Watching or
33 listening to a meeting via webcasting or another similar electronic
34 medium that does not permit members to interactively hear,
35 discuss, or deliberate on matters, does not constitute remote
36 participation.

37 (5) “State of emergency” means a state of emergency proclaimed
38 pursuant to Section 8625 of the California Emergency Services
39 Act (Article 1 (commencing with Section 8550) of Chapter 7 of
40 Division 1 of Title 2).

1 (6) “Teleconference” means a meeting of a legislative body,
2 the members of which are in different locations, connected by
3 electronic means, through either audio or video, or both.

4 (7) “Two-way audiovisual platform” means an online platform
5 that provides participants with the ability to participate in a meeting
6 via both an interactive video conference and a two-way telephonic
7 function.

8 (8) “Two-way telephonic service” means a telephone service
9 that does not require internet access, is not provided as part of a
10 two-way audiovisual platform, and allows participants to dial a
11 telephone number to listen and verbally participate.

12 (9) “Webcasting” means a streaming video broadcast online or
13 on television, using streaming media technology to distribute a
14 single content source to many simultaneous listeners and viewers.

15 (k) This section shall remain in effect only until January 1, ~~2024,~~
16 ~~2026,~~ and as of that date is repealed.

17 SEC. 2. Section 54953 of the Government Code, as amended
18 by Section 2 of Chapter 285 of the Statutes of 2022, is amended
19 to read:

20 54953. (a) All meetings of the legislative body of a local
21 agency shall be open and public, and all persons shall be permitted
22 to attend any meeting of the legislative body of a local agency,
23 except as otherwise provided in this chapter.

24 (b) (1) Notwithstanding any other provision of law, the
25 legislative body of a local agency may use teleconferencing for
26 the benefit of the public and the legislative body of a local agency
27 in connection with any meeting or proceeding authorized by law.
28 The teleconferenced meeting or proceeding shall comply with all
29 otherwise applicable requirements of this chapter and all otherwise
30 applicable provisions of law relating to a specific type of meeting
31 or proceeding.

32 (2) Teleconferencing, as authorized by this section, may be used
33 for all purposes in connection with any meeting within the subject
34 matter jurisdiction of the legislative body. If the legislative body
35 of a local agency elects to use teleconferencing, the legislative
36 body of a local agency shall comply with all of the following:

37 (A) All votes taken during a teleconferenced meeting shall be
38 by rollcall.

39 (B) The teleconferenced meetings shall be conducted in a
40 manner that protects the statutory and constitutional rights of the

1 parties or the public appearing before the legislative body of a
2 local agency.

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

5 (D) The legislative body shall allow members of the public to
6 access the meeting and the agenda shall provide an opportunity
7 for members of the public to address the legislative body directly
8 pursuant to Section 54954.3.

9 (3) If the legislative body of a local agency elects to use
10 teleconferencing, it shall post agendas at all teleconference
11 locations. Each teleconference location shall be identified in the
12 notice and agenda of the meeting or proceeding, and each
13 teleconference location shall be accessible to the public. During
14 the teleconference, at least a quorum of the members of the
15 legislative body shall participate from locations within the
16 boundaries of the territory over which the local agency exercises
17 jurisdiction, except as provided in ~~subdivision (d)~~. *subdivisions*
18 *(d) and (e)*.

19 (c) (1) No legislative body shall take action by secret ballot,
20 whether preliminary or final.

21 (2) The legislative body of a local agency shall publicly report
22 any action taken and the vote or abstention on that action of each
23 member present for the action.

24 (3) Prior to taking final action, the legislative body shall orally
25 report a summary of a recommendation for a final action on the
26 salaries, salary schedules, or compensation paid in the form of
27 fringe benefits of a local agency executive, as defined in
28 subdivision (d) of Section 3511.1, during the open meeting in
29 which the final action is to be taken. This paragraph shall not affect
30 the public's right under the California Public Records Act (Division
31 10 (commencing with Section 7920.000) of Title 1) to inspect or
32 copy records created or received in the process of developing the
33 recommendation.

34 (d) (1) Notwithstanding the provisions relating to a quorum in
35 paragraph (3) of subdivision (b), if a health authority conducts a
36 teleconference meeting, members who are outside the jurisdiction
37 of the authority may be counted toward the establishment of a
38 quorum when participating in the teleconference if at least 50
39 percent of the number of members that would establish a quorum
40 are present within the boundaries of the territory over which the

1 authority exercises jurisdiction, and the health authority provides
2 a teleconference number, and associated access codes, if any, that
3 allows any person to call in to participate in the meeting and the
4 number and access codes are identified in the notice and agenda
5 of the meeting.

6 (2) Nothing in this subdivision shall be construed as
7 discouraging health authority members from regularly meeting at
8 a common physical site within the jurisdiction of the authority or
9 from using teleconference locations within or near the jurisdiction
10 of the authority. A teleconference meeting for which a quorum is
11 established pursuant to this subdivision shall be subject to all other
12 requirements of this section.

13 (3) For purposes of this subdivision, a health authority means
14 any entity created pursuant to Sections 14018.7, 14087.31,
15 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
16 and Institutions Code, any joint powers authority created pursuant
17 to Article 1 (commencing with Section 6500) of Chapter 5 of
18 Division 7 for the purpose of contracting pursuant to Section
19 14087.3 of the Welfare and Institutions Code, and any advisory
20 committee to a county-sponsored health plan licensed pursuant to
21 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
22 Health and Safety Code if the advisory committee has 12 or more
23 members.

24 (e) (1) The legislative body of a local agency may use
25 teleconferencing without complying with *the requirements of*
26 *paragraph (3) of subdivision (b) if, during the teleconference*
27 *meeting, at least a quorum of the members of the legislative body*
28 *participates in person from a singular physical location clearly*
29 *identified on the agenda, which location shall be open to the public*
30 *and situated within the boundaries of the territory over which the*
31 *local agency exercises jurisdiction and the legislative body*
32 *complies with all of the following:*

33 (A) ~~The legislative body shall provide at least one of the~~
34 ~~following as a means by which the public may remotely hear and~~
35 ~~visually observe the meeting, and remotely address the legislative~~
36 ~~body:~~

37 (i) ~~A two-way audiovisual platform.~~

38 (ii) ~~A two-way telephonic service and a live webcasting of the~~
39 ~~meeting.~~

1 if the legislative body complies with the requirements of
 2 paragraph (2) of this subdivision in any of the following
 3 circumstances:

4 (A) The legislative body holds a meeting during a proclaimed
 5 state of emergency, and state or local officials have imposed or
 6 recommended measures to promote social distancing.

7 (B) The legislative body holds a meeting during a proclaimed
 8 state of emergency for the purpose of determining, by majority
 9 vote, whether as a result of the emergency, meeting in person
 10 would present imminent risks to the health or safety of attendees.

11 (C) The legislative body holds a meeting during a proclaimed
 12 state of emergency and has determined, by majority vote, pursuant
 13 to subparagraph (B), that, as a result of the emergency, meeting
 14 in person would present imminent risks to the health or safety of
 15 attendees.

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

18 ~~(B)~~

19 (A) In each instance in which notice of the time of the
 20 teleconferenced meeting is otherwise given or the agenda for the
 21 meeting is otherwise posted, the legislative body shall also give
 22 notice of the means by which members of the public may access
 23 the meeting and offer public comment. *The agenda shall identify*
 24 *and include an opportunity for all persons to attend via a call-in*
 25 *option or an internet-based service option.*

26 ~~(C) The agenda shall identify and include an opportunity for all~~
 27 ~~persons to attend and address the legislative body directly pursuant~~
 28 ~~to Section 54954.3 via a call-in option, via an internet-based service~~
 29 ~~option, and at the in-person location of the meeting.~~

30 ~~(D)~~

31 (B) In the event of a disruption that prevents the legislative body
 32 from broadcasting the meeting to members of the public using the
 33 call-in option or internet-based service option, or in the event of
 34 a disruption within the local agency's control that prevents
 35 members of the public from offering public comments using the
 36 call-in option or internet-based service option, the legislative body
 37 shall take no further action on items appearing on the meeting
 38 agenda until public access to the meeting via the call-in option or
 39 internet-based service option is restored. Actions taken on agenda
 40 items during a disruption that prevents the legislative body from

1 broadcasting the meeting may be challenged pursuant to Section
2 54960.1.

3 ~~(E)~~

4 (C) The legislative body shall not require public comments to
5 be submitted in advance of the meeting and must provide an
6 opportunity for the public to address the legislative body and offer
7 comment in real time.

8 ~~(F)~~

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

15 ~~(2) A member of the legislative body shall only participate in~~
16 ~~the meeting remotely pursuant to this subdivision, if all of the~~
17 ~~following requirements are met:~~

18 ~~(A) One of the following circumstances applies:~~

19 ~~(i) The member notifies the legislative body at the earliest~~
20 ~~opportunity possible, including at the start of a regular meeting,~~
21 ~~of their need to participate remotely for just cause, including a~~
22 ~~general description of the circumstances relating to their need to~~
23 ~~appear remotely at the given meeting. The provisions of this clause~~
24 ~~shall not be used by any member of the legislative body for more~~
25 ~~than two meetings per calendar year.~~

26 ~~(ii) The member requests the legislative body to allow them to~~
27 ~~participate in the meeting remotely due to emergency circumstances~~
28 ~~and the legislative body takes action to approve the request. The~~
29 ~~legislative body shall request a general description of the~~
30 ~~circumstances relating to their need to appear remotely at the given~~
31 ~~meeting. A general description of an item generally need not exceed~~
32 ~~20 words and shall not require the member to disclose any medical~~
33 ~~diagnosis or disability, or any personal medical information that~~
34 ~~is already exempt under existing law, such as the Confidentiality~~
35 ~~of Medical Information Act (Chapter 1 (commencing with Section~~
36 ~~56) of Part 2.6 of Division 1 of the Civil Code). For the purposes~~
37 ~~of this clause, the following requirements apply:~~

38 ~~(I) A member shall make a request to participate remotely at a~~
39 ~~meeting pursuant to this clause as soon as possible. The member~~

1 shall make a separate request for each meeting in which they seek
2 to participate remotely.

3 ~~(H) The legislative body may take action on a request to~~
4 ~~participate remotely at the earliest opportunity. If the request does~~
5 ~~not allow sufficient time to place proposed action on such a request~~
6 ~~on the posted agenda for the meeting for which the request is made,~~
7 ~~the legislative body may take action at the beginning of the meeting~~
8 ~~in accordance with paragraph (4) of subdivision (b) of Section~~
9 ~~54954.2.~~

10 ~~(B) The member shall publicly disclose at the meeting before~~
11 ~~any action is taken whether any other individuals 18 years of age~~
12 ~~or older are present in the room at the remote location with the~~
13 ~~member, and the general nature of the member's relationship with~~
14 ~~any such individuals.~~

15 ~~(C) The member shall participate through both audio and visual~~
16 ~~technology.~~

17 ~~(3) The provisions of this subdivision shall not serve as a means~~
18 ~~for any member of a legislative body to participate in meetings of~~
19 ~~the legislative body solely by teleconference from a remote location~~
20 ~~for a period of more than three consecutive months or 20 percent~~
21 ~~of the regular meetings for the local agency within a calendar year,~~
22 ~~or more than two meetings if the legislative body regularly meets~~
23 ~~fewer than 10 times per calendar year.~~

24 *(E) (i) A legislative body that provides a timed public comment*
25 *period for each agenda item shall not close the public comment*
26 *period for the agenda item, or the opportunity to register, pursuant*
27 *to subparagraph (D), to provide public comment until that timed*
28 *public comment period has elapsed.*

29 *(ii) A legislative body that does not provide a timed public*
30 *comment period, but takes public comment separately on each*
31 *agenda item, shall allow a reasonable amount of time per agenda*
32 *item to allow public members the opportunity to provide public*
33 *comment, including time for members of the public to register*
34 *pursuant to subparagraph (D), or otherwise be recognized for the*
35 *purpose of providing public comment.*

36 *(iii) A legislative body that provides a timed general public*
37 *comment period that does not correspond to a specific agenda*
38 *item shall not close the public comment period or the opportunity*
39 *to register, pursuant to subparagraph (D), until the timed general*
40 *public comment period has elapsed.*

1 (3) *If a state of emergency remains active, or state or local*
2 *officials have imposed or recommended measures to promote*
3 *social distancing, in order to continue to teleconference without*
4 *compliance with paragraph (3) of subdivision (b), the legislative*
5 *body shall, not later than 45 days after teleconferencing for the*
6 *first time pursuant to subparagraph (A), (B), or (C) of paragraph*
7 *(1), and every 45 days thereafter, make the following findings by*
8 *majority vote:*

9 (A) *The legislative body has reconsidered the circumstances of*
10 *the state of emergency.*

11 (B) *Any of the following circumstances exist:*

12 (i) *The state of emergency continues to directly impact the ability*
13 *of the members to meet safely in person.*

14 (ii) *State or local officials continue to impose or recommend*
15 *measures to promote social distancing.*

16 (4) *This subdivision shall not be construed to require the*
17 *legislative body to provide a physical location from which the*
18 *public may attend or comment.*

19 (f) *The legislative body shall have and implement a procedure*
20 *for receiving and swiftly resolving requests for reasonable*
21 *accommodation for individuals with disabilities, consistent with*
22 *the federal Americans with Disabilities Act of 1990 (42 U.S.C.*
23 *Sec. 12132), and resolving any doubt in favor of accessibility. In*
24 *each instance in which notice of the time of the meeting is*
25 *otherwise given or the agenda for the meeting is otherwise posted,*
26 *the legislative body shall also give notice of the procedure for*
27 *receiving and resolving requests for accommodation.*

28 (g) *The legislative body shall conduct meetings subject to this*
29 *chapter consistent with applicable civil rights and*
30 *nondiscrimination laws.*

31 (h) (1) *Nothing in this section shall prohibit a legislative body*
32 *from providing the public with additional teleconference locations.*

33 (2) *Nothing in this section shall prohibit a legislative body from*
34 *providing ~~members~~ of the public with additional physical locations*
35 *in which the public may observe and address the legislative body*
36 *by electronic means.*

37 (i) *For the purposes of this section, the following definitions*
38 *shall apply:*

1 (1) ~~“Emergency circumstances” means a physical or family~~
2 ~~medical emergency that prevents a member from attending in~~
3 ~~person.~~

4 (2) ~~“Just cause” means any of the following:~~

5 (A) ~~A childcare or caregiving need of a child, parent,~~
6 ~~grandparent, grandchild, sibling, spouse, or domestic partner that~~
7 ~~requires them to participate remotely. “Child,” “parent,”~~
8 ~~“grandparent,” “grandchild,” and “sibling” have the same meaning~~
9 ~~as those terms do in Section 12945.2.~~

10 (B) ~~A contagious illness that prevents a member from attending~~
11 ~~in person.~~

12 (C) ~~A need related to a physical or mental disability as defined~~
13 ~~in Sections 12926 and 12926.1 not otherwise accommodated by~~
14 ~~subdivision (f).~~

15 (D) ~~Travel while on official business of the legislative body or~~
16 ~~another state or local agency.~~

17 (3) ~~“Remote location” means a location from which a member~~
18 ~~of a legislative body participates in a meeting pursuant to~~
19 ~~subdivision (e), other than any physical meeting location designated~~
20 ~~in the notice of the meeting. Remote locations need not be~~
21 ~~accessible to the public.~~

22 (4) ~~“Remote participation” means participation in a meeting by~~
23 ~~teleconference at a location other than any physical meeting~~
24 ~~location designated in the notice of the meeting. Watching or~~
25 ~~listening to a meeting via webcasting or another similar electronic~~
26 ~~medium that does not permit members to interactively hear,~~
27 ~~discuss, or deliberate on matters, does not constitute remote~~
28 ~~participation.~~

29 (1) *“State of emergency” means a state of emergency*
30 *proclaimed pursuant to Section 8625 of the California Emergency*
31 *Services Act (Article 1 (commencing with Section 8550) of Chapter*
32 *7 of Division 1 of Title 2).*

33 (5)

34 (2) ~~“Teleconference” means a meeting of a legislative body,~~
35 ~~the members of which are in different locations, connected by~~
36 ~~electronic means, through either audio or video, or both.~~

37 (6) ~~“Two-way audiovisual platform” means an online platform~~
38 ~~that provides participants with the ability to participate in a meeting~~
39 ~~via both an interactive video conference and a two-way telephonic~~
40 ~~function.~~

1 ~~(7) “Two-way telephonic service” means a telephone service~~
2 ~~that does not require internet access, is not provided as part of a~~
3 ~~two-way audiovisual platform, and allows participants to dial a~~
4 ~~telephone number to listen and verbally participate.~~

5 ~~(8) “Webeasting” means a streaming video broadcast online or~~
6 ~~on television, using streaming media technology to distribute a~~
7 ~~single content source to many simultaneous listeners and viewers.~~

8 ~~(j) This section shall become operative January 1, 2024, shall~~
9 ~~remain in effect only until January 1, 2026, and as of that date is~~
10 ~~repealed.~~

11 ~~(j) This section shall become operative January 1, 2026.~~

12 SEC. 3. Section 54953 of the Government Code, as added by
13 Section 3 of Chapter 285 of the Statutes of 2022, is repealed.

14 54953. ~~(a) All meetings of the legislative body of a local~~
15 ~~agency shall be open and public, and all persons shall be permitted~~
16 ~~to attend any meeting of the legislative body of a local agency,~~
17 ~~except as otherwise provided in this chapter.~~

18 ~~(b) (1) Notwithstanding any other provision of law, the~~
19 ~~legislative body of a local agency may use teleconferencing for~~
20 ~~the benefit of the public and the legislative body of a local agency~~
21 ~~in connection with any meeting or proceeding authorized by law.~~
22 ~~The teleconferenced meeting or proceeding shall comply with all~~
23 ~~requirements of this chapter and all otherwise applicable provisions~~
24 ~~of law relating to a specific type of meeting or proceeding.~~

25 ~~(2) Teleconferencing, as authorized by this section, may be used~~
26 ~~for all purposes in connection with any meeting within the subject~~
27 ~~matter jurisdiction of the legislative body. All votes taken during~~
28 ~~a teleconferenced meeting shall be by rollcall.~~

29 ~~(3) If the legislative body of a local agency elects to use~~
30 ~~teleconferencing, it shall post agendas at all teleconference~~
31 ~~locations and conduct teleconference meetings in a manner that~~
32 ~~protects the statutory and constitutional rights of the parties or the~~
33 ~~public appearing before the legislative body of a local agency.~~
34 ~~Each teleconference location shall be identified in the notice and~~
35 ~~agenda of the meeting or proceeding, and each teleconference~~
36 ~~location shall be accessible to the public. During the teleconference,~~
37 ~~at least a quorum of the members of the legislative body shall~~
38 ~~participate from locations within the boundaries of the territory~~
39 ~~over which the local agency exercises jurisdiction, except as~~
40 ~~provided in subdivision (d). The agenda shall provide an~~

1 opportunity for members of the public to address the legislative
2 body directly pursuant to Section 54954.3 at each teleconference
3 location.

4 (4) For the purposes of this section, “teleconference” means a
5 meeting of a legislative body, the members of which are in different
6 locations, connected by electronic means, through either audio or
7 video, or both. Nothing in this section shall prohibit a local agency
8 from providing the public with additional teleconference locations.

9 (e) (1) No legislative body shall take action by secret ballot,
10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report
12 any action taken and the vote or abstention on that action of each
13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally
15 report a summary of a recommendation for a final action on the
16 salaries, salary schedules, or compensation paid in the form of
17 fringe benefits of a local agency executive, as defined in
18 subdivision (d) of Section 3511.1, during the open meeting in
19 which the final action is to be taken. This paragraph shall not affect
20 the public’s right under the California Public Records Act (Chapter
21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
22 inspect or copy records created or received in the process of
23 developing the recommendation.

24 (d) (1) Notwithstanding the provisions relating to a quorum in
25 paragraph (3) of subdivision (b), if a health authority conducts a
26 teleconference meeting, members who are outside the jurisdiction
27 of the authority may be counted toward the establishment of a
28 quorum when participating in the teleconference if at least 50
29 percent of the number of members that would establish a quorum
30 are present within the boundaries of the territory over which the
31 authority exercises jurisdiction, and the health authority provides
32 a teleconference number, and associated access codes, if any, that
33 allows any person to call in to participate in the meeting and the
34 number and access codes are identified in the notice and agenda
35 of the meeting.

36 (2) Nothing in this subdivision shall be construed as
37 discouraging health authority members from regularly meeting at
38 a common physical site within the jurisdiction of the authority or
39 from using teleconference locations within or near the jurisdiction
40 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section.

3 ~~(3) For purposes of this subdivision, a health authority means~~
4 ~~any entity created pursuant to Sections 14018.7, 14087.31,~~
5 ~~14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare~~
6 ~~and Institutions Code, any joint powers authority created pursuant~~
7 ~~to Article 1 (commencing with Section 6500) of Chapter 5 of~~
8 ~~Division 7 for the purpose of contracting pursuant to Section~~
9 ~~14087.3 of the Welfare and Institutions Code, and any advisory~~
10 ~~committee to a county-sponsored health plan licensed pursuant to~~
11 ~~Chapter 2.2 (commencing with Section 1340) of Division 2 of the~~
12 ~~Health and Safety Code if the advisory committee has 12 or more~~
13 ~~members.~~

14 ~~(e) This section shall become operative January 1, 2026.~~

15 SEC. 4. The Legislature finds and declares that Sections 1 and
16 2 of this act, which amend Section 54953 of the Government Code,
17 furthers, within the meaning of paragraph (7) of subdivision (b)
18 of Section 3 of Article I of the California Constitution, the purposes
19 of that constitutional section as it relates to the right of public
20 access to the meetings of local public bodies or the writings of
21 local public officials and local agencies. Pursuant to paragraph (7)
22 of subdivision (b) of Section 3 of Article I of the California
23 Constitution, the Legislature makes the following findings:

24 This act is necessary to ensure minimum standards for public
25 participation and notice requirements allowing for greater public
26 participation in teleconference meetings.

ATTACHMENT 2C

South Coast Air Quality Management District
Legislative Analysis Summary – AB 953 (Connolly)
Version: As Amended – 4/19/23
Analyst: PC

AB 953 (Connolly)

Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Summary: This bill would require the Ocean Protection Council (OPC), on or before January 1, 2026, in coordination with various entities, including air districts and CARB, to implement a statewide voluntary vessel speed reduction (VSR) and sustainable shipping program for the California coast to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

Background: The Bay Area, Santa Barbara County, and Ventura County air districts are part of a partnership of federal and local government agencies, foundations, and environmental nonprofits that have administered the voluntary vessel speed reduction (VSR) program Protecting Blue Whales and Blue Skies (Blue Skies) since 2014. The program has encouraged ocean-going container vessels and other ships to voluntarily travel 10 knots or less in the designated areas to reduce air pollution and harmful whale strikes by providing small incentives and publicity to program participants.

The author indicates that emissions being emitted within 100 nautical miles of the coast by marine vessels 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. Since the Blue Skies VSR program's inception through 2021, it has achieved 526,211 slow speed miles, a reduction of more than 2,300 tons of oxides of nitrogen (NOx), a reduction of over 76,000 metric tons of greenhouse gas emissions, and an estimated 50 percent decreased risk of fatal whale strikes during prime migration season in the targeted coastal areas. The author argues that this is a highly cost-effective voluntary pollution reduction program that benefits public health, protects the marine ecosystem, and showcases the beneficial partnership between shipping companies, public health agencies, marine sanctuaries, and environmental organizations.

Existing law establishes the OPC to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies.

Status: 4/20/23 - Re-referred to Assembly Appropriations Committee. Hearing: 5/3/23 - Assembly Appropriations Committee.

Specific Provisions: Specifically, this bill would:

- 1) Require the OPC, on or before January 1, 2026, in coordination with entities, including coastal air districts, CARB, the U.S. Environmental Protection Agency, U.S. Navy and the U.S. Coast Guard, to implement a statewide voluntary VSR 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.

- 2) Require the program to expand the existing Blue Skies program and authorize the program to include specified components, including:
 - a. Publicity for program participants;
 - b. Data collection on ship speeds along the California coast in order to analyze the program for future refinement, expansion, or both;
 - c. 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 air districts; and
 - d. 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.
- 3) The program shall exclude any ocean territories that are covered by any VSR program other than the Blue Skies Program or a memorandum of understanding entered into before January 1, 2024.
- 4) Require OPC, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: This bill creates a voluntary statewide VSR program that has the potential to reduce emissions within the South Coast region from marine vessels that travel on the waters adjacent to the region. Given that marine vessels are one of the largest sources of pollution in the South Coast region, this bill could help facilitate attainment of federal air quality standards and protect public health. The bill does not appear to impact the current VSR programs instituted at the Ports of LA and LB, which have high levels of participation.

Notably, as marine vessels transition to cleaner technologies, specifically Tier 3 type technology, there are questions about whether VSR is actually helpful or hurtful in terms of marine vessel emissions. Tier 3 vessels are a small but slowly growing percentage of the overall fleet of vessels that travel along the California coastline. More research is needed to study this issue and flexibility may be needed in this voluntary program to potentially adjust the speed guidelines for Tier 3 vessels. Existing bill provisions and new language amended into the bill recently may be sufficient to address Tier 3 vessel issues.

It may also be worth noting to the author that data regarding the regional air quality impacts on the coast and on coastal disadvantaged communities from oceangoing vessel traffic is collected and provided by air districts and others.

Recommended Position: SUPPORT

Support:

Bay Area Air Quality Management District (Co-Sponsor)

South Coast Air Quality Management District
Legislative Analysis Summary – AB 953 (Connolly)
Version: As Amended – 4/19/23
Analyst: PC

Santa Barbara County Air Pollution Control District (Co-Sponsor)
Ventura County Air Pollution Control District (Co-Sponsor)

CAPCOA

California Coastkeeper Alliance

Orange County Coastkeeper

Sierra Club California

San Diego Coastkeeper

Santa Barbara Channelkeeper

WILD COAST

Russian Riverkeeper

The Otter Project

Environmental Action Committee of West Marin

Humboldt Baykeeper

Los Angeles Waterkeeper

Santa Barbara; County of

Monterey Bay Air Resources District

California Marine Sanctuary Foundation

Ventura County Regional Energy Alliance

Monterey Waterkeeper

San Diego County Air Pollution Control District

Central Coast Clean Cities Coalition

Central Coast Climate Collaborative

San Luis Obispo County Air Pollution Control District

Santa Barbara County Green Business Program

Defenders of Wildlife

Environmental Defense Center

Pacific Merchant Shipping Association (if amended)

Sacramento Clean Cities Coalition

Opposition:

N/A

ATTACHMENT 2D

AMENDED IN ASSEMBLY APRIL 19, 2023

AMENDED IN ASSEMBLY MARCH 29, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 953

**Introduced by Assembly Members Connolly and Hart
(Coauthors: Assembly Members Bennett, Davies, Pellerin, and
Weber)**

February 14, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would require the council, on or before ~~May 1, 2025~~, *January 1, 2026*, in coordination and in consultation with various entities, including the State Air Resources Board, 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 build upon other existing vessel speed reduction programs~~ and would authorize the program to include specified components, ~~including, upon an appropriation by the Legislature, financial~~ *including* incentives to program participants based on a percentage of distance traveled by a participating vessel, *vessel at a reduced speed*, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

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

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

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

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

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

18 (c) Since 2014, the Santa Barbara County Air Pollution Control
 19 District, the Ventura County Air Pollution Control District, and
 20 the Bay Area Air Quality Management District, with the federal
 21 Office of National Marine Sanctuaries, marine sanctuary
 22 foundations, and environmental groups, have administered and
 23 promoted the Blue Whales and Blue Skies Program, a voluntary
 24 vessel speed reduction program off the Santa Barbara, Ventura,

1 and Bay Area coasts to encourage transit speeds of 10 knots or
2 less to reduce air pollution, the risk of harmful whale strikes, and
3 the level of ocean noise.

4 (d) Since its inception, through 2021, the Protecting Blue Whales
5 and Blue Skies Program has provided small incentives and
6 publicity to program participants and has achieved 526,211 slow
7 speed miles, a reduction of more than 2,300 tons of nitrogen oxides,
8 a reduction of over 76,000 metric tons of regional greenhouse gas
9 emissions, and an estimated 50 percent decreased risk of whale
10 strikes during prime migration season in the affected coastal areas.

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

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

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

22 35618. (a) On or before ~~May 1, 2025~~, *January 1, 2026*, the
23 council shall, in coordination with air pollution control districts
24 and air quality management districts along the coast and in
25 consultation with the federal Office of National Marine Sanctuaries,
26 the federal Environmental Protection Agency, the United States
27 Navy, the United States Coast Guard, ~~and~~ the State Air Resources
28 Board, *and maritime industry*, implement a statewide voluntary
29 vessel speed reduction and sustainable shipping program for the
30 California coast in order to reduce air pollution, the risk of fatal
31 vessel strikes on whales, and harmful underwater acoustic impacts.

32 (b) The program shall expand the existing Protecting Blue
33 Whales and Blue Skies Program ~~and build upon other existing~~
34 ~~vessel speed reduction programs~~ and may include all of the
35 following ~~components~~: *components developed in a manner that*
36 *is consistent with how the program components were developed*
37 *for the Protecting Blue Whales and Blue Skies Program*:

38 (1) A marketing program to *engage cargo owners and other*
39 *commercial interests* to promote voluntary vessel speed reduction

1 and sustainable shipping, and an acknowledgment of the program's
2 participants.

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

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

8 (4) Data collection ~~and consideration of~~ *on* the regional air
9 quality impacts on the coast and ~~the local air quality and other~~
10 ~~environmental~~ impacts to *air quality in coastal* disadvantaged
11 communities from oceangoing vessel ~~traffic~~: *traffic, as collected*
12 *and provided by the regional air pollution control districts and*
13 *air quality management districts.*

14 (5) ~~Financial incentives~~ *Incentives* to program participants based
15 on a percentage of distance traveled by a participating vessel *at a*
16 *reduced speed, including speed zones* at 10 knots or less, to the
17 extent that ~~local, state, local or federal funding is made available~~
18 ~~pursuant to an appropriation by the Legislature~~: *available.*

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

24 (7) *Seasonality of the program.*

25 (8) *Description of covered vessels.*

26 (c) *The program shall exclude any ocean territories that are*
27 *covered by any vessel speed reduction program other than the*
28 *Protecting Blue Whales and Blue Skies Program or a memorandum*
29 *of understanding entered into before January 1, 2024.*

30 (e)

31 (d) The council may impose additional qualifying criteria on
32 program participants in order to receive ~~financial~~ incentives under
33 the program, including, but not limited to, individual transit speeds,
34 such as maximum speed in transit or maximum transit average
35 speed.

36 (d) ~~The council shall provide financial incentives pursuant to~~
37 ~~this section upon appropriation by the Legislature.~~

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

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

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

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ATTACHMENT 2E

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1216 (Muratsuchi)
Version: As Amended – 4/26/23 UPDATED
Analyst: PC

AB 1216 (Muratsuchi)

Wastewater treatment plants: monitoring of air pollutants.

Summary: This bill would require, by January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system in accordance with guidance developed by the appropriate air district.

Background: According to the author, on July 11, 2021, the Hyperion Water Reclamation Plant (HWRP) experienced a major raw sewage spill, which resulted in approximately 17 million gallons of unfiltered sewage being discharged into the ocean. The author explains that the Los Angeles City Sanitation and Environment Bureau, who oversees HWRP, and the South Coast Air Quality Management District (South Coast AQMD) took multiple steps to address the cause and clean-up of the spill. Since the spill, the residents in the City of El Segundo and other neighboring cities, have continuously complained about odors emitting from HWRP. Residents reported experiencing physical symptoms such as nausea, burning eyes, and rashes. According to the author, pollutants of concern include Hydrogen Sulfide (HS), Nitrogen Oxides (NOx), and Volatile Organic Compounds (VOCs); all commonly found in wastewater treatment facilities and give off pungent odors. If not properly handled, these chemicals have been known to irritate the eyes, and potentially cause headaches, or exacerbate and trigger respiratory diseases. VOCs may also cause long-term chronic health problems.

As told by the author, after visiting HWRP shortly after the spill, South Coast AQMD filed several abatement orders against HWRP. One order highlighted that HWRP was operating six flares without a permit in the past six years and was emitting NOx above levels that were considered safe during the flare incidents. South Coast AQMD also issued an abatement order regarding their Sewage Odor Containment, which resulted in HWRP installing a fence-line monitoring system for HS, which is known to cause odor. The Los Angeles County Department of Public Health (LACDPH) also issued several letters to HWRP expressing their concern about the effects these odors have on the public's health. Even though the HWRP installed fence-line monitoring for HS and took other steps to mitigate the issue, the LACDPH "determined that the mitigation measures fail to protect the public's health." They pointed out that the fence-line monitoring data shows irregular results that sometimes exceed acute and chronic reference exposure levels of HS. LACDPH provided several recommendations including expanding HWRP's fence-line monitoring to also include other pollutants like NOx and VOCs.

Status: 4/27/23 - Re-referred to Assembly Appropriations.

Specific Provisions: Specifically, this bill would:

- 1) Require, on or before January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a wastewater treatment-related fence-line monitoring system in accordance with guidance developed by the appropriate air district;
- 2) Require the wastewater treatment-related fence-line monitoring system to include equipment capable of measuring pollutants of concern, including HS, NO_x, and VOCs emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring;
- 3) Require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data, and to transmit the data to the appropriate air district in accordance with the district's guidance;
- 4) Require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format;
- 5) Require guidance developed by a district pursuant to this section to take into account technological capabilities and incorporate input from affected parties; and
- 6) Require the owner or operator of a wastewater treatment facility to be responsible for the costs associated with installation, maintenance, and operation of a wastewater treatment-related fence-line monitoring system pursuant to this section.

Impacts on South Coast AQMD's Mission, Operations or Initiatives: The author argues that AB 1216 protects communities neighboring HWRP by raising the air monitoring standards for wastewater treatment plants to match refinery requirements currently in place. It is important to note that based on the parameters of the bill, the bill only applies to HWRP. However, this bill creates an unfunded mandate on air districts to assist in the implementation of this bill, including being required to: 1) develop guidance for fence-line monitoring systems for wastewater treatment facilities; 2) determine which pollutants are appropriate for such facilities to monitor; 3) develop guidance for how those facilities should transmit data to air districts, and 4) manage data received. Expanding fence-line monitoring to multiple pollutants may not be appropriate for this type of facility and this bill's approach may not be fully effective in addressing public concerns relating to HWRP to warrant the expenditure of substantial resources by air districts as required by this bill.

Proposed amendments: It is recommended that South Coast AQMD seek adjustments to the bill, so that it may accomplish productive results and not create an unnecessary and undue burden on air districts. The recommended changes include, but are not limited to, the following:

1. Ensure that South Coast AQMD gets full cost recovery from HWRP for items that include, but are not limited to, costs for developing guidance for the fence-line monitoring systems and in relation to transmission of data, and for maintaining and analyzing data received;
2. Expand the timelines in the bill to allow for proper implementation of the bill's requirements; and
3. Ensure that notification requirements in the bill are sufficient.

Recommended Position: SUPPORT IF AMENDED

Support:

City of El Segundo (Sponsor)
Congressman Ted Lieu
Surfrider Foundation South Bay

Opposition:

California Association of Sanitation Agencies

ATTACHMENT 2F

AMENDED IN ASSEMBLY APRIL 26, 2023

AMENDED IN ASSEMBLY APRIL 13, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1216

Introduced by Assembly Member Muratsuchi

February 16, 2023

An act to add Section 42705.7 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Muratsuchi. Wastewater treatment plants: monitoring of air pollutants.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law authorizes the State Air Resources Board or the air district to adopt rules and regulations to require the owner or the operator of an air pollution emission source to take any action that the state board or the air district determines to be reasonable for the determination of the amount of air pollution emissions from that source. Existing law requires the air pollution control officer to inspect, as the officer determines necessary, the monitoring devices installed in every stationary source of air contaminants located within a jurisdiction that is required to have those devices to ensure that the devices are functioning properly. Existing law authorizes the district to require reasonable fees to be paid by the operator of that source to cover the expense of the inspection and other costs related thereto. A person who violates these

requirements, or any rule, regulation, permit, or order of the state board or of a district adopted pursuant to these requirements is guilty of a misdemeanor and subject to a specified fine or imprisonment, or both a fine and imprisonment, as provided.

This bill would require, on or before January 1, 2025, the owner or operator of a wastewater treatment facility that is located within 1,500 feet of a residential area and has an original design capacity of 425,000,000 gallons or more per day to develop, install, operate, and maintain a *wastewater treatment-related* fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district. The bill would require the *wastewater treatment-related* fence-line monitoring system to include equipment capable of measuring pollutants of concern, including hydrogen sulfide, nitrogen oxides, and volatile organic compounds emitted to the atmosphere from wastewater treatment or reclamation processes that the appropriate district deems appropriate for monitoring. The bill would also require the owner or operator of a wastewater treatment facility to collect real-time data from the wastewater treatment-related fence-line monitoring system, to maintain records of that data, and to transmit the data to the appropriate air quality management district in accordance with the district’s guidance. In addition, the bill would require, to the extent feasible, the data generated by these systems to be provided to the public as quickly as possible in a publicly accessible format.

By adding to the duties of air districts and by expanding the scope of crimes, this bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 42705.7 is added to the Health and Safety
- 2 Code, to read:
- 3 42705.7. (a) For purposes of this section, the following
- 4 definitions apply:

1 (1) “Wastewater treatment facility” means a wastewater
2 treatment or reclamation facility that comes within both of the
3 following descriptions:

4 (A) Is located within 1,500 feet of a residential neighborhood.

5 (B) Has an original design capacity of 425,000,000 gallons or
6 more per day.

7 (2) “Wastewater treatment-related fence-line monitoring system”
8 means equipment that measures and records air pollutant
9 concentrations at or adjacent to a wastewater treatment facility
10 and that may be useful for detecting or estimating emissions of
11 pollutants from the treatment facility, including the quantity of
12 fugitive emissions and other air emissions, and meets the minimum
13 requirements of the appropriate air quality management district.

14 (b) On or before January 1, 2025, the owner or operator of a
15 wastewater treatment facility shall develop, install, operate, and
16 maintain a *wastewater treatment-related* fence-line monitoring
17 system in accordance with guidance developed by the appropriate
18 air quality management district. The *wastewater treatment-related*
19 fence-line monitoring system shall include equipment capable of
20 measuring pollutants of concern, including hydrogen sulfide,
21 nitrogen oxides, and volatile organic compounds emitted to the
22 atmosphere from wastewater treatment or reclamation processes
23 that the appropriate district deems appropriate for monitoring.

24 (c) The owner or operator of a wastewater treatment facility
25 shall collect real-time data from the wastewater treatment-related
26 fence-line monitoring system, shall maintain records of that data,
27 and shall transmit the data to the appropriate air quality
28 management district in accordance with the district’s guidance.
29 To the extent feasible, the data generated by these systems shall
30 be provided to the public as quickly as possible in a publicly
31 accessible format.

32 (d) Guidance developed by a district pursuant to this section
33 shall take into account technological capabilities and incorporate
34 input from affected parties.

35 (e) The owner or operator of a wastewater treatment facility
36 shall be responsible for the costs associated with ~~implementation,~~
37 *installation*, maintenance, and operation of a *wastewater*
38 *treatment-related* fence-line monitoring system pursuant to this
39 section.

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act or because costs that may be
6 incurred by a local agency or school district will be incurred
7 because this act creates a new crime or infraction, eliminates a
8 crime or infraction, or changes the penalty for a crime or infraction,
9 within the meaning of Section 17556 of the Government Code, or
10 changes the definition of a crime within the meaning of Section 6
11 of Article XIII B of the California Constitution.

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ATTACHMENT 2G

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1465 (Wicks)
Version: As Amended – 3/16/23
Analyst: PC

AB 1465 (Wicks)

Nonvehicular air pollution: civil penalties.

Summary: This bill would triple the civil penalty ceilings for air quality violations by Title V refineries if the discharge contains toxic air contaminants.

Background: Under existing law, a person who violates state or local air quality rules, regulations, and permit conditions is guilty of a misdemeanor, or is strictly liable for a civil penalty of not more than \$10,000. If that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, then the person is strictly liable for a civil penalty of not more than \$5,000. This provision of existing law, Health and Safety Code (HSC) Section 42402, applies to all air pollution sources, including refineries.

In the Bay Area, refineries are some of the largest sources of criteria pollutants and toxic air contaminants, and overall compliance with air quality permit requirements at the five Bay Area refineries has declined precipitously in recent years, with significant increases in flaring events, Title V permit condition deviations, and Notices of Violation (NOVs). This has resulted in increased exposure in refinery communities to toxic air contaminants, and increasing shelter-in-place notifications, school closures, and visits to health care facilities for medical care. Yet despite the disruption to these communities, air districts are generally limited to a penalty ceiling of \$10,000 per violation, which seems to be a minor cost of doing business rather than acting as a deterrent to future violations.

Status: 4/25/23 – Passed Assembly Judiciary Committee. Re-referred to Assembly Appropriations Committee.

Specific Provisions: Specifically, this bill would:

- 1) Triple the civil penalty ceilings for air quality violations if both of the following occur:
 - a. The discharge is from a Title V source that is a refinery; and
 - b. The discharge contains or includes one or more toxic air contaminants.
- 2) Define “refinery” as an establishment that is located on one or more contiguous or adjacent properties that produces gasoline, diesel fuel, aviation fuel, lubricating oil, asphalt, petrochemical feedstock, or other similar product through the processing of crude oil or alternative feedstock, redistillation of unfinished petroleum derivatives, cracking, or other processes.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: This bill is sponsored by the Bay Area AQMD which argues that air quality violation penalties can no longer be a ‘cost of doing business’ at refineries. This bill would provide a stronger

deterrent to help ensure that refineries take responsibility for compliance with air quality regulations to protect the health and air quality of those living in communities that surround refineries. This bill would create financial deterrents for corporate polluters and create more accountability for bad actors. This can help residents who live in refinery communities who have suffered the disproportionate impacts of air pollution for far too long. Refineries are significant sources of criteria pollutants and toxic air contaminants.

Under strict liability provisions, the current \$10,000 penalty ceiling would rise to \$30,000. AB 1465 does not mandate \$30,000 civil penalties for violations meeting the proposed new requirements but rather works in conjunction with existing state law (HSC Section 42403), which provides guidance for penalties assessed by a court or through a settlement.

Overall, this bill could also help reduce refinery emissions within the South Coast region. Thus, it is consistent with South Coast AQMD's priorities of reducing air pollution and air toxics and protecting public health.

Recommended Position: SUPPORT

Support:

Bay Area AQMD (Sponsor)

Opposition:

Western States Petroleum Association

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to ~~amend~~ *add* Section ~~42402~~ of 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.

This bill would triple specified civil penalties, as provided, 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, the stationary source is a refinery, and the discharge contains or includes one or more toxic air contaminants, as identified by the State Air Resources Board. The bill would define "refinery" for this purpose.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law

establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources.

This bill would make nonsubstantive changes to the latter provision.

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

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

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

3 42402.6. (a) Penalties prescribed pursuant to Sections 42402,
4 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 shall be tripled
5 if the person violates Section 41700 and both of the following
6 occur:

7 (1) The discharge is from a Title V source that is a refinery.

8 (2) The discharge contains or includes one or more toxic air
9 contaminants, as identified by the state board pursuant to Section
10 39657.

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

18 SECTION 1. ~~Section 42402 of the Health and Safety Code is~~
19 ~~amended to read:~~

20 42402. (a) ~~Except as provided in Sections 42402.1, 42402.2,~~
21 ~~42402.3, and 42402.4, a person who violates this part, an order~~
22 ~~issued pursuant to Section 42316, or a rule, regulation, permit, or~~
23 ~~order of a district, including a district hearing board, or of the state~~
24 ~~board issued pursuant to Part 1 (commencing with Section 39000)~~
25 ~~to Part 4 (commencing with Section 41500), inclusive, is strictly~~
26 ~~liable for a civil penalty of not more than five thousand dollars~~
27 ~~(\$5,000).~~

28 (b) ~~(1) A person who violates a provision of this part, an order~~
29 ~~issued pursuant to Section 42316, or a rule, regulation, permit or~~
30 ~~order of a district, including a district hearing board, or of the state~~
31 ~~board issued pursuant to Part 1 (commencing with Section 39000)~~
32 ~~to Part 4 (commencing with Section 41500), inclusive, is strictly~~

1 liable for a civil penalty of not more than ten thousand dollars
2 (\$10,000):

3 ~~(2) (A) If a civil penalty in excess of five thousand dollars~~
4 ~~(\$5,000) for each day in which a violation occurs is sought, there~~
5 ~~is no liability under this subdivision if the person accused of the~~
6 ~~violation alleges by affirmative defense and establishes that the~~
7 ~~violation was caused by an act that was not the result of intentional~~
8 ~~conduct or negligent conduct.~~

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

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

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

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

ATTACHMENT 2I

South Coast Air Quality Management District
Legislative Analysis Summary – SB 674 (Gonzalez)
Version: As Amended – 4/10/23
Analyst: PC

SB 674 (Gonzalez)

Air pollution: refineries: community air monitoring systems: fenceline monitoring systems.

Summary: This bill would:

- 1) Extend the refinery-related community air monitoring system and the fenceline monitoring system requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities;
- 2) Require the refinery-related community air monitoring system and the fenceline monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period; and
- 3) 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 (OEHHA).

Background: Assembly Bill (AB) 1647 (Muratsuchi, Chapter 589, Statutes of 2017) required, by January 1, 2020, petroleum refineries to install and maintain air monitoring systems along the fenceline of their facility and in an adjacent community, to provide real-time data and alerts to communities, first responders, and regulators when there are excess emissions. AB 1647 (Muratsuchi) sought to create a statewide standard for refinery fenceline monitoring, but ultimately regional air quality management districts- the agencies responsible for regulating refinery emissions- were tasked with developing the rules that would dictate the refinery fenceline monitoring program within their respective jurisdictions. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fenceline monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public that data in a publicly accessible format.

There are 19 refineries in California, but they are concentrated within a handful of communities; this means that primarily three air districts- South Coast, Bay Area, and San Joaquin Valley- are tasked with regulating refinery emissions and carrying out the provisions of AB 1647 (Muratsuchi).

The author argues that “Nearly six years since AB 1647 (Muratsuchi) was enacted, it is clear that there are serious flaws in the implementation of the statute’s requirements. These deficiencies are undermining transparency and accountability. The flaws in the implementation of the refinery fenceline monitoring program include:

- Air districts are inconsistently implementing AB 1647 (Muratsuchi), creating problematic variations in what was meant to be a uniform state-wide program.

- Petroleum refineries are failing to notify the public of detected emissions exceedances.
- The underlying fenceline monitoring data and key documents are not easily accessible, which prevents community members and researchers from being able to meaningfully analyze the data.
- Petroleum refineries are not required to locate and mitigate sources of toxic releases that exceed health and safety thresholds.
- Most air districts have failed to ensure that rules implementing AB 1647 (Muratsuchi) apply to refineries converting to non-crude oil feedstock (i.e., biofuel refineries).
- Petroleum refineries are excluding portions of their facilities from fenceline monitoring, such as storage tanks.”

Status: 4/19/23 – Passed Senate Judiciary Committee. Re-referred to Senate Appropriations Committee.

Specific Provisions: Specifically, this bill would:

- 1) Extend the refinery-related community air monitoring system and the fenceline monitoring system requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities;
- 2) Require the refinery-related community air monitoring system and the fenceline monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period;
- 3) Require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by OEHHA.
- 4) Authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as appropriate.
- 5) 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.
- 6) Require 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
- 7) Require owners and operators to post online, and to notify the public of the availability of, quarterly reports containing required information.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: South Coast AQMD Rule 1180 was being developed prior to AB 1647 and they were both finalized around the same time in order to address the need for requiring fenceline monitoring at petroleum refineries to provide real time capability and reporting to identify emission sources, notify the public and provide information regarding pollutants for future emissions control consideration in a transparent way. The regulation includes the following:

- Fenceline monitoring networks at each facility and community air monitoring stations located nearby each facility.
- Fenceline measurements at all refineries provided for maximum feasible coverage of their systems and community air monitoring stations were sited to be representative of the nearby communities that would be predicted to have the most potential impacts.
- Data is reported in near real time (~5 minutes) on dedicated publicly available website(s) for each facility and community air monitoring station, which are all linked from a centralized South Coast AQMD landing page ([Rule 1180 Community Air Monitoring \(aqmd.gov\)](http://aqmd.gov)).
 - The air monitoring data, in and by itself, does not constitute a violation, but may trigger an investigation by which appropriate Compliance action may be taken.
- Near real time notifications are provided from each refinery fenceline system and also community sites when levels reach a health-based threshold.
- Notifications are based upon the most conservative of acute health-based thresholds between the NAAQS, CAAQS, OEHHA, AEG, and ERPG guidelines.
- Valid fenceline notifications trigger a South Coast AQMD investigation. While the refinery investigates the issue itself, the findings (root cause analysis) is reported on a quarterly basis.
- Pollutants measured were consistent with priority air toxics and pollutants expected to be emitted from refineries at the time of the Rule 1180 adoption in December 2017.
 - OEHHA updated their list in March 2019 with 8 additional compounds.
- Fenceline air monitoring network audited by 3rd party.

Although robust fenceline and community air monitoring networks have been implemented, South Coast AQMD is currently undergoing rulemaking that would be in addition to the current Rule 1180. The following are being considered:

- Applicability: Expanding list of facilities to include others (i.e. remove 40k exemption, add asphalt plants, non-petroleum refineries and operations related to the refinery that are contiguous to the property).
- Evaluation of additional pollutants (monitoring technology feasibility, refinery average emissions, evaluation).
 - Some pollutants may not be technically feasible at this point to conduct near real time air monitoring for the purposes of timely notification (e.g. PAHs, sulfuric acid, diethanolamine).

In response to this bill, South Coast AQMD has provided the following comments. The recent amendments only addressed some of South Coast AQMD concerns.

- OEHHA Reference Exposure levels should not be the only health-based thresholds to be evaluated. The NAAQS are at levels that are more stringent (SO₂ and NO₂) that could be used for a notification threshold.
- Districts should approve, not do the design of the air monitoring network. The default responsibility to do the installation, deployment, etc should be the refinery not the District, but options could exist for the District to do so (if approval not met, etc.)
- Cost recovery from the facility should be included for the community air monitoring network deployment and operation, if the responsibility falls on the District. This includes staffing and contract resources (fact sheet noted that local agency can levy fines to do so).
 - Specifically, proper cost recovery should be addressed for the substantial resources that will be required for monitoring staff to review and approve the monitoring and QA/QC plans, permitting staff to incorporate the plans within existing permits, and enforcement staff to respond to the proposed exceedances, and investigate the readings and review the root cause analyses.
 - Suggest option for refinery to be responsible to deploy community air stations, subject to approval from District (just in case District does not have bandwidth or technical expertise to deploy)
- 2026 deadline is too tight and does not allow reasonable time for implementation, suggest 2 years after legislation signed to approve plan and 2 years to deploy network/ notifications:
 - Proposed timelines do not take into account technical and permitting times that will extend beyond the proposed dates.
 - Majority of the facilities are federal Title V facilities and these plans will be required to be incorporated into the federal Title V permit.
 - Need adequate time for developing plan, review of plan, public input of plan, and approvals and revisions.
 - Much time is needed to determine the adequate coverage, up to on-site visits and operational details that may inhibit certain coverage.
 - Procurement of scientific equipment and data systems takes a long time given current supply chain and workforce issues.
 - Additional time would be needed especially if local District is implementing, which must go through public process for procurement authorizations.
- Specify notification should be based on lowest acute OEHHA, CA threshold (1 hour) level
 - Also a Reference Exposure Level (REL) is not an appropriate threshold for notification or action. REL is one component of determining the potential health risk at a receptor. A monitor may be located at a school or commercial facility or at the fence line of a refinery, and reporting at the REL may not provide useful information. Additionally different compounds have various

averaging times, so the “lowest” standard may not be relevant (e.g. some averaging times may be as low as 15 minutes, or 8 hours or more). Also, the language does not consider that other sources may contribute to these monitored levels.

- Root cause analysis should not be triggered if values exceed an average historical concentration (also should be defined, perhaps annual metric)
 - By definition an average includes values that are higher and lower than the average so "higher than average" would trigger many times, even when circumstances are within typical.
 - Some of the approaches to the root cause analysis trigger may not be feasible due to the wide variety of compounds proposed encompassing all of the equipment at the facility. As discussed above staffing resources need to be considered to respond to these incidents and review these reports, verify corrective action, and potentially take enforcement action.
- Initial audit after 3 months of deployment would be difficult, especially if contract through a public process. Recommend 1 year.
- Specify that auxiliary facilities should be contiguous to the refinery and under common ownership. This change is consistent with proposed changes to Rule 1180 to make one of the major refineries include their related operation in the fence-line monitoring plans.

The author’s office has stated that they are open to receiving proposed amendment language from South Coast AQMD for incorporation into the bill to address South Coast AQMD concerns. **Proposed Amendments:** Staff proposes to develop proposed bill amendments that address South Coast AQMD concerns, including, but not limited to, those items listed above.

Recommended Position: SUPPORT IF AMENDED

Support:

East Yard Communities for Environmental Justice (Sponsor)
Earthjustice (Sponsor)
Clean Water Action
Coalition for Clean Air
Natural Resources Defense Council (NRDC)
San Francisco Baykeeper
Sierra Club California
Ella Baker Center for Human Rights
Environmental Defense Fund
Environmental Working Group
Center for Biological Diversity

Central Valley Air Quality Coalition
Del Amo Action Committee
Communities for a Better Environment
California Interfaith Power and Light
Comite Pro Uno
California Communities Against Toxics
Center on Race, Poverty & the Environment
Action Now
Asian Pacific Environmental Network
Physicians for Social Responsibility - Los Angeles
Azul
Central California Environmental Justice Network
West Berkeley Alliance for Clean Air and Safe Jobs
Democrats of Rossmoor
Center for Climate Change and Health
Mono Lake Committee
Sunflower Alliance
Biofuelwatch
Breast Cancer Prevention Partners
Torrance Refinery Action Alliance
Sustainable Rossmoor
350 Conejo/San Fernando Valley
350 Bay Area Action
Active San Gabriel Valley
Interfaith Climate Action Network of Contra Costa County
Bay Area-System Change Not Climate Change
Climate Reality Project, San Fernando Valley
Indivisible California Statestrong
California Environmental Voters
California Environmental Justice Alliance (CEJA) Action
Clean Seas Lobbying Coalition
Climate Action California
Air Watch Bay Area
Good Neighbor Steering Committee
Richmond - North Richmond - San Pablo AB 617 Steering Committee
Drexel University College of Arts and Sciences
Open Environmental Data Project
Regional Asthma Management and Prevention (RAMP)
Sacramento Area Congregations Together
Silicon Valley Youth Climate Action
Union of Concerned Scientists

South Coast Air Quality Management District
Legislative Analysis Summary – SB 674 (Gonzalez)
Version: As Amended – 4/10/23
Analyst: PC

Opposition:

Western States Petroleum Association

ATTACHMENT 2J

AMENDED IN SENATE APRIL 10, 2023

SENATE BILL

No. 674

Introduced by Senator Gonzalez
(Coauthor: Senator Skinner)

February 16, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment ~~period~~. *period and those systems to be updated, 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 to notify the air district and the public, as provided, as quickly as possible of any exceedances of the lowest available *one-hour average* reference exposure levels set by the ~~office.~~ *office or the United States Environmental Protection Agency.* The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an ~~exceedance,~~ *exceedance of a historical one-hour average concentration of any measured pollutant,* to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

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

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

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

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

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

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

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

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

5 42705.6. (a) For purposes of this section, the following
6 definitions apply:

7 (1) “Auxiliary facilities” means any site necessary to support
8 refining processes at a refinery, including storage tanks, hydrogen
9 plants, sulfuric acid plants, port terminals, and electrical generation
10 plants that *receive or* provide more than 50 percent of *their input*
11 *from, or* production output ~~to~~ *to*, the refinery.

12 (2) “Biofuel” means biodiesel, renewable diesel, and renewable
13 aviation fuel, and other products derived from noncrude oil
14 feedstock.

15 (3) “Fence-line monitoring system” means equipment that
16 measures and records ambient air pollutant concentrations at or
17 adjacent to a refinery and that detects and estimates the quantity
18 of fugitive emissions, gas leaks, and other air emissions from the
19 refinery and that may be useful for estimating associated pollutant
20 exposures and health risks and in determining trends in air pollutant
21 levels over time.

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

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

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

36 (7) “Sensitive receptor” ~~means any of the following:~~ *has the*
37 *same meaning as set forth in Section 42705.5.*

1 ~~(A) A residence, including a private home, condominium,~~
2 ~~apartment, and living quarter.~~

3 ~~(B) An education resource, including a preschool, school~~
4 ~~maintaining transitional kindergarten, kindergarten, or any of~~
5 ~~grades 1 to 12, inclusive, daycare center, park, playground,~~
6 ~~university, and college.~~

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

8 ~~(D) A health care facility, including a hospital, retirement home,~~
9 ~~and nursing home.~~

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

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

13 (b) Notwithstanding Section 42708, and on or before January
14 1, 2026, a refinery-related community air monitoring system shall,
15 after a 30-day public comment period, be installed near each
16 refinery that is consistent with the requirements and guidance
17 applicable to the siting of air quality monitors as established by
18 ~~the federal United States Environmental Protection Agency and~~
19 ~~Agency, and be updated, as deemed necessary by the state board,~~
20 ~~within 120 days of amendments to the guidance by the United~~
21 ~~States Environmental Protection Agency, that meets both of the~~
22 following requirements:

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

28 (2) The refinery-related community air monitoring system shall
29 include equipment capable of measuring compounds emitted to
30 the atmosphere from refinery processes, meteorological ~~monitoring,~~
31 *parameters*, and digital components capable of enabling real-time
32 access to air pollution and meteorological measurements via an
33 internet website and application programming interface, as
34 determined by the appropriate district.

35 (c) On or before January 1, 2026, the owner or operator of a
36 refinery shall, after a 30-day public comment period and approval
37 by the appropriate district, develop, install, operate, and maintain
38 a fence-line monitoring system ~~that covers the entire perimeter of~~
39 ~~the refinery and is~~ in accordance with guidance developed by the
40 appropriate district. *The fence-line monitoring system shall cover*

1 *the entire perimeter of the refinery, unless it is infeasible based*
2 *on substantial evidence.* The fence-line monitoring system shall
3 include equipment capable of measuring compounds emitted to
4 the atmosphere from refinery processes, meteorological ~~monitoring,~~
5 *parameters,* and digital components capable of enabling real-time
6 access to air pollution and meteorological measurements via an
7 internet website and application programming interface.

8 (d) (1) *The appropriate district shall establish pollutants for*
9 *monitoring at refinery-related community air monitoring systems*
10 *and refinery fence-line monitoring systems* ~~shall, at a minimum,~~
11 ~~monitor~~ *and shall include* pollutants identified by the Office of
12 Environmental Health Hazard Assessment, including, but not
13 limited to, the following pollutants identified in the office's March
14 2019 Analysis of Refinery Chemical Emissions and Health Effects
15 as candidates for air monitoring at a refinery:

- 16 ~~(1)~~
- 17 (A) Acetaldehyde.
- 18 ~~(2)~~
- 19 (B) Ammonia.
- 20 ~~(3)~~
- 21 (C) Benzene.
- 22 ~~(4)~~
- 23 (D) 1,3-butadiene.
- 24 ~~(5)~~
- 25 (E) Cadmium.
- 26 ~~(6)~~
- 27 (F) Diethanolamine.
- 28 ~~(7)~~
- 29 (G) Formaldehyde.
- 30 ~~(8)~~
- 31 (H) Hydrogen fluoride.
- 32 ~~(9)~~
- 33 (I) Hydrogen sulfide.
- 34 ~~(10)~~
- 35 (J) Manganese.
- 36 ~~(11)~~
- 37 (K) Naphthalene.
- 38 ~~(12)~~
- 39 (L) Nickel.
- 40 ~~(13)~~

- 1 (M) Oxides of nitrogen.
2 ~~(14)~~
3 (N) Polycyclic aromatic hydrocarbons.
4 ~~(15)~~
5 (O) Particulate matter.
6 ~~(16)~~
7 (P) Sulfur dioxide.
8 ~~(17)~~
9 (Q) Sulfuric acid.
10 ~~(18)~~
11 (R) Toluene.

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

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

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

32 (2) The data generated by these systems shall be provided to
33 the public within 24 hours in a publicly accessible and
34 machine-readable format. The data shall be archived and made
35 available to the public online for download through an application
36 programming interface or other widely recognized standard and
37 backend components shall be optimized to minimize delays in
38 accessing data. The data shall include all historical and
39 meteorological data, and pollution measurements and metadata,

1 including latitude and longitude, detection limits, signal strength,
2 calibration, and quality control checks.

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

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

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

15 (B) For a fence-line monitoring system installed before January
16 1, 2024, by July 1, 2024.

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

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

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

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

1 cause analysis findings and corrective action performed by the
2 refinery. The root cause analysis shall include a visual inspection
3 to determine the cause of the exceedance and any of the following:

4 (A) Optical gas imaging.

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

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

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

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

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

23 (i) (1) Guidance developed by a district pursuant to this section
24 shall require the preparation of a quality control and assurance
25 plan to ensure data quality and take into account technological
26 capabilities and incorporate input from affected parties and, to the
27 extent feasible, shall be informed by refinery-related guidance in
28 the monitoring plan prepared pursuant to subdivision (b) of Section
29 ~~42705.5~~ *42705.5 and the United States Environmental Protection*
30 *Agency guidance on quality assurance and management plans.*

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

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

37 (2) To the extent a refinery-related community air monitoring
38 system is intentionally used by a district to monitor emissions from
39 sources under its jurisdiction other than a refinery, the district shall

1 ensure the costs of the system are shared in a reasonably equitable
2 manner.

3 (k) This section does not limit the authority or jurisdiction of
4 the Environmental Protection Agency, the State Air Resources
5 Board, or the districts, and does not prohibit a city, county, or city
6 and county from imposing more stringent regulations, limits, or
7 prohibitions on a refinery.

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

O

ATTACHMENT 3A



To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: April 27, 2023
Re: April Report

HOUSE/SENATE

Congress

Both the House and Senate are in session this week. The House will be out next week while the Senate will remain in DC.

This week will be one of the most important yet for Speaker Kevin McCarthy, as the House prepares to vote on the Limit, Save, and Grow Act of 2023. The package would raise the debt limit, eliminate many of the tax credits established by the Inflation Reduction Act (IRA), enact work requirements for federal aid programs, address permitting reform, claw back unused COVID-19 emergency funding, and prohibit federal student loan forgiveness.

The package is scheduled for markup in the House Rules Committee this week and could reach the House floor as early as Wednesday. McCarthy still faces an uphill battle as his leadership team works to garner support from midwestern Republicans, who are wary of the bill's repeal of ethanol tax credits. Other Republicans want to see stricter work requirements for social program eligibility in the legislation. In addition to House floor activity related to the debt limit, the House Homeland Security Committee will markup the second half of the GOP border security package on Wednesday. The bill would increase funding for Customs and Border Control and local border law enforcement, among other provisions.

The House is also poised to take up a Congressional Review Act (CRA) resolution (H.J. Res. 39) that would repeal the Biden administration's two-year pause on solar tariffs. If the resolution reaches the President's desk, he will veto it.

The Senate is dedicating time to clearing the backlog of executive and judicial nominations. However, attendance is still presenting a challenge as Senator Dianne Feinstein continues to recover from a recent illness. This week, they will be considering the nomination of Joshua David Jacobs to be the Under Secretary for Benefits of the Department of Veterans Affairs.

Environmental Protection Agency

At the beginning of the month, the EPA issued a decision that granted two requests for waivers of preemption regarding four California Air Resource Board (CARB) regulations related to California's heavy-duty vehicle and engine emission standards.

CARB requested two waivers for regulations relating to heavy duty vehicles and engines. After reviewing the technical information provided by CARB, reviewing comments submitted by the public, and applying the limited authority for review under section 209 of the Clean Air Act, EPA determined it appropriate to grant the waiver and authorization requests.

These waivers of preemption address the following California programs:

- The 2018 Heavy-duty 2018 Warranty Amendments, which extend the emissions warranty periods for 2022 and subsequent model year on-road heavy-duty diesel engines and for 2022 and subsequent model year diesel vehicles with a gross vehicle weight rating exceeding 14,000 pounds powered by such engines.
- The Advanced Clean Trucks (ACT) Regulation, which requires that manufacturers produce and sell increasing quantities of medium- and heavy-duty zero-emission vehicles (ZEVs) and near zero emission vehicles (NZEVs) in California. This waiver request also includes two additional regulations:
 - The Zero Emission Airport Shuttle Bus (ZEAS) Regulation, which establishes steadily increasing zero-emission airport shuttle fleet composition requirements for airport shuttle fleet owners who service the 13 largest California airports.
 - The Zero Emission Powertrain (ZEP) Certification Regulation, which establishes certification requirements and optional emission standards for 2021 and subsequent model year medium- and heavy-duty ZEVs and the zero-emission powertrains installed in such vehicles.

The EPA also released new details about the design of the \$27 billion Greenhouse Gas Reduction Fund (GGRF), a national-scale competitive grant program created by the IRA. This program will leverage public investment with private capital and finance clean energy projects that reduce pollution and energy costs, increase energy security, and create good-paying jobs, especially in low-income and disadvantaged communities. The GGRF will catalyze investment in thousands of clean energy projects, build the capacity of community lenders to drive local economic growth, and deploy cost-saving solar energy on rooftops and in communities across the country.

The release of the GGRF implementation framework can be found [here](#).

Earlier this month, the Biden-Harris administration and EPA proposed new federal pollution standards for cars and trucks to accelerate transition to a clean transportation future. The proposed standards would improve air quality for communities across the nation, especially communities that have borne the burden of polluted air. Together, these proposals would avoid nearly 10 billion tons of CO₂ emissions, equivalent to more than twice the total U.S. CO₂ emissions in 2022, while saving thousands of dollars over the lives of the vehicles meeting these new standards and reduce America's reliance on approximately 20 billion barrels of oil imports.

The new proposed emissions standards for light-, medium-, and heavy-duty vehicles for model year (MY) 2027 and beyond would significantly reduce climate and other harmful air pollution, unlocking significant benefits for public health, especially in communities that have borne the greatest burden of poor air quality. At the same time, the proposed standards would lower maintenance costs and deliver significant fuel savings for drivers and truck operators.

- Through 2055, EPA projects that the proposed standards would avoid nearly 10 billion tons of CO₂ emissions (equivalent to more than twice the total U.S. CO₂ emissions in 2022). The proposed standards would reduce other harmful air pollution and lead to fewer premature deaths and serious health effects such as hospital admissions due to respiratory and cardiovascular illnesses.
- By accelerating adoption of technologies that reduce fuel and maintenance costs alongside pollution, the proposed standards would save the average consumer \$12,000 over the lifetime of a light-duty vehicle, as compared to a vehicle that was not subject to the new standards.
- Together, the proposals would reduce oil imports by approximately 20 billion barrels.
- Overall, EPA estimates that the benefits of the proposed standards would exceed costs by at least \$1 trillion.

More information on the new proposed rules can be found at the following links:

[Proposed Rule: Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles – Phase 3](#)

[Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles](#)

Cassidy and Associates support in April:

- Secured key meetings with the Biden Administration for Executive staff
- Worked with South Coast AQMD staff to strategize on DC outreach
- Provided an overview and background information on the Jones Act
- Advised staff on the proposed resolution to roll back EPA's recently finalized emissions standards for heavy-duty trucks

- Continued to monitor and report on activities in Congress and the Administration that impact South Coast AQMD.

IMPORTANT LEGISLATIVE DATES

Summer 2023:

The nation is expected to hit its debt limit.

June 30, 2023:

Pause on student loan payments and interest schedule to expire.

September 30, 2023:

FY 2023 appropriations expire.

September 30, 2023:

The Farm Bill, an omnibus package of legislation that supports US agriculture and food industries; the bill is reauthorized on a five-year cycle.

September 30, 2023:

Deadline for the Federal Aviation Administration reauthorization.

September 30, 2023:

National Flood Insurance Program reauthorization deadline.

AGENCY RESOURCES

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions [here](#). Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services ([HHS](#)), Centers of Medicare and Medicaid ([CMS](#)), Food and Drug Administration ([FDA](#)), Department of

Education ([DoED](#)), Department of Agriculture ([USDA](#)), Small Business Administration ([SBA](#)), Department of Labor ([DOL](#)), Department of Homeland Security ([DHS](#)), Department of State ([DOS](#)), Department of Veterans Affairs ([VA](#)), Environmental Protection Agency ([EPA](#)), Department of the Interior ([DOI](#)), Department of Energy ([DOE](#)), Department of Commerce ([DOC](#)), Department of Justice ([DOJ](#)), Department of Housing and Urban Development ([HUD](#)), Department of the Treasury ([USDT](#)), Office of the Director of National Intelligence ([ODNI](#)), and U.S. Election Assistance Commission ([EAC](#)).

The Biden Administration also has resources available to track Infrastructure Investment and Jobs Act (IIJA) programs and funding opportunities on [Build.gov](#). These resources include a list of [open and forthcoming funding opportunities](#), [state fact sheets](#), and the [IIJA Guidebook](#).

Similarly, the Administration has Inflation Reduction Act (IRA) resources on their [Cleanenergy.gov](#) website. These resources include [clean energy updates](#) and the [IRA Guidebook](#).

Helpful Agency Contact Information:

U.S. Department of Health and Human Services – Darcie Johnston (Office – 202-853-0582 / Cell – 202-690-1058 / Email – darcie.johnston@hhs.gov)

U.S. Department of Homeland Security – Cherie Short (Office – 202-441-3103 / Cell – 202-893-2941 / Email – Cherie.short@hq.dhs.gov)

U.S. Department of State – Bill Killion (Office – 202-647-7595 / Cell – 202-294-2605 / Email – killionw@state.gov)

U.S. Department of Transportation – Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – sean.poole@dot.gov)

ATTACHMENT 3B

KADESH & ASSOCIATES

South Coast AQMD Report for the May 2023
Legislative Meeting covering April 2023
Kadesh & Associates

The FY24 appropriations process has begun in earnest in the House and Senate, with hearings in both chambers to review the President's budget request. However, despite this preliminary activity and optimistic statements from appropriators, the actual process of considering annual spending bills is likely to be derailed by the unstable and unpredictable debt limit standoff that is currently taking up Washington's time and attention.

On April 26, the House approved a debt limit bill 217 to 215 on a near-party-line vote, with the majority of the GOP approving it and four Republicans joining all Democrats in opposition. In addition to authorizing an increase in the debt ceiling to prevent a default, the House bill would cap spending at FY22 levels and limit increases going forward, block the President's student loan policies, repeal large portions of the Inflation Reduction Act, change federal permitting rules, and add a new congressional role to the regulatory process.

Even with hundreds of pages of policy proposals, passage of this bill in the House was not assured and required Speaker McCarthy to make last-minute concessions to midwestern members concerned about biofuels tax breaks as well as to conservatives who wanted accelerated work requirements for safety net programs.

Debt ceiling debates in prior years have always ended with a bipartisan agreement to preserve the Treasury's ability to make timely payments, but Speaker McCarthy and allies insist that the House-passed bill is not just an opening bid but must form the basis of negotiations. The White House and Senate Democrats have insisted on a "clean" debt limit bill without any additional concessions. There are no negotiations yet underway. Depending on tax return revenue, the deadline for Congress to avoid a default could be as soon as June.

Separately, the Senate has approved a Congressional Review Act resolution to disapprove the EPA's rule to cut pollution from heavy-duty trucks. The vote was 50-49, with Senator Joe Manchin joining 49 Republicans in support. The rule is likely to be safe, however: President Biden will veto the resolution, and a 2/3rds vote would be required to overturn his veto.

Kadesh & Associates Activity Summary-

-Worked with South Coast AQMD and the congressional delegation on efforts to encourage funding increases for Targeted Airshed Grants and other air quality programs, as well as whole-of-government efforts to address air quality through BIL and IRA funding programs.

Contacts:

Contacts included staff and Members throughout the CA delegation, especially new members of the delegation, authors of priority legislation, Senate offices, and members of key committees. We have also been in touch with administration staff.

###

ATTACHMENT 3C



Carmen Group
I N C O R P O R A T E D

To: South Coast AQMD Legislative Committee
From: Carmen Group
Date: April 27, 2023
Re: Federal Update -- Executive Branch

House Debt Ceiling Bill Targets Renewable Energy Tax Breaks: In April, the House voted 217-215 to approve a Republican debt ceiling bill designed to set up a negotiation with the Senate and the President on how to raise the debt limit, which the administration says must be done by mid-summer to avoid default on all federal obligations. The bill raises the debt limit through March of next year and also includes an array of spending caps and rescissions, work requirements for federal assistance, and the repeal of almost \$500 billion (over ten years) in renewable energy tax incentives for such items as electric vehicles and wind, solar, and hydrogen energy sources.

President to Veto Congress' Slap at HD Truck Emissions Rule: In April, the Senate voted 50-49 to approve a Republican resolution under the Congressional Review Act (CRA) to cancel the EPA's Heavy-Duty Truck rulemaking that was finalized in December 2022 and strongly supported by South Coast AQMD for reducing mobile source NOx emissions well into the future. With an identical CRA resolution expected to pass the House shortly, the President announced his intention to veto the measure as soon as it reaches his desk.

President Signs New Environmental Justice Executive Order: On April 21, the President issued a sweeping new Executive Order entitled "Revitalizing Our Nation's Commitment to Environmental Justice for All," which among other things creates a new Office of Environmental Justice within the White House Council on Environmental Quality (CEQ), launches a new White House campaign for Environmental Justice, and publishes a first-ever Environmental Justice Scorecard, tracking the government's EJ efforts -- such as the Justice40 Initiative -- through 24 federal agencies..

[Executive Order](#)
[Fact Sheet](#)

Environmental Protection Agency

EPA Announces New Pollution/GHG Standards for Cars and Trucks: In April, the EPA announced a proposed rule calling for sweeping new pollution standards targeting CO2 emissions from light, medium and heavy-duty vehicles for model year (MY) 2027 and beyond. This includes the Phase 3 Greenhouse Gas (GHG) standards for heavy-duty vehicles, which would complement the criteria pollutant standards for heavy-duty vehicles that EPA finalized on December 2022. Both supporters and opponents of the

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new standards are drawing attention to the essential goal behind the action to force and accelerate a more rapid societal shift toward electric vehicles, and away from gasoline and diesel-powered engines.

EPA Announces Funding Availability for Clean School Bus Program Grants: In April, the EPA announced the availability of \$400 million for grants for cleaner school buses using either electric, propane, or Compressed Natural Gas (CNG). EPA will prioritize applications that will replace buses serving high-need local education agencies, Tribal districts, rural areas and disadvantaged communities under the Administration’s Justice40 Initiative. Applications open through August 22, 2023.

EPA Selects 17 New EJ Technical Assistance Centers: In April, the EPA announced the selection of 17 Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTACs) in partnership with the Department of Energy. These will receive \$177 million to help underserved and overburdened communities to more efficiently access funds under the Administration’s Environmental Justice agenda. One of these centers will be located in California at San Diego State University.

EPA Proposes Stronger MATS Rule for Power Plants: In April, the EPA proposed to strengthen and update the Mercury and Air Toxics Standards (MATS) for coal-fired power plants, requiring significant reductions of mercury, acid gases and other harmful pollutants.

EPA Grants Waivers for California’s HD Vehicle and Engine Standards: The EPA has issued a decision that grants two requests for waivers of preemption regarding four CARB regulations related to California’s heavy-duty vehicle and engine standards: The 2018 Heavy-Duty Warranty Amendments; The Advanced Clean Trucks (ACT) Regulation; The Zero Emission Airport Shuttle Bus (ZEAS) Regulation; and The Zero Emission Powertrain (ZEP) Certification Regulation.

Department of Energy

DOE Announces Funds Available to Local Governments for Clean Energy: In April, the Department of Energy announced the availability of \$8.8 million for grants under the Energy Efficiency and Conservation Block Grant (EECBG) Program. The program encourages local governments and Tribes to team up and apply for the program in groups, proposing projects that would result in significant energy efficiency improvements or reductions in fossil fuel use. Concept papers due June 5, 2023.

Outreach: Contacts included meeting with staff at the Department of Defense Office of Naval Research (ONR) on possible demonstration project or research collaborations to help reduce emissions from Ocean Going Vessels.

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CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
May 12, 2023, Legislative Committee Hearing

Legislative Update

The April 28th legislative deadline to move bills tagged with a fiscal cost to their respective Appropriations Committees drove much of the agenda in Sacramento during the last few weeks of the month. We saw numerous hearings that lasted 5 or 6 hours as lawmakers tried to complete their work. During the final week of April, one hearing in the Senate had 46 bills on the docket and took over 12 hours to complete. May 5th marks the final day for policy committees to move non-fiscal bills directly to the Assembly or Senate floor for a vote.

The legislative focus in May shifts to the important Appropriations Committee “Suspense File Hearing”. The fate of hundreds of bills will be decided before the May 19th deadline to report bills to the floor. The Suspense File is typically where the most bills are stopped during the legislative process. Given this year’s economic forecast it appears that any legislation that costs a significant amount of money will face a tough challenge. The reality is that some worthwhile bills will have to be held based on cost pressures alone.

Budget Update

The Governor is statutorily required to submit his May Revise to the Legislature on or before May 14th. This usually is when the Governor can provide an update on revenues and

expenditures post the April tax payments. However, given the winter storms that affected many Californians, those tax deadlines have been delayed until later in the year and have provided some uncertainty to the state's projected cash flow. Preliminary budget data in the beginning of April suggested that the State was going to be facing over a \$5 billion deficit from the Governor's forecasts in January. However, while the data shows personal and corporate income revenues were down by \$923 million, this was partially offset by higher-than-expected sales taxes. The state saw sales taxes come in \$696 million above forecasts, which fully offset shortfalls from prior months that were due to delays in the recording of payments. This means that for the first nine months of the fiscal year California is \$215 million above forecasts in this category. The overall budget deficit according to the Department of Finance is around \$4.7 billion.

On April 26th, the Senate Democrats unveiled the "Protect Our Progress" budget plan. The plan includes \$26 billion in solutions to close the \$16.6 billion budget gap identified by the Governor's January Proposal. The plan also includes the creation of a \$10 billion Housing and Infrastructure Fund, \$3 billion in additional Proposition 98 funding, and a 25% small business tax cut. However, the plan does cut funding for critical air monitoring programs. The Senators noted that this serves as a starting point for negotiations with the Assembly and the Governor. Also, they included a note about if the state's revenues continue to decline further, changes may need to be made to their plan. This provides a unique glimpse into what their priorities are in the upcoming negotiations.

ATTACHMENT 4B



Joe A. Gonsalves & Son

Anthony D. Gonsalves

Jason A. Gonsalves

Paul A. Gonsalves

PROFESSIONAL LEGISLATIVE REPRESENTATION

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916 441-0597 · FAX 916 441-5061

Email: gonsalves@gonsalvi.com

TO: South Coast Air Quality Management District
FROM: Anthony, Jason & Paul Gonsalves
SUBJECT: Legislative Update – April 2023
DATE: Thursday, April 27, 2023

During the month of April, the Legislature focused mainly on hearing the 2,745 newly introduced bills in Policy Committees. This year, the Assembly introduced 1,803 bills and the Senate introduced 942 bills. Friday, April 28, 2023 is the deadline for all fiscal bills to be passed out of policy committee and May 5, 2023 is the deadline to pass all non-fiscal bills out of policy committee. The Legislature will have until June 2, 2023 to pass all bills out of their house of origin. Being that this is the first year of the 2-year session, any bill that does not meet the upcoming Legislative deadlines will automatically become a 2-year bill.

The following will provide you with updates of interest to the District:

Save Money and Fight Climate Change

On April 21, 2023, California launched a new website, climateaction.ca.gov, to connect Californians with climate resources like ZEV incentives, home energy programs and turf replacement rebates. The new website is intended to help Californians save money while fighting climate change.

The website comes on the heels of last year's multi-billion-dollar Climate Commitment budget and represents a new holistic approach to ensuring all Californians, especially lower-income families and those from disadvantaged communities, can access the climate resources available to them in one easy-to-use, highly accessible hub.

Recent state investments combined with federal funds through the Inflation Reduction Act signed by President Biden last year, mean Californians can get up to \$24,500 to purchase a ZEV, thousands of dollars to make home energy upgrades and tax-free rebates for replacing turf to save water.

\$690 Million for Public Transit Projects

On April 24, 2023, Governor Newsom announced an award of more than \$690 million to 28 new public transportation projects in disadvantaged communities to close out the first wave of state

funding to expand transit and passenger rail service throughout the state, helping to cut planet-warming pollution.

Today's funding announcement is part of a larger, multiyear, multibillion-dollar investment to upgrade the state's transit system to support equity, enhance mobility options, improve service and reduce overdependence on driving. The grants, which are administered by the California State Transportation Agency (CalSTA) as part of the Transit and Intercity Rail Capital Program (TIRCP), follow \$2.54 billion in January for a total state investment of more than \$3.2 billion in public transportation in just the first four months of 2023.

The \$2.63 billion in funding consists of federal, state and local funding and the 28 projects will directly benefit disadvantaged communities and reduce greenhouse gas emissions by an estimated 2 million metric tons.

Projects receiving funding come from all regions of the state and will result in the purchase of 277 new zero-emission vehicles statewide and the development of several high-priority mobility hubs and rail projects.

The SCAQMD region received \$259,510,000 to fund 12 Projects, which include:

- \$3,902,000 for Antelope Valley Transit Authority and Victor Valley Transit Agency to fund the High Desert Clean Connector.
- \$14,424,000 for the City of Pasadena to fund the Pasadena Transit System Legacy Project: #MoreServiceLessEmissions
- \$22,977,000 for the City of Santa Monica to fund the Ridership Growth, Workforce Development, and Zero Emission Regional Connectivity.
- \$7,053,000 for the City of Simi Valley to fund the Simi Valley Regional Transit Center and Pathway to Transition to a Zero Emissions Transit Fleet.
- \$3,247,000 for Culver City to fund the CityBus Local Mobility Expansion Project.
- \$8,000,000 for the High Desert Corridor Joint Powers Agency to fund the High Desert Intercity High-Speed Rail Corridor Preliminary Engineering.
- \$95,000,000 for LA Metro to fund the CORE Capacity & System Integration Project.
- \$35,000,000 for LA Metro to fund the Eastside Transit Corridor Phase 2.
- \$5,000,000 for the Orange County Transportation Authority along with Los Angeles, San Diego, San Luis Obispo Rail Corridor to fund the Coastal Rail Corridor Relocation Study.
- \$39,407,000 for the Orange County Transportation Authority to fund the Central Mobility Loop.
- \$15,500,000 for Riverside County Transportation Commission with Southern California Regional Rail Authority to fund the Metrolink Double Track Project: Moreno Valley to Perris.
- \$10,000,000 for the Southern California Regional Rail Authority to fund the Metrolink Locomotive Modernization Study, Pilot and Implementation.

CA ZEV GOALS

On April 21, 2023, Governor Newsom announced California has exceeded 1.5 million ZEV sales two years ahead of schedule. To date, nearly \$2 billion in ZEV incentives, as part of a broader \$9 billion ZEV budget, have been provided to help Californians afford making the transition. In 2012, then-Governor Jerry Brown set a goal to hit that sales level by 2025. This year, 21% of all new cars sold in California this year have been ZEVs, and 40% of ZEVs sold in the U.S. are sold in California.

Additionally, in an effort to supercharge the state's EV charging infrastructure, California announced a new Joint Statement of Intent between several state departments and agencies to help guide planning for energy supply, facilities, grid development, as well as EV chargers and hydrogen stations.

California's ZEV record:

- 21.1% of all new cars sold this year in California were ZEVs, according to the California Energy Commission
- 124,053 ZEV sales in California in Q1 2023
- 1,523,966 total ZEV sales in California to date
- 40% of ZEVs sold in the U.S. are sold in California
- Up to \$24,500 in grants & rebates available for low-income Californians
- California has provided consumers with nearly \$2 billion in incentives and rebates through programs like the Clean Vehicle Rebate Project and Clean Cars 4 All
- California approved one of the world's first regulations last year requiring 100% of new car sales to be ZEVs by 2035, following Governor Newsom's 2020 executive order to develop new rules for in-state sales.
- U.S. EPA in March approved California's plan to require nearly half of all new heavy-duty trucks be zero emissions by 2035
- ZEVs are a top state export thanks to California's success, spurring major advances in manufacturing and job creation
- California is home to 55 ZEV and ZEV-related manufacturers and leads the nation in ZEV manufacturing jobs
- Billions of dollars are going out the door to build ZEV charging infrastructure across the state, with a record amount dedicated to disadvantaged communities:
 - \$2.9 billion investment plan approved by the California Energy Commission in December accelerates California's 2025 electric vehicle charging and hydrogen refueling goals
 - \$2.6 billion investment plan approved in November by the California Air Resources Board supports a wide range of ZEV projects, with 70% of the funds directed to disadvantaged and low-income communities.

CA Climate Projects

California has released the annual report for California Climate Investments, which in 2022 implemented nearly 19,500 new projects through \$1.3 billion in funding, with \$933 million directly benefiting disadvantaged communities and low-income communities and households.

In 2022, California Climate Investments, which are funded by Cap-and-Trade proceeds, implemented \$1.3 billion in projects throughout the state to cut pollution, create jobs, get people into ZEVs, conserve and restore land, improve public health, and more.

In 2022, 74% of investments, almost \$1 billion, supported communities and households facing greater economic and environmental challenges. The 2022 investments are expected to cut 10.4 million metric tons of pollution over the course of the projects.

The state has invested more than \$9.3 billion under this program statewide since 2014, which has:

- Planted more than 20 million trees in urban and wildland areas
- Conserved or restored 891,000 acres of land
- Funded 10,300 affordable housing units
- Implemented 1,060 projects expanding or creating new transit services
- Supported employment opportunities with over 21,300 jobs
- Issued more than 427,500 rebates for zero-emission or plug-in hybrid vehicles

2023 LEGISLATIVE DEADLINES

April 10 - Legislature reconvenes from Spring Recess

April 28 - Last day for policy committees to hear and report to fiscal committees' fiscal bills introduced in their house

May 5 - Last day for policy committees to hear and report to the Floor nonfiscal bills introduced in their house

May 12 - Last day for policy committees to meet prior to June 5

May 19 - Last day for fiscal committees to hear and report to the Floor bills introduced in their house. Last day for fiscal committees to meet prior to June 5

May 30-June 2 - Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees

June 2 - Last day for each house to pass bills introduced in that house

June 5 - Committee meetings may resume

June 15 - Budget Bill must be passed by midnight

July 14 - Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment, provided Budget Bill has been passed

August 14 - Legislature reconvenes from Summer Recess

September 1 - Last day for fiscal committees to meet and report bills

September 5-14 - Floor session only. No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees

September 8 - Last day to amend on the Floor

September 14 - Last day for each house to pass bills. Interim Recess begins upon adjournment

South Coast Air Quality Management District Legislative and Regulatory Update – April 2023

❖ Important Upcoming Dates

May 12 – Last day for policy committees to meet prior to June 5
May 19 – Last day for fiscal committee to hear and report to the floor bills introduced in their house

❖ RESOLUTE Actions on Behalf of South Coast AQMD. RESOLUTE partners David Quintana and Alfredo Arredondo continued their representation of SCAQMD before the State’s Legislative and Executive branches. Selected highlights of our recent advocacy include:

- Provided key updates regarding the availability of funding for key priorities of South Coast in the Governor’s proposed budget.
- Set and attended meetings with legislative offices in support of sponsored legislation.

❖ SB 563 Independent Districts Legislation. On Wednesday April 26th, the Senate Governance and Finance Committee passed SB 563 on an 8-0 vote count. The bill is referred to Senate Appropriations next.

- **Ayes:** Blakespear, Caballero, Dahle, Durazo, Glazer, Seyarto, Skinner, Wiener
- **Noes:** None
- **NVR:** None

❖ CARB: California approves groundbreaking regulation that accelerates the deployment of heavy-duty ZEVs to protect public health

SACRAMENTO – The California Air Resources Board (CARB) today approved a first-of-its-kind rule that requires a phased-in transition toward zero-emission medium-and-heavy duty vehicles. Known as Advanced Clean Fleets, the new rule helps put California on a path toward accomplishing Gov. Gavin Newsom’s goal of fully transitioning the trucks that travel across the state to zero-emissions technology by 2045. The new rule is expected to generate \$26.6 billion in health savings from reduced asthma attacks, emergency room visits and respiratory illnesses. Furthermore, fleet owners will save an estimated \$48 billion in their total operating costs from the transition through 2050.

While trucks represent only 6% of the vehicles on California’s roads, they account for over 35% of the state’s transportation generated nitrogen oxide emissions and a quarter of the state’s on-road greenhouse gas emissions. California communities that sit near trucking corridors and warehouse locations with heavy truck traffic have some of the worst air in the nation. California is set to invest almost \$3 billion between 2021 – 2025 in zero-emission trucks and infrastructure. This investment is a part of a \$9 billion multi-year, multi-agency zero-emissions vehicle package to equitably decarbonize the transportation sector that was agreed upon by the Governor and the Legislature in 2021.

“We have the technology available to start working toward a zero-emission future now,” said CARB Chair Liane Randolph. “The Advanced Clean Fleets rule is a reasonable and innovative approach to clean up the vehicles on our roads and ensure that Californians have the clean air that they want and deserve. At the same time, this rule provides manufacturers, truck owners and fueling providers the assurance that there will be a market and the demand for zero-emissions vehicles, while providing a flexible path to making the transition toward clean air.”

“California continues to lead by example with first-of-its-kind standards to slash air pollution and toxics from heavy-duty trucks,” said Yana Garcia, California’s Secretary for Environmental Protection. “Where you live, work, or go to school should not determine the quality of the air you breathe. The Advanced Clean Fleets rule brings California one step closer to addressing historic inequities that have placed some communities at the epicenter of environmental pollution and the resulting health consequences, while accelerating our transition to a zero-emission future.”

Under the new rule, fleet owners operating vehicles for private services such as last-mile delivery and federal fleets such as the Postal Service, along with state and local government fleets, will begin their transition toward zero-emission vehicles starting in 2024. The rule includes the ability to continue operating existing vehicles through their useful life. Due to the impact that truck traffic has on residents living near heavily trafficked corridors, drayage trucks will need to be zero-emissions by 2035. All other fleet owners will have the option to transition a percentage of their vehicles to meet expected zero-emission milestones, which gives owners the flexibility to continue operating combustion-powered vehicles as needed during the move toward cleaner technology. The flexibility is intended to take into consideration the available technology and the need to target the highest-polluting vehicles. For example, last mile delivery and yard trucks must transition by 2035, work trucks and day cab tractors must be zero-emission by 2039, and sleeper cab tractors and specialty vehicles must be zero-emission by 2042.

The rule also allows fleet owners to receive exemptions based on available technology to make sure fleet owners continue to replace their older polluting trucks with ones that have the cleanest engines in the nation. There are already about 150 existing medium- and heavy-duty zero-emission trucks that are commercially available in the U.S. today.

The Advanced Clean Fleets rule includes an end to combustion truck sales in 2036, a first-in-the-world requirement that factors in public commitments to transition to zero-emission technology by truck manufacturers, potential cost savings for fleets, and accelerated benefits for California communities. The rule also provides fleet owners flexibility and provides regulatory certainty to the heavy-duty market.

An analysis of the sales and purchase requirements estimates that about 1.7 million zero-emission trucks will hit California roads by 2050. To support the needed infrastructure and services to make this transition, agencies across government have committed to the Zero-Emission Infrastructure Joint Agency Statement of Intent. For more than a decade, California has been making investments in infrastructure and to support the development and adoption of zero-emissions vehicles. The Joint Statement of Intent lays out the basic tools for direct communication and collaboration between CARB, the California Energy Commission, the California State Transportation Agency, California Transportation Commission, California Department of Transportation, the Department of General Services and the Governor’s Office of Economic and Business Development. These agencies will plan, develop, deploy and help to fund the extensive network of electric charging and hydrogen stations required to help get California to zero-emissions by 2045.

As part of the vote, board members directed staff to coordinate with relevant state agencies on how non-fossil biomethane from sources related to the state’s wastewater and food waste diversion requirements under SB1383 can be used in hard-to-decarbonize sectors as part of the transition, and to report to the Board, by the end of 2025, any actions needed to accomplish the transition.

Advanced Clean Fleets follows the 2020 adoption of the Advanced Clean Trucks rule, which put in place a requirement for manufacturers to increase the sale of zero-emission trucks and its waiver was [recently granted](#) by the Biden Administration’s Environmental Protection Agency.

California’s ambitious efforts to provide cleaner air are especially important for those living in areas with heavy truck traffic, who often are low-income residents or communities of color that bear a disproportionate burden from the impacts of pollution and climate change. Fleet owners will also see benefits from the new regulations, including lower operating and maintenance expenses that can offset the initial purchase costs. Today, in some instances, the total cost of ownership for zero-emissions trucks may be comparable to those of fuel-powered options, without factoring in available state and federal financial incentives.

❖ **CARB: CARB passes a new In-Use Locomotive Regulation estimated to yield over \$32 billion in health benefits**

SACRAMENTO – The California Air Resources Board (CARB) today passed a new rule aimed at reducing emissions from locomotives when they operate within the state.

Under the In-Use Locomotive Regulation, operators will now be required to pay into a spending account, and the amount will be determined by the emissions they create while operating in California. Companies will be able to use the funds to upgrade to cleaner locomotive technologies. Locomotives also will have a 30-minute idling limit. Additionally, switch, industrial and passenger locomotives built in 2030 or after will be required to operate in zero-emissions configurations while in California, and in 2035 for freight line haul.

“Locomotives are a key part of California’s transportation network, and it’s time that they are part of the solution to tackle pollution and clean our air,” said CARB Chair Liane Randolph. “With the new regulation, we are moving toward a future where all transportation operations in the state will be zero emissions.”

Currently, operational emissions from just one train are worse than those of 400 heavy-duty trucks. To further underscore the impact of locomotive operations in California, emissions reductions from the new regulation are expected to be equal to almost double those emitted by all passenger vehicles in the state between now and 2050. It is projected that the In-Use Locomotive Regulation will contribute the largest reduction in nitrogen oxide emissions toward meeting California air quality standards by the 2037 deadline.

The reduced nitrogen oxide and diesel particulate matter – of which there is no known safe level of exposure – will bring an estimated \$32 billion in health savings by preventing 3,200 premature deaths and 1,500 emergency room visits and hospitalizations. It is possible to start working toward the health benefits with the technology that is available now. Cancer risk from exposure to air toxins within one mile of locomotive operations is expected to be reduced by 90%. Many rail operations, particularly in urban areas, tend to be located in places that are home to low-income residents and communities of color, who often bear a disproportionate burden from the impacts of air pollution.

The new rules offer flexibility to come into compliance, including alternatives to meet milestone deadlines and extensions for reasons that can include issues with available technologies or emergency situations. Funding programs are available, particularly for companies that are taking early action or those looking to go beyond the regulation’s requirements. Funding support may be available through the Carl Moyer Program, Community Air Protection Incentives, Volkswagen Environmental Mitigation Trust, and other programs such as Advanced Technology Demonstration and Pilot Projects funded through the Low Carbon Transportation program. Additionally, billions in federal grants and rebates to reduce air pollution are available for operators.