



South Coast Air Quality Management District

South Coast
AQMD 21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

LEGISLATIVE COMMITTEE MEETING

Committee Members

Mayor Pro Tem Judith Mitchell, Chair
Council Member Joe Buscaino, Vice Chair
Dr. William A. Burke
Supervisor Shawn Nelson
Dr. Clark E. Parker, Sr.
Supervisor Janice Rutherford

**April 13, 2018 ♦ 9:00 a.m. ♦ Conference Room CC-8
21865 Copley Drive, Diamond Bar, CA 91765**

TELECONFERENCE LOCATIONS

11461 West Sunset Boulevard
Brentwood Room 1
Los Angeles, CA 90049

8575 Haven Avenue
Suite 110
Rancho Cucamonga, CA 91730

One Gateway Plaza, 12th Floor
Vanderbilt Conference Room
Los Angeles, CA 90012

(The public may attend at any location listed above.)

*Call-in for listening purposes only is available by dialing:
Toll Free: 866-244-8528*

Listen Only Passcode: 5821432

In addition, a webcast is available for viewing and listening at:

<http://www.aqmd.gov/home/library/webcasts>

AGENDA

CALL TO ORDER

DISCUSSION ITEMS (Items 1 and 2):

- | | |
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| <p>1. Update and Discussion on Federal Legislative Issues
(No Motion Required)
<i>Consultants will provide a brief oral report of Federal legislative activities in Washington DC.</i>
[Attachment 1 - Written Reports]</p> | <p><i>Mark Kadesh</i> pgs 4-5
<i>Kadesh & Associates, LLC</i></p> <p><i>Gary Hoitsma</i> pgs 6-9
<i>Carmen Group</i></p> <p><i>Amelia Jenkins</i>
<i>Kaleb Froehlich</i> pgs 10-13
<i>Cassidy & Associates</i></p> |
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2. Update and Discussion on State Legislative Issues
(No Motion Required)
Consultants will provide a brief oral report on State legislative activities in Sacramento.
[Attachment 2 - Written Reports]

Jason Gonsalves
Paul Gonsalves pgs 14-17
Joe A. Gonsalves & Son

David Quintana pgs 18-19
The Quintana Cruz Company

Will Gonzalez pg 20
California Advisors, LLC

ACTION ITEMS (Items 3 and 4):

3. **Recommend Position on State and Federal Bills**
(Motion Requested)
This item is to seek approval from the committee on staff's recommendation for position on the following bills:
[Attachment 3]

<u>Bill#</u>	<u>Author</u>	<u>Bill Title</u>
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AB 2091	Grayson	Fire prevention: prescribed burns.
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Philip Crabbe pgs 21-30
*Community Relations
Manager
Legislative, Public Affairs &
Media*

AB 2453	E. Garcia	Air Pollution: schools.
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Philip Crabbe pgs 31-36

SB 210	Leyva	Heavy-Duty Vehicle Inspection and Maintenance Program.
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Philip Crabbe pgs 37-46

4. Proposed Amendments to 2018 SCAQMD State and Federal Legislative Goals and Objectives
(Motion Requested)
This item is to consider proposed amendments submitted by Board Member Dr. Joseph Lyou to the recently adopted SCAQMD 2018 State and Federal Legislative Goals and Objectives.
[Attachment 4]

Lisa Tanaka O'Malley
*Community Relations Manager
Legislative, Public Affairs &
Media* pgs 47-51

OTHER MATTERS:

5. Other Business
Any member of this body, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Govt. Code Section 54954.2)

6. **Public Comment Period**

Members of the public may address this body concerning any agenda item before or during consideration of that item (Govt. Code Section 54954.3(a)). All agendas for regular meetings are posted at District Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of a regular meeting. At the end of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Legislative Committee's authority. Speakers may be limited to three (3) minutes each.

7. **Next Meeting Date** – Friday, May 11, 2018 at 9:00 a.m.

ADJOURNMENT:

Document Availability

All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available prior to the meeting for public review at the South Coast Air Quality Management District, Public Information Center, 21865 Copley Drive, Diamond Bar, CA 91765.

Americans with Disabilities Act

The agenda and documents in the agenda packet will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). Disability-related accommodations will also be made available to allow participation in the Legislative Committee meeting. Any accommodations must be requested as soon as practicable. Requests will be accommodated to the extent feasible. Please contact Jeanette Short at (909) 396-2942 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to jshort1@aqmd.gov.

ATTACHMENT 1

SCAQMD

April 2018 Legislative Committee Board Meeting Report covering March 2018
Kadesh & Associates

Overview:

Both the House and Senate were in session for four of the five weeks in March. March was dominated with the release and passage of the FY18 Appropriations Omnibus. H.R. 1625 passed the House on March 22 by a vote of 256-167 and the Senate on March 23 by a vote of 65-32 and was signed into law by President Trump on March 23, 2018 (Public Law 115-141). The \$1.3 trillion omnibus spending measure would boost funding for defense and domestic programs. The measure is consistent with the two-year budget caps deal reached in February (Public Law 115-123) which allowed for \$80 billion more in defense spending and \$63 billion more for nondefense programs. The measure would allocate \$78.1 billion for Overseas Contingency Operations (OCO) funding that doesn't count toward the caps.

Programs of Interest:

Under the 2018 Omnibus, funding for the Diesel Emissions Reduction Act (DERA) program will rise to \$75 million in FY18, an increase of \$15 million from the FY17 level of \$60 million. The Targeted Airshed Grant Program will receive \$40 million in FY18, an increase of \$10 million from the FY17 level of \$30 million.

The report language for the **Glider Kit** issue was toned down from both the House and Senate language. Page 57 of DIVISION G- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018 reads: *"Glider Kits. -The Committees understand the Agency has announced plans to revisit portions of its Phase 2 Greenhouse Gas (GHG) Emissions and Fuel Efficiency Standards for Medium-and Heavy-Duty Engines. Upon completion of the review, the Agency is directed to update the Committees on the matter."* The report language for **DERA and TAS Grants** can be found on page 63:

"Diesel Emission Reductions Grants (DERA) - The bill provides \$75,000,000 for DERA grants. For fiscal year 2018, the Committees direct the Agency to continue to make at least 70 percent of DERA grants available to improve air quality in non-attainment areas."

"Targeted Airshed Grants. - The bill provides \$40,000,000 for targeted airshed grants to reduce air pollution in non-attainment areas. The Agency is directed to distribute the grants on a competitive basis using the same criteria as specified under this heading in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2017 (Public Law 115-31). Not later than the end of fiscal year 2018, the Agency should provide a report to the Committees on Appropriations that includes a table showing how fiscal year 2016 and 2017 funds were allocated. The table should also include grant recipients and metrics for anticipated or actual results."

Infrastructure:

Infrastructure programs got a \$21.2 billion boost in the fiscal 2018 omnibus appropriations law, following a push from the administration to make them a priority. The measure (Public Law 115-141) topped up existing grant and loan programs, and created new discretionary grants for airports, transit, and highways. Lawmakers didn't adopt many of the administration's requests. Instead of eliminating Transportation Investment Generating Economic Recovery (TIGER) grants, the omnibus tripled them, to \$1.5 billion. It also added \$300 million to the Community Development Block Grant for economic development, which the president's budget sought to terminate. The law includes funding to address recent safety concerns related to driverless cars and trains. Funding boosts were provided to programs

at the departments of Agriculture, Energy, Interior, and Veterans Affairs, as well as the Environmental Protection Agency.

The Transportation Department's discretionary appropriation for fiscal year 2018 is 41 percent greater than fiscal year 2017, including: \$3.5 billion for highways and \$3.1 billion for rail infrastructure. Spread among several agencies is \$1.4 billion for water infrastructure. The Transportation department will receive \$86.2 billion in total budgetary resources -- \$27.3 billion is discretionary appropriations, remainder is from trust funds: Discretionary funding is \$7.93 billion more than fiscal year 2017.

Other Infrastructure Increases –

- Multimodal TIGER grants for surface transportation received \$1.5 billion, previously funded at \$500 million and the Administration proposed eliminating them: 30 percent must be directed to rural areas and Administration can't use federal funding share as award criterion.
- Community Development Block Grants received a \$300 million increase, to \$3.3 billion. The administration proposed eliminating the HUD program that funds economic development.
- \$600 million for a new broadband loan and grant pilot program at USDA.
- Extra \$1 billion for infrastructure provided through departments of Commerce and Justice, as well as NASA and the National Science Foundation.
- Extra \$2.8 billion for Veterans Affairs Department facility construction and maintenance.

Activities summary:

- Analyzed and shared information on FY18 Omnibus and FY19 appropriations process.
- In conjunction with SCAQMD staff, continued to pursue Rep. Ken Calvert and EPA Administrator Scott Pruitt for a joint visit to the Port of LA and Long Beach and SCAQMD in the second or third quarter of 2018.
- In conjunction with SCAQMD staff outlined potential Congressional staff visit for June 15.
- Continued to develop with staff a list of infrastructure-related projects and which can achieve SCAQMD goals and also work within legislative/executive authorizing/appropriating formats and programs.
- Communicated developments and news on the Glider issue to Appropriations staff.
- Identify and seek out cosponsors for H.R. 3682, the Blue Whales and Blue Skies Act by Rep. Lowenthal (D-CA) and H.R. 3107, the Diesel Emissions Reduction Act of 2017 by Rep. Poe (R-TX).
- Continued to monitor and pass on relevant legislation of interest to SCAQMD.
- Participated in regular conference call with subsequent follow up assignments.
- Answered specific questions from SCAQMD staff.
- Kept staff updated as to legislative changes, committee assignments and confirmations.
- Monitored and shared updates on Administration regarding budget, appropriations, Interior, EPA, transportation, and environmental policies and personnel.

Outlook –

Staff turnover in the Administration and challenging midterm elections set a meager legislative table for the rest of 2018. The courts have preserved the status quo for the Deferred Action for Childhood Arrivals (DACA) program, leaving little support for a major immigration overhaul. The House may move forward with a bill to provide regulatory relief from the Dodd-Frank financial law, but it is unclear whether there is support in the Senate. The House and Senate will move forward with the 12 annual appropriations bills for FY 2019, as well as a National Defense Authorization Act, but there is little appetite for a budget reconciliation bill, nor consensus on welfare overhaul. The Farm Bill is set to be reauthorized in 2018, which could attract some workforce development measures. Also possible is reauthorization of the Federal Aviation Administration. A major infrastructure bill faces an uphill climb.



MEMORANDUM

TO: South Coast AQMD Legislative Committee

FROM: Carmen Group

Date: March 29, 2018

Re: Federal Update – Executive Branch

Infrastructure Update and Analysis: The Trump Administration’s rollout of its proposed Infrastructure plan remains a work in progress. The President and his Cabinet continue to talk about it positively in broad generalities. Multiple hearings were held on the subject in the last month in the House and the Senate. But whether some version of the plan can get to the finish line legislatively in this calendar year seems increasingly doubtful as the days roll by and the politics of the midterm elections loom larger and larger. Here are a few key points to keep in mind.

- Funding remains the key issue (dwarfing any others in importance) but there remains a debilitating lack of consensus on what to do about it. The President’s plan calls for \$200 billion in direct federal spending over ten years that is supposed “incentivize” an additional \$1.3 trillion in local, state and private infrastructure investment over the same period. It is a probably a good theory and selling point, but not everyone can quite understand the math.
- The proposed \$200 billion in direct funding (to be paid for with unspecified budget cuts unlikely to pass in any case) is considered by many (especially Democrats) to be woefully inadequate. Some have seen the number as a low-ball opening negotiating gambit, setting up a compromise number that might end up as twice that or more.
- The Trump plan proposes that projects in its incentive grant program be funded through a federal/non-federal split of 20/80... 20 percent federal, matched by 80 percent non-federal. Initial readings are that this is unlikely to fly on Capitol Hill.
- The Senate has signaled it will not pass an overall government-wide budget blueprint this year, which means that there will be no chance to use the kind of “reconciliation” process that last year allowed the tax cut bill to be passed with just 51 votes. Thus any infrastructure bill is going to need 60 votes (including a minimum of nine Democrats) in the Senate to pass.

- The recent enactment of the \$1.3 trillion FY18 Omnibus appropriations bill on March 23 – in which the President secured record spending increases for the military in return significant spending increases in domestic programs and policies favored by Democrats – will make it politically harder, if not impossible, to cut a similar deal on a giant new infrastructure bill in which spending is increased dramatically in order to reach an acceptable compromise with Democrats. That was the original hoped-for scenario of some for the infrastructure bill, but the President’s base supporters in and out Congress are unlikely to find it acceptable now.
- The fallback now appears to be that the Administration’s supporters in Congress will try to pass several smaller infrastructure-related bills this year – like the FAA bill and the Water Resources bill—and perhaps seek to attach pieces of the larger Trump plan to those. But even this is far from definite.
- All of that said, it is always the case that anything could happen on short notice if the right players get activated and the stars align. But as of right now, this would seem unlikely in the current election year.

FY18 Omnibus Notes of Interest: Here are few highlights of spending items containing in the Omnibus spending bill as enacted on March 23:

Environmental Protection Agency

DERA Grants:	\$75 million	Up from \$60 million in FY17
Targeted Airshed Grants	\$40 million	Up from \$30 million in FY17

Department of Transportation

TIGER Grants	\$1.5 billion	Up from \$500 mil. in FY17
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Department of Energy

EERE	\$2.3 billion	Saved from budget cuts
ARPA-E	\$353 Million	Saved from budget cuts

EPA Decision on Vehicle Emissions Standards Imminent: The Environmental Protection Agency (EPA) is widely expected by April 1 to reverse the Obama Administration’s decision to raise fuel economy standards for cars and light trucks to 54.4 mpg by Model Year 2025. Under the Agency’s Midterm Evaluation process, the EPA has until April 1, 2018, to accept or revise the current standard. EPA under the Trump Administration has sent signals suggesting that it will determine that the 54.5 mpg standard is “not appropriate” and thereby propose a new lower standard for public comment. The move – if it happens -- is likely to provoke litigation from California and other stakeholders.

EPA Seeks Nominees for National Environmental Justice Panel: The U.S. Environmental Protection Agency is seeking recommendations to fill four vacancies on the National Environmental Justice Advisory Council (NEJAC). The Council, established in 1993, provides advice and recommendations to help the Agency improve public health, protect the environment and support economic growth for all people. Having recently announced the appointment of eight new members to the Council selected from qualified applicants, the Agency is now inviting nominations for four additional members to fill terms through September 2019. To maintain required representation from various sectors, the Agency seeks to select two members from academic institutions, one member from business and industry, and one member from state and local government. The deadline for applications is April 13, 2018, with appointments expected in October 2018.

EPA Expected to Clamp Down on “Secret Science”: The EPA is reported to be considering a major change to the way it uses scientific studies that often underpin critical air, water and other environmental regulations. Under a proposal that is not yet finalized or available for public review, the EPA is expected to call for a new measure of transparency with regard to the data that scientists compile and use in the studies they submit to the EPA. The new policy would mean that the Agency would no longer consider scientific research unless the underlying raw data can be made public and reviewed by other scientists, interest groups and third parties. The policy would no doubt provoke strong opposition from some scientists and others who argue that making certain raw data public would violate privacy rights of people involved in providing the data through their participation in broad multi-year statistical analyses and other means. They say it would also result in fewer and less reliable studies being done and less accurate science being used.

FY17 TIGER Grants Announced: In March, the U.S. Department of Transportation announced the list of 41 recipients across the country that had been selected to receive grants under the FY17 TIGER discretionary grant program in which nearly \$500 million was distributed to nationally or regionally significant road, transit, rail and maritime projects. The grants ranged in size from \$2 million to \$25 million. More than 64 percent of the available funding was awarded to rural projects, the highest ever rural distribution in the nine rounds of such grant awards made since 2009, reflecting the Trump Administration’s priorities. Primary selection criteria included safety, state of good repair, economic competitiveness, quality of life, and environmental sustainability. Secondary criteria included innovation and partnerships.

Federal Railroad Grant Opportunity Announced: In February, the Federal Railroad Administration announced that \$65 million was being made available for grants under the FY17 CRISI program—the Consolidated Rail Infrastructure and Safety Improvements Program, authorized by the FAST Act. The grants will be for projects on intercity and freight railroads to improve rail safety, efficiency and reliability, mitigate congestion, enhance multimodal connections and improve intercity rail corridors. Eligible projects would include grade-crossing enhancements, rail line relocations and improvements, positive train control deployments, and regional and corridor planning and environmental analyses. Applications are due by June 21, 2018.

Subcabinet Appointments of Interest:

Environmental Protection Agency

- **William McIntosh** of Michigan to be **Assistant Administrator for International and Tribal Affairs**. He previously served at the Ford Motor Company where he was responsible for environmental permitting, compliance and environmental metrics improvements at Ford manufacturing facilities. He previously served as deputy director of the Michigan Department of Environmental Quality and as environmental advisor to the Michigan governor.

Department of Transportation

- **Ronald Batory** was sworn in as Administrator of the **Federal Railroad Administration**. He formerly served from 2004-2017 as President and CEO of Conrail, the nation’s eighth largest freight railroad.

White House Staff—National Economic Council

- **Wells Griffith** to be **Assistant to the President for International Energy and Climate**. He most recently was serving as deputy assistant secretary for International Affairs at the Department of Energy following his work on the Trump campaign. He was previously deputy chief of staff at the Republican National Committee. He replaces George Banks who left the White House in February after failing to receive an appropriate security clearance.

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CASSIDY&ASSOCIATES

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To: South Coast Air Quality Management District

From: Cassidy & Associates

Date: March 29, 2018

Re: Federal Update – U.S. House of Representatives

Issues of Interest to SCAQMD

The past month of activity on Capitol Hill focused on finalizing the Fiscal Year 2018 omnibus spending bill and moving the legislation through both chambers of Congress and to the President for signature on March 23rd. Of particular interest within the Omnibus legislation for SCAQMD is that the bill includes \$40 million for Targeted Airshed Grants, which is up from \$30 million for FY17. In addition, there is \$75 million for DERA, an increase of \$15 million from FY17.

House Energy and Commerce Committee:

On March 7, House Energy & Commerce held a hearing on the Future of Transportation Fuels and Vehicles. The context of the hearing is President Trump's efforts to roll back CAFE standards for light-duty vehicles. (A plan from POTUS to do this is expected to be released by the end of this week). The discussion was a fairly technical one and Members did not, in general, stick up for an aggressive plan to roll back CAFE. One major theme was that the witnesses agreed the internal combustion engine will not be "phased out" anytime soon from American roads even under the most ambitious electric vehicle scenarios.

On April 25, the House Energy and Commerce Committee will host EPA Administration Scott Pruitt to testify on the EPA budget request. This hearing will provide an opportunity for all committee members to raise all issues within the EPA jurisdiction. We would recommend that SCAQMD work to prepare questions for members of the California delegation to ask to Administrator Pruitt in person or through follow up question for the record.

Relevant Legislative Action:

H.R.1917: Blocking Regulatory Interference from Closing Kilns Act of 2017

Rep. Bill Johnson; cosponsors: Reps. Sewell, Sanford Bishop, Sessions, Roby, Tim Murphy, Cramer, Duncan, Barr

Bill Status: *Passed*. Recorded vote: 234 - 180, 1 Present (Roll no. 99)

Summary: This bill would delay NESHAPS compliance deadlines on the EPA's 2015 Brick MACT rule, which affects brick, structural clay products and clay ceramics manufacturing, until judicial review of the rules is completed. The BRICK Act is especially relevant for VOCs and PM. The bill would also provide manufacturers and users of wood heaters by providing an additional three years to comply with EPA's New Source Performance Standards. This component is mostly relevant for PM, VOCs, CO, benzene and other toxics.

H.R.1119 - SENSE Act

Rep. Keith Rothfus; cosponsors: Reps. Glenn Thompson, McKinley, Barletta, Mike Kelly, Tim Murphy, Shuster

Bill Status: *Passed*. Recorded vote: 215 - 189 (Roll no. 101)

Summary: This bill eases emission limits for hazardous air pollutants from electric utility steam generating units (electric power plants) that convert coal refuse into energy. The Environmental Protection Agency must allow utilities to select a standard for either hydrogen chloride or sulfur dioxide with which to comply from a list of specified standards.

Infrastructure Funding Update:

Included in the FY2018 Omnibus were the following topline funding items –

- \$3.5 billion for highways, roads, and bridges, including nearly \$3 billion in additional state formula funding
- \$1.5 billion for TIGER Grants
- \$1.3 billion for Rail Improvements, including \$250 million for State of Good Repair
- \$9.73 billion for Transit formula grants, as well as additional amounts above FAST Act levels for certain programs –
 - \$400 million for State-of-Good-Repair formula grants
 - \$400 million for Bus and Bus Facilities grants
 - \$30 million for High Density State Apportionments
- \$2.857 billion for the Clean Water and Drinking Water revolving funds, including –
 - \$55 million for EPA's WIFIA program to finance more than 100 times that amount to accelerate investments in water projects with national and regional significance
 - \$20 million to support testing for lead contamination schools and child care centers
 - \$20 million for lead reduction projects in rural areas
 - \$10 million for water projects in communities working to improve compliance with the Safe Drinking Water Act
- \$918M for Army Corps and Bureau of Reclamation water resources infrastructure projects, including ports, waterways, flood control, and water supply

House Transportation and Infrastructure Committee Update:

On March 6th, the House T&I Committee held a hearing on President Trump’s Infrastructure Plan. As you know, the proposal calls for \$200 billion in funding, credit subsidies, and tax incentives over the next 10 years to improve our nation’s infrastructure with the intention of stimulating a total of \$1.5 trillion in new infrastructure investment. Offsets were not identified in the proposal to “pay-for” the proposed level of spending.

Cassidy & Associates Opinion – Congress will hold a series of hearings related to the proposed infrastructure plan over next 9 months with the intention of passing 4-5 bills out the requisite committees of jurisdiction. There is a very low probability Congress will pass an actual “infrastructure package” in 2018, outside of a Water Resources Development Act or other legislative vehicle. There is strong belief Congress will take up a broader infrastructure initiative in the 116th Congress when a pay-for will need to be identified to keep the highway trust fund (HTF) solvent past 2020.

On March 7th, the House T&I Committee held a hearing on long-term funding for the highway and transit programs. In June 2017, CBO projected that the HTF will not be able to meet its obligations beyond fiscal year 2020. CBO estimates that the current 10-year shortfall is \$138 billion more than expected HTF revenues. An additional \$5 billion is necessary to ensure that there is a prudent balance in the HTF,¹² which brings the total shortfall to \$143 billion. If the shortfall is not addressed, USDOT may need to take steps, such as rationing reimbursements to states, to maintain a prudent balance in the HTF. If states are unable to rely on reimbursements, then critical surface transportation projects may be delayed.

On March 15th, the House T&I Committee, Subcommittee on Water Resources held a hearing on possible USACE policy considerations for a Water Resources Development Act that would seek to expedite the project delivery process, modernize the benefit-cost analysis, and give non-federal project sponsors more control over the study, design, and construction of civil works projects.

Glider Kits Rule Update:

Senator Carper (Ranking Member on Senate EPW) and Senator Udall, Ranking Member on EPA/Interior Appropriations, wrote a letter to EPA Administrator Pruitt urging him to reverse his proposal on glider kits. Glider kits would be regulated under the Phase 2 CAFE standards as applied to tractor-trailers, but Administrator Pruitt had proposed exempting them by reclassifying a glider-kit-installed tractor trailer as a “modification” and not a new vehicle. The biggest manufacturer of glider kits, Fitzgerald, is headquartered in TN and has been exerting heavy political pressure on Energy & Commerce Republicans and Administrator Pruitt himself to exempt glider kits in this way. EPA’s own National Vehicle & Fuel Emissions Laboratory found in November 2017 that under certain conditions, gliders emit 43x the NO_x of new trucks and 450x the PM. They are demanding records from EPA on this matter to get to the bottom of what many see as a politically-driven policy change.

Comprehensive Energy Legislation:

We continue to monitor the Energy and Natural Resources Act of 2017, which is pending on the Senate floor. Energy advocates and many Senators are continuously looking for an opening to consider energy legislation on the Senate floor. Now that Congress has moved beyond the Omnibus Appropriations legislation, there will likely be more floor time in the Senate for other legislative packages, including the Energy bill.

This legislation once again contains the Vehicle Innovation Act, which provides for \$250 million in authorized funding for the Department of Energy to fund vehicle technology advancement. Additionally, of importance to SCAQMD, is the inclusion of the DERA reauthorization language.

We would suggest that SCAQMD once again write a letter in support of these provisions and an expeditious process on this legislation.

ATTACHMENT 2



Joe A. Gonsalves & Son

Anthony D. Gonsalves

Jason A. Gonsalves

Paul A. Gonsalves

PROFESSIONAL LEGISLATIVE REPRESENTATION

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Email: gonsalves@gonsalvi.com

TO: South Coast Air Quality Management District

FROM: Anthony, Jason & Paul Gonsalves

SUBJECT: Legislative Update – March 2018

DATE: Wednesday, April 4, 2018

The month of March is the calm before the storm. As you are aware, the Legislature had until February 16, 2018 to introduce new legislation. The Legislature introduced 2,334 bills (1,604 in the Assembly and 730 in the Senate) and a vast majority of those bills are currently intent bills (spot bills). The California Constitution requires all legislation to be in print for 30 days prior to being heard in a Legislative Committee, which makes most bills eligible to be heard on March 19th. However, the Legislative Spring Break was from March 22 – April 1, which pushes Policy Committee Hearings into the month of April. We will continue to monitor and track all legislation and amendments of interest to the District.

CAP AND TRADE EXPENDITURE PLAN

The Governor's January budget proposed \$2.8 billion in cap-and-trade expenditures, which includes \$1.4 billion in continuous appropriations (High Speed Rail, Affordable Housing, Transit), \$150 million in existing spending commitments (SRA, Sales Tax Exemptions, Admin Costs), and \$1.25 billion in discretionary spending (Mobile Source Emissions, Climate Programs, Agriculture). The plan assumes \$2.7 billion in auction revenue for this year with \$2.4 billion projected for next year.

The proposed plan provides additional investments in other programs that are consistent with the expenditure priorities specified in AB 398, and the statutory requirements regarding the allocation of at least 35% of revenues to benefit disadvantaged and low-income communities. The Cap-and-Trade Expenditure Plan includes the following general categories of spending for the \$1.25 billion in discretionary spending:

- Air Toxic and Criteria Air Pollutants: \$255 million to fund actions to reduce air toxic and criteria pollutants.
- Low Carbon Transportation: \$460 million to fund programs that will reduce emissions in the transportation sector.
- Climate Smart Agriculture: \$145 million to fund agricultural equipment upgrades, energy efficiency, and the Healthy Soils Program.
- Healthy Forests: \$185 million to fund forest management and local fire response.
- Short-Lived Climate Pollutants: \$119 million to fund methane reduction and waste diversion.
- Integrated Climate Action: Mitigation & Resilience: \$51 million to fund programs that integrate mitigation actions with resilience benefits, including Transformative Climate Communities and Energy Corps.
- Climate and Clean Energy Research: \$35 million to fund the California Climate Change Technology and Solutions Initiative.

More specifically, the Governor's budget proposal for the Cap-and-Trade expenditure plan includes the following:

- California Integrated Climate Investment Program under IBank: \$20 million
- California Climate Change Technology and Solutions Initiative: \$35 million
- Transformative Climate Communities: \$25 million
- Low Carbon Fuel Production: \$25 million
- Agricultural Energy Efficiency Program: \$34 million
- Healthy and Resilient Forests: \$160 million
- Agricultural Diesel Engine Replacement and Upgrades: \$102 million
- Clean Trucks, Buses, and Off-Road Freight Equipment: \$160 million
- Enhanced Fleet Modernization and Equity Programs: \$75 million
- AB 617 Community Air Protection: \$250 million
- Clean Vehicle Rebate Project through 2025: \$200 million annually
- Waste Diversion: \$20 million
- Methane Reduction: \$99 million

This is the kickoff to the budget negotiations on the cap and trade expenditure plan. The Assembly and Senate will both conduct Budget Hearings to address any concerns and make any modifications they would like to see in the Plan. Ultimately, the Legislature has until August 31, 2018 to adopt an expenditure plan. Our office will continue to work closely with the Governor's office, the Legislative Leadership and all State Departments to ensure the necessary funding for the District.

FREIGHT REGULATIONS REPORTING SYSTEM TO IMPROVE SECURITY AND INCREASE EFFICIENCY

The Governor's budget proposes \$1.08 million to support implementation and enforcement of CARB's freight regulations to protect disadvantaged communities near ports and railyards. These requested resources are for the development, maintenance, and support of a replacement system for the current CARB Freight Equipment Registration Program. The proposal would also implement efficiencies to offset the

unavoidable costs of providing ongoing assistance to California businesses that must comply with those CARB freight regulations.

Without a replacement reporting system, any failure of the outdated existing system would disrupt commerce in one of California's most important economic sectors by preventing some 223,000 drayage trucks that carry cargo from accessing ports and railyards.

The Freight Equipment Registration program automates the registration of drayage trucks to monitor compliance, issue labels to trucks that meet the regulatory requirements, and provide information on each truck's compliance status. The system also automates the registration of over 168,000 trucks and trailers with transport refrigeration units operating in California. The Freight Equipment Registration Program does not provide these functionalities for cargo handling equipment, commercial harbor craft, and ocean-going vessels. The Freight Equipment Registration Program is a 15-year-old legacy system that utilizes technology that is increasingly becoming obsolete. To date, CARB has been unsuccessful in hiring new staff with the expertise needed to maintain the current program's software and system architecture. CARB contracts out the maintenance and support services at a high cost. Further, as the system continues to age, it is becoming more difficult to find contractors with the necessary skills and knowledge to maintain the system's applications. The breakdown of this system would affect the movement of refrigerated freight and potentially slow down access of ports and rail yards for drayage trucks.

We will continue to work closely with the Governor's office and the Legislature to ensure the District is a part of the funding discussions as the budget proceeds.

2018 LEGISLATIVE DEADLINES

Jan. 3 Legislature reconvenes.

Jan. 10 Budget must be submitted by Governor.

Jan. 12 Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year.

Jan. 19 Last day for any committee to hear and report to the **Floor** bills introduced in that house in the odd-numbered year. Last day to submit **bill requests** to the Office of Legislative Counsel.

Jan. 31 Last day for each house to pass **bills** introduced in that house in the odd-numbered year.

Feb. 16 Last day for bills to be introduced.

Apr. 27 Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house.

May 11 Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house.

May 18 Last day for **policy committees** to meet prior to June 4.

May 25 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 4.

May 29-June 1 Floor session only. No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees.

June 1 Last day for each house to pass bills introduced in that house.

June 4 Committee meetings may resume.

June 15 Budget Bill must be passed by midnight.

June 28 Last day for a legislative measure to qualify for the Nov. 6 General Election ballot.

June 29 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees.

July 6 Last day for **policy committees** to meet and report bills.

Aug. 17 Last day for **fiscal committees** to meet and report bills.

Aug. 20-31 Floor session only. No committee may meet for any purpose except Rules Committee.

Aug. 24 Last day to **amend** on Floor.

Aug. 31 Last day for each house to pass bills. **Final Recess** begins on adjournment.



THE QUINTANA CRUZ COMPANY

March 29, 2018

TO: South Coast Air Quality Management District

FROM: The Quintana Cruz Company

RE: March 2018 Report

GENERAL UPDATE:

- The legislature was on spring recess from March 22nd - March 30th
- **Apr. 2** Legislature reconvenes from Spring Recess
- **Apr. 27** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house

POLITICAL ITEMS OF NOTE:

- Senator Toni Atkins became President pro Tempore March 21, 2018
- Kevin de León is now President pro Tempore Emeritus.

LEGISLATIVE ITEMS OF NOTE:

- **AB 2008 (Salas D) Income taxes: exclusion: Carl Moyer Memorial Air Quality Standards Attainment Programs grants.**
 - 4/4/2018 9 a.m. - State Capitol, Room 4202
 - ASSEMBLY APPROPRIATIONS, GONZALEZ FLETCHER, Chair
- **AB 2042 (Steinorth R) Personal income tax credits: residential graywater reuse systems.**
 - 4/16/2018 2:30 p.m. - State Capitol, Room 126
 - ASSEMBLY REVENUE AND TAXATION, BURKE, Chair
- **AB 2050 (Caballero D) Small System Water Authority Act of 2018.**
 - 4/10/2018 1:30 p.m. - State Capitol, Room 444
 - ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair
- **AB 2060 (Garcia, Eduardo D) Water: grants: advanced payments.**
 - 4/10/2018 1:30 p.m. - State Capitol, Room 444
 - ASSEMBLY ENVIRONMENTAL SAFETY AND TOXIC MATERIALS, QUIRK, Chair

- **AB 2336 (Salas D) Schoolbuses: retrofit and replacement.**
 - 4/16/2018 2:30 p.m. - State Capitol, Room 4202
 - ASSEMBLY TRANSPORTATION, FRAZIER, Chair

- **AB 2506 (Burke D) State vehicle fleet: near-zero-emission vehicles.**
 - 4/11/2018 9:30 a.m. - State Capitol, Room 437
 - ASSEMBLY ACCOUNTABILITY AND ADMINISTRATIVE REVIEW, EGGMAN, Chair

- **AB 2548 (Friedman D) Commute benefit policies: Los Angeles County Metropolitan Transportation Authority: South Coast Air Quality Management District.**
 - 4/16/2018 2:30 p.m. - State Capitol, Room 4202
 - ASSEMBLY TRANSPORTATION, FRAZIER, Chair

- **SB 998 (Dodd D) Discontinuation of residential water service: urban and community water systems.**
 - 4/3/2018 9 a.m. - Room 3191
 - SENATE ENERGY, UTILITIES AND COMMUNICATIONS, HUESO, Chair



CALIFORNIA ADVISORS, LLC

SCAQMD Report
California Advisors, LLC
April 13, 2018 Legislative Committee Hearing

General Update

On March 21st, the California State Senate swore in its first female president, President pro Tempore Toni Atkins. There had been some speculation of a wider shuffling of chairmanships and committee assignments but to date that shuffle has not occurred. Following the completion of Spring Break from March 22nd to April 1st, policy committees have begun in full force. We continue to push to maximize funding for incentives as well as to protect existing funding streams.

2018 Legislative Priorities

Tire Fee Funds Transfer to the Department of Fish and Wildlife

The Governor proposed to divert \$26 million annually of Tire Recycling Management Fee funds to the Department of Fish and Wildlife. However, these funds are currently dedicated to the Carl Moyer Program. With CAPCOA leading the charge, we are engaging with members and staff in opposition to the redirection of these critical funds.

AB 617 (C. Garcia, 2017) Implementation Funding

The Governor proposed to dedicate zero dollars for air districts to implement AB 617. In a recent budget hearing the Department of Finance indicated that the \$27 million allocated to all districts last year was intended to fund two years of implementation. We continue to hold meetings with all critical members and staff on this issue in order to secure funding. We are also working with a coalition of industry and environmental stakeholders in opposition to this lack of funding for AB 617 implementation.

SB 1502 (Senate Environmental Quality) Electronic Public Notice Authorization

The Senate Environmental Quality Committee is assembling a committee bill that is expected to include the authorization for the South Coast Air Quality Management District to utilize electronic communications in lieu of paper mail with regard to public notices for public hearings and workshops, and in relation to new permit applications near schools.

STATUS: April 18th, 2018: set for hearing, Senate Environmental Quality

ATTACHMENT 3

AB 2091 (Grayson) Fire prevention: prescribed burns.

Summary: This bill would:

- 1) Rename a state board by adding “Prevention and” to the name of the State Board of Forestry and Fire *Prevention and* Protection (Board);
- 2) Require members to have general knowledge of, interest in, and experience with fire prevention;
- 3) Require at least one member to be selected with a background and understanding of fire prevention, including prescribed fire; and
- 4) Require the Board to appoint a prescribed fire advisory committee, which includes a local air district representative.

Background: Existing law establishes in the Department of Forestry and Fire Protection the State Board of Forestry and Fire Protection consisting of 9 members appointed, selected, and approved for appointment on the basis of their educational and professional qualifications and their general knowledge of, interest in, and experience with, among other things, forest management practices.

Existing law authorizes a person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area to apply to the department for permission to utilize a prescribed burning for specified public purposes.

Status: 03/13/18 – Re-referred to Com. on NAT. RES.

Specific Provisions: Specifically, this bill would:

- 1) Rename the “State Board of Forestry and Fire Protection” to be the “State Board of Forestry and Fire Prevention and Protection”;
- 2) Require members of the Board to have general knowledge of, interest in, and experience with fire prevention;
- 3) Require that at least one member of the board have a background and understanding of fire prevention, including prescribed fire;
- 4) Require the board to appoint a Prescribed Fire Advisory Committee, which includes a local air district representative, and would require the board to consult with the advisory committee on development of training, certification, and recertification of prescribed burn managers and organizations;
- 5) Require the Board to establish, on or before January 1, 2022, standards for prescribed burning, and establish standards for certification, recertification, and training for certified prescribed burn managers;

- 6) Ensure that prescribed burning is the controlled application of fire to naturally occurring or naturalized vegetative fuels under specified environmental conditions in accordance with a written plan;
- 7) Require that at least one certified prescribed burn manager is present on site during the conduct of the prescribed burn and that a burn is conducted by members of a prescribed burning organization;
- 8) Require the Board to establish a schedule of fees for purposes of certifying a prescribed burn manager and would establish the Prescribed Burn Fund for deposit of those fees; and
- 9) Authorize the Board to spend the money in the Fund, upon appropriation by the Legislature, for purposes of administering the certification program.

Impacts on SCAQMD’s Mission, Operations or Initiatives: This bill can have a positive effect on reducing air pollution within the South Coast Region by facilitating the use of controlled burns to reduce the occurrences of wildfires and the severe air pollution that results from such fires.

Staff also recommends an amendment to the bill to address an issue that currently complicates the granting of controlled burn permits at the local level. Currently, Section 41812 of the California Health and Safety Code states:

“The air pollution control officer of any district in a county with a population of 6,000,000 or less, upon authorization of the district board, may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period...”

Unfortunately, this provision prohibits SCAQMD from having the authority to issue controlled burn permits for fire hazard mitigation within Los Angeles County which has a population that exceeds 6,000,000.

Staff would propose an addition to the bill to amend Section 41812 to remove the phrase, “in a county with a population of 6,000,000 or less,” so that SCAQMD would have authority to issue controlled burn permits for fire hazard mitigation within Los Angeles County.

Additionally, SCAQMD staff recommends adding language that ensures that this bill would not restrict a landowner’s ability to obtain a burn permit from any local air district.

Recommended Position: SUPPORT WITH AMENDMENTS

AMENDED IN ASSEMBLY MARCH 12, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2091

Introduced by Assembly Member Grayson

February 7, 2018

An act to amend Sections 730, 731, and 4002 of, to add Section 742 to, and to add Article 4 (commencing with Section ~~4497~~ 4500) to Chapter 7 of Part 2 of Division 4 ~~of~~ of, the Public Resources Code, relating to ~~burning of lands~~ fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 2091, as amended, Grayson. ~~Prescribed~~ Fire prevention: prescribed burns.

(1) Existing law establishes in the Department of Forestry and Fire Protection the State Board of Forestry and Fire Protection consisting of 9 members appointed, selected, and approved for appointment on the basis of their educational and professional qualifications and their general knowledge of, interest in, and experience with, among other things, forest management practices.

This bill would rename the board to the State Board of Forestry and Fire Prevention and Protection. The bill would additionally require members to have general knowledge of, interest in, and experience with fire prevention. The bill would require at least one member to be selected with a background and understanding of fire prevention, including prescribed fire. The bill would require the board to appoint a prescribed fire advisory committee, as provided, and would require the board to consult with the advisory committee on development of training, certification, and recertification of prescribed burn managers and organizations.

~~Existing~~

(2) ~~Existing~~ law authorizes a person, firm, or corporation, or a group or combination of persons, firms, corporations, or groups, that owns or controls brush-covered land, forest lands, woodland, grassland, shrubland, or any combination thereof within a state responsibility area to apply to the ~~Department of Forestry and Fire Protection~~ *department* for permission to utilize a prescribed burning for specified public purposes.

This bill ~~would establish the Prescribed Burning Board in the department. The bill would require the board~~ *State Board of Forestry and Fire Prevention and Protection* to establish, on or before January 1, 2022, standards for prescribed burning, and establish standards for certification, recertification, and training for certified ~~and insured~~ prescribed burn managers, among other things. The bill would require the board to establish a schedule of fees for purposes of certifying a prescribed burn manager and would establish the Prescribed Burn Fund for deposit of those fees. The bill would authorize the board to spend the money in the fund, upon appropriation by the Legislature, for purposes of administering the certification program. ~~The bill would provide that an owner, lessee, or occupant of specified lands is not liable for property damage or for injury or death to persons caused by or resulting from prescribed burning conducted on the land if the burn is conducted under the supervision of a certified and insured prescribed burn manager, as provided. The bill would require the department to develop and implement an insurance pool for certified prescribed burn managers, as provided.~~

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

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

- 1 *SECTION 1. Section 730 of the Public Resources Code is*
- 2 *amended to read:*
- 3 730. (a) There is in the department a State Board of Forestry
- 4 and *Fire Prevention and Protection* consisting of nine members
- 5 appointed by the Governor, subject to confirmation by the Senate.
- 6 (b) (1) On and after January 1, 1998, wherever any reference
- 7 is made in any law to the State Board of Forestry in the department,
- 8 the reference shall be deemed to be a reference to, and to mean,
- 9 the State Board of Forestry and Fire Protection.

1 (2) *On and after January 1, 2019, wherever any reference is*
 2 *made in any law to the State Board of Forestry and Fire Protection*
 3 *in the department, the reference shall be deemed to be a reference*
 4 *to, and to mean, the State Board of Forestry and Fire Prevention*
 5 *and Protection.*

6 ~~(2)~~

7 (3) No existing supplies, forms, signs, or logos shall be
 8 destroyed or changed to reflect the name change, and they shall
 9 continue to be used until exhausted or unserviceable.

10 *SEC. 2. Section 731 of the Public Resources Code is amended*
 11 *to read:*

12 731. All members of the board shall be appointed and shall be
 13 selected and approved for appointment on the basis of their
 14 educational and professional qualifications and their general
 15 knowledge of, interest in, and experience with, problems relating
 16 to watershed management ~~(including management, including~~
 17 ~~hydrology and soil science)~~, *science*, forest management practices,
 18 fish and wildlife, range management, forest economics, *fire*
 19 *prevention*, or land use planning. Five members shall be selected
 20 from the general public, three members shall be selected from the
 21 forest products industry, and one member shall be selected from
 22 the range livestock industry. *At least one member shall be selected*
 23 *with a background and understanding of fire prevention, including*
 24 *prescribed fire.* At no time shall a majority of the members, nor
 25 any of the members selected from the general public, be persons
 26 with a direct personal financial interest, within the meaning of
 27 ~~Section H20 87100~~ of the Government Code, in timberlands. All
 28 members of the board shall represent the general public interest.

29 *SEC. 3. Section 742 is added to the Public Resources Code,*
 30 *to read:*

31 742. (a) *The board shall appoint a Prescribed Fire Advisory*
 32 *Committee and shall consult with the advisory committee on*
 33 *development of training, certification, and recertification of*
 34 *prescribed burn managers and organizations pursuant to Article*
 35 *4 (commencing with Section 4500) of Chapter 7 of Part 2 of*
 36 *Division 4.*

37 (b) *The advisory committee shall consist of 10 members, who*
 38 *shall be selected as follows:*

1 (1) *The member of the board who has a background and*
2 *understanding of fire prevention, including prescribed fire,*
3 *described in Section 731.*

4 (2) *The director or his or her designee.*

5 (3) *A federal forest land manager.*

6 (4) *A representative of a local air district.*

7 (5) *Two representatives from the general public with experience*
8 *conducting prescribed burns.*

9 (6) *Two representatives from the University of California*
10 *Cooperative Extension.*

11 (7) *Two representatives from tribal communities with experience*
12 *conducting prescribed burns.*

13 (c) *The chair of the board shall appoint the members of the*
14 *advisory committee designated in paragraphs (3) to (7), inclusive,*
15 *of subdivision (b). The members shall serve at the pleasure of their*
16 *respective appointing powers.*

17 (d) *The members shall serve without compensation, except that*
18 *each member shall be reimbursed for his or her actual and*
19 *necessary expenses incurred in the performance of his or her*
20 *duties.*

21 (e) *The chair of the advisory committee shall be the person*
22 *identified in paragraph (1) of subdivision (b).*

23 SEC. 4. *Section 4002 of the Public Resources Code is amended*
24 *to read:*

25 4002. "Board" means the State Board of Forestry and Fire
26 *Prevention and Protection.*

27 **SECTION 4.**

28 SEC. 5. Article 4 (commencing with Section ~~4497~~ 4500) is
29 added to Chapter 7 of Part 2 of Division 4 of the Public Resources
30 Code, to read:

31
32 Article 4. Prescribed Burns

33
34 ~~4497.~~ For purposes of this article, the following terms have
35 the following meanings:

36 (a) ~~"Board"~~ means the Prescribed Burning Board.

37 (b) ~~"Advisory board"~~ means the advisory board established by
38 the Prescribed Burning Board.

39 ~~4498.~~ (a) There is hereby established in the department the
40 Prescribed Burning Board.

1 ~~(b) The board shall be composed of the following members:~~

2 ~~(1) The director, or his or her designee.~~

3 ~~(2) The director of the Department of Parks and Recreation, or~~
4 ~~his or her designee.~~

5 ~~(3) The director of the Natural Resources Agency, or his or her~~
6 ~~designee.~~

7 ~~(4) An employee from the University of California Agriculture~~
8 ~~and Natural Resources Cooperative Extension.~~

9 ~~(5) The director of the Department of Fish and Wildlife, or his~~
10 ~~or her designee.~~

11 ~~(6) The director of the Department of Food and Agriculture, or~~
12 ~~his or her designee.~~

13 ~~(7) The director of the State Air Resources Board, or his or her~~
14 ~~designee.~~

15 ~~(8) The director of the State Water Resources Control Board,~~
16 ~~or his or her designee.~~

17 ~~(9) Five public members, appointed by the director of the~~
18 ~~department, that represent the following:~~

19 ~~(A) Owners of agricultural land.~~

20 ~~(B) Persons who are self-employed or employed by a person or~~
21 ~~entity other than a governmental entity.~~

22 ~~4499. (a) The board shall establish an advisory board~~
23 ~~composed of members of the public, including individuals~~
24 ~~representing the following:~~

25 ~~(1) Property owners.~~

26 ~~(2) Agriculture, forestry, and livestock producers.~~

27 ~~(3) Conservation interests.~~

28 ~~(4) Environmental interests.~~

29 ~~(5) Insurance interests.~~

30 ~~(b) The board shall determine the number of persons and manner~~
31 ~~of selection of the advisory board.~~

32 ~~(c) The advisory board shall provide advice and guidance to the~~
33 ~~board.~~

34 ~~4500. On or before January 1, 2022, the board shall accomplish~~
35 ~~all of the following:~~

36 ~~(a) Establish standards for prescribed burning, pursuant to~~
37 ~~Section 4501.~~

38 ~~(b) Develop a comprehensive training curriculum for certified~~
39 ~~and insured prescribed burn managers and prescribed burning~~
40 ~~organizations.~~

1 (c) Establish standards for certification, recertification, and
2 training for certified ~~and insured~~ prescribed burn managers.

3 (d) Establish minimum education and professional requirements
4 for instructors for the approved curriculum.

5 ~~(e) Establish minimum insurance requirements for certified and
6 insured prescribed burn managers and prescribed burning
7 organizations.~~

8 4501. Minimum prescribed burn standards established by the
9 board pursuant to subdivision (a) of Section 4500 shall accomplish
10 all of the following:

11 (a) Ensure that prescribed burning is the controlled application
12 of fire to naturally occurring or naturalized vegetative fuels under
13 specified environmental conditions in accordance with a written
14 prescription plan that satisfies both of the following:

15 (1) Is designed to confine the fire to a predetermined area and
16 to accomplish planned land management objectives.

17 (2) Conforms to the standards established pursuant to this
18 section.

19 (b) Require that at least one certified ~~and insured~~ prescribed
20 burn manager is present on site during the conduct of the prescribed
21 burn and that the burn is conducted by members of a prescribed
22 burning organization.

23 (c) Establish appropriate guidelines for *the* size of burning crews
24 sufficient to do both of the following:

25 (1) Conduct the burn in accordance with the prescription plan.

26 (2) Provide adequate protection for the safety of persons and
27 adjacent property.

28 (d) Include standards for notification to adjacent landowners,
29 the department, and local fire authorities.

30 ~~(e) Include minimum insurance requirements for certified and
31 insured prescribed burn managers and prescribed burning
32 organizations.~~

33 4502. (a) Minimum standards established by the board for
34 certification as a certified ~~and insured~~ prescribed burn manager
35 shall require the completion of the approved training curriculum
36 to be developed and promulgated by the board and taught by an
37 approved instructor.

38 (b) The board shall certify a person as a certified ~~and insured~~
39 prescribed burn manager if the person meets all of the following:

40 (1) Applies to the board for certification.

1 (2) Completes an approved training program by an approved
2 instructor.

3 (3) Pays a reasonable fee to the board in an amount determined
4 by the board pursuant to Section 4502.5.

5 ~~(4) Meets the insurance requirements established by the board.~~

6 (c) The certification shall be for two years.

7 (d) A person may renew certification only by completing a
8 continuing education program established by the board.

9 (e) The board shall maintain a register of certified ~~and insured~~
10 prescribed burn managers and dates of completion of initial and
11 continuing training.

12 4502.5. (a) The board shall establish a schedule of fees for
13 purposes of this article to be assessed on persons seeking
14 certification as a certified ~~and insured~~ prescribed burn manager.

15 (b) The fees charged, in the aggregate, shall not exceed the
16 reasonable cost to the board of administrating the certification
17 program.

18 (c) All fees collected by the board shall be deposited in
19 Prescribed Burn Fund, which is hereby created in the State
20 Treasury. Money in the fund may be expended by the board, upon
21 appropriation by the Legislature, for purposes of administering
22 the certification program pursuant to this article.

23 ~~4503. (a) An owner, lessee, or occupant of brush-covered land,
24 forest lands, woodland, grassland, shrubland, or any combination
25 thereof within a state responsibility area is not liable for property
26 damage or for injury or death to persons caused by or resulting
27 from prescribed burning conducted on the land owned by, leased
28 by, or occupied by the person if the prescribed burning is conducted
29 under the supervision of a certified and insured prescribed burn
30 manager and by members of a prescribed burning organization.~~

31 ~~(b) The limitation on liability established in subdivision (a) does
32 not apply to an owner, lessee, or occupant described in subdivision
33 (a) unless the burn is conducted under the supervision of a certified
34 and insured prescribed burn manager who has liability insurance
35 coverage as follows:~~

36 ~~(1) In an amount of at least one million dollars (\$1,000,000) for
37 each single occurrence of bodily injury or death, or injury to or
38 destruction of property.~~

39 ~~(2) With a policy period minimum aggregate limit of at least
40 two million dollars (\$2,000,000).~~

1 ~~4504. (a) This article does not modify a landowner's liability~~
2 ~~for property damage, personal injury, or death resulting from a~~
3 ~~burn that is not conducted as provided by this article.~~

4 ~~(b) This article does not limit a landowner's right to conduct~~
5 ~~burns on the landowner's property.~~

6 *4503. (a) On or before January 1, 2020, the department shall*
7 *develop and implement an insurance pool for prescribed burn*
8 *managers certified pursuant to Section 4502.*

9 *(b) The insurance pool shall be available only to prescribed*
10 *burn managers certified pursuant to Section 4502.*

11 *(c) The goal of the insurance pool shall be to accomplish all of*
12 *the following:*

13 *(1) Increase the use of prescribed fire.*

14 *(2) Reduce the cost of insurance for certified prescribed burn*
15 *managers and landowners.*

16 *(3) Provide adequate liability protection for lives and property*
17 *when conducting prescribed burns.*

18 *4504. This article does not restrict a landowner's ability to*
19 *obtain a burn permit from the department or the State Air*
20 *Resources Board.*

South Coast Air Quality Management District
Legislative Analysis Summary – AB 2453 (E. Garcia)
Version: Amended – 3/15/2018
Analyst: MK/PC

AB 2453 (E. Garcia)
Air pollution: schools.

Summary: This bill would:

- 1) Authorize a grant for modernization under the Leroy F. Greene School Facilities Act of 1998 (Act) to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems;
- 2) Provide that schools located in communities with facilities identified under AB 617 (Garcia) (Statutes of 2017) as sources of toxic air contaminants, may work with air districts to identify school sites for air quality adaptation efforts; and
- 3) Provide that schools located near a facility designated by an air district as a high priority category may be eligible for a grant as part of a community emissions reduction program, adopted per AB 617, to implement air quality mitigation efforts.

Background: Existing law, the Act, requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. This bill would authorize a grant for modernization under the act to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

The Air Toxics “Hot Spots” Information and Assessment Act of 1987 requires the California Air Resources Board (CARB) to compile a list of substances that present a chronic or acute threat to public health when present in the ambient air, subjects certain facilities to the act according to a schedule, and requires the operator of a subject facility to prepare and submit to an air pollution control or air quality management district a proposed comprehensive emissions inventory plan, for approval by the air district.

Existing law also requires CARB to select locations around the state for the preparation of community emissions reduction programs, and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. The act requires an air district containing a selected location, within one year of the state board’s selection, to adopt a community emissions reduction program.

Status: 03/19/18 – Re-referred to Assembly Comm. on ED.

Specific Provisions: This bill would:

- 1) Authorize a grant for modernization under the Act to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems;

- 2) Provide that schools located in communities with facilities identified under AB 617 (Garcia), as sources of toxic air contaminants, may work with air districts to identify school sites for air quality adaptation efforts; and
- 3) Provide that schools located near a facility designated by an air district as a high priority category may be eligible for a grant as part of a community emissions reduction program, adopted per AB 617 (Garcia), to implement air quality mitigation efforts including, but not limited to, air filter upgrades or installations, or vegetation buffer planting.

Impacts on SCAQMD’s Mission, Operations or Initiatives: This bill’s goal of reducing air pollution and its negative health impacts on pupils on school campuses in disproportionately impacted communities is in line with SCAQMD’s policy goals of reducing air pollution and protecting public health within the South Coast region, and particularly in disadvantaged communities.

Staff recommends working with the author to identify additional more effective ways to implement air pollution mitigation efforts on impacted school campuses. Additionally, staff recommends amending the language to allow “modernization apportionments” to be used for “installing or updating” air filtration systems. Staff also recommends clarifying that this bill does not limit the air districts’ discretion in developing and implementing community emission reduction programs. Finally, staff recommends clarifying what types of grant funding source(s), in addition to modernization grants, would be applicable to funding the air pollution mitigation efforts sought in this bill, since AB 617 does not provide any funding for grants as part of a community emission reduction program.

Recommended Position: SUPPORT WITH AMENDMENTS

AMENDED IN ASSEMBLY MARCH 15, 2018

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

ASSEMBLY BILL

No. 2453

Introduced by Assembly Member Eduardo Garcia

February 14, 2018

An act to amend Section 17074.25 of the Education Code, and to add Section 44391.3 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2453, as amended, Eduardo Garcia. Air pollution: schools.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

This bill would authorize a grant for modernization under the act to be used to limit pupil exposure to harmful air pollutants by updating air filtration systems.

(2) The Air Toxics "Hot Spots" Information and Assessment Act of 1987 requires the State Air Resources Board to compile a list of substances that present a chronic or acute threat to public health when present in the ambient air; subjects certain facilities to the act according to a schedule, and requires the operator of a subject facility to prepare and submit to an air pollution control or air quality management district a proposed comprehensive emissions inventory plan, for approval by the air district.

The act also requires the state board to select locations around the state for the preparation of community emissions reduction programs,

and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. The act requires an air district containing a selected location, within one year of the state board's selection, to adopt a community emissions reduction program.

This bill would authorize schools located in communities with facilities identified under the act as a source of toxic air contaminants to work with air districts to identify school sites for air quality adaptation efforts. The bill also would authorize schools located near a facility designated by an air district as a high priority category to be eligible for a grant as part of a community emissions reduction program to implement air quality mitigation efforts.

~~Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and 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.~~

~~This bill would state the intent of the Legislature to enact legislation that enacts the School Climate and Pollution Resiliency Act of 2018 that, among other things, would direct school districts to work with air districts to develop and implement comprehensive plans for updating school infrastructure to limit pupil air pollution exposure.~~

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 17074.25 of the Education Code is
2 amended to read:
3 17074.25. (a) A modernization apportionment may be used
4 for an improvement to extend the useful life of, or to enhance the
5 physical environment of, the school. The improvement may only
6 include the cost of design, engineering, testing, inspection, plan
7 checking, construction management, demolition, construction, the
8 replacement of portable classrooms, necessary utility costs, utility
9 connection and other fees, the purchase and installation of
10 air-conditioning equipment and insulation materials and related
11 costs, furniture and equipment, including telecommunication

1 equipment to increase school security, fire safety improvements,
 2 playground safety improvements, the identification, assessment,
 3 or abatement of hazardous asbestos, seismic safety improvements,
 4 and the upgrading of electrical systems or the wiring or cabling of
 5 classrooms in order to accommodate educational technology. A
 6 modernization grant may not be used for costs associated with
 7 acquisition and development of real property or for routine
 8 maintenance and repair.

9 (b) A modernization apportionment may also be used for the
 10 cost of designs and materials that promote the efficient use of
 11 energy and water, the maximum use of natural lighting and indoor
 12 air quality, the use of recycled materials and materials that emit a
 13 minimum of toxic substances, the use of acoustics conducive to
 14 teaching and learning, and other characteristics of
 15 high-performance schools.

16 (c) A modernization apportionment may be used to limit pupil
 17 exposure to harmful air pollutants by updating air filtration
 18 systems.

19 *SEC. 2. Section 44391.3 is added to the Health and Safety*
 20 *Code, to read:*

21 *44391.3. (a) Schools located in communities with facilities*
 22 *identified pursuant to Section 44391.2 may work with districts to*
 23 *identify school sites for air quality adaptation efforts.*

24 *(b) Schools located near a facility designated by a district as a*
 25 *high priority category may be eligible for a grant as part of a*
 26 *community emissions reduction program, adopted pursuant to*
 27 *Section 44391.2, to implement air quality mitigation efforts,*
 28 *including, but not limited to, either of the following:*

29 *(1) Air filter upgrades or installations.*

30 *(2) Vegetation buffer planting.*

31 ~~SECTION 1. It is the intent of the Legislature to enact~~
 32 ~~legislation that enacts the School Climate and Pollution Resiliency~~
 33 ~~Act of 2018 to do all of the following:~~

34 ~~(a) Directs school districts to develop and implement a plan for~~
 35 ~~updating school infrastructure to mitigate the negative impacts of~~
 36 ~~air quality and reduce diesel emissions on school campuses in~~
 37 ~~disadvantaged communities, as identified pursuant to Section~~
 38 ~~39711 of the Health and Safety Code.~~

39 ~~(b) Directs school districts to compile a list of existing schools~~
 40 ~~in disadvantaged communities that are situated within 1,000 feet~~

1 of freeways and other major contributors to air pollution in the
2 community, such as oil refineries and heavy industry.

3 (e) ~~Directs school districts to work with air pollution control
4 and air quality management districts to develop and implement
5 comprehensive plans for updating school infrastructure to limit
6 pupil air pollution exposure, with interventions including, but not
7 limited to, funding for campus vegetated buffer planting, HVAC
8 air filtration system updates, and schoolbus electrification.~~

9 (d) ~~Allocates, beginning in the 2018-19 fiscal year, 10 percent
10 of the moneys collected annually pursuant to Proposition 39,
11 approved by the voters at November 6, 2012, statewide general
12 election, toward air pollution mitigation efforts on school campuses
13 in disadvantaged communities.~~

SB 210 (Leyva) Heavy-Duty Vehicle Inspection and Maintenance Program.

Summary: The bill would:

- 1) Authorize the California Air Resources Board (CARB) to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program (Program) for nongasoline heavy-duty onroad motor vehicles with a gross vehicle weight rating of more than 14,000 pounds, including, but not limited to, single-vehicle fleets and other vehicles that are registered in another state and operate in the state;
- 2) Allow CARB, in implementing the Program, to:
 - a) Establish test procedures for different motor vehicle model years and emissions control technologies that measure the effectiveness of the control of emissions of oxides of nitrogen (NOx), particulate matter, and greenhouse gases;
 - b) Require a motor vehicle to pass the test procedures in order to register or operate in the state; and
- 3) Authorize CARB to assess a fee and penalties as part of the Program.

Background: Existing law requires CARB, in consultation with the Bureau of Automotive Repair (BAR) and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires CARB, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

The bill finds and declares all of the following:

- (a) Communities in the state are too often exposed to unhealthy air. Communities near hubs of activity, such as warehouses and distribution centers, ports, highways, and roads with high levels of truck traffic, bear the burden of heavy-duty trucks that are not maintained.
- (b) Trade corridors, such as those in the Inland Empire and Central Valley, consist of some of the most environmentally disadvantaged cities in the state.
- (c) As of 2016, heavy-duty trucks operating in the state emitted nearly 60 percent of all oxides of nitrogen (NOx) emissions from mobile sources, which are the most significant contributor to both federal ozone and fine particulate matter (PM_{2.5}) air quality standard violations across the state. Heavy-duty diesel trucks are also the largest source of diesel particulate matter (DPM) emissions in the state. DPM is a carcinogen and toxic air contaminant. Risks are particularly high in urban areas and along busy roadways where trucks operate.
- (d) Statewide, about 12 million residents live in communities that exceed the federal ozone and PM_{2.5} standards. The health and economic impacts of exposure to elevated levels of ozone and PM_{2.5} in the state are considerable. Meeting air quality standards will pay

substantial dividends in terms of reducing costs associated with emergency room visits and hospitalization, lost work and school days, and premature mortality.

- (e) While the state has made significant progress in improving air quality through existing programs by the state and air pollution control and air quality management districts, further action must be taken to achieve public health, air quality, and climate goals

Status: 8/28/2017 - Re-referred to Assembly Comm. on RLS. pursuant to Assembly Rule 96.

Specific Provisions: This bill would:

- 1) Authorize CARB, in consultation with BAR and the Department of Motor Vehicles (DMV), to develop and implement the Program for nongasoline heavy-duty onroad motor vehicles with a gross vehicle weight rating of more than 14,000 pounds, including, but not limited to, single-vehicle fleets and other vehicles that are registered in another state and operate in the state.
- 2) In implementing the Program, CARB may do all of the following:
 - c) Establish test procedures for different motor vehicle model years and emissions control technologies that measure the effectiveness of the control of emissions of NO_x, PM, and GHGs. The procedures may include, but are not limited to, the use of onboard diagnostics systems;
 - d) Require a motor vehicle to pass the test procedures in order to register or operate in the state;
 - e) Allow a streamlined process for the owner or operator of a vehicle fleet who has an established compliance history.
 - f) Establish program validation methods for evaluating program effectiveness, fraud investigation, and research purposes.
 - g) Develop an information technology database to collect and track vehicle test data, assess the data to determine compliance, and regularly generate lists of compliant vehicle identification numbers and transmit them to the DMV in order for the DMV to issue annual vehicle registration notices.
- 3) CARB shall assess a fee to fund the reasonable costs of implementing the Program.
- 4) All fees collected by CARB shall be deposited in the Truck Emission Check (TEC) Fund, which is hereby created in the State Treasury. All moneys in the fund shall be available upon appropriation by the Legislature to CARB for purposes of this chapter.
- 5) All penalty moneys collected by CARB shall be deposited in the Diesel Emission System Inspection and Smoke Test (DESIST) Account, which is hereby created in the TEC Fund in the State Treasury. All moneys in the account shall be available upon appropriation by the Legislature.
- 6) CARB, in consultation with BAR, the DMV and stakeholders as part of a public process, may implement a pilot program prior to fully implementing the program.

Impacts on SCAQMD’s Mission, Operations or Initiatives: The bill states that the Program is a key step in achieving the state’s goals to improve public health and meet environmental imperatives.

The bill also states that the Program shall be developed in partnership between affected state agencies, the public, industry, and other stakeholders. The Program is also intended to be developed in a way that minimizes costs to truck owners and fleets; provides a level playing field for industry through effective enforcement; and provides flexibility for the Program to adapt as truck technology and industry evolves.

This bill is aligned with SCAQMD’s priorities regarding reducing criteria pollutant and toxic emissions and protecting public health within the South Coast region, especially by reducing mobile sources of pollution. This bill would result in cleaner air by promoting the increased production and use of near-zero and zero-emission heavy-duty vehicles within the South Coast region, which would support the 2016 Air Quality Management Plan and facilitate attainment of federal air quality standards.

Recommended Position: SUPPORT

AMENDED IN ASSEMBLY AUGUST 23, 2017

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MARCH 15, 2017

SENATE BILL

No. 210

Introduced by Senator Leyva
(Principal coauthor: Assembly Member Reyes)

February 1, 2017

An act to ~~amend Section 116276 of the Health and Safety Code, relating to public health.~~ *add Chapter 5.5 (commencing with Section 44150) to Part 5 of Division 26 of the Health and Safety Code, relating to vehicular air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Leyva. ~~Pupil health: drinking water.~~ *Heavy-Duty Vehicle Inspection and Maintenance Program.*

Existing law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

This bill would authorize the state board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state board to assess a fee and penalties as part of

the program. The bill would create the Truck Emission Check (TEC) Fund and the Diesel Emission System Inspection and Smoke Test (DESIST) Account in the fund, with all the moneys deposited in each fund to be available upon appropriation.

~~Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of implementing regulations, and conducting studies and investigations to assess the quality of water in private domestic water supplies. The act requires the state board to establish a grant program, in consultation with the State Department of Education, to award grants to local educational agencies for the purposes of improving access to, and the quality of, drinking water in public schools serving kindergarten or any of grades 1 to 12, inclusive, and preschools and child day care facilities located on public school property. The act requires the state board to give priority to certain projects.~~

~~This bill would require priority be given to projects for schools that have tested their drinking water fixtures, and the results show that the drinking water either does not meet the United States Environmental Protection Agency drinking water standards for lead or is above the California maximum contaminant level for any other contaminant, as specified.~~

~~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) Communities in the state are too often exposed to unhealthy*
- 4 *air. Communities near hubs of activity, such as warehouses and*
- 5 *distribution centers, ports, highways, and roads with high levels*
- 6 *of truck traffic, bear the burden of heavy-duty trucks that are not*
- 7 *maintained.*
- 8 *(b) Trade corridors, such as those in the Inland Empire and*
- 9 *Central Valley, consist of some of the most environmentally*
- 10 *disadvantaged cities in the state.*

1 (c) As of 2016, heavy-duty trucks operating in the state emitted
2 nearly 60 percent of all oxides of nitrogen emissions from mobile
3 sources, which are the most significant contributor to both federal
4 ozone and fine particulate matter (PM2.5) air quality standard
5 violations across the state. Heavy-duty diesel trucks are also the
6 largest source of diesel particulate matter emissions in the state.
7 Diesel particulate matter is a carcinogen and toxic air
8 contaminant. Risks are particularly high in urban areas and along
9 busy roadways where trucks operate.

10 (d) Statewide, about 12 million residents live in communities
11 that exceed the federal ozone and PM2.5 standards. The health
12 and economic impacts of exposure to elevated levels of ozone and
13 PM2.5 in the state are considerable. Meeting air quality standards
14 will pay substantial dividends in terms of reducing costs associated
15 with emergency room visits and hospitalization, lost work and
16 school days, and, most importantly, premature mortality.

17 (e) While the state has made significant progress in improving
18 air quality through existing programs by the state and air pollution
19 control and air quality management districts, further action must
20 be taken to achieve our public health, air quality, and climate
21 goals

22 (f) The Heavy-Duty Vehicle Inspection and Maintenance
23 Program established by Section 44150 of the Health and Safety
24 Code is a key step in achieving the state's goals to improve public
25 health and meeting our environmental imperatives.

26 (g) It is the intent of the Legislature that the Heavy-Duty Vehicle
27 Inspection and Maintenance Program be developed in partnership
28 between affected state agencies, the public, industry, and other
29 stakeholders. It is further the intent of the Legislature for this
30 program to be developed in a way that minimizes costs to truck
31 owners and fleets; provides a level playing field for industry
32 through effective enforcement; and provides flexibility for the
33 program to adapt as truck technology and industry evolves.

34 SEC. 2. Chapter 5.5 (commencing with Section 44150) is added
35 to Part 5 of Division 26 of the Health and Safety Code, to read:

1
2 *CHAPTER 5.5. HEAVY-DUTY VEHICLE INSPECTION AND*
3 *MAINTENANCE PROGRAM*
4

5 44150. (a) *The state board, in consultation with the bureau*
6 *and the Department of Motor Vehicles, may develop and implement*
7 *a Heavy-Duty Vehicle Inspection and Maintenance Program for*
8 *nongasoline heavy-duty onroad motor vehicles with a gross vehicle*
9 *weight rating of more than 14,000 pounds, as defined by the state*
10 *board, including, but not limited to, single-vehicle fleets and other*
11 *vehicles that are registered in another state and operate in the*
12 *state. In implementing the program, the state board may do all of*
13 *the following:*

14 (1) *Establish test procedures for different motor vehicle model*
15 *years and emissions control technologies that measure the*
16 *effectiveness of the control of emissions of oxides of nitrogen,*
17 *particulate matter, and greenhouse gases. The procedures may*
18 *include, but are not limited to, procedures for the use of onboard*
19 *diagnostics systems.*

20 (2) *Require a motor vehicle to pass the test procedures in order*
21 *to register or operate in the state.*

22 (3) *Allow a streamlined process for the owner or operator of a*
23 *vehicle fleet who has an established compliance history.*

24 (4) *Establish program validation methods for evaluating*
25 *program effectiveness, fraud investigation, and research purposes.*
26 *The validation methods may include directing a subset of vehicles*
27 *for emissions testing.*

28 (5) *Develop an information technology database to collect and*
29 *track vehicle test data, assess the data to determine compliance,*
30 *and regularly generate lists of compliant vehicle identification*
31 *numbers and transmit them to the Department of Motor Vehicles*
32 *in order for the Department of Motor Vehicles to issue annual*
33 *vehicle registration notices.*

34 (6) *Allow for contracting for services to administer any*
35 *component of the program.*

36 (7) *Establish licensing standards for persons engaged in the*
37 *business of inspection, diagnosis, and repair of heavy-duty motor*
38 *vehicles.*

1 (8) *Establish a disciplinary and penalty schedule, an appeals*
2 *process, and a recourse for fraud or incompetence by parties*
3 *involved in motor vehicle inspections, testing, or repair.*

4 44151. (a) *The state board shall assess a fee to fund the*
5 *reasonable costs of implementing the program established pursuant*
6 *to this chapter.*

7 (b) *All fees collected by the state board pursuant to this chapter*
8 *shall be deposited in the Truck Emission Check (TEC) Fund, which*
9 *is hereby created in the State Treasury. All moneys in the fund*
10 *shall be available upon appropriation by the Legislature to the*
11 *state board for the purposes of this chapter.*

12 (c) *All penalty moneys collected by the state board pursuant to*
13 *this chapter shall be deposited in the Diesel Emission System*
14 *Inspection and Smoke Test (DESIST) Account, which is hereby*
15 *created in the TEC Fund in the State Treasury. All moneys in the*
16 *account shall be available upon appropriation by the Legislature.*

17 44152. *The state board, in consultation with the bureau, the*
18 *Department of Motor Vehicles, and stakeholders as part of a public*
19 *process, may implement a pilot program prior to fully implementing*
20 *the program authorized pursuant to this chapter.*

21 ~~SECTION 1. Section 116276 of the Health and Safety Code~~
22 ~~is amended to read:~~

23 ~~116276. (a) The state board shall establish a program, in~~
24 ~~consultation with the State Department of Education, to award~~
25 ~~grants to local educational agencies for the purposes of improving~~
26 ~~access to, and the quality of, drinking water in public schools~~
27 ~~consistent with the Legislature's intent that school facilities be~~
28 ~~maintained in "good repair," as defined in paragraph (1) of~~
29 ~~subdivision (d) of Section 17002 of the Education Code. Eligible~~
30 ~~entities shall be limited to local educational agencies serving~~
31 ~~kindergarten or any of grades 1 to 12, inclusive, and preschools~~
32 ~~and child day care facilities, as defined in Section 1596.750, located~~
33 ~~on public school property. The program shall include, but not be~~
34 ~~limited to, funding for at least one of the following:~~

35 ~~(1) Installation of water bottle filling stations.~~

36 ~~(2) Installation or replacement of drinking water fountains with~~
37 ~~devices that are capable of removing contaminants that are present~~
38 ~~in the facility's water supply.~~

39 ~~(3) Installation of point-of-entry or point-of-use treatment~~
40 ~~devices for drinking fountains, and up to three years of~~

1 postinstallation replacement filters, and operation, maintenance,
2 and monitoring of the devices, including training on how to operate
3 and maintain the treatment devices and community outreach and
4 education about their use.

5 (b) The state board shall implement the program by taking
6 actions that include, but are not necessarily limited to, the
7 development of procedures and guidelines for the submission of
8 grant applications and criteria for the evaluation of those
9 applications.

10 (e) (1) In developing the procedure for awarding grants pursuant
11 to this section, the state board shall do all of the following:

12 (A) Set requirements for grant recipients to adopt a program for
13 inspecting and maintaining any water treatment device funded by
14 the grant.

15 (B) Establish a maximum grant amount.

16 (C) Give priority to each of the following:

17 (i) Projects for schools within, or serving pupils from, a small
18 disadvantaged community, as defined in Section 13193.9 of the
19 Water Code.

20 (ii) Projects that have high effectiveness in increasing access to
21 safe drinking water at schools.

22 (iii) Projects for schools that have tested their drinking water
23 fixtures, and the results show that the drinking water either does
24 not meet the United States Environmental Protection Agency
25 drinking water standards for lead or is above the maximum
26 contaminant level for any other contaminant pursuant to Title 22
27 of the California Code of Regulations.

28 (2) In developing the procedure for awarding grants pursuant
29 to this section, the state board may require applicants to commit
30 additional resources to the project, except that the state board shall
31 not require matching funds for local educational agencies serving
32 small disadvantaged communities or interfere with the prioritization
33 of grant funding to small disadvantaged communities.

34 (d) (1) Procedures and guidelines for the program developed
35 by the state board under this section are not subject to Chapter 3.5
36 (commencing with Section 11340) of Part 1 of Division 3 of Title
37 2 of the Government Code.

38 (2) Before finalizing the procedures and guidelines for the
39 distribution of grants pursuant to this section, the state board shall

- 1 ~~hold at least one public meeting to receive and consider public~~
- 2 ~~comment on the draft procedures and guidelines.~~
- 3 ~~(e) The state board shall provide technical assistance to~~
- 4 ~~applicants, including completing applications, overseeing~~
- 5 ~~installations, and assisting with operation and maintenance.~~
- 6 ~~(f) A contract entered into under the authority of this section is~~
- 7 ~~not subject to Section 10295 of the Public Contract Code.~~

ATTACHMENT 4

Dr. Joseph Lyou’s Proposed Amendments to SCAQMD’s 2018 Federal and State Legislative Goals and Objectives

Dr. Joseph Lyou: Would staff support including the additional goal of: “opposing tax laws or other financial incentive legislation that disproportionately benefits those who manufacture, sell, or use products that significantly increase air pollution within the district”?

Response: Staff has concerns that this goal may have too broad of an application and thus be difficult to properly implement. As an alternative, staff suggests:

***Clean Air Act, National Ambient Air Quality Standards (NAAQS) and SIP
(Existing Language as modified)***

“Oppose legislation that conflicts with the District’s attainment goals.” Further,

Support policies, legislation and/or administrative efforts to:

- Ensure adequate SCAQMD authority under the federal Clean Air Act (CAA);
- Extend or enhance SCAQMD’s subvention funding under CAA Sections 103 and 105;
- Increase funding and incentive programs to help states and local regions meet attainment for clean air standards under the CAA; and
- Protect science-driven and health-based determinations of national ambient air quality standards, and efforts to streamline and provide flexible implementation of SIP requirements, as needed, to ensure feasibility of attainment.

Dr. Joseph Lyou: Would staff support this change to the “Clean Energy” goal? Support legislation that advances the Board’s Energy Policy which promotes energy efficiency, demand reduction and reliable, cost effective and clean energy for all consumers . . .”

Response: Staff is Supportive

Clean Energy (Existing Language as modified)

Support legislation that advances the Board’s Energy Policy which promotes energy efficiency, demand reduction and reliable, cost effective and clean energy for all consumers in the District while facilitating attainment of clean air standards and support for a healthy economy. In particular, support policies and funding that promote the development and deployment of zero and near-zero emission infrastructure, equipment and vehicles.



South Coast Air Quality Management District

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DRAFT

SCAQMD's Federal Legislative Goals & Objectives for 2018

The following goals and objectives are identified to facilitate attainment of federal clean air standards within the South Coast region by statutory deadlines, while working with Congress, the White House, federal, state and local agencies, business, environmental and community groups, and other stakeholders:

Federal Support

Work to ensure that the federal government does its fair share to reduce air pollution by:

- Providing funding or regulatory authority adequate for nonattainment areas to attain National Ambient Air Quality Standards (NAAQS) for upcoming federal deadlines, and in particular, the South Coast Air Quality Management District (SCAQMD) to implement the 2016 Air Quality Management Plan (AQMP) and attain federal ozone and particulate matter standards by upcoming federal deadlines;
- Reauthorizing and expanding funding for the Diesel Emission Reduction Act (DERA);
- Increasing funding for the Targeted Air Shed Grant program;
- Authorizing and funding new programs which will reduce air pollution through the adoption and deployment of zero and near-zero emission technologies, fuels and recharging/refueling infrastructure;
- Establishing programs or policies that incentivize the federal government to purchase and use advanced clean technologies and eliminate the use of technologies generating NOx and particulate matter emissions; and
- Incentivizing individuals, businesses, states, and local governments to purchase and use advanced clean technologies and eliminate the use of technologies generating NOx and particulate matter emissions.

Technology Advancement

Expand funding opportunities and federal tax incentives for advanced clean technology research, development, demonstration and deployment programs, including those related to:

- Zero and near-zero emission technologies;
- Clean vehicles (such as light-, medium- and heavy-duty vehicles, locomotives, marine vessels, and aircraft technologies);
- Clean fuels and refueling/recharging technologies and infrastructure;
- Clean energy sources;
- Technologies, systems and/or processes which reduce ambient concentrations of air pollutants and/or toxic air emissions; and
- The implementation of the 2016 Air Quality Management Plan (AQMP).

Marine Vessels

Pursue legislative and/or administrative policies that will further reduce marine vessel emissions and will ensure, through regulatory and/or incentive-based policies that the cleanest vessels come to U.S. ports.

Surface Transportation & Goods Movement

Pursue the adoption of legislation and/or policies which will reduce or eliminate air quality impacts from the freight sector (for both medium-duty and heavy duty vehicles), as well as off-road vehicles (such as agricultural vehicles, cargo handling equipment, freight handling equipment, and construction equipment).

Locomotives

Pursue efforts to reduce locomotive emissions, through regulatory and/or incentive-based policies.

Reduction of Toxic Emissions

Pursue efforts through legislative and administrative programs, to reduce toxic emissions, and the public's exposure to toxic emissions, within the South Coast region.

Environmental Justice

Support legislation which promotes environmental justice initiatives that will reduce localized health risks, develop clean air technologies that directly benefit disproportionately impacted communities, and enhance community participation in decision-making.

Business/Jobs Climate

Support legislation, policies or administrative actions that support and assist the regulated community to comply with rules and regulations in the most efficient and cost-effective manner that protects and encourages job retention and creation, and promotes economic growth, while working toward attainment of clean air standards.

Clean Air Act, National Ambient Air Quality Standards (NAAQS) and SIP

"Oppose legislation that conflicts with the District's attainment goals." Further, support policies, legislation and/or administrative efforts to:

- Ensure adequate SCAQMD authority under the federal Clean Air Act (CAA);
- Extend or enhance SCAQMD's subvention funding under CAA Sections 103 and 105;
- Increase funding and incentive programs to help states and local regions meet attainment for clean air standards under the CAA; and
- Protect science-driven and health-based determinations of national ambient air quality standards, and efforts to streamline and provide flexible implementation of SIP requirements, as needed, to ensure feasibility of attainment.

Climate Change

Seek to influence climate change initiatives and facilitate their implementation at local levels, to promote co-benefits with NAAQS and air toxics reduction, consistent with the Board's policy.

New Source Review Offsets

Modernize federal New Source Review offset requirements for areas where the supply of offsets is inadequate, while furthering the pursuit of clean air objectives.



South Coast Air Quality Management District

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DRAFT

SCAQMD's State Legislative Goals & Objectives for 2018

The following goals and objectives are identified to protect public health and facilitate attainment of clean air standards within the South Coast region by statutory deadlines, while working with and serving as a resource to state legislators and the Governor; federal, state, and local agencies; business, environmental and community groups; and other stakeholders:

Air Quality Funding

Increase existing and identify new funding sources for clean air programs that protect public health and ensure attainment of state and federal air quality standards, particularly incentive programs and research and development projects that support the 2016 Air Quality Management Plan (AQMP) and create opportunities to partner with local businesses, communities and residents.

SCAQMD Authority / Policy Implementation

Protect and ensure adequate SCAQMD authority for implementation of the Board's clean air policies and programs, as required by state and federal law, including the 2016 AQMP.

State Support

Work to ensure that the state government does its fair share to reduce air pollution in order for the South Coast region to meet national ambient air quality standards, and provides legislative and administrative support to SCAQMD to implement the 2016 AQMP and attain federal ozone and particulate matter standards by upcoming federal deadlines.

Environmental Justice

Support legislation and funding to promote and sustain environmental justice initiatives that: reduce localized health risks resulting from criteria pollutant and toxic air contaminant emissions, develop and expand access to clean air technology that directly benefits disproportionately impacted communities, enhance community participation in decision-making, and provide the resources necessary to fully implement local air districts' new responsibilities and programs created through Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017).

Climate Change

Seek to influence climate change initiatives and facilitate their implementation consistent with Board policy. In particular, support efforts directing that Greenhouse Gas Reduction Fund investments maximize criteria and toxics emission reduction co-benefits, promote near-zero and zero-emission vehicles, and address air quality and public health impacts.

Clean Energy

Support legislation that advances the Board’s Energy Policy which promotes energy efficiency, demand reduction and reliable, cost effective and clean energy for all consumers in the District while facilitating attainment of clean air standards and support for a healthy economy. In particular, support policies and funding that promote the development and deployment of zero and near-zero emission infrastructure, equipment and vehicles.

Business/Jobs Climate

Support legislation, policies and/or administrative actions that protect and encourage job retention and creation and promote economic growth, while working toward attainment of clean air standards; and that support and assist the regulated community in complying with rules and regulations in the most efficient and cost-effective manner.

Surface Transportation & Goods Movement

Support and expand air quality policy and funding considerations relating to the implementation of state and federal surface transportation and goods movement policies and programs, including those relating to the FAST Act.