



South Coast Air Quality Management District



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

LEGISLATIVE COMMITTEE MEETING

Committee Members

Council Member Judith Mitchell, Chair
Council Member Joe Buscaino, Vice Chair
Dr. William A. Burke
Senator Vanessa Delgado (Ret.)
Supervisor V. Manuel Perez
Supervisor Janice Rutherford

January 15, 2021 ♦ 9:00 a.m.

Pursuant to Governor Newsom's Executive Orders N-25-20 (March 12, 2020) and N-29-20 (March 17, 2020), the South Coast AQMD Legislative Committee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION AT BOTTOM OF AGENDA

Join Zoom Webinar Meeting - from PC or Laptop
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Audience will be able to provide public comment through telephone or Zoom connection during public comment periods.

PUBLIC COMMENT WILL STILL BE TAKEN

AGENDA

Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54954.3(a)). If you wish to speak, raise your hand on Zoom or press Star 9 if participating by telephone. All agendas for regular meetings are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.

CALL TO ORDER

DISCUSSION ITEMS (Items 1 through 2):

- 1. Update and Discussion on Federal Legislative Issues
(No Motion Required)
Consultants will provide a brief oral report of Federal legislative activities in Washington DC.
[Attachment 1a-1c - Written Reports]

*Amelia Jenkins
Cassidy & Associates
pgs 5-10*

*Mark Kadesh
Kadesh & Associates, LLC
pgs 11-12*

*Gary Hoitsma
Carmen Group
pgs 13-14*

- 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 2a-2c - Written Reports]

*Ross Buckley
California Advisors, LLC
pgs 15-16*

*Paul Gonsalves
Joe A. Gonsalves & Son
pgs 17-21*

*David Quintana
Resolute
pgs 22-24*

ACTION ITEM (Item 3):

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

<u>Bill#</u>	<u>Author</u>	<u>Bill Title</u>
H.R. 7024	Barragán	Climate Smart Ports Act of 2020
H.R. 8775	Ruiz	Salton Sea Public Health and Environmental Protection Act of 2020

*Lisa Tanaka O'Malley
Senior Public Affairs Manager,
Legislative, Public Affairs &
Media
pgs 25-43*

*Denise Peralta Gailey
Public Affairs Manager,
Legislative, Public Affairs &
Media
pgs 44-57*

OTHER MATTERS:

- 4. 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)

5. **Public Comment Period**
At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Legislative Committee's authority that is not on the agenda. Speakers may be limited to three (3) minutes each.
6. **Next Meeting Date** – Friday, February 12, 2021 at 9:00 am.

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 by contacting Aisha Reyes at (909) 396-3074, or send the request to areyes2@aqmd.gov.

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Legislative Committee meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to South Coast AQMD. Please contact Aisha Reyes at (909) 396-3074 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to areyes2@aqmd.gov.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the **“Raise Hand”** button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the **“Raise Hand”** button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.



To: South Coast Air Quality Management District
From: Cassidy & Associates
Date: December 23, 2020
Re: December Report

HOUSE/SENATE

On December 21, Congress passed a \$900 billion COVID-19 assistance bill packaged with a \$1.4 trillion fiscal year 2021 omnibus funding bill.

The COVID-19 relief package contains \$69 billion for testing, tracing and vaccines to be broken up as follows:

- \$16b for Testing, Tracing and Vaccine Development & Distribution
- \$20b to BARDA (Biomedical Advanced Research and Development Authority) purchase of vaccines that will make the vaccine available at no charge for anyone who needs it
- \$9b to CDC and states for vaccine distribution
- \$3b for Strategic National Stockpile
- \$22b directly to states for testing, tracing and COVID mitigation programs
 - \$2.5b will be sent out as grants specifically targeted at needs in underserved areas, including both communities of color and rural communities
- \$3b Provider Relief Fund
- \$4.5b for substance abuse prevention and treatment and mental health
- \$1b for NIH to research COVID-19
- \$1b in direct funds to the Indian Health Service

The relief package also includes \$325 for small business loans, \$45 billion for transportation, \$85 billion for education, \$7 billion for broadband, \$25 billion for the eviction moratorium, \$26 billion for agriculture and nutrition, \$120 billion for unemployment insurance, and \$166 billion for direct payments to individuals. Direct payments will be \$600 per person for an individual making up to \$75,000 and \$1,200 for couples making up to \$150,000 per year, plus \$600 per child dependent.

Small business loan money will be broken up as follows:

- \$284b through Paycheck Protection Program (PPP) for first and second forgivable PPP loans, dedicated set-asides for very small businesses and lending through community-based lenders like Community Development Financial Institutions and Minority Depository Institutions
- \$15b for entertainment venues, movie theaters, and museums
- \$20b for new EIDL Grants for businesses in low-income communities, \$3.5b for continued SBA debt relief payments, and \$2b for enhancements to SBA lending
- Extends the Paycheck Protection Program (PPP) and adds deductibility for PPP expenses
 - Inclusion of 501c6, restaurants, live venues, and EIDL grants
 - Loan forgiveness process is simplified for borrowers with PPP loans of \$150,000 or less
- Codifies federal rules that ensure churches and faith-based organizations are eligible for PPP loans
- Re-purpose unused Treasury CARES funding and Paycheck Protection Program

The transportation funding is divided as follows:

- \$16 billion for another round of airline employee and contractor payroll support
- \$14 billion for transit
- \$10 billion for highways
- \$2 billion for the private motorcoach, school bus, ferry industries
- \$2 billion for airports
- \$1 billion for Amtrak

The omnibus appropriations bill totals \$1.4 trillion and reflects the conference agreements for all 12 FY2021 appropriations bills. In total, the package provides:

- \$671.5 billion in base defense funding, a \$5 billion increase over FY 2020
- \$656.5 billion in nondefense funding, an \$20 billion increase over FY2020
- \$77 billion for Overseas Contingency Operations (OCO)—\$69 billion for defense activities and \$8 billion for nondefense activities
- An additional \$3.1 billion in emergency funding to fund agency operations impacted by the COVID-19 pandemic
- \$2.35 billion in funding for wildfire suppression activities
- \$1.9 billion for program integrity initiatives
- \$474 million medical research associated with the 21st Century Cures Act

The omnibus also includes intel reauthorization, pipeline safety reauthorization, the Water Resources Development Act, USMCA technical corrections, and the Energy Act of 2020. The Energy Act of 2020 is a comprehensive clean energy research, development, and demonstration bill (RD&D) that includes provisions from S. 2657, the American Energy Innovation Act, and H.R. 4447, the Clean Economy Jobs and Innovation Act. In total, the bill authorizes over \$35 billion in innovative energy efficiency, advanced nuclear, energy storage, carbon capture, direct air capture, industrial decarbonization, and renewable energy technology RD&D programs at the Department of Energy (DOE). The bill also authorizes over \$2.5 billion in sustainable transportation RD&D through 2023. The bill is a significant step forward for reworking DOE's programs to expedite the deployment of the critical technologies needed to decarbonize the economy

Cassidy and Associates support in December:

- Advocated for SCAQMD priorities in energy provisions included in the omnibus appropriations package.
 - Successfully limited Targeted Airshed Grant funding to the five most impacted non-attainment areas after an attempt by House appropriators to expand the pool to ten areas.
 - Tracked and advocated for other provisions of interest, including the \$2.5 sustainable transportation reauthorization and diesel emissions reduction act reauthorization.
- Tracked COVID relief proposals on state and local emergency funding.
- Participated in weekly strategy meetings with SCAQMD staff.
- Daily conversations with key Hill staff to track COVID and omnibus legislative developments and ensure that SCAQMD priorities were in play.

PANDEMIC RESPONSE PROGRAMS AND AUTHORITIES

On December 4, the FDA authorized the first diagnostic test for at home collection of patient samples to detect both COVID-19 and Influenza A and B (flu). The FDA authorized Quest Diagnostics Self-Collection Kit for COVID-19 + Flu RT-PCR Test for prescription use with the Quest Diagnostics Self-Collection Kit for COVID-19 + Flu by individuals who are suspected of respiratory viral infection consistent with COVID-19 when home collection is determined to be appropriate. You can find the FDA news release [here](#).

The FDA issues the first emergency use authorization (EUA) for a vaccine for the prevention of COVID-19 in individuals 16 years of age and older. The EUA allows the Pfizer-BioNTech COVID-19 vaccine to be distributed in the U.S. The FDA has determined that the Pfizer-BioNTech

COVID-19 vaccine has met the criteria for issuance of an EUA. The totality of the available data provides clear evidence that the Pfizer-BioNTech COVID-19 vaccine may be effective in preventing COVID-19. The data also support that the known and potential benefits outweigh the known and potential risks, supporting the vaccine's use in millions of people 16 years of age and older, including healthy individuals.

A link to the FDA press release can be found [here](#). The EUA letter can be found [here](#). And below are links to fact sheets from the FDA:

[Fact Sheet for Healthcare Providers Administering Vaccine \(Vaccine Providers\)](#)

[Fact Sheet for Recipients and Caregivers](#)

Last week, the FDA issued an EUA for the Moderna vaccine for the prevention of COVID--19 for individuals 18 years of age and older caused by SARS-CoV-2. This EUA represents the second vaccine authorized for the prevention of COVID-19.

A link to the full FDA press release is [here](#). The press release also provides information and discussion on available safety and effectiveness data.

You can review the full Moderna COVID-19 Vaccine EUA Letter of Authorization [here](#).

In addition to the EUA letter, below are links to fact sheets from the FDA:

[Fact Sheet for Healthcare Providers Administering Vaccine \(Vaccine Providers\)](#)

[Fact Sheet for Recipients and Caregivers](#)

Operation Warp Speed and private sector partners now begin distributing the first allocation of doses to sites designated by the public health jurisdictions and five federal agencies with which OWS and CDC have been working to plan distribution. HHS Secretary Alex M Azar II and Acting Secretary of Defense Christopher C. Miller have issued statements on this next step, and they can be viewed [here](#).

Health and Human Services (HHS) is publishing the week one vaccine allocations provided to states and jurisdictions to order against. The data for the initial week's allocations are currently available [here](#). Each week on Tuesday, states and jurisdictions will be provided allocations available to ship the following week. These allocations and more related information are located on the HHS COVID-19 Vaccines page: <https://www.hhs.gov/coronavirus/covid-19-vaccines/index.html>

HHS has announced that the CDC will award \$140 million for COVID-19 vaccine preparedness and almost \$87 million for tracking and testing to 64 jurisdictions, including all 50 states and U.S. territories. The CARES Act funding will provide critical infrastructure support to existing grantees through the Immunizations and Vaccines for Children cooperative agreement. These funds, along with previous support of \$200 million in September, will help awardees continue to prepare to distribute COVID-19 vaccines. The Paycheck Protection Program and Health Care Enhancement Act funding will provide critical support to existing CDC grantees through the

agency's Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases (ELC) Cooperative Agreement. These efforts will complement vaccine implementation activities and focus on three targeted areas of activity: increasing the use of Advanced Molecular Detection technologies, such as whole genome sequencing of SARS-CoV-2; strengthening public health laboratory preparedness; and ensuring safe travels through optimized data sharing and communication with international travelers.

There will now be extended coverage under the Public Readiness and Emergency Preparedness Act (PREP Act) to qualified National Guardsmen administering COVID-19 vaccinations that have been authorized or licensed by the FDA. This will allow states and territories that wish to fully utilize National Guard health and medical personnel to increase access to COVID-19 vaccinations the flexibility to do so.

AGENCY RESOURCES

USA.gov is cataloging all U.S. government activities related to coronavirus. From actions on health and safety to travel, immigration, and transportation to education, find pertinent actions [here](#). Each Federal Agency has also established a dedicated coronavirus website, where you can find important information and guidance. They include: Health and Human Services ([HHS](#)), Centers of Medicare and Medicaid ([CMS](#)), Food and Drug Administration ([FDA](#)), Department of Education ([DoED](#)), Department of Agriculture ([USDA](#)), Small Business Administration ([SBA](#)), Department of Labor ([DOL](#)), Department of Homeland Security ([DHS](#)), Department of State ([DOS](#)), Department of Veterans Affairs ([VA](#)), Environmental Protection Agency ([EPA](#)), Department of the Interior ([DOI](#)), Department of Energy ([DOE](#)), Department of Commerce ([DOC](#)), Department of Justice ([DOJ](#)), Department of Housing and Urban Development ([HUD](#)), Department of the Treasury ([USDT](#)), Office of the Director of National Intelligence ([ODNI](#)), and U.S. Election Assistance Commission ([EAC](#)).

Helpful Agency Contact Information:

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

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

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

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

KADESH & ASSOCIATES

South Coast AQMD Report for the January 2021
Legislative Meeting covering December 2020
Kadesh & Associates

December:

Both the House and Senate were in session in December considering the final passage of the FY21 Omnibus Appropriations bill and the development and ultimate passage of a COVID-19 relief and response package. Despite threats of Presidential vetoes, both bills were ultimately signed into law. The Omnibus bill, H.R. 133 carried with it several other important pieces of legislation including an Energy bill and the biennial Water Resources Development Act (WRDA) reauthorization. Overall, the Omnibus includes a reauthorization of the Diesel Emissions Reduction Act (DERA) program at \$100 million through 2024 and \$2.5 billion for research, development, demonstration and commercialization via the Department of Energy in the areas of hydrogen fuel cells, vehicle technologies and bioenergy. Further, the Omnibus increased FY21 spending (\$2.7 million over FY20) for Targeted Airshed Grants (TAG) to \$59 million and preserved eligibility criteria which will continue support South Coast AQMD and the other five regions most impacted by ozone and PM 2.5. It also includes an almost \$3 million increase of funds for DERA to \$90 million with report language directing U.S. EPA to award 70-percent of the grants in nonattainment areas. Funding for the Section 103/105 program also received an increase from \$228.3 million in FY 20 to \$229.5 million in FY21. The massive legislative package contains numerous other provisions that may assist air quality including building efficiency/weatherization assistance, solar and other renewable energy, and more. In short, several South Coast AQMD legislative priorities were included in the bill at increased funding levels, while prioritizing non-attainment areas.

As of December 28, 2020, Congress was still in session to consider authorizing \$2,000 (\$4,000 for a couple) COVID relief checks to Americans subject to certain income limits and a Veto override for the NDAA, the annual defense authorization bill, H.R. 6395. (By a vote of 322-87 the House voted to override the President's veto on December 28, 2020. Senate action to follow.)

Direct payments in the FY21 Omnibus spending and virus aid package would be increased to \$2,000 for individuals, from \$600, and to \$4,000 for couples, from \$1,200, under H.R. 9051. The measure also would provide \$2,000 payments for each dependent, replacing a \$600 per-child payment in the spending law (H.R. 133). The measure would not modify other rules, such as the phasing out of payments for individuals with adjusted gross incomes of more than \$75,000, or \$150,000 for couples.

H.R. 9051 was considered on the Suspensions Calendar (requiring a 2/3 vote to pass), usually reserved for bills with broad bipartisan support. The bill passed on December 28, 2020 by a vote of 275-134, with 231 Democrats and 44 Republicans voting Yea, while 130 Republicans, two Independents and two Democrats voted Nay.

KADESH & ASSOCIATES

House Democrats offered the measure in response to comments from President Trump that the \$600 individual payments in the spending package were not large enough. He also called into question a number of items, particularly foreign aid funds, in the spending portion of the package. The president signed the Covid relief and spending package on Dec. 27 and issued a statement calling for increasing the payments for individuals to \$2,000.

Kadesh & Associates Activity Summary-

- Securing favorable FY21 Appropriations – DERA, TAG and Sec. 103/105;
- Successful in persuading Appropriators to retain the Senate language on TAG thereby retaining the focus on five worst non-attainment sites (vs. House language at 10);
- Planning for the priorities for the 117th Congress;
- Look Ahead discussion and draft memo for South Coast AQMD staff;
- Further engagement with offices of Representative Barragan and Representative Cardenas on legislation;
- COVID/stimulus legislation for special districts -- including an appeal to Congressional offices (such as House Speaker Pelosi and Representative Garamendi) to be included in year-end legislation;
- Identifying leaders of potential administration transition teams on South Coast AQMD's issues;
- Promoted the South Coast AQMD message on DERA, DOE fuel cell, Electric Vehicle infrastructure and bioenergy, Microgrids, Clean School Bus, Wildfire Smoke; and
- Monitoring Continuing Resolution(s).

Contacts:

Contacts included staff and House Members throughout the CA delegation, especially Leadership and Appropriators who were targeted as well as incoming Biden-Harris team members.

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

To: South Coast AQMD Legislative Committee
From: Carmen Group
Date: December 28, 2020
Re: Federal Update -- Executive Branch

Happy New Year: After a difficult month of haggling, Congress and the Administration finally settled post-Christmas on enacting into law the \$1.4 trillion Fiscal Year 2021 Omnibus appropriations measure combined with a compromise \$900 billion COVID Relief package. The giant bill notably lacked any significant COVID-related funding for state and local governments (a top priority for Democrats) and COVID liability protections (a top priority for Republicans). These issues are expected to be revisited in possible new Stimulus legislation soon after the inauguration.

As this is written a few days before the start of the New Year, much post-election uncertainty still prevails about the near-future legislative outlook and the manner in which Republicans and Democrats will -- or will not -- be able work together to get things done in the new 117th Congress. Much will turn on two things: 1) The outcome of the Georgia Senate run-off elections on Jan. 5; and 2) The fallout from Congress' Electoral College vote certification on Jan. 6.

Key Executive Branch Appointments: New administration picks for key posts:
WH International Climate Advisor: **Sen. John Kerry**, Former Secretary of State
WH National Climate Advisor: **Gina McCarthy**, Former EPA Administrator
WH Deputy National Climate Advisor: **Ali Zaidi**, NY Deputy for Energy/Environment
WH Council on Environmental Quality: **Brenda Mallory**, Southern Env. Law Center
Department of the Interior: **Rep. Deb Haaland (D-NM)**, Former Tribal administrator
Department of Transportation: **Pete Buttigieg**, Former Mayor of South Bend, IN
Department of Energy: **Jennifer Granholm**, Former Governor of Michigan
Environmental Protection Agency: **Michael Regan**, NC Dept. of Env., Former EPA staff

EPA Decisions on PM and Ozone NAAQS Standards: In separate actions in December, the EPA announced its final decisions to retain, without changes, the existing National Ambient Air Quality Standards (NAAQS) for particulate matter (PM_{2.5} and PM₁₀) and for ozone, thus keeping the standards for both of these criteria pollutants that were set five years ago by the Obama-Biden Administration. In each case, the agency said the decisions came after “careful review and consideration of the most recent available scientific evidence and technical information, consultation with the agency’s independent scientific advisors, and consideration of the (tens of thousands of) public comments” submitted respectively with regard to each of these pollutant standards. While some environmental advocates had called for tightening the standards, the EPA said the current standards were in keeping with where the science is today. The EPA also said the

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timing of the decisions comes as part of a regulatory streamlining process designed to keep the agency on track to meet the five-year statutory deadlines to review each of the six NAAQS standards going forward.

EPA Launches Clearinghouse for Environmental Finance: The EPA announced in December the creation of what it calls a “one-stop shop” to make it easier for communities to access available funding and other agency resources. The new Clearinghouse for Environmental Finance is an online database of air, land, and water information. The EPA says it includes over 1,800 funding and financing opportunities and information resources from the agency’s air, land, and water programs. The system can be used to access funding and financing opportunities for environmental projects as well as financial research, such as case studies, white papers, and webinars. Public access to the Clearinghouse is available at www.epa.gov/chef.

EPA Finalizes Cost-Benefit Rule: In December, the EPA announced the finalization of a rule to improve the rulemaking process under the Clean Air Act by establishing requirements to ensure that high-quality analyses of benefits and costs are developed for all significant Clean Air Act rules. It will help ensure that new clean air rules are analyzed consistently, transparently and appropriately. It also outlines best-practice procedures for assessing benefits and costs when developing regulatory actions.

Wheeler Says “Vanishing Congress” Cedes Too Much Power to Regulators: Citing the Clean Air Act as a specific example, EPA Administrator (and former Congressional staffer) Andrew Wheeler offers his view that Congress should be more assertive in clarifying what the laws it passes actually say, what they really mean, and to whom they are supposed to apply, instead of leaving these questions to executive branch regulators as they have done in so many instances. In an op-ed published by the *Washington Times* on Dec. 2, Wheeler notes that the Clean Air Act (passed in 1970) has not be amended by Congress since 1990—thirty years ago. Since then, Wheeler says, “*our means of measuring pollution and health impacts have greatly improved. We can with much more precision and accuracy say what is in the air, how much of it is there, and how it interacts with the human body. But our judgment of how much is too much, and worth the cost of reduction efforts, has not been similarly refined.*” He further says, “*It is past time for our legislators to channel their ambition for the public good and assert themselves. They need to do their jobs, stop deferring to agencies, and stop giving agencies regulatory authority into perpetuity.*”

DOE Releases Energy Storage “Roadmap”: In December, the Department of Energy released the Energy Storage and Grand Challenge Roadmap, the Department’s first comprehensive energy storage strategy. Among its cost and performance targets is an \$80/kWh manufactured cost for a battery pack by 2030 for a 300-mile range electric vehicle, a 44 percent reduction from the current cost. Achievement would lead to truly cost competitive electric vehicles.

Outreach: Contacts included Washington, DC representatives of CALSTART, NGV America, the Alliance for Vehicle Efficiency, the U.S. Chamber of Commerce, and the National Automobile Dealers Association on federal clean vehicle strategies.

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CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
January 15, 2021 Legislative Committee Hearing

General Update

The month of December has seen several changes happen throughout every level of state government, from the Legislature, Governor's office, and within state agencies. Typically, December is a quiet month for the Legislature outside of the swearing-in of new state legislators in even-numbered years. However, this year legislative leaders in both houses have already announced new committee chairs and committee assignments. There are several notable changes from the last session which include Senator Nancy Skinner (D-Berkeley) taking over the Senate Budget Committee, Assemblymember Luz Rivas (D-Arleta) who is now in charge of the Assembly Natural Resources Committee, and Senator Lena Gonzalez (D-Long Beach) and Assemblymember Laura Friedman (D-Glendale) taking over their respective Senate and Assembly transportation committees.

As the Legislature prepares to reconvene in January, there have already been 228 pieces of legislation introduced between the Senate and the Assembly. Additionally, Senate President pro Tempore Toni G. Atkins (D-San Diego) and Assembly Speaker Anthony Rendon (D-Lakewood) announced pushing back the Legislature's return date from January 4th to January 11th. Notably, the State Constitution requires the Governor to submit a balanced budget proposal to the Legislature by January 10th of each year. Given the Legislature's delayed return, the budget announcement will now occur before lawmakers return to Sacramento.

Towards the end of the month, Governor Newsom announced a major staff change when he said that his current chief of staff, Ann O'Leary, will be leaving her post early next year. Newsom announced that he had selected Jim DeBoo, a veteran Democratic political consultant, to serve as Executive Secretary starting January 1, 2021. He will lead the Office of the Governor alongside Cabinet Secretary Ana Matosantos.

On December 22nd, Governor Newsom announced the selection of California Secretary of State Alex Padilla to be California's next United States Senator. He will fill the position being vacated by Vice President-elect Kamala Harris. Padilla will become the first Latino to represent California in the United States Senate and the first Southern Californian in nearly three decades. Padilla's appointment does not require confirmation by the California Legislature. He will serve out the rest of Harris' unexpired term and then could run for reelection in 2022.

Further, to fill the Secretary of State's position, Newsom announced later that same day that he will submit to the State Legislature the nomination of Dr. Shirley N. Weber as the next California Secretary of State. Weber is an Assemblymember from the San Diego area and the current Chair of the California Legislative Black Caucus. She will be only the fourth woman to ever hold the position and the first Black woman to do so in state history. Notably, the

nomination is subject to confirmation by the California State Assembly and Senate within 90 days of the announcement.

The Governor could also fill the state's Attorney General position, assuming Xavier Becerra is confirmed as Secretary of Health and Human Services within the Biden Administration. That would make three major appointments within a matter of months for Newsom. The speculation has been rampant on potential appointees.

Upcoming Election:

The Governor has issued a proclamation declaring a special election for the 30th Senate District on May 4, 2021. The primary for the special election will be held on March 2, 2021. This special election was made necessary because Senator Holly Mitchell won her seat on the Los Angeles County Board of Supervisors.

Reopening of Schools and the Impact on the State's Budget:

On December 30th, Governor Newsom announced the *California's Safe Schools for All Plan* which would provide the framework to support schools already operating safely in-person and expand the number of schools safely resuming in-person instruction by early Spring. The Governor specifically mentioned the key mental and social benefits that in-person education provides our students. As part of this plan, the Budget will propose for immediate action in January, \$2 billion to support safety measures. This means that in the coming weeks the budget committees and the Legislature could act on providing this money for schools.



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 – December 2020

DATE: Monday, December 28, 2020

The Legislature reconvened briefly on December 7, 2020 for its organizational session. Typically, the organizational session is a celebratory affair. In addition to formally electing the leadership, staff, and sergeants of the Senate and Assembly, new members are sworn in on the floors of their respective chambers. Family and loved ones are present, and new and returning members hold open office celebrations to mingle with each other and lobbyists.

By contrast, this year's ceremonies were more somber. Both Houses limited attendance to legislators and minimum floor staff. The Capitol remained closed to most staff and lobbyists. While the 40-member Senate chose to convene in the Capitol, the 80-member Assembly convened several blocks away in the Golden One Center to provide more space for physical distancing.

Despite these precautions, the one-day session resulted in several staff contracting COVID-19. As a consequence, and given the rise in infection across the state, the Legislature delayed its planned return to session on January 4, 2021 by one week to January 11, 2021.

Many capitol staff suspect the Legislature's return will be delayed further given the Governor's continued appeal to avoid large gatherings and an expected spike in infection following the holidays. We would not be surprised if the Legislature chooses to delay its return to Sacramento to the end of January, or perhaps as late as mid-February.

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

CAP AND TRADE

On November 24, 2020, CARB released the auction results for the 25th Cap-and-Trade Auction. All current allowances offered for sale, 56,366,432, sold. This is the first auction since February 2020 where all current allowances have sold. The August 2020 auction offered approximately 2.8 million more allowances than this quarter's auction, but only 89% of them sold.

Current allowances settled at \$16.93, which is \$.25 above the floor price of \$16.68. All 8,672,250 future vintage allowances were offered for sale and all of them sold. This is the second auction in a row where 100% of future allowances sold. The future allowances cleared at \$17.35, \$.67 above the floor price and \$.62 higher than they cleared in the August auction. These allowances cannot be used for compliance until 2023.

The auction raised approximately \$580 million for the Greenhouse Gas Reduction Fund (GGRF), higher than the \$474 million raised at the August auction. Our firm will continue to work closely with the Governor's office, Legislature and Department of Finance to ensure the District receives GGRF funding in next year's budget.

GOVERNOR'S APPOINTMENTS

US SENATE

On December 22, 2020, Governor Newsom announced the selection of California Secretary of State Alex Padilla to be California's next United States Senator, filling the term being vacated by Vice President-elect Kamala Harris. Padilla, who previously served as a Los Angeles City Councilman and State Senator, and is a national leader in the fight to expand voting rights, will become the first Latino to represent California in the United States Senate and the first Southern Californian in nearly three decades.

Secretary of State Padilla was sworn in as California's first Latino Secretary of State on January 5, 2015 and pledged to bring more Californians into the democratic process as the state's top elections official. He was re-elected in 2018 and received the most votes of any Latino elected official in the United States.

CA SECRETARY OF STATE

On December 22, 2020, Governor Newsom announced that he will submit to the State Legislature the nomination of San Diego Assemblymember and Chair of the California Legislative Black Caucus, Dr. Shirley N. Weber, as the next California Secretary of State, filling the seat that will be vacated by Secretary of State Alex Padilla once he assumes office in the United States Senate.

An Assemblymember since 2012, former President of the San Diego Board of Education and a retired Africana Studies Department professor for 40 years at San Diego State University, Dr. Weber will become the first-ever African American to serve as Secretary of State in California. She has been a voice of moral clarity in the Legislature, one who her colleagues have looked to

for leadership on issues of social justice, including authoring the California Act to Save Lives, landmark legislation passed and signed by Governor Newsom in 2019 setting new, higher standards on the use of deadly force by police. The nomination is subject to confirmation by the California State Assembly and Senate within 90 days.

NEWSOM ADMINISTRATION

On December 21, 2020, Governor Newsom announced that Jim DeBoo will serve as Executive Secretary starting January 1, 2021 and lead the Office of the Governor alongside Cabinet Secretary Ana Matosantos.

In his role as Executive Secretary, DeBoo will oversee the Governor and Administration's overall strategy including communications, legislative, external affairs and intergovernmental affairs, as well as the Governor's scheduling, advance and protocol operations. Matosantos will continue to oversee agencies and departments and lead in the state's policy development and implementation, as well as oversee the Office of the Governor's legal affairs, judicial appointments and operations.

DeBoo, 45, of Sacramento, comes to the Newsom Administration with a fifteen-year track record of public service across state and local government, including as Interim Chief of Staff for Speaker John A. Pérez and Director of the Speaker's Office of Member Services; Chief Legislative Representative for Los Angeles Mayor Antonio Villaraigosa and the City of Los Angeles; Chief of Staff for former Assemblymembers Pedro Nava and Joe Nation; as well as Special Advisor to former State Superintendent of Public Instruction and State Senator Jack O'Connell. Most recently, DeBoo was Principal of DeBoo Communications, a public affairs and political consulting firm that specialized in elections, communications and media. This position does not require Senate confirmation.

As Governor Newsom announced this transition, he praised outgoing Chief of Staff Ann O'Leary for her commitment and dedication to the people of California as she helped set up and lead his Administration during his first two years. O'Leary submitted her resignation letter but will continue her service through mid-January to assist in ensuring a seamless transition.

CARB "SUPER POLLUTANTS" PROGRAM

On December 10, 2020, the California Air Resources Board (CARB) approved first-in-the-nation rules to curb the impact of powerful artificial refrigerants that pose a growing danger globally to efforts to contain the worst impacts of climate change.

The refrigerants, known as hydrofluorocarbons or HFCs, are considered to be super pollutants because they trap heat in the atmosphere thousands of times more effectively than carbon dioxide, the most prevalent greenhouse gas.

California is required to reduce HFC emissions 40% below 2013 levels by 2030 under Senate Bill 1383. The regulations approved by CARB are the most comprehensive of their kind in the world and will help hit that target.

The new rules affect commercial and industrial, stationary refrigeration units, such as those used by large grocery stores, as well as commercial and residential air conditioning units. This equipment often leaks refrigerants over time. In other cases, emissions are released when the equipment is dismantled and destroyed at the end of its useful life.

These rules will contribute to reversing the growth trend in HFC emissions, a growing threat to the planet, and help the state achieve its goal of carbon neutrality. CARB estimates the regulations will achieve annual reductions by approximately 3.2 million metric tons of GHGs in 2030 and, with a cumulative reduction of more than 62 million metric tons by 2040, the equivalent of taking more than 12 million cars off the road. Potential benefits in avoided climate impacts could save more than \$7 billion through 2040.

The approved rules also signal the beginning of the first refrigerant recycling program to put responsibility for compliance with manufacturers. The recycling effort will help develop an even more robust program that can serve as a national model. CARB will now move forward immediately with a new rulemaking limiting purchase or use of new high-global warming potential (GWP) refrigerants, and a partnership with other states and the federal government to design a national program. California will then work towards 100% refrigerant recovery and recycling.

Technology exists that makes it possible for new facilities to use refrigerants with very low-GWP today, such as naturally occurring substances like carbon dioxide or ammonia. Additionally, the next generation of synthetic refrigerants with lower GWPs are under rapid development, in part because of requirements like California's that will likely become national standards. Starting in 2022, new facilities will be required to use refrigerants that can reduce their emissions by up to 90%. The intent of the new rules is to eliminate the use of very high-GWP refrigerants in every sector that uses non-residential refrigeration systems. Compliance begins for most home air conditioning equipment in 2025.

2021 LEGISLATIVE CALENDAR

Jan. 1 - Statutes take effect.

Jan. 10 - Budget must be submitted by Governor.

Jan. 11 - Legislature reconvenes.

Jan. 22 - Last day to submit bill requests to the Office of Legislative Counsel.

Feb. 19 - Last day for bills to be introduced.

Apr. 30 - Last day for policy committees to hear and report to Fiscal Committees
fiscal bills introduced in their house.

May 7 - Last day for policy committees to hear and report to the Floor non-fiscal
bills introduced in their house.

May 14 - Last day for policy committees to meet prior to June 7.

May 21 - 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 7th.

June 1-4 - Floor Session Only. No committee, other than Conference or Rules, may meet for any purpose.

June 4 - Last day for bills to be passed out of the house of origin.

June 7 - Committee meetings may resume.

June 15 - Budget bill must be passed by midnight.

July 14 - Last day for policy committees to meet and report bills.

Aug. 27 - Last day for fiscal committees to meet and report bills to the Floor.

Aug. 30-Sept. 10 - Floor Session only. No committees, other than conference committees and Rules Committee, may meet for any purpose.

Sept. 3 - Last day to amend bills on the Floor.

Sept. 10 - Last day for each house to pass bills. Interim Study Recess begins at end of this day's session.

RESOLUTE^{*}

South Coast Air Quality Management District Legislative and Regulatory Update – December 28, 2020

❖ Important Dates

- Dec. 7 – 2021-22 Regular Session convenes for Organizational Session at 12 noon.
- Jan. 1 – Statutes take effect
- Jan. 4 – Legislature reconvenes
- Jan. 10 – Budget must be submitted by Governor
- Jan. 22 – Last day to submit bill requests to the Office of Legislative Counsel
- Feb. 19 – Last day for bills to be introduced

- ❖ **Meeting with Chairman Eduardo Garcia (D-Coachella).** This lobbying team had two calls with Chairman Eduardo Garcia regarding enlisting his assistance in getting increased funding introduced in Governor's January Budget. Chairman Garcia is working to help bring that to fruition and assigned his lead staff to assist in conversations with Gov.'s Office.
- ❖ **New Committee Chairs Announced.** The 2021-22 California Legislative Session began on December 7, 2020, and with it came the announcement of new committee assignments by Legislative leadership.

Notable appointments in the Assembly include Assemblymember Luz Rivas (D-Arleta) as chair of the Natural Resources Committee. Speaker Rendon also unexpectedly appointed Assemblymember Laura Friedman (D-Glendale) as the chair of the Assembly Transportation Committee. The committee's former chair, Assemblymember Jim Frazier (D-Fairfield), was shuffled to chair of the Assembly Governmental Organization Committee, replacing Assemblymember Adam Gray (D-Merced).

Gray asserted that the loss of his position was the result of running afoul of the Speaker by opposing an extension of State Water Board authority to supersede federal decisions on a hydroelectric project in last summer's budget trailer bill. Gray claimed that the provision would have taken water away from the agricultural producers in his district and cost thousands of jobs. Speaker Rendon cites Assemblymember Frazier's policy expertise as the reason for the shift in committee leadership.

In the Senate, Senator Nancy Skinner (D-Berkeley) will replace outgoing Senator Holly Mitchell as chair of the Senate Budget Committee. Relatively new Senator Lena Gonzalez (D-Long Beach) has been appointed as chair of the Senate Transportation Committee, taking on the position that was held by termed out Senator Jim Beall (D-San Jose). Senators Benjamin Allen (D-Santa Monica) and Henry Stern (D-Canoga Park) retain their respective positions as chairs of Environmental Quality and Natural Resources Committees.

The shift in leadership in the Transportation Committees in both houses could signal a shift in the Legislature's approach to issues relating to automobile emissions. Frazier is a moderate Democrat that has held the line against certain policy proposals, like those related to electric vehicles. Friedman has spoken out previously on the need for the Legislature to more aggressively pursue policy solutions that focus on taking cars off the road, mass transit, alternative transportation, and consider environmental justice.

- ❖ **First Round of Bills Introduced for the 2021 Legislative Session.** Since their return in early December, Legislators have introduced over 250 bills. Measures that may be notable for South Coast AQMD include:

- **AB 11 (Ward-D) Climate change: regional climate change coordinating groups:** Would require the Strategic Growth Council, by January 2023, to establish up to 12 regional climate change coordinating groups to develop and work on climate adaptation for their communities to engage in certain activities to address climate change.
- **AB 33 (Ting-D) Natural Gas:** Would prohibit the Department of General Services from approving or providing funding from the construction on new school buildings that have natural gas connections.
- **AB 51 (Quirk-D) Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans:** Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.
- **AB 52 (Frazier-D) California Global Warming Solutions Act of 2006: scoping plan updates: wildfires:** This bill would require the State Air Resources Board, in each scoping plan update prepared by the state board after January 1, 2022, to include, consistent with the California Global Warming Solutions Act of 2006, recommendations for achieving the maximum technologically feasible and cost-effective reductions of emissions of greenhouse gases and black carbon from wildfires.
- **AB 64 (Quirk) Electricity: renewable energy and zero-carbon resources: state policy: strategy:** The bill would require the PUC, State Air Resources Board, and State Energy Commission to consult with all California balancing authorities to develop a strategy to promote the development of technologies that can help achieve the existing state policy that eligible renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers and 100% of electricity procured to serve all state agencies by December 31, 2045. The agencies would also be required to issue a joint report to the Legislature but January 1, 2021 and every four years thereafter.
- **SB 18 (Skinner-D) Green hydrogen:** Would require the State Air Resources Board, by December 31, 2022, as part of the scoping plan and the state's goal for carbon neutrality, to prepare a strategic plan for accelerating the production and use of green hydrogen, as defined, in California and an analysis of how curtailed power could be better utilized to help meet the state's greenhouse gas emissions reduction goals.
- **SB 30 (Cortese-D) Building decarbonization:** Would, on or after January 1, 2022, prohibit a state agency from designing or constructing a state facility that is connected to the natural gas grid. The bill would require the department to develop the California State Building Decarbonization Plan that will lead to the operational carbon-neutrality of all state-owned buildings by January 1, 2035. The bill would, except as provided, prohibit state agencies from providing funding or other support for projects for the construction of residential and nonresidential buildings that are connected to the natural gas grid.

- **SB 31 (Cortese-D) Building decarbonization:** Would require the State Energy Resources Conservation and Development Commission to identify and implement programs to promote existing and new building decarbonization. The bill would, to the extent clean energy or energy efficiency funds are made available from the federal government to address economic recovery and development due to the COVID-19 pandemic, authorize the commission to expend federal moneys, to the extent authorized by federal law, for projects for existing and new building decarbonization. The bill would additionally require the commission, under the EPIC program, to award funds for projects that will benefit electricity ratepayers and lead to the development and deployment of commercial and residential building decarbonization technologies and investments that reduce or eliminate greenhouse gas generation in those buildings.
- **SB 32 (Cortese-D) Energy: general plan: building decarbonization requirements:** Would require a city or county to amend, by January 1, 2023, the appropriate elements of its general plan to include goals, policies, objectives, targets, and feasible implementation strategies, as specified, to decarbonize newly constructed commercial and residential buildings. The bill would require a city or county to submit these draft general plan amendments to the commission at least 45 days prior to the adoption of the amendments. The bill would require the legislative body of the city or county to consider the commission’s advisory comments, if any, prior to adopting the amendments.
- **SB 67 (Becker-D) Clean Energy.** Would state the intent of the Legislature to enact subsequent legislation to accelerate the state’s progress toward having 100% of electricity provided by renewable or other zero-carbon sources on a 24-hour, 7-day basis.
- **SB 68 (Becker-D) Building decarbonization:** Would state the intent of the Legislature to enact subsequent legislation that will help the state achieve its climate and air pollution reduction goals in the building sector through actions such as reducing barriers to upgrading electrical service panels or accommodating additional electrical appliances within existing service panels.

We will continue to monitor these bills and other legislation as the session progresses.

- ❖ **Governor Newsom Appoints Assemblymember Shirley Weber as Secretary of State.** Assemblymember Shirley Weber (D-San Diego) was appointed by the Governor to replace Alex Padilla as California’s Secretary of State. Newsom previously appointed Padilla to fill the U.S. Senate seat vacated by Kamala Harris as a result of her election to the Vice Presidency, leaving the Secretary of State position open. Weber will be California’s first black Secretary of State.
- ❖ **Former CARB Chair Mary Nichols Sidelined from Leading President-Elect Biden’s EPA.** President-Elect Joe Biden announced that he would select Michael Regan, the top environmental regulator in North Carolina, to run the Environmental Protection Agency.

Nichols was assumed by many to be the top candidate to lead the incoming President’s environmental policy. However, progressive environmental justice groups launched a campaign opposing her nomination, sending the Biden team [a letter signed by 70 groups](#) that expressed concern that Nichols failed to meaningfully address environmental racism during her tenure as CARB Chair. Their concerns seem to have derailed Nichol’s trajectory to the position.

South Coast Air Quality Management District
Legislative Analysis Summary – H.R. 7024 (Barragán)
Version: As introduced, May 27, 2020
Analyst: LTO

H.R. 7024 Barragán (CA) Climate Smart Ports Act of 2020

Summary: This bill would direct the Administrator of the Environmental Protection Agency (EPA) to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.

Background: The federal government and, to some extent, the states are assigned responsibility under the Clean Air Act to reduce emissions from mobile sources. The Climate Smart Ports Act would authorize a new grant program under the United States Environmental Protection Agency (EPA) to reduce criteria and greenhouse gas emissions and hazardous air pollutants.

H.R. 7024 was introduced by Representative Nanette Barragán with 21 original cosponsors including Congressmembers Rashida Tlaib (MI), Jared Huffman (CA), Eleanor Holmes Norton (D.C.), Debbie Wasserman Schultz (FL), Jan Schakowsky (IL), Alan Lowenthal (CA), Jamie Raskin (MD), Ed Case (HI), Adam Smith (WA), Yvette Clarke (NY), Nydia Velázquez (NY), Harley Rouda (CA), Stephen Lynch (MA), Joseph P. Kennedy (MA), Pramila Jayapal (WA), Cedric Richmond (L:), Lisa Blunt Rochester (DE), Chellie Pingree (ME), Alcee L. Hastings (FL), Suzanne Bonamci (OR) and Barbara Lee (CA).

The Climate Smart Ports Act is supported by the American Lung Association, Sierra Club, Earthjustice, Moving Forward Network, League of Conservation Voters, the Union of Concerned Scientists, Natural Resources Defense Council, Environmental Defense Fund, Food & Water Action, Greenpeace, Eastyard Communities for Environmental Justice, Friends of the Earth, Jobs to Move America CA, Green For All, San Pedro Indivisible, and the San Pedro & Peninsula Homeowners Association. It is also supported by International Longshore Warehouse Union and some local International Brotherhood of Electrical Workers.

Status: 5/27/2020 – Introduced in House and referred to the Committee on Energy and Commerce. Note: This bill will be reintroduced in the 117th Congress and will receive a new number.

Specific Provisions: The Climate Smart Ports Act would authorize a \$1 billion-a-year zero-emissions ports equipment and infrastructure program to reduce criteria air pollution and greenhouse gas emissions, improve public health, and promote economic growth through the deployment of zero-emission technologies. The term “port” would be

defined as a maritime or inland facility. This new grant program would be administered by the United States Environmental Protection Agency (EPA).

Zero-emission projects under the new grant program could include replacement of diesel-burning cargo handling equipment, port harbor craft, drayage trucks, and other equipment with zero emissions equipment and technology, including infrastructure such as shore power for marine vessels, electric charging stations, and clean energy microgrids.

Entities eligible to apply for grants would include:

- A port authority;
- State, regional, local, or Tribal agency that has jurisdiction over a port authority or port;
- An air pollution control district or air quality management district; or,
- A private or nonprofit entity, in collaboration with one of the aforementioned organizations or that owns or uses cargo or transportation equipment at a port.

The bill prioritizes awards to eligible entities based upon the degree to which the grant would reduce greenhouse gas emissions and criteria and hazardous air pollutants, including precursors. Awards are also prioritized for environmental justice communities impacted by air pollution related to a port. Additional prioritization criteria include ability to provide matching, non-Federal funds; purchase of equipment and technology produced in the United States; and, participation in a federal or state apprenticeship program. Further, the bill requests the EPA Administrator to award at least 25-percent of the grants within nonattainment areas.

The cost share for Climate Smart Port grants would be 70-percent for the purchase and/or installation of zero emissions port equipment and technology. For grant awards equal or larger than \$3 million, the cost share could be as high as 85-percent if the eligible entity can certify that the grant will result in employment and there is a project labor agreement, including any subgrantees.

The bill also includes labor provisions that would protect dockworkers from automation, require a prevailing wage for installation work generated through grants, and encourages the use of union labor and local hiring.

Further, H.R. 7024 would authorize an additional \$50 million a year for the Diesel Emissions Reduction Act, specifically for reducing emissions at ports.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: H.R. 7024 would create a new federal grant program to reduce air pollution with prioritization for non-attainment areas and environmental justice communities. Additionally, South Coast AQMD would be eligible to apply for funding through the Climate Smart Ports Act grant program.

The South Coast AQMD has some of the most stringent air quality regulations in the nation for stationary sources. Yet our region remains out of attainment for both ozone and particulate matter national ambient air standards. Mobile sources related to goods movement throughout the South Coast AQMD jurisdiction are the largest source of air pollution, but are regulated by the federal and, to some extent, state government. Although the South Coast AQMD is responsible for meeting the federal Clean Air Act health-based standards, our agency does not have jurisdiction to regulate mobile sources. Federal responsibility for mobile sources through policies that work cooperatively with local and state government and funding of programs to deploy zero-emission technologies for transportation and goods movement related activity is needed to reach attainment of federal air quality standards. This bill would provide much needed funding to assist with the reduction of criteria and hazardous air pollutants in the Southland. It also would assist South Coast AQMD and our region to reduce the disproportionate burden of air pollution affecting our environmental justice communities impacted by goods movement. Further, South Coast AQMD’s experience is that air quality issues and investment in green technologies, improves both public health and contributes to the growth of the economy and jobs.

Recommended Position: SUPPORT

ATTACHMENT 3B

116TH CONGRESS
2D SESSION

H. R. 7024

To direct the Administrator of the Environmental Protection Agency to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2020

Ms. BARRAGÁN (for herself, Ms. TLAIB, Mr. HUFFMAN, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Mr. LOWENTHAL, Mr. RASKIN, Mr. CASE, Mr. SMITH of Washington, Ms. CLARKE of New York, Ms. VELA´ZQUEZ, Mr. ROUDA, Mr. LYNCH, Mr. KENNEDY, Ms. JAYAPAL, Mr. RICHMOND, Ms. BLUNT ROCHESTER, Ms. PINGREE, Mr. HASTINGS, Ms. BONAMICI, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Administrator of the Environmental Protection Agency to establish a program to award grants to eligible entities to purchase, and as applicable install, zero emissions port equipment and technology, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Climate Smart Ports
3 Act”.

4 SEC. 2. CLIMATE SMART PORTS GRANT PROGRAM.

5 (a) ESTABLISHMENT.—Not later than 6 months after
6 the date of enactment of this section, the Administrator
7 shall establish a program to award grants to eligible enti-
8 ties to purchase, and as applicable install, zero emissions
9 port equipment and technology.

10 (b) USE OF GRANTS.—

11 (1) IN GENERAL.—An eligible entity may use a
12 grant awarded under this section to purchase, and
13 as applicable install, zero emissions port equipment
14 and technology.

15 (2) PROHIBITED USE.—

16 (A) IN GENERAL.—An eligible entity may
17 not use a grant awarded under this section to
18 purchase or install fully automated cargo han-
19 dling equipment or terminal infrastructure that
20 is designed for fully automated cargo handling
21 equipment.

22 (B) HUMAN-OPERATED ZERO EMISSIONS
23 PORT EQUIPMENT AND TECHNOLOGY.—Nothing
24 in subparagraph (A) prohibits an eligible entity
25 from using a grant awarded under this section
26 to purchase human-operated zero emissions

1 port equipment and technology or infrastruc-
2 ture that supports such human-operated zero
3 emissions port equipment and technology.

4 (3) COST SHARE.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), an eligible entity may not
7 use a grant awarded under this section to cover
8 more than 70 percent of the cost of purchasing,
9 and as applicable installing, zero emissions port
10 equipment and technology.

11 (B) CERTAIN GRANTS.—With respect to a
12 grant in an amount equal to or greater than
13 \$3,000,000, an eligible entity may use such
14 grant to cover not more than 85 percent of the
15 cost of purchasing and installing zero emissions
16 port equipment and technology if such eligible
17 entity certifies to the Administrator that—

18 (i) such grant will be used, at least in
19 part, to employ laborers or mechanics to
20 install zero emissions port equipment and
21 technology; and

22 (ii) such eligible entity is a party to a
23 project labor agreement or requires that
24 each subgrantee of such eligible entity, and
25 any subgrantee thereof at any tier, that

1 performs such installation participate in a
2 project labor agreement.

3 (4) PROJECT LABOR.—An eligible entity that
4 uses a grant awarded under this section to install
5 zero emissions port equipment and technology shall
6 ensure, to the greatest extent practicable, that any
7 subgrantee of such eligible entity, and any sub-
8 grantee thereof at any tier, that carries out such in-
9 stallation employs laborers or mechanics for such in-
10 stallation that—

11 (A) are domiciled not further than 50
12 miles from such installation;

13 (B) are members of the Armed Forces
14 serving on active duty, separated from active
15 duty, or retired from active duty;

16 (C) have been incarcerated or served time
17 in a juvenile detention facility; or

18 (D) have a disability.

19 (c) WAGES.—

20 (1) IN GENERAL.—All laborers and mechanics
21 employed by a subgrantee of an eligible entity, and
22 any subgrantee thereof at any tier, to perform con-
23 struction, alteration, installation, or repair work that
24 is assisted, in whole or in part, by a grant awarded
25 under this section shall be paid wages at rates not

1 less than those prevailing on similar construction, al-
2 teration, installation, or repair work in the locality
3 as determined by the Secretary of Labor in accord-
4 ance with subchapter IV of chapter 31 of title 40,
5 United States Code.

6 (2) LABOR STANDARDS.—With respect to the
7 labor standards in this subsection, the Secretary of
8 Labor shall have the authority and functions set
9 forth in Reorganization Plan Numbered 14 of 1950
10 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
11 title 40, United States Code.

12 (d) APPLICATION.—

13 (1) IN GENERAL.—To be eligible to be awarded
14 a grant under this section, an eligible entity shall
15 submit to the Administrator an application at such
16 time, in such manner, and containing such informa-
17 tion as the Administrator may require.

18 (2) PRIORITY.—The Administrator shall
19 prioritize awarding grants under this section to eligi-
20 ble entities based on the following:

21 (A) The degree to which the proposed use
22 of the grant will—

- 23 (i) reduce greenhouse gas emissions;
24 (ii) reduce emissions of any criteria
25 pollutant and precursor thereof;

1 (iii) reduce hazardous air pollutant
2 emissions; and

3 (iv) reduce public health disparities in
4 communities that receive a dispropor-
5 tionate quantity of air pollution from a
6 port.

7 (B) The amount of matching, non-Federal
8 funds expected to be used by an applicant to
9 purchase, and as applicable install, zero emis-
10 sions port equipment and technology.

11 (C) Whether the applicant will use such
12 grant to purchase, and as applicable install,
13 zero emissions port equipment and technology
14 that is produced in the United States.

15 (D) As applicable, whether the applicant
16 will meet the utilization requirements for reg-
17 istered apprentices established by the Secretary
18 of Labor or a State Apprenticeship Agency.

19 (E) As applicable, whether the applicant
20 will recruit and retain skilled workers through
21 a State-approved joint labor management ap-
22 prenticeship program.

23 (e) OUTREACH.—

24 (1) IN GENERAL.—Not later than 90 days after
25 funds are made available to carry out this section,

1 the Administrator shall develop and carry out an
2 educational outreach program to promote and ex-
3 plain the grant program established under sub-
4 section (a) to prospective grant recipients.

5 (2) PROGRAM COMPONENTS.—In carrying out
6 the outreach program developed under paragraph
7 (1), the Administrator shall—

8 (A) inform prospective grant recipients
9 how to apply for a grant awarded under this
10 section;

11 (B) describe to prospective grant recipients
12 the benefits of available zero emissions port
13 equipment and technology;

14 (C) explain to prospective grant recipients
15 the benefits of participating in the grant pro-
16 gram established under this section; and

17 (D) facilitate the sharing of best practices
18 and lessons learned between grant recipients
19 and prospective grant recipients with respect to
20 how to apply for and use grants awarded under
21 this section.

22 (f) REPORTS.—

23 (1) REPORT TO ADMINISTRATOR.—Not later
24 than 90 days after the date on which an eligible en-
25 tity uses a grant awarded under this section, such

1 eligible entity shall submit to the Administrator a re-
2 port containing such information as the Adminis-
3 trator shall require.

4 (2) ANNUAL REPORT TO CONGRESS.—Not later
5 than January 31, 2021, and annually thereafter, the
6 Administrator shall submit to Congress and make
7 available on the website of the Environmental Pro-
8 tection Agency a report that includes, with respect
9 to each grant awarded under this section during the
10 preceding calendar year—

11 (A) the name and location of the eligible
12 entity that was awarded such grant;

13 (B) the amount of such grant that the eli-
14 gible entity was awarded;

15 (C) the name and location of the port
16 where the zero emissions port equipment and
17 technology that was purchased, and as applica-
18 ble installed, with such grant is used;

19 (D) an estimate of the impact of such zero
20 emissions port equipment and technology on re-
21 ducing—

22 (i) greenhouse gas emissions;

23 (ii) emissions of criteria pollutants
24 and precursors thereof;

1 (iii) hazardous air pollutant emissions;

2 and

3 (iv) public health disparities; and

4 (E) any other information the Adminis-
5 trator determines necessary to understand the
6 impact of grants awarded under this section.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated to carry out this section
10 \$1,000,000,000 for each of fiscal years 2021
11 through 2030.

12 (2) NONATTAINMENT AREAS.—To the extent
13 practicable, at least 25 percent of amounts made
14 available to carry out this section in each fiscal year
15 shall be used to award grants to eligible entities to
16 provide zero emissions port equipment and tech-
17 nology to ports that are in nonattainment areas.

18 (h) DEFINITIONS.—In this section:

19 (1) ACTIVE DUTY.— The term “active duty”
20 has the meaning given such term in section 101 of
21 title 10, United States Code.

22 (2) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

1 (3) ALTERNATIVE EMISSIONS CONTROL TECH-
2 NOLOGY.—The term “alternative emissions control
3 technology” means a technology, technique, or meas-
4 ure that—

5 (A) captures the emissions of nitrogen
6 oxide, particulate matter, reactive organic com-
7 pounds, and greenhouse gases from the auxil-
8 iary engine and auxiliary boiler of an ocean-
9 going vessel at berth;

10 (B) is verified or approved by a State or
11 Federal air quality regulatory agency;

12 (C) the use of which achieves at least the
13 equivalent reduction of emissions as the use of
14 shore power for an ocean-going vessel at berth;

15 (D) the use of which results in reducing
16 emissions of the auxiliary engine of an ocean-
17 going vessel at berth to a rate of less than—

18 (i) 2.8 g/kW-hr for nitrogen oxide;

19 (ii) 0.03 g/kW-hr for particulate mat-
20 ter 2.5; and

21 (iii) 0.1 g/kW-hr for reactive organic
22 compounds; and

23 (E) reduces the emissions of the auxiliary
24 engine and boiler of an ocean-going vessel at

1 berth by at least 80 percent of the default emis-
2 sions rate, which is 13.8 g.

3 (4) CRITERIA POLLUTANT.—The term “criteria
4 pollutant” means each of the following:

5 (A) Ground-level ozone.

6 (B) Particulate matter.

7 (C) Carbon monoxide.

8 (D) Lead.

9 (E) Sulfur dioxide.

10 (F) Nitrogen dioxide.

11 (5) DISTRIBUTED ENERGY RESOURCE.—

12 (A) IN GENERAL.—The term “distributed
13 energy resource” means an energy resource
14 that—

15 (i) is located on or near a customer
16 site;

17 (ii) is operated on the customer side
18 of the electric meter; and

19 (iii) is interconnected with the electric
20 grid.

21 (B) INCLUSIONS.—The term “distributed
22 energy resource” includes—

23 (i) clean electric generation;

24 (ii) customer electric efficiency meas-
25 ures;

- 1 (iii) electric demand flexibility; and
2 (iv) energy storage.

3 (6) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means—

5 (A) a port authority;

6 (B) a State, regional, local, or Tribal agen-
7 cy that has jurisdiction over a port authority or
8 a port;

9 (C) an air pollution control district or air
10 quality management district; or

11 (D) a private or nonprofit entity, applying
12 for a grant awarded under this section in col-
13 laboration with another entity described in sub-
14 paragraphs (A) through (C), that owns or uses
15 cargo or transportation equipment at a port.

16 (7) ENERGY STORAGE SYSTEM.—The term “en-
17 ergy storage system” means a system, equipment,
18 facility, or technology that—

19 (A) is capable of absorbing energy, storing
20 energy for a period of time, and dispatching the
21 stored energy; and

22 (B) uses a mechanical, electrical, chemical,
23 electrochemical, or thermal process to store en-
24 ergy that—

1 (i) was generated at an earlier time
2 for use at a later time; or

3 (ii) was generated from a mechanical
4 process, and would otherwise be wasted,
5 for delivery at a later time.

6 (8) FULLY AUTOMATED CARGO HANDLING
7 EQUIPMENT.—The term “fully automated cargo
8 handling equipment” means cargo handling equip-
9 ment that—

10 (A) is remotely operated or remotely mon-
11 itored; and

12 (B) with respect to the use of such equip-
13 ment, does not require the exercise of human
14 intervention or control.

15 (9) NONATTAINMENT AREA.—The term “non-
16 attainment area” has the meaning given such term
17 in section 171 of the Clean Air Act (42 U.S.C.
18 7501).

19 (10) PORT.—The term “port” includes a mari-
20 time port and an inland port.

21 (11) PORT AUTHORITY.—The term “port au-
22 thority” means a governmental or quasi-govern-
23 mental authority formed by a legislative body to op-
24 erate a port.

1 (12) PROJECT LABOR AGREEMENT.—The term
2 “project labor agreement” means a pre-hire collec-
3 tive bargaining agreement with one or more labor
4 organization that establishes the terms and condi-
5 tions of employment for a specific construction
6 project and is described in section 8(f) of the Na-
7 tional Labor Relations Act (29 U.S.C. 158(f)).

8 (13) REGISTERED APPRENTICE.—The term
9 “registered apprentice” means a person who is par-
10 ticipating in a registered apprenticeship program.

11 (14) REGISTERED APPRENTICESHIP PRO-
12 GRAM.—The term “registered apprenticeship pro-
13 gram” means a program registered pursuant to the
14 Act of August 16, 1937 (commonly known as the
15 “National Apprenticeship Act”; 50 Stat. 664, chap-
16 ter 663; 29 U.S.C. 50 et seq.).

17 (15) SHORE POWER.—The term “shore power”
18 means the provision of shoreside electrical power to
19 a ship at berth that has shut down main and auxil-
20 iary engines.

21 (16) STATE APPRENTICESHIP AGENCY.—The
22 term “State Apprenticeship Agency” has the mean-
23 ing given such term in section 29.2 of title 29, Code
24 of Federal Regulations (as in effect on January 1,
25 2020).

1 (17) ZERO EMISSIONS PORT EQUIPMENT AND
2 TECHNOLOGY.—

3 (A) IN GENERAL.—The term “zero emis-
4 sions port equipment and technology” means
5 equipment and technology, including the equip-
6 ment and technology described in subparagraph
7 (B), that—

8 (i) is used at a port; and

9 (ii)(I) produces zero exhaust emissions
10 of—

11 (aa) any criteria pollutant and
12 precursor thereof; and

13 (bb) any greenhouse gas, other
14 than water vapor; or

15 (II) captures 100 percent of the ex-
16 haust emissions produced by an ocean-
17 going vessel at berth.

18 (B) EQUIPMENT AND TECHNOLOGY DE-
19 SCRIBED.—The equipment and technology de-
20 scribed in this subparagraph is the following:

21 (i) Any equipment that handles cargo.

22 (ii) A drayage truck that transports
23 cargo.

24 (iii) A train that transports cargo.

25 (iv) Port harbor craft.

- 1 (v) A distributed energy resource.
- 2 (vi) An energy storage system.
- 3 (vii) Electrical charging infrastruc-
- 4 ture.
- 5 (viii) Shore power or an alternative
- 6 emissions control technology.
- 7 (ix) An electric transport refrigeration
- 8 unit.

9 **SEC. 3. ENERGY POLICY ACT OF 2005 AUTHORIZATION OF**

10 **APPROPRIATIONS FOR PORT AUTHORITIES.**

11 Section 797 of the Energy Policy Act of 2005 (42

12 U.S.C. 16137) is amended by adding at the end the fol-

13 lowing:

14 “(c) PORT AUTHORITIES.—There is authorized to be

15 appropriated \$50,000,000 for each of fiscal years 2021

16 through 2025 to award grants, rebates, or loans, under

17 section 792, to eligible entities to carry out projects that

18 reduce emissions at ports.”.

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South Coast Air Quality Management District
Legislative Analysis Summary – H.R. 8775 (Ruiz)
Version: As introduced, November 18, 2020
Analyst: DPG/LTO

H.R. 8775 Ruiz (CA)

Salton Sea Public Health and Environmental Protection Act of 2020

Summary: This bill would require the Secretary of the Interior, acting through the Bureau of Reclamation (Reclamation), to improve water quality, mitigate dust, protect public health, and restore the environment and habitat at the Salton Sea in California. H.R. 8775 also would create a federal Salton Sea Management Council to coordinate activities with State and local authorities. Additionally, the bill would require a report to the House Natural Resources Committee on funding and technical resources and an annual report on air quality.

Background: In 1993, the Salton Sea Authority (Authority) was formed by the Coachella Valley Water District, Imperial Irrigation District and Riverside and Imperial Counties to work with State and federal agencies on restoration while representing local priorities and concerns. Subsequently, the Authority, Reclamation, and the California Department of Water Resources (CDWR) entered into an agreement to undertake studies of the Salton Sea to better understand issues such as weather, water currents, topography and potential solutions to mitigate the receding water and exposed playa. There was also a second agreement between the Authority and Bureau to study environmental and engineering compliance issues.

A Congressional Task Force was formed by Representatives George Brown, Jr., Sonny Bono, Duncan Hunter and Ken Calvert which led to the, “The Salton Sea Reclamation Act of 1998” which became Public Law 105-372. This law directed the Secretary of Interior to conduct a feasibility study for managing the salinity and elevation of the Sea to preserve fish and wildlife health and to enhance opportunities for recreation use and economic development while continuing the Sea's use as a reservoir for irrigation drainage. The Congressional study was completed in 2000.

In 2003, the State of California enacted legislation which accepted responsibility for ecosystem restoration at the Sea and required the CDWR to conduct a study and compile environmental documents, including a proposed funding plan. Further, Reclamation issued a final report to determine a preferred alternative action for managing the Salton Sea. Work to reduce and prevent air pollution from the Salton Sea and to restore the environment are on-going at all levels of government.

Status: 11/18/2020 – Introduced in House and referred to the Committee on Natural Resources; and the Committee on Energy and Commerce. Note: This bill will be reintroduced in the 117th Congress and will receive a new number.

Specific Provisions: H.R. 8775 would require the establishment of a program to improve water quality, provide for dust mitigation, protect public health, and provide for habitat restoration within the Bureau of Reclamation's Salton Sea Program Office.

The bill would require Reclamation to construct dust control and habitat mitigation projects at the Salton Sea in partnership with the State of California's Salton Sea Management Plan

(SSMP). It would require that federally funded projects cover a similar acreage of exposed lakebed as California-funded projects; to be calculated on a three-year time frame to accommodate for changes in shoreline exposure.

H.R. 8775 also would require the creation of a Memorandum of Understanding (MOU) between the State, Authority, and the Department of the Interior to facilitate the Federal Salton Sea Management Acres. The MOU must address how projects would benefit disadvantaged communities; and makes federal lands at the Salton Sea available for projects under the SSMP. In addition, provided adequate federal funding exists, the bill would delegate construction activities to California; and, provides for streamlining of project permitting by the Army Corps of Engineers. Annual report to Congress would be required on the number of treated acres, the type of treatment applied, and the current and future funding needs.

Additionally, H.R. 8775 would establish the Salton Sea Management Council (SSMC) to coordinate Salton Sea projects, expedite permits, conduct environmental review, and streamline funding. SSMC membership would include the Department of Interior – including Reclamation, Fish and Wildlife Service, and United States Geological Survey – Department of Agriculture, the Army Corps of Engineers, and the Environmental Protection Agency. The SSMC would establish a process for coordination with various entities, including the South Coast Air Quality Management District, and produce a report outlining a plan that identifies funding, resources and other actions needed to accomplish the construction of the Federal Salton Sea Management Acres.

Lastly, H.R. 8775 would require an annual air quality report including: (1) an analysis on the change in lakebed exposure, presence of certain chemicals, and associated health risks of the exposed shoreline; (2) development of a health study on individuals with extended exposure to the Salton Sea by a research institution or university; and (3) placement of additional air monitors at the Salton Sea by the EPA.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: The Salton Sea is California’s largest inland lake, covering over 376 square miles in Riverside and Imperial Counties. The lake is very saline due to the lack of natural outlets and the lake size is receding due to evaporation and reduced inflow sources. The receding waters of the Salton Sea have created environmental concerns for the region, including air quality concerns, with significant potential for impacts to human health and that of the wildlife dependent on this ecosystem. Air quality concerns for the Salton Sea Air Basin, which includes the Coachella Valley portion of Riverside County and Imperial County, include increased particulate matter exposures due to the fine silt of the exposed lakebed, exposure to toxic contaminants from concentrated agricultural runoff, and exposure to Hydrogen Sulfide gas released from the lake periodically due to natural processes in the warm, shallow water, as well as geothermal activity in portions of the lakebed. Another potential air quality concern could be secondary emissions from mitigation strategies resulting from construction equipment, increased traffic, internal combustion engines or other equipment.

Historically, South Coast AQMD has been an active partner with federal, state and local agencies to address the air quality and public health issues related to the Salton Sea, including air monitoring efforts. Most recently, the Governing Board adopted the AB 617 Community Emissions Reduction Plan (CERP) for the Eastern Coachella Valley (ECV) on December 4, 2020. The AB 617 Community Steering Committee concerns about emissions from the Salton Sea are:

- The Salton Sea is drying up due to decreased inflow of water. As the Salton Sea evaporates, its receding shoreline exposes sediments that are deposited at the bottom of the Sea, also referred to as the “playa”. The loose soil is blown off by strong gusty winds, contributing to PM10 (inhalable particulate matter) emissions that could impact air quality. CC-2
- The soil from the playa may contain components from agricultural runoff, which could pose a risk to human health. Previous tests have detected selenium, cadmium and nickel in the playa. CC-3
- Elevated levels of hydrogen sulfide (H₂S) occur from natural processes in the Salton Sea and cause a strong odor that causes health effects and negatively affects the quality of life in ECV.

This bill would require federal agency coordination and action through the newly created SSMC, as well as facilitate continued partnership with the State and local government, including South Coast AQMD, to address air quality and public health issues related to the Salton Sea. H.R. 8775 aligns with South Coast AQMD goals and actions to reduce emissions and improve public health in partnership with the federal government, State and local agencies as well as community stakeholders.

Recommended Position: SUPPORT

ATTACHMENT 3D

116TH CONGRESS
2D SESSION

H. R. 8775

To require the Secretary of the Interior to take certain measures with respect to protecting the Salton Sea, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2020

Mr. RUIZ (for himself and Mr. VARGAS) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the Secretary of the Interior to take certain measures with respect to protecting the Salton Sea, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Salton Sea Public
5 Health and Environmental Protection Act of 2020”.

1 SEC. 2. FEDERAL SALTON SEA MANAGEMENT ACRES.

2 Title XI of the Reclamation Projects Authorization
3 and Adjustment Act of 1992 (Public Law 102–575) is
4 amended by adding at the end the following:

5 “SEC. 1102. RESTORATION PROGRAM.

6 “(a) RESTORATION PROGRAM.—The Secretary of the
7 Interior, acting through the Bureau of Reclamation, shall
8 provide for a program within the Bureau’s Salton Sea
9 Program Office to improve water quality, provide for dust
10 mitigation, protect the public’s health, and provide for en-
11 vironmental and habitat restoration at the Salton Sea in
12 California.

13 “(b) FEDERAL SALTON SEA MANAGEMENT
14 ACRES.—

15 “(1) IN GENERAL.—The Secretary of the Inte-
16 rior shall provide for such measures as such Sec-
17 retary determines appropriate for dust control and
18 habitat conservation, consistent with State and local
19 requirements, with respect to an acreage within the
20 Salton Sea of the same size as the acreage for which
21 the State of California provides for dust control and
22 habitat conservation under the Salton Sea Manage-
23 ment Program and the State Water Board Order.
24 Such Secretary shall, to the maximum extent pos-
25 sible when carrying out this requirement, provide

1 such measures for an equivalent number of acres of
2 dust control and of habitat conservation.

3 “(2) CALCULATION.—The Secretary of the In-
4 terior may calculate the satisfaction of the Federal
5 Salton Sea Management Acres obligation described
6 in paragraph (1) in three-year increments to account
7 for variability in acres available and appropriate for
8 management.

9 “(3) COORDINATION WITH THE STATE OF CALI-
10 FORNIA.—

11 “(A) MEMORANDUM OF UNDER-
12 STANDING.—Not later than 180 days after the
13 date of enactment of this section, the Secretary
14 of the Interior shall seek to conclude a memo-
15 randum of understanding with the State of
16 California and the Salton Sea Authority to co-
17 ordinate Federal and State activities relating to
18 the construction, operation, and maintenance of
19 Federal Salton Sea Management Acres and
20 Salton Sea Management Program activities.
21 Such memorandum of understanding shall in-
22 clude a schedule delineating the timeframe for
23 the accomplishment of the establishment of
24 Salton Sea Management Acres and consider-
25 ation of the effects of such memorandum of un-

1 derstanding on affected disadvantaged commu-
2 nities.

3 “(B) ACCESS.—The Secretary of the Inte-
4 rior shall make Federal lands within the Salton
5 Sea available to the State of California for ac-
6 tivities under the Salton Sea Management Pro-
7 gram and the State Water Board Order and
8 shall give priority to such activities.

9 “(4) STATE RESPONSIBILITIES.—Nothing in
10 this section shall modify the State of California’s re-
11 sponsibilities or associated timelines under the State
12 Water Board Order.

13 “(5) SUPPORT FROM THE SECRETARY OF AGRI-
14 CULTURE.—The Secretary of Agriculture shall, in
15 issuing funding or other types of support under such
16 authority as is available to such Secretary, prioritize
17 support and funding to assist the Secretary of the
18 Interior in fulfilling the responsibilities described in
19 this subsection.

20 “(6) DELEGATION TO THE STATE OF CALI-
21 FORNIA.—

22 “(A) IN GENERAL.—The Secretary of the
23 Interior may delegate such Secretary’s respon-
24 sibilities under this subsection to the State of
25 California through a cooperative agreement or

1 other contractual agreement only upon the pro-
2 vision by such Secretary to the State of ade-
3 quate Federal funding to assure the require-
4 ments of this section are met, including funding
5 for operations and maintenance of Federal
6 Salton Sea Management Acres. Such Secretary
7 may award grants to the State for completion
8 of this responsibility.

9 “(B) AGREEMENT PENDING FUNDING NOT
10 RESTRICTED.—Subparagrah (A) shall not be
11 construed to prohibit the Secretary of the Inte-
12 rior from entering such an agreement prior to
13 the provision of such adequate Federal funding.

14 “(7) NOT A SPECIAL AQUATIC SITE.—For the
15 purposes of the construction, operation, and mainte-
16 nance of Federal Salton Sea Management Acres and
17 Salton Sea Management Program activities, lakebed
18 exposed as the Salton Sea recedes shall not be con-
19 sidered a Special Aquatic Site for the purposes of
20 determining jurisdiction under section 404 of the
21 Clean Water Act (33 U.S.C. 1344).

22 “(8) REPORT TO CONGRESS.—The Secretary of
23 the Interior shall report to Congress annually identi-
24 fying—

1 “(A) the total number of acres under man-
2 agement by such Secretary or funding provided
3 to the State of California under paragraph (6);

4 “(B) the type of management applied to
5 Federal Salton Sea Management Acres, and
6 whether such management is dust suppression
7 or habitat restoration;

8 “(C) if such Secretary has not met such
9 Secretary’s responsibility under paragraph (1)
10 over the current three-year period under para-
11 graph (2), a plan for coming into compliance;
12 and

13 “(D) additional funding needed to meet
14 such obligation.

15 “(c) DEFINITIONS.—In this section, the following
16 terms have the meaning given to such terms in section
17 5 of the Salton Sea Public Health and Environmental Pro-
18 tection Act of 2020:

19 “(1) ‘Federal Salton Sea Management Acres’.

20 “(2) ‘Salton Sea Authority’.

21 “(3) ‘Salton Sea Management Program’.

22 “(4) ‘State Water Board Order.’ ”.

23 SEC. 3. SALTON SEA MANAGEMENT COUNCIL.

24 (a) ESTABLISHMENT OF FEDERAL SALTON SEA
25 COUNCIL.—Not later than 90 days after the date of enact-

1 ment of this Act, the Secretary of the Interior shall estab-
2 lish a Salton Sea Council with the goal of coordinating
3 interagency Salton Sea projects, expediting permits, co-
4 ordinating environmental review, streamlining funding of
5 projects associated with the Salton Sea Management Pro-
6 gram and Federal Salton Sea Management Acres, and co-
7 ordinating such goals with the State of California and the
8 Salton Sea Authority.

9 (b) MEMBERSHIP.—Council shall consist of the fol-
10 lowing and shall be chaired by the Secretary of the Inte-
11 rior:

12 (1) The Secretary of Agriculture, or a rep-
13 resentative of such Secretary.

14 (2) The Secretary of the Army or a representa-
15 tive of such Secretary.

16 (3) The Administrator of the Environmental
17 Protection Agency or a representative of such Ad-
18 ministrator.

19 (4) The Commissioner of the Bureau of Rec-
20 lamation or a representative of such Commissioner.

21 (5) The Director of the United States Fish and
22 Wildlife Service or a representative of such Director.

23 (6) The Director of the United States Geologi-
24 cal Survey or a representative of such Director.

25 (c) DUTIES.—The Council shall—

1 (1) convene and establish a process for collabo-
2 ration among the members of the Council, the State
3 of California, the Salton Sea Authority, local com-
4 munities, Tribal governments, the South Coast Air
5 Quality Management District, the Imperial County
6 Air Pollution Control District, and other persons, in-
7 cluding holding at least one annual public meeting
8 at the Salton Sea to receive feedback from local
9 stakeholders;

10 (2) develop a Federal funding plan across Fed-
11 eral agencies with jurisdiction at the Salton Sea to
12 assist the Secretary in meeting the Salton Sea Man-
13 agement Acres obligation and associated operations
14 and maintenance costs; and

15 (3) identify and implement measures to expe-
16 dite and streamline Federal permitting of Salton Sea
17 management undertaken by the State of California's
18 Salton Sea Management Program.

19 (d) PRODUCTION OF REPORT.—Not later than 1 year
20 after the date of enactment of this Act, the Council shall
21 submit to the Committee on Natural Resources of the
22 House of Representatives a report that—

23 (1) identifies Federal and State funding sources
24 and previous funding for projects and studies related

1 to potentially benefitting or impacting the Salton
2 Sea;

3 (2) analyzes how Federal and State funding
4 sources can be matched or paired to reach acreage
5 goals; and

6 (3) identifies additional Federal resources in-
7 cluding resources for technical assistance and project
8 permitting assistance that could be applied to the
9 management of the Salton Sea.

10 **SEC. 4. PUBLIC HEALTH REPORTING REQUIREMENT.**

11 (a) **IN GENERAL.**—The Secretary of the Interior, in
12 consultation with the Administrator of the Environmental
13 Protection Agency, shall publish an annual report on air
14 quality surrounding the Salton Sea, including an analysis
15 of the presence of pollutants, salinity levels, and agricul-
16 tural chemicals present in the exposed lakebed on Federal
17 lands. Such report shall include—

18 (1) the change in number of acres of Federal
19 land that is exposed lakebed and land with respect
20 to which such Secretary has taken corrective action,
21 either through habitat restoration or dust suppres-
22 sion; and

23 (2) any associated health risks with particulate
24 matter pollution and any chemicals present.

1 (b) POPULATION HEALTH STUDY.—The Secretary of
2 Interior may partner with a university or research institu-
3 tion to conduct a long-term population health study on
4 individuals with extended exposure to the Salton Sea.

5 (c) ADDITIONAL AIR MONITORS.—The Administrator
6 of the Environmental Protection Agency shall take such
7 measures as the Administrator determines necessary to
8 monitor the air quality in population centers near the
9 Salton Sea.

10 **SEC. 5. DEFINITIONS.**

11 In this Act:

12 (1) FEDERAL SALTON SEA MANAGEMENT
13 ACRES.—The term “Federal Salton Sea Manage-
14 ment Acres” means the Salton Sea exposed lakebed
15 acres required to be managed by the Secretary of
16 the Interior for dust control or habitat in consulta-
17 tion with the State of California and Salton Sea Au-
18 thority.

19 (2) SALTON SEA AUTHORITY.—The term
20 “Salton Sea Authority” means a Joint Powers Au-
21 thority composed of member agencies including the
22 Torres Martinez Desert Cahuilla Tribe, County of
23 Imperial, the County of Riverside, the Coachella Val-
24 ley Water District, and the Imperial Irrigation Dis-
25 trict, established to work in coordination with the

1 State of California to oversee the comprehensive res-
2 toration of the Salton Sea.

3 (3) SALTON SEA MANAGEMENT PROGRAM.—The
4 term “Salton Sea Management Program” means the
5 program created by the State of California to ad-
6 dress air quality and ecological threats at the Salton
7 Sea.

8 (4) SALTON SEA 10-YEAR PLAN.—The term
9 “Salton Sea 10-Year Plan” means the State of Cali-
10 fornia’s Salton Sea Management Program Phase 1:
11 10-year plan to provide for the construction of
12 30,000 acres of air quality and habitat projects at
13 the Salton Sea.

14 (5) STATE WATER BOARD ORDER.—The term
15 “State Water Board Order” means California State
16 Water Board Order 2017–0134 entitled “ORDER
17 ACCEPTING AND REVISING STATE WATER
18 BOARD REVISED ORDER WRO 2002–0013”
19 issued on November 7, 2017, establishing Salton Sea
20 management acre milestones for the State of Cali-
21 fornia.

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