

BOARD MEETING DATE: June 3, 2022

AGENDA NO. 21

REPORT: Legislative Committee

SYNOPSIS: The Legislative Committee held a special meeting through a hybrid format of in-person attendance at the Mission Inn Hotel and Spa and remotely via videoconferencing and telephone on Thursday, May 12, 2022. The following is a summary of the meeting.

<b>Agenda Item</b>	<b>Recommendation/Action</b>
AB 2214 (C. Garcia) – California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools	Support
AB 2550 (Arambula) - State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment	Oppose

**RECOMMENDED ACTION:**

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

Michael A. Cacciotti, Chair  
Legislative Committee

DJA:LTO:PFC:ar

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**Committee Members**

Present: Mayor Pro Tem Michael A. Cacciotti, Chair  
Board Member Veronica Padilla-Campos  
Council Member Nithya Raman  
Senator Vanessa Delgado (Ret.)  
Supervisor Janice Rutherford  
Supervisor V. Manuel Perez

Absent: None

**Call to Order**

Chair Michael Cacciotti called the meeting to order at 10:00 a.m.

## **ACTION/DISCUSSION ITEMS:**

### **1. Recommend Position on State Bills:**

Philip Crabbe, Senior Public Affairs Manager, Legislative, Public Affairs & Media, presented AB 2214 (C. Garcia) - California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.

This bill would require charter and private schools to follow the same requirements as public K-12 institutions for evaluating a proposed campus location for potential hazardous substances, emissions, or waste.

For additional information, please refer to the Webcast beginning at 8:32.

**Staff recommended a “SUPPORT” position on this bill.**

Moved by Padilla-Campos; seconded by Perez

Ayes: Cacciotti, Delgado, Padilla-Campos, Perez, Raman

Noes: Rutherford

Abstain: None

Absent: None

Harvey Eder, Public Solar Power Coalition, provided public comment regarding solar power at schools.

Mr. Crabbe presented AB 2550 (Arambula) - State Air Resources Board: San Joaquin Valley Air Pollution Control District (San Joaquin APCD): nonattainment.

This bill would require CARB to assume specified local regulatory activities, if the San Joaquin Valley APCD does not attain a national ambient air quality standard by applicable deadlines. CARB would be required to:

- Outreach to communities to identify gaps in the state implementation plan and the district’s attainment plan, regulations, programs, and enforcement practices; and
- Develop a program, or regulations that CARB deems necessary to enable the San Joaquin Valley Air Basin to attain national air quality standards.

Supervisor Perez asked if South Coast AQMD has reached out to the author regarding the bill. Mr. Crabbe responded that South Coast AQMD has not met with the author, but CAPCOA and San Joaquin Valley APCD have met with Assembly Member Arambula.

Supervisor Perez asked why South Coast AQMD would take a position on the bill, which applies to San Joaquin Valley APCD. Mr. Crabbe responded that the bill previously applied to South Coast AQMD, and there is concern that the provision may be brought back.

Council Member Raman asked if the bill is intended to address actual failures by San Joaquin Valley APCD or the broad challenges of reducing air pollution. Wayne Nastri, Executive Officer, responded that community groups are seeking to put pressure on San Joaquin Valley APCD.

Board Member Padilla-Campos inquired why the bill was amended to exclude South Coast AQMD. Mr. Crabbe responded that some stakeholders and Legislators wanted to limit the scope of the bill.

For additional information, please refer to the Webcast beginning at 17:36.

**Staff recommended an “OPPOSE” position on this bill.**

Moved by Perez; seconded by Padilla-Campos  
Ayes: Cacciotti, Delgado, Padilla-Campos, Perez, Rutherford  
Noes: Raman  
Abstain: None  
Absent: None

## **2. Update on South Coast AQMD Sponsored State Legislation**

Derrick Alatorre, Deputy Executive Officer, Legislative, Public Affairs & Media, provided an update regarding some of South Coast AQMD’s sponsored state bills:

- AB 2141 (E. Garcia) – Amendments are in development to diversify the funding streams to provide sustainable funding for AB 617 implementation and incentives.
- AB 2836 (E. Garcia) – Amendments are in progress to reauthorize the Carl Moyer program to 2034 for 10-years versus 2033 for nine-years.
- AB 2910 (Santiago) – Assembly Natural Resources Committee requested amendments to direct funds from civil penalties to be spent in affected communities for mitigation and to reimburse local air agencies for enforcement costs.

Board Member Padilla-Campos asked about the status of the amendment to AB 2910 directing civil penalty monies to the affected communities. Mr. Alatorre responded that South Coast AQMD is working with Assembly Natural Resources and other stakeholders on amendments to AB 2910.

Supervisor Perez inquired if AB 2141 is a priority bill for Assembly Member Garcia. Mr. Alatorre responded in the affirmative.

For additional information, please refer to the Webcast beginning at 29:52.

**3. Update and Discussion on Federal Legislative Issues**

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

There were no updates to the written reports from the federal consultants.

**4. Update and Discussion on State Legislative Issues**

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

There were no updates to the written reports from the state consultants.

**OTHER MATTERS:**

**5. Other Business**

There was no other business to report.

**6. Public Comment Period**

There was no public comment to report.

**7. Next Meeting Date**

The next regular Legislative Committee meeting is scheduled for Friday, June 10, 2022 at 9:00 a.m.

**Adjournment**

The meeting adjourned at 10:34 a.m.

**Attachments**

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

# **ATTACHMENT 1**

## **SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT LEGISLATIVE COMMITTEE MEETING ATTENDANCE RECORD – May 12, 2022**

Mayor Michael Cacciotti.....	South Coast AQMD Board Member
Senator Vanessa Delgado.....	South Coast AQMD Board Member
Board Member Veronica Padilla-Campos.....	South Coast AQMD Board Member
Supervisor V. Manuel Perez.....	South Coast AQMD Board Member
Council member Nithya Raman .....	South Coast AQMD Board Member
Supervisor Janice Rutherford .....	South Coast AQMD Board Member

Debra Mendelsohn .....	Board Consultant (Rutherford)
Amy Wong .....	Board Consultant (Padilla-Campos)
Ben Wong.....	Board Consultant (Cacciotti)

Ross Buckley .....	California Advisors, LLC
Paul Gonsalves .....	Joe A. Gonsalves & Son
Gary Hoitsma .....	Carmen Group, Inc.
Mark Kadesh .....	Kadesh & Associates
Amelia Morales .....	Cassidy & Associates
David Quintana.....	Resolute

Mark Abramowitz.....	Public Member
Alan Caldwell.....	Public Member
Harvey Eder.....	Public Solar Power Coalition
Jackson Guze.....	Public Member
Josh Nuni.....	Public Member
Patty Senecal .....	Public Member
Peter Whittingham .....	Public Member

Derrick Alatorre.....	South Coast AQMD Staff
Jason Aspell.....	South Coast AQMD Staff
Barbara Baird.....	South Coast AQMD Staff
Cindy Bustillos .....	South Coast AQMD Staff
Maria Castro .....	South Coast AQMD Staff
Philip Crabbe.....	South Coast AQMD Staff
Sindy Enriquez .....	South Coast AQMD Staff
Scott Gallegos.....	South Coast AQMD Staff
Bayron Gilchrist .....	South Coast AQMD Staff
Anissa Cessa Heard-Johnson.....	South Coast AQMD Staff
Mark Henninger.....	South Coast AQMD Staff
Kathryn Higgins .....	South Coast AQMD Staff
Sujata Jain .....	South Coast AQMD Staff
Cristina Lopez .....	South Coast AQMD Staff
Susan Nakamura .....	South Coast AQMD Staff
Wayne Nastri.....	South Coast AQMD Staff
Denise Peralta Gailey.....	South Coast AQMD Staff
Sarah Rees .....	South Coast AQMD Staff
Aisha Reyes.....	South Coast AQMD Staff
Danielle Soto .....	South Coast AQMD Staff
Lisa Tanaka O'Malley .....	South Coast AQMD Staff
Anthony Tang.....	South Coast AQMD Staff
Paul Wright .....	South Coast AQMD Staff
Victor Yip.....	South Coast AQMD Staff

# ATTACHMENT 2A

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2214 (C. Garcia)  
Version: As Amended – 4/25/2022  
Analyst: PC

## **AB 2214 (C. Garcia)**

California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.

**Summary:** Requires charter schools and private schools to follow the same siting requirements as public schools for evaluating a proposed school-site for potential hazardous substances, hazardous emissions, or hazardous waste.

**Background:** Siting schools is not an easy process. Existing law and state regulations prohibit school districts seeking state bond funds from being located on land that was previously a hazardous waste disposal site, that contains pipelines that carry hazardous substances, or that is near a freeway and other busy traffic corridors and railyards that have the potential to expose students and school staff to hazardous air emissions. Existing law also requires school districts to comply with CEQA requirements, review by DTSC, and approval by the California Department of Education (CDE) to ensure the design plans meet the academic need of the school. Charter schools are not required to comply with school siting requirements unless they receive state school bond funds. Private schools are not subject to the requirements in the Education Code unless specified, typically related to health and safety issues.

Existing law requires public schools to follow CEQA requirements before approving and building a new school. These requirements include that the governing board of the school district determine that the property is not a current or former hazardous waste or solid waste disposal site (unless the governing board concludes that the waste sites have been removed); a hazardous substance release site identified by the Department of Toxic Substances Control (DTSC); or a site that contains one or more pipelines that carries hazardous substances.

CEQA requires a lead agency to prepare and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law also requires that the school district consult with the administering agency and any local air district necessary to identify facilities within the air district's authority and within the vicinity of the school property that might emit hazardous emissions, substances, or waste.

**Status:** 4/27/22 From Assembly Environmental Safety and Toxic Materials: Do pass and re-refer to Assembly Appropriations. (Ayes 6. Noes 3.) (April 26).

**Specific Provisions:** Specifically, this bill would:

- 1) Require the governing body of a charter school, before acquiring any site on which it proposes to construct any school building to have the sites under construction investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest;
- 2) Require the governing board of a school district, the governing body of a charter school or of a private school to, before acquiring a school site, contract with an environmental assessor to supervise the preparation of, and sign, a Phase I environment assessment of the proposed schoolsite.
- 3) Require the governing body of a charter school or the governing board of a private school to not approve the acquisition or purchase of a schoolsite, or the construction of an elementary or secondary school, by, or for use by, a charter school or a private school unless various items, including the following occur:
  - a. The city or county determines that the property proposed to be acquired or purchased, or to be constructed upon, is not any of the following:
    - i. The site of a current or former hazardous waste disposal site or solid waste disposal site, unless, if the site was a former solid waste disposal site, the wastes have been removed;
    - ii. A hazardous substance release site identified by DTSC in a list for removal or remedial action; or
    - iii. A site that contains one or more pipelines that carry hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used to supply natural gas;
  - b. The governing body or board has notified in writing and consulted with the administering agency in which the proposed schoolsite is located, and with any air district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including freeways or other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of one mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous emissions or handle hazardous or extremely hazardous substances or waste.

**Impacts on South Coast AQMD's Mission, Operations or Initiatives:** South Coast AQMD took a SUPPORT position on a very similar bill last year that died in the Legislature.

The Bay Area AQMD explains that “given that private and charter schools are not held to the same requirements as public schools before building new schools, there are cases in California where schools have been built in a potentially unsafe location near sources of hazardous emissions, substances, or waste, unbeknownst to the children, their parents, and school employees. Consequently, the public health and safety of all students and school employees in California at these schools could be at risk...In order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 2214 will achieve this by requiring that private schools and charter schools meet the same siting requirements as public schools.”

It is reasonable to provide the students of charter schools and private schools with the same protections from potential hazardous chemicals at a potential schoolsite as is afforded to students who attend public schools. In addition, this bill requires the lead agency, under CEQA, over a charter school, to complete the same evaluations as is required for a lead agency of a public school. There are thousands of known contaminated sites in California, however, there are estimates of tens of thousands of unknown contaminated sites in the state. A site may have been an industrial site in the early 1900's and been vacant for decades, and its potential of containing hazardous substances is unknown until there is an environmental assessment of the property. It is important that potential schoolsites, regardless of whether the school is a public school, private school, or charter school, be properly evaluated in order to protect the health and well-being of the future students who will attend that school.

This bill is consistent with South Coast AQMD's policy priorities to protect public health, especially within disadvantaged communities, and to promote environmental justice within the South Coast region. By adding extra protections within the school setting, this bill seeks to protect children, who are at even higher risk as sensitive receptors to pollution.

**Recommended Position: SUPPORT**

**Support:**

Bay Area Air Quality Management District (Sponsor)  
CAPCOA  
California School Employees Association  
Communities for a Better Environment  
California Safe Schools  
San Diego; County Of  
Cossart-Daly Law, A.P.C.  
Cudahy Alliance for Justice



South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2214 (C. Garcia)  
Version: As Amended – 4/25/2022  
Analyst: PC

**Opposition:**

California Charter Schools Association  
California's Coalition for Adequate School Housing

# **ATTACHMENT 2B**

AMENDED IN ASSEMBLY APRIL 25, 2022

AMENDED IN ASSEMBLY MARCH 31, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2214**

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**Introduced by Assembly Members Cristina Garcia and Lee**

February 15, 2022

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An act to amend Sections 17212, 17213.1, and 17251 of, and to add Article 3 (commencing with Section 17235) to Chapter 1 of Part 10.5 of Division 1 of Title 1 of, the Education Code, and to amend Sections ~~21084, 21151.2, 21151.2~~ and 21151.8 of the Public Resources Code, relating to environmental quality.

### LEGISLATIVE COUNSEL’S DIGEST

AB 2214, as amended, Cristina Garcia. California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits an environmental impact report or negative declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless certain conditions are met relating to, among other things, hazardous emissions or substances safety considerations, as provided.

Existing law requires the governing board of a school district, as a condition of receiving state funding under the Leroy F. Greene School Facilities Act of 1998, to conduct a Phase I environmental assessment of a proposed schoolsite before acquiring the site, as provided.

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

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

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

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

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

~~(3)~~

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

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

3 17212. (a) (1) The governing board of a school district, or the  
4 governing body of a charter school, before acquiring any site on  
5 which it proposes to construct any school building as defined in  
6 Section 17283 shall have the site, or sites, under consideration  
7 investigated by competent personnel to ensure that the final site  
8 selection is determined by an evaluation of all factors affecting  
9 the public interest and is not limited to selection on the basis of  
10 raw land cost only. If the prospective schoolsite is located within  
11 the boundaries of any special studies zone or within an area  
12 designated as geologically hazardous in the safety element of the  
13 local general plan as provided in subdivision (g) of Section 65302  
14 of the Government Code, the investigation shall include any  
15 geological and soil engineering studies by competent personnel  
16 needed to provide an assessment of the nature of the site and  
17 potential for earthquake or other geologic hazard damage.

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

29 (b) For the purposes of this article, “special studies zone” means  
30 an area that is identified as a special studies zone on any map, or  
31 maps, compiled by the State Geologist pursuant to Chapter 7.5

1 (commencing with Section 2621) of Division 2 of the Public  
2 Resources Code.

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

5 ~~17213.1. The governing board of a school district, the~~  
6 ~~governing~~

7 *17213.1. As a condition of receiving state funding pursuant to*  
8 *Chapter 12.5 (commencing with Section 17070.10), the governing*  
9 *board of a school district shall comply with subdivision (a), and*  
10 *is not required to comply with subdivision (a) of Section 17213,*  
11 *before acquiring a schoolsite, or if the school district owns or*  
12 *leases a schoolsite, before the construction of a project. The*  
13 *governing body of a charter-school, school or the governing body*  
14 *of a private school shall comply with subdivision-(a) (a), before*  
15 *acquiring a schoolsite, or if the-school district, charter school,*  
16 *charter school or private school owns or leases a schoolsite, before*  
17 *the construction of a project.*

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

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

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

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

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

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

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

33 (2) If the Phase I environmental assessment concludes that  
34 further investigation of the site is not required, the signed  
35 assessment, proof that the environmental assessor meets the  
36 qualifications specified in subdivision (b) of Section 17210, and  
37 the renewal fee shall be submitted to the Department of Toxic  
38 Substances Control. The Department of Toxic Substances Control  
39 shall conduct its review and approval, within 30 calendar days of  
40 its receipt of that assessment, proof of qualifications, and the

1 renewal fee. In those instances in which the Department of Toxic  
2 Substances Control requests additional information after receipt  
3 of the Phase I environmental assessment pursuant to paragraph  
4 (3), the Department of Toxic Substances Control shall conduct its  
5 review and approval within 30 calendar days of its receipt of the  
6 requested additional information. If the Department of Toxic  
7 Substances Control concurs with the conclusion of the Phase I  
8 environmental assessment that a further investigation of the site  
9 is not required, the Department of Toxic Substances Control shall  
10 approve the Phase I environmental assessment and shall notify, in  
11 writing, the State Department of Education and the governing  
12 board of the school district, the governing body of the charter  
13 school, or the governing body of the private school of the approval.

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

27 (4) (A) If the Department of Toxic Substances Control  
28 concludes after its review of a Phase I environmental assessment  
29 pursuant to this section that a preliminary endangerment assessment  
30 is needed, the Department of Toxic Substances Control shall notify,  
31 in writing, the State Department of Education and the governing  
32 board of the school district, the governing body of the charter  
33 school, or the governing body of the private school of that decision  
34 and the basis for that decision. The school district, charter school,  
35 or private school shall submit to the State Department of Education  
36 the Phase I environmental assessment and requested additional  
37 information, if any, that was reviewed by the Department of Toxic  
38 Substances Control pursuant to that subparagraph. Submittal of  
39 the Phase I assessment and additional information, if any, to the  
40 State Department of Education shall be before the State Department

1 of Education issuance of final site or plan approvals affected by  
2 that Phase I assessment.

3 (B) If the Phase I environmental assessment concludes that a  
4 preliminary endangerment assessment is needed, or if the  
5 Department of Toxic Substances Control concludes after it reviews  
6 a Phase I environmental assessment pursuant to this section that  
7 a preliminary endangerment assessment is needed, the school  
8 district, charter school, or private school shall either contract with  
9 an environmental assessor to supervise the preparation of, and  
10 sign, a preliminary endangerment assessment of the proposed  
11 schoolsite and enter into an agreement with the Department of  
12 Toxic Substances Control to oversee the preparation of the  
13 preliminary endangerment assessment or elect not to pursue the  
14 acquisition or construction project. The agreement entered into  
15 with the Department of Toxic Substances Control may be entitled  
16 an "Environmental Oversight Agreement" and shall reference this  
17 paragraph. A school district, charter school, or private school may,  
18 with the concurrence of the Department of Toxic Substances  
19 Control, enter into an agreement with the Department of Toxic  
20 Substances Control to oversee the preparation of a preliminary  
21 endangerment assessment without first having prepared a Phase I  
22 environmental assessment. Upon request from the school district,  
23 charter school, or private school, the Director of Toxic Substances  
24 Control shall exercise its authority to designate a person to enter  
25 the site and inspect and obtain samples pursuant to Section 25358.1  
26 of the Health and Safety Code, if the director determines that the  
27 exercise of that authority will assist in expeditiously completing  
28 the preliminary endangerment assessment. The preliminary  
29 endangerment assessment shall contain one of the following  
30 conclusions:

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

32 (ii) A release of hazardous materials has occurred, and if so, the  
33 extent of the release, that there is the threat of a release of  
34 hazardous materials, or that a naturally occurring hazardous  
35 material is present, or any combination thereof.

36 (5) The school district, charter school, or private school shall  
37 submit the preliminary endangerment assessment to the Department  
38 of Toxic Substances Control for its review and approval and to  
39 the State Department of Education for its files. The school district,  
40 charter school, or private school may entitle a document that is

1 meant to fulfill the requirements of a preliminary endangerment  
2 assessment a “preliminary environmental assessment” and that  
3 document shall be deemed to be a preliminary endangerment  
4 assessment if it specifically refers to the statutory provisions whose  
5 requirements it intends to meet and the document meets the  
6 requirements of a preliminary endangerment assessment.

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

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

28 (i) The preliminary endangerment assessment.

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

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

35 ~~For the~~

36 ~~(B) For the purposes of this subparagraph, subparagraph (A),~~  
37 ~~the notice of the public hearing shall include the date and location~~  
38 ~~of the public hearing, and the location where the public may review~~  
39 ~~the documents described in clauses (i) to (iii), inclusive: inclusive,~~  
40 ~~of subparagraph (A). If the preliminary endangerment assessment~~



1 is revised or altered following the public hearing, the school  
2 district, charter school, or private school shall make those revisions  
3 or alterations available to the public. The school district, charter  
4 school, or private school shall transmit a copy of all public  
5 comments received by the school district, charter school, or private  
6 school on the preliminary endangerment assessment to the  
7 Department of Toxic Substances Control. The Department of Toxic  
8 Substances Control shall complete its review of the preliminary  
9 endangerment assessment and public comments received thereon  
10 and shall either approve or disapprove the assessment within 30  
11 calendar days of the close of the public review period. If the  
12 Department of Toxic Substances Control determines that it is likely  
13 to disapprove the assessment prior to its receipt of the public  
14 comments, it shall inform the school district, charter school, or  
15 private school of that determination and of any action that the  
16 school district, charter school, or private school is required to take  
17 for the Department of Toxic Substances Control to approve the  
18 assessment.

19 ~~(B)~~

20 (C) If the school district, charter school, or private school  
21 chooses to make the preliminary endangerment assessment  
22 available for public review and comment pursuant to this  
23 subparagraph, the Department of Toxic Substances Control shall  
24 complete its review of the assessment within 60 calendar days of  
25 receipt of the assessment and shall either return the assessment to  
26 the school district, charter school, or private school with comments  
27 and requested modifications or requested further assessment or  
28 concur with the adequacy of the assessment pending review of  
29 public comment. If the Department of Toxic Substances Control  
30 concurs with the adequacy of the assessment, and the school  
31 district, charter school, or private school proposes to proceed with  
32 site acquisition or a construction project, the school district, charter  
33 school, or private school shall make the assessment available to  
34 the public on the same basis and at the same time it makes available  
35 the draft environmental impact report or negative declaration  
36 pursuant to the California Environmental Quality Act (Division  
37 13 (commencing with Section 21000) of the Public Resources  
38 Code) for the site, unless the document developed pursuant to the  
39 California Environmental Quality Act (Division 13 (commencing  
40 with Section 21000) of the Public Resources Code) will not be

1 made available until more than 90 days after the assessment is  
2 approved, in which case the school district, charter school, or  
3 private school shall, within 60 days of the approval of the  
4 assessment, separately publish a notice of the availability of the  
5 assessment for public review in a local newspaper of general  
6 circulation. The school district, charter school, or private school  
7 shall hold a public hearing on the preliminary endangerment  
8 assessment and the draft environmental impact report or negative  
9 declaration at the same time, pursuant to the California  
10 Environmental Quality Act (Division 13 (commencing with Section  
11 21000) of the Public Resources Code). All public comments  
12 pertaining to the preliminary endangerment assessment shall be  
13 forwarded to the Department of Toxic Substances Control  
14 immediately. The Department of Toxic Substances Control shall  
15 review the public comments forwarded by the school district,  
16 charter school, or private school, and shall approve or disapprove  
17 the preliminary endangerment assessment within 30 days of the  
18 district's, charter school's, or private school's approval action of  
19 the environmental impact report or the negative declaration.

20 (7) The school district, charter school, or private school shall  
21 comply with the public participation requirements of Sections  
22 25358.7 and 25358.7.1 of the Health and Safety Code and other  
23 applicable provisions of the state act with respect to those response  
24 actions only if further response actions beyond a preliminary  
25 endangerment assessment are required and the school district,  
26 charter school, or private school determines that it will proceed  
27 with the acquisition or construction project.

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

37 (9) If the preliminary endangerment assessment determines that  
38 a further investigation of the site is not required and the Department  
39 of Toxic Substances Control approves this determination, it shall  
40 notify the State Department of Education and the school district,

1 charter school, or private school of its approval. The school district,  
2 charter school, or private school may then proceed with the  
3 acquisition or construction project.

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

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

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

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

23 (D) Evaluate the suitability of the proposed schoolsite in light  
24 of the recommended alternative schoolsite locations in order of  
25 merit if the school district has requested the assistance of the State  
26 Department of Education, based upon the standards of the State  
27 Department of Education, pursuant to subdivision (a) of Section  
28 17251.

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

32 (b) The costs incurred by the school districts when complying  
33 with this section are allowable costs for purposes of an applicant  
34 under Chapter 12.5 (commencing with Section 17070.10) of Part  
35 10 and may be reimbursed in accordance with Section 17072.13.

36 (c) A school district, charter school, or private school that  
37 releases a Phase I environmental assessment, a preliminary  
38 endangerment assessment, or information concerning either of  
39 these assessments, any of which is required by this section, may  
40 not be held liable in any action filed against the school district,

1 charter school, or private school for making either of these  
2 assessments available for public review.

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

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

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

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

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

25  
26 Article 3. Charter School and Private School Schoolsites

27  
28 17235. (a) For purposes of this section, the following  
29 definitions apply:

30 (1) “Administering agency” means an agency authorized  
31 pursuant to Section 25502 of the Health and Safety Code to  
32 implement and enforce Chapter 6.95 (commencing with Section  
33 25500) of Division 20 of the Health and Safety Code.

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

37 (3) “Facilities” means a source with a potential to use, generate,  
38 emit, or discharge hazardous air pollutants, including, but not  
39 limited to, pollutants that meet the definition of a hazardous  
40 substance, and whose process or operation is identified as an

1 emission source pursuant to the most recent list of source categories  
2 published by the State Air Resources Board.

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

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

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

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

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

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

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

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

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

37 (B) A hazardous substance release site identified by the  
38 Department of Toxic Substances Control in a current list adopted  
39 pursuant to Section 25356 of the Health and Safety Code for

1 removal or remedial action pursuant to Chapter 6.8 (commencing  
2 with Section 25300) of Division 20 of the Health and Safety Code.

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

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

20 (B) Each administering agency, air pollution control district, or  
21 air quality management district receiving written notification from  
22 a governing body or board to identify facilities pursuant to  
23 subparagraph (A) shall provide the requested information and  
24 provide a written response to the governing body or board within  
25 30 days of receiving the notification.

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

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

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

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

36 (ii) Corrective measures required under an existing order by  
37 another agency having jurisdiction over the facilities or other  
38 pollution sources will, before the school is occupied, result in the  
39 mitigation of all chronic or accidental hazardous air emissions to  
40 levels that do not constitute an actual or potential endangerment

1 of public health to persons who would attend or be employed at  
2 the proposed school. If the city or county makes a finding pursuant  
3 to this clause, it shall also make a subsequent finding, before  
4 occupancy of the school, that the emissions have been so mitigated.

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

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

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

20 17251. The department shall:

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

38 (b) Develop standards for use by a school district or charter  
39 school in the selection of schoolsites, in accordance with the  
40 objectives set forth in subdivision (a). The department shall

1 investigate complaints of noncompliance with site selection  
2 standards, and shall notify the governing board of the school district  
3 or the governing body of the charter school of the results of the  
4 investigation. If that notification is received before the acquisition  
5 of the site, the governing board of the school district or the  
6 governing body of the charter school shall discuss the findings of  
7 the investigation in a public hearing.

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

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

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

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

33 (g) (1) Develop strategies to assist small school districts with  
34 technical assistance relating to school construction and the funding  
35 of school facilities. The strategies may include informing those  
36 small school districts of how to receive the approval required for  
37 school construction, including the requirements of the Division of  
38 the State Architect, and how to secure state funding, including  
39 from the state bond funds made available pursuant to the Leroy F.



1 Greene School Facilities Act of 1998 (Chapter 12.5 (commencing  
2 with Section 17070.10) of Part 10).

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

6 ~~SEC. 5. Section 21084 of the Public Resources Code is~~  
7 ~~amended to read:~~

8 ~~21084. (a) The guidelines prepared and adopted pursuant to~~  
9 ~~Section 21083 shall include a list of classes of projects that have~~  
10 ~~been determined not to have a significant effect on the environment~~  
11 ~~and that shall be exempt from this division. In adopting the~~  
12 ~~guidelines, the Secretary of the Natural Resources Agency shall~~  
13 ~~make a finding that the listed classes of projects referred to in this~~  
14 ~~section do not have a significant effect on the environment.~~

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

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

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

35 ~~(e) A project that may cause a substantial adverse change in the~~  
36 ~~significance of a historical resource, as specified in Section~~  
37 ~~21084.1, shall not be exempted from this division pursuant to~~  
38 ~~subdivision (a).~~

39 ~~(f) A project that involves demolition, construction, or alteration~~  
40 ~~of a public school, including a charter school, or a private school~~

1 shall not be exempted from this division pursuant to subdivision  
2 (a).

3 ~~SEC. 6.~~

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

6 21151.2. (a) To promote the health and safety of pupils and  
7 comprehensive community planning, the governing board or body  
8 of each school district, charter school, or private school shall,  
9 before acquiring title to property for a new schoolsite or for an  
10 addition to a present schoolsite, give the planning commission  
11 having jurisdiction notice in writing of the proposed acquisition.

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

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

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

25 ~~SEC. 7.~~

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

28 21151.8. (a) A lead agency shall not certify an environmental  
29 impact report or approve a negative declaration for a project  
30 involving the purchase of a schoolsite or the construction of a new  
31 elementary or secondary school by a school district, a charter  
32 school, or a private school unless all of the following occur:

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

37 (A) The site of a current or former hazardous waste disposal  
38 site or solid waste disposal site and, if so, whether the wastes have  
39 been removed.

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

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

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

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

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

36 (C) If the lead agency has carried out the consultation required  
37 by subparagraph (A), the environmental impact report or the  
38 negative declaration shall be conclusively presumed to comply  
39 with subparagraph (A), notwithstanding any failure of the

1 consultation to identify an existing facility or other pollution source  
2 specified in subparagraph (A).

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

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

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

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

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

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

29 (C) The facilities or other pollution sources specified in  
30 paragraph (2) exist, but conditions in clause (i), (ii), or (iii) of  
31 subparagraph (B) cannot be met, and the lead agency is unable to  
32 locate an alternative site that is suitable due to a severe shortage  
33 of sites that meet the requirements in subdivision (a) of Section  
34 17213 of the Education Code. If the lead agency makes this finding,  
35 the lead agency shall adopt a statement of overriding considerations  
36 pursuant to Section 15093 of Title 14 of the California Code of  
37 Regulations.

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

39 (1) "Administering agency" means an agency authorized  
40 pursuant to Section 25502 of the Health and Safety Code to

1 implement and enforce Chapter 6.95 (commencing with Section  
2 25500) of Division 20 of the Health and Safety Code.

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

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

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

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

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

28 (7) “Hazardous substance” means a substance defined in Section  
29 25316 of the Health and Safety Code.

30 (8) “Hazardous waste” means a waste defined in Section 25117  
31 of the Health and Safety Code.

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

34 ~~SEC. 8.~~

35 *SEC. 7.* No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 a local agency or school district has the authority to levy service  
38 charges, fees, or assessments sufficient to pay for the program or  
39 level of service mandated by this act, within the meaning of Section  
40 17556 of the Government Code.

1     However, if the Commission on State Mandates determines that  
2     this act contains other costs mandated by the state, reimbursement  
3     to local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

O

# ATTACHMENT 2C

South Coast Air Quality Management District  
Legislative Analysis Summary – AB 2550 (Arambula)  
Version: As amended – 4/28/22  
Analyst: PC

## **AB 2550 (Arambula)**

State Air Resources Board: San Joaquin Valley Air Pollution Control District:  
nonattainment.

**Summary:** This bill would require CARB, if the San Joaquin Valley Air Pollution Control District (SJVAPCD) does not attain a national ambient air quality standard established by U.S. EPA pursuant to the federal Clean Air Act, by the applicable attainment date, to undertake certain activities, including to:

- 1) Coordinate with the district and community-based organizations and conduct outreach to under-resourced communities to identify gaps in the state implementation plan and the district's attainment plan, regulations, programs, and enforcement practices that impact the district's ability to attain and maintain that ambient air quality standard and
- 2) To coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources;
- 3) Develop a program, or regulations that CARB deems necessary to enable the district to attain and maintain that national air quality standard.
  - a. Any program or regulation established by CARB shall have the same force and effect as a program or regulation adopted by the district and shall be enforced by the district.

**Background:** California's 35 local air pollution control districts (districts) and CARB both have responsibility under state and federal law to jointly develop air quality plans to bring the diverse regions of the state into compliance with health based state and federal air quality standards. Plan elements include the development of emissions inventories, air quality modeling, and control measures to reduce emissions. In addition to participating in these joint activities, the districts develop strategies to further reduce stationary source emissions considering local and regional air quality needs for plan inclusion. The jointly developed air quality plans are then subject to extensive public review processes at the local and state level which includes opportunity for all stakeholders to provide input. After considering public comments and making necessary revisions to incorporate material input, these plans are approved by local and state officials. Plans to attain federal air quality standards are then submitted to the United States Environmental Protection Agency (U.S. EPA), where they are subject to yet another public review process before U.S. EPA can act on them. In addition to joint plan development, CARB and local air districts work together to operate and maintain air quality monitors throughout the state to measure ambient air quality, which provides real-world data as to the efficacy of approved plans. It is only when a district does not uphold its responsibility to participate in these joint activities would CARB need to assume the district's role in developing stationary source emission control strategies. Never in its 55-year history has CARB been required to invoke this authority.

Districts, CARB and U.S. EPA have a long and successful record of working together to address the air quality challenges California faces.

**Status:** 5/2/22 - Re-referred to Assembly Appropriations.

**Specific Provisions:** Specifically, this bill would:

- 1) Require CARB, if SJVAPCD does not attain a national ambient air quality standard established by U.S. EPA pursuant to the federal Clean Air Act, by the applicable attainment date, to undertake certain activities, including to:
  - a. Coordinate with the district and community-based organizations in the district and conduct outreach to under-resourced communities in the district to identify gaps in the state implementation plan and the district's attainment plan, rules, regulations, programs, and enforcement practices that impact the district's ability to attain and maintain that ambient air quality standard and
  - b. to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district.
  - c. Develop a program, or rules or regulations that CARB deems necessary to enable the district to attain and maintain that national ambient air quality standard.
    - i. Any program or rule or regulation established by CARB for the district shall have the same force and effect as a program, rule, or regulation adopted by the district and shall be enforced by the district.
  - d. Require CARB to conduct at least one public hearing in the district regarding the district's attainment plan, and

**Impacts on South Coast AQMD's Mission, Operations or Initiatives:** This bill requires an unnecessary and potentially counterproductive process for the development of air quality plans required by federal law. Although this bill currently applies only to SJVAPCD, it sets a bad precedent in establishing problematic policy that could ultimately be expanded to other air districts either through this or subsequent legislation. The bill would transfer local responsibility to regulate stationary sources of air pollution to CARB, which would impede the ability to consider California's unique regional and local air quality needs. This bill appears unnecessary as state law already provides CARB authority to oversee air district activities related to air quality management.

Further, AB 2550 will not help alleviate the significant air quality challenges California faces because it does not address mobile source emissions. Mobile sources continue to be the largest contributor of criteria pollutant, toxic, and greenhouse gas emissions throughout the state. Mobile sources account for about 80% of the air pollution problem within the



South Coast region. In comparison, stationary source emissions of NO<sub>x</sub> have been reduced dramatically since the late 1960s when districts began regulating them. Despite this significant progress and absent similar authority that CARB holds to regulate mobile source emissions, districts continue to further reduce stationary source emissions through the application of Best Available Control Technologies to new and expanded sources, implementation of rules that require stationary sources to retrofit equipment with new control technologies, and through highly localized, community-focused emission reduction programs like AB 617. Additionally, districts administer incentive programs like the successful Carl Moyer program which is designed to accelerate emissions reductions from mobile sources beyond those required by law. Increasing resources for mobile source incentive programs like Carl Moyer is the single largest opportunity available for achieving air quality goals and related public health benefits faster. While well-intentioned, AB 2550 is unlikely to improve air quality and may instead slow progress as it distorts a process that has been proven over decades of experience to effectively reduce stationary source emissions.

**Recommended Position: OPPOSE**

**Support:**

N/A

**Opposition:**

CAPCOA

San Joaquin Valley Air Pollution Control District

# ATTACHMENT 2D

AMENDED IN ASSEMBLY APRIL 28, 2022

AMENDED IN ASSEMBLY APRIL 19, 2022

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2550**

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**Introduced by Assembly Member Arambula**

February 17, 2022

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An act to add Section 41501 to the Health and Safety Code, relating to air pollution.

## LEGISLATIVE COUNSEL’S DIGEST

AB 2550, as amended, Arambula. State Air Resources Board: ~~national ambient air quality standards: nonattainment districts: San Joaquin Valley Air Pollution Control District: nonattainment.~~

Existing law generally designates local air districts with primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources ~~Board,~~ *Board* to coordinate air pollution control activities throughout the state and to ensure that the entire state is, or will be, in compliance with state standards, to review a district’s attainment plan, and any revised plan, to determine whether the plan will achieve and maintain the state’s ambient air quality standards by the earliest practicable date, to review the rules, regulations, and programs submitted by an air district to determine whether they are sufficiently effective to achieve and maintain the state ambient air quality standards, and to review the enforcement practices of a district to determine whether reasonable action is being taken to enforce the district’s programs, rules, and regulations. Existing law authorizes the state board, if, after a public hearing, it finds that a

program or the rules and regulations of an air district will not likely achieve and maintain the state's ambient air quality standards, to establish a program, or portion thereof, or rules and regulations it deems necessary to enable the air district to achieve and maintain ambient air quality standards.

This bill would require the state board, ~~if a district in severe or extreme nonattainment for a national ambient air quality standard has not received the San Joaquin Valley Air Pollution Control District does not receive~~ a determination of attainment from the United States Environmental Protection Agency ~~for a national ambient air quality standard established by the agency pursuant to the federal Clean Air Act~~ by the applicable attainment date for that standard, to undertake certain activities, including coordinating with the district and community-based organizations in the district and conducting outreach to under-resourced communities in the district to identify gaps in the state implementation plan and the district's attainment plan, rules, regulations, programs, and enforcement practices that impact the district's ability to attain and maintain that ambient air quality ~~standard and to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district, as provided.~~ *standard*. The bill would require the state board to conduct at least one public hearing in the district regarding the district's attainment plan, and would require the state board to solicit public comment on specified topics, including the state board's review of the district's attainment plan, rules, regulations, programs, and enforcement practices, data regarding stationary sources in the district, including monitoring and enforcement of those sources, and the state board's plan to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district.

*This bill would make legislative findings and declarations as to the necessity of a special statute for the San Joaquin Valley Air Pollution Control District.*

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

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

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

1 (a) The United States Environmental Protection Agency is  
2 responsible for establishing national ambient air quality standards  
3 for a number of pollutants, including ozone and particulate matter  
4 below 10 microns (PM10) and below 2.5 microns (PM2.5) in size.

5 (b) Poor air quality is intimately linked with negative health  
6 impacts, including respiratory illness and premature deaths, with  
7 recent studies estimating air pollution as the cause of over 100,000  
8 premature deaths in the United States in 2011.

9 (c) The distribution of premature deaths is not equal.  
10 Low-socioeconomic status communities are at higher risk than  
11 higher-income communities. Additionally, Hispanic, Asian, and  
12 Black individuals experience higher risk of premature death than  
13 White individuals.

14 (d) Specific to PM2.5, research has found that for elders enrolled  
15 in Medicare, it is estimated that reaching the World Health  
16 Organization's standards, which are only slightly more stringent  
17 than the most recent national standards, would prevent nearly  
18 140,000 early deaths of elderly individuals over the next decade.  
19 For the San Joaquin Valley, data suggests that PM2.5 exposure is  
20 responsible for 1,200 cases of premature death in the valley each  
21 year.

22 (e) However, the eight counties forming the San Joaquin Valley  
23 Air Pollution Control District continue to be in nonattainment of  
24 annual national PM2.5 air standards set in 1997, let alone more  
25 stringent national standards passed in 2006 and 2012.

26 (f) The United States Environmental Protection Agency also  
27 establishes timelines for attainment of national ambient air quality  
28 standards, and the San Joaquin Valley has consistently exceeded  
29 deadlines since the initial deadline for 1997 standards.

30 (g) In November 2021, a lawsuit was filed against the United  
31 States Environmental Protection Agency claiming prolonged  
32 inaction by the agency to address continued nonattainment of  
33 national ambient air quality standards in the San Joaquin Valley.

34 (h) If the United States Environmental Protection Agency  
35 imposes sanctions on the state as a result of litigation regarding  
36 nonattainment areas in the state, the agency may prohibit approval  
37 of state highway construction projects not directly linked to  
38 improving public safety or emissions reductions.

39 (i) Beyond the clear negative impacts to public health, continued  
40 nonattainment poses a risk to construction and economic growth

1 in the San Joaquin Valley. To reduce the risk of premature deaths  
2 for hundreds of thousands of state residents and to remove the risk  
3 of federal sanctions, the state needs to enact legislation to ensure  
4 consistent progress and rapid attainment of national ambient air  
5 quality standards in the state.

6 SEC. 2. Section 41501 is added to the Health and Safety Code,  
7 to read:

8 ~~41501. If a~~

9 *41501. (a) For purposes of this section, the following terms*  
10 *have the following meanings:*

11 *(1) "Agency" means the United States Environmental Protection*  
12 *Agency.*

13 *(2) "District" means the San Joaquin Valley Air Pollution*  
14 *Control District.*

15 ~~*(b) If the district in severe or extreme nonattainment for a*~~  
16 ~~*national ambient air quality standard established by the United*~~  
17 ~~*States Environmental Protection Agency pursuant to the federal*~~  
18 ~~*Clean Air Act (42 U.S.C. Sec. 7401 et seq.) has not received*~~ *does*  
19 *not receive* a determination of attainment from the ~~United States~~  
20 ~~Environmental Protection Agency~~ *agency for a national ambient*  
21 *air quality standard established by the agency pursuant to the*  
22 *federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.)* by the  
23 applicable attainment date for that standard, the state board shall  
24 do all of the following:

25 ~~(a)~~

26 *(1) Coordinate with the district and community-based*  
27 *organizations in the district, and conduct outreach to*  
28 *under-resourced communities, as defined in subdivision (g) of*  
29 *Section 71130 of the Public Resources Code, in the district to*  
30 *identify gaps in the state implementation plan and the district's*  
31 *attainment plan, rules, regulations, programs, and enforcement*  
32 *practices that impact the district's ability to attain and maintain*  
33 *that national ambient air quality standard.*

34 ~~(b)~~

35 *(2) Coordinate with the district to provide additional monitoring*  
36 *and enforcement capacity for stationary sources in the district,*  
37 *including, but not limited to, independently inspecting, or*  
38 *accompanying the district on inspections of, the largest stationary*  
39 *sources in the district.*

40 ~~(e)-(f)~~

1 (3) (A) Develop a program, or portion thereof, or rules or  
2 regulations that the state board deems necessary to enable the  
3 district to attain and maintain that national ambient air quality  
4 standard.

5 ~~(2)~~

6 (B) Any program, or portion thereof, or rule or regulation  
7 established by the state board for the district shall have the same  
8 force and effect as a program, rule, or regulation adopted by the  
9 district and shall be enforced by the district.

10 ~~(d)~~

11 (4) Conduct at least one public hearing in the district regarding  
12 the district's attainment plan submitted pursuant to Section 40911,  
13 and solicit public comment on, all of the following:

14 ~~(1)~~

15 (A) The state board's review of the district's attainment plan,  
16 rules, regulations, programs, and enforcement practices.

17 ~~(2)~~

18 (B) Gaps in the state implementation plan and the district's  
19 attainment plan, rules, regulations, programs, and enforcement  
20 practices, either independently identified by the state board or  
21 identified pursuant to ~~subdivision (a)~~, *paragraph (1)* that impact  
22 the district's ability to attain and maintain that national ambient  
23 air quality standard.

24 ~~(3)~~

25 (C) Data regarding stationary sources in the district, including  
26 monitoring and enforcement of those sources, and the state board's  
27 plan to coordinate with the district to provide additional monitoring  
28 and enforcement capacity pursuant to ~~subdivision (b)~~. *paragraph*  
29 *(2)*.

30 ~~(4)~~

31 (D) The programs, rules, or regulations that the state board  
32 developed pursuant to ~~paragraph (1) of subdivision (e)~~  
33 *subparagraph (A) of paragraph (3)* and that the state board deems  
34 necessary to enable the district to attain and maintain that national  
35 ambient air quality standard.

36 ~~(5)~~

37 (E) Any other data, analysis, evaluation, or information relevant  
38 to the district's ability to attain and maintain that national ambient  
39 air quality standard, including, but not limited to, the impact of  
40 nonattainment on public health in the district and in the state.

1     *SEC. 3. The Legislature finds and declares that a special statute*  
2     *is necessary and that a general statute cannot be made applicable*  
3     *within the meaning of Section 16 of Article IV of the California*  
4     *Constitution because of the need to protect public health in the*  
5     *San Joaquin Valley Air Pollution Control District, including*  
6     *reducing the risk of premature deaths, due to air pollution in the*  
7     *district and the risk of federal sanctions from the United States*  
8     *Environmental Protection Agency regarding the district's failure*  
9     *to consistently meet established timelines for attainment of national*  
10    *ambient air quality standards.*

## **KADESH & ASSOCIATES**

### **South Coast AQMD Report for the May 2022 Legislative Meeting covering April 2022 Kadesh & Associates**

In late March, President Biden formally kicked off this year's funding cycle by releasing his Fiscal Year 2023 budget request. The budget request seeks a 4% increase for defense spending, and an 11% increase for non-defense discretionary programs – including an EPA budget increase of more than 28%. Air quality programs would continue to fare well under the budget request, including accounts important to South Coast AQMD such as DERA (\$150M), TAG (\$59M), and the 103/105 grants (\$322M).

Of course, nobody expects the President's budget request to be enacted exactly as proposed, especially with a 50-50 Senate, so all of these figures will be negotiated—likely downward—over the course of the year. However, it is still a useful signal of the Administration's priorities, and an important starting point for the year's appropriations negotiations.

The hope on Capitol Hill is that the FY23 funding process will not drag on as long as the FY22 negotiations did, and House and Senate leaders have talked about moving quickly to break down the allocations and reach bicameral agreement on top-line figures so that the Appropriations committees can start writing their bills. In late April, the bipartisan, bicameral leadership of the Appropriations Committees had their first meeting, and both the House and Senate Committees have held a number of preparatory hearings already. However, it is very likely that we will still be talking about FY23 appropriations well past the October 1 deadline.

On April 7, the Senate confirmed President Biden's nominee Ketanji Brown Jackson, who (upon Justice Stephen Breyer's retirement) will be the first Black woman to serve on the Supreme Court. In addition to being a historic vote in its own right, this vote helped unlock two stalled legislative efforts in Congress related to Russia, bills to revoke normal trade relations and to ban Russian energy imports. Following those votes, both the House and Senate were in recess for the middle two weeks of April.

With Congress now returning from recess, we expect to see work to resolve differences in House and Senate bills to strengthen U.S. competitiveness with China, and legislation related to gas prices. In addition, Congress will begin to consider President Biden's request for \$33 billion in emergency funding for continued assistance to Ukraine, along with a package of approximately \$10B to prepare for future Covid variants, which the Senate negotiated in the weeks following the omnibus appropriations bill's passage in March.

#### **Kadesh & Associates Activity Summary-**

- Work with South Coast AQMD to provide timely briefing material and questions to congressional delegation in preparation for hearings on the fy23 budget.
- Continued work with the delegation and South Coast AQMD staff to focus attention on air quality implications of FY23 budget request and appropriations.



# KADESH & ASSOCIATES

## Contacts:

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

###



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

**To:** South Coast AQMD Legislative Committee

**From:** Carmen Group

**Date:** April 28, 2022

**Re:** Federal Update -- Executive Branch

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## **Department of Transportation**

**NHTSA Announces New Vehicle Fuel Economy Standards:** On April 1, the National Highway Traffic Safety Administration (NHTSA) announced new Corporate Average Fuel Economy (CAFE) standards for passenger cars and light trucks for model years 2024-2026. The new standards require an industry-wide average of 49 mpg by model year 2026. This will mean 8 percent annual increases in fuel efficiency for model years '24 and '25, and 10 percent in model year '26.

**FHWA Issues Guidance on Carbon Reduction Program:** In April, the Federal Highway Administration (FHWA) issued guidance on the Bipartisan Infrastructure Law's new \$6.4 billion Carbon Reduction Program (CRP) under which funds are distributed to the states by formula set by Congress. The program is designed to fund a wide range of projects that reduce carbon dioxide emissions from on-road highway sources.

### **Guidance**

[https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp\\_guidance.pdf](https://www.fhwa.dot.gov/environment/sustainability/energy/policy/crp_guidance.pdf)

### **Fact Sheet**

[https://www.fhwa.dot.gov/bipartisan-infrastructure-law/crp\\_fact\\_sheet.cfm](https://www.fhwa.dot.gov/bipartisan-infrastructure-law/crp_fact_sheet.cfm)

**PHMSA Announces New Rule That Will Cut Pipeline Emissions:** In April, the Pipeline and Hazardous Materials Safety Administration (PHMSA) announced a new final rule to help improve pipeline safety and reduce methane and other emissions by requiring remotely controlled shut-off valves on natural gas and other hazardous liquid pipelines. The new requirements are designed to prevent severe human and environmental consequences following pipeline failures such as those that occurred in Marshall, Michigan and San Bruno, California in 2010.

### **Federal Officials Meet with Automaker Leaders on EV Charging Infrastructure:**

On April 6, Transportation Secretary Pete Buttigieg, Energy Secretary Jennifer Granholm, National Climate Advisor Gina McCarthy and Infrastructure Coordinator Mitch Landrieu convened a dozen major automotive leaders to discuss deploying electric vehicles and chargers nationwide. The Infrastructure Law invests \$7.5 billion to create a national network of 500,000 chargers. The auto leaders included the U.S. CEOs of General Motors, Ford, Tesla, Toyota, Nissan, Hyundai, Subaru, Mazda, Mercedes-Benz, Kia, Lucid and Stellantis.

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## Environmental Protection Agency

**EPA Seeks Input on Revision to Air Emissions Reporting Requirements Rule:** The Environmental Protection Agency has invited small businesses, government agencies, and not-for-profit organizations to participate as Small Entity Representatives (SERs) for a Small Business Advocacy Review (SBAR) Panel. The Panel will focus on the agency's development of proposed revisions to the existing Air Emissions Reporting Requirements (AERR) rule that was last revised in 2015. The Panel will include federal representatives from the Small Business Administration, the Office of Management & Budget and the EPA.

**EPA Seeks Grantees to Provide Technical Assistance to Disadvantage Communities:**

In April, the EPA announced a Request for Applications for \$68 million in federal funding through the Environmental Finance Center (EFC) Grant Program. EPA encourages non-profit organizations, universities, and other entities to apply to receive funding as a designated EFC in an EPA Region or as a national EFC for EPA Headquarters. Selected EFCs will help communities develop and submit project proposals, including for Infrastructure Law funding. EFCs will also support a range of projects focused on clean air, toxic substances, solid waste, drinking water, wastewater and stormwater.

**EPA Releases Equity Action Plan to Advance Environmental Justice:** In April, the EPA published its Equity Action Plan to "advance equity and justice across our efforts to ensure clean water, clean air, and land for all communities."

**EPA Equity Action Plan**

[https://www.epa.gov/system/files/documents/2022-04/epa\\_equityactionplan\\_april2022\\_508.pdf](https://www.epa.gov/system/files/documents/2022-04/epa_equityactionplan_april2022_508.pdf)

## Department of Energy

**DOE Releases Equity Action Plan to Support Underserved Communities:** In April, DOE published its Equity Action Plan which "puts a spotlight on equity and justice which are at the heart of the agency's mission."

**DOE Equity Action Plan**

[https://www.energy.gov/sites/default/files/2022-04/DOE%20Equity%20Action%20Plan\\_Letterhead.pdf](https://www.energy.gov/sites/default/files/2022-04/DOE%20Equity%20Action%20Plan_Letterhead.pdf)

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**Outreach:** Contacts included multiple members of our business coalition group on the EPA's Ultra-Low NOx rulemaking; and energy staff at the U.S. Chamber of Commerce and professional staff at the Senate Environment & Public Works Committee on clean air issues of importance to South Coast AQMD.

###

# ATTACHMENT 3C



To: South Coast Air Quality Management District  
From: Cassidy & Associates  
Date: April 26, 2021  
Re: April Report

## HOUSE/SENATE

Congress returns this week and will shift focus to the three main issues – Ukraine, COVID funding and Title 42, and a United States Innovation and Competition Act (USICA/COMPETES) conference committee between the House and Senate.

### *Ukraine*

The House is passing more legislation this week on the heels of the U.S. led strategy of severe economic sanctions and isolation of Russia. The Russia strategy will require significant additional aid for an extended period. The administration and Congress will need to work out what is needed next, and how to process another large aid package through the House and Senate.

### *COVID/Title 42*

There is bipartisan support for at least \$10 billion in new COVID relief funding, but the Administration faces a Title 42 obstacle. Senate Republicans will require a vote on an amendment to block the Biden administration from rescinding Title 42 authority to expel asylum seekers at the Southern border. A critical mass of Senate Democrats have also criticized the administration's decision and are calling for it to be reversed. It is clear a COVID package is not moving until the administration deals with the implications of the Title 42 decision.

### *USICA/COMPETES Conference*

This broad legislation includes issues such as U.S. semiconductor manufacturing, computer science education, COVID related research, and other competitiveness related provisions. Both chambers have passed their version of this bill and 107 conferees have been named, but the Senate still needs to formally vote to appoint the conferees. Senators Schumer and McConnell will work to reach an agreement on "Motions to Instruct" conferees, which must take place before the formal vote on appointing conferees is held.

If and when this procedural hurdle is overcome, the conferees will work will begin to resolve the differences between the House and Senate bills. The goal of completing work before the Memorial Day recess is now highly unlikely and the new deadline is moving towards the July 4<sup>th</sup> recess. Both sides want a deal on legislation that can be signed into law and will work towards that goal over the next few weeks.

#### *EPA*

Earlier this month, the EPA released its 29<sup>th</sup> annual Inventory of [U.S. Gas Emissions and Sinks \(GHG Inventory\)](#), which presents a national-level overview of annual greenhouse gas emissions from 1990 to 2020. Net U.S. greenhouse gas emissions were 5,222.4 million metric tons of carbon dioxide equivalent in 2020, a nearly 11% decrease in emissions from 2019. The sharp decline in emissions from 2019 to 2020 is largely due to the impacts of the COVID-19 pandemic on travel and economic activity. However, the decline also reflects the combined impacts of several factors, including population trends, energy market trends, technological changes including energy efficiency improvements, and the carbon intensity of energy fuel choices.

More information can be found [here](#).

The EPA also released its *Equity Action Plan* to advance environmental justice and civil rights. The plan was published to fulfill President Biden's [Executive Order 13985](#), to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities through the federal government. This *Equity Action Plan* is a critical part of EPA's efforts to break through those barriers and advance equity and justice across our efforts to ensure clean water, air, and land for all communities.

The plan can be read [here](#).

Cassidy and Associates support in April:

- Scheduled meetings for South Coast AQMD DC Fly In.
- Tracked appropriations for FY22 and the release of the President's budget for FY23.
- Tracked status of Build Back Better or a scaled-back version and updated SCAQMD team on a regular basis.
- Participated in weekly strategy sessions with South Coast AQMD staff.

## 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](mailto: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](mailto:Cherie.short@hq.dhs.gov))

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

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

# ATTACHMENT 4A



## **Joe A. Gonsalves & Son**

**Anthony D. Gonsalves**

**Jason A. Gonsalves**

**Paul A. Gonsalves**

PROFESSIONAL LEGISLATIVE REPRESENTATION  
925 L ST. • SUITE 250 • SACRAMENTO, CA 95814-3766  
916 441-0597 • FAX 916 441-5061  
Email: gonsalves@gonsalvi.com

**TO:** South Coast Air Quality Management District  
**FROM:** Anthony, Jason & Paul Gonsalves  
**SUBJECT:** Legislative Update – April 2022  
**DATE:** Wednesday, April 27, 2022

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The Legislature returned from spring break on April 18, 2022 and is now in full swing as a marathon of committee hearings are taking place to hear the over 2000 newly introduced bills in order to meet the upcoming legislative deadlines. Meanwhile, the Legislature appears unlikely to pause the annual summer increase in the state's gasoline tax ahead of a May 1 deadline. As previously reported, the Governor had expressed support for helping California motorists experiencing pain at the pump by waiting to implement a 5.6% tax hike scheduled to take effect on July 1, 2022. The tax is used to fund roads and other infrastructure projects and the state's Legislative Analyst's Office projected the tax will generate about \$8.8 billion in revenue during the 2021-22 fiscal year. However, lawmakers will almost certainly fail to stop the gas tax increase from taking place because they would need to pass legislation by Sunday, May 1, 2022 in order to do so, and have yet to introduce a bill on the matter.

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

### **CALIFORNIA'S CLIMATE ADAPTATION PLAN UPDATE**

The Newsom Administration launched the state's Climate Adaptation Strategy outlining the all-hands-on-deck approach to building climate resilience across California. The strategy positions California as an international leader protecting people and natural places from accelerating climate threats.

The Climate Adaptation Strategy elevates six key priorities that must drive all resilience actions in California:

1. Strengthen protections for climate-vulnerable communities
2. Bolster public health and safety efforts to protect against increasing climate risks
3. Build a climate-resilient economy
4. Accelerate nature-based climate solutions and strengthen climate resilience of natural systems
5. Make decisions based on the best available climate science
6. Partner and collaborate to leverage resources

It also brings together in one place nearly 150 climate adaptation actions from existing state plans and strategies, and for the first time, introduces success metrics and timeframes for each action.

This strategy has also been developed to guide and link several sector-based efforts already underway to address climate-driven threats, such as the state's Water Resilience Portfolio and Wildfire and Forest Resilience Action Plan. It also connects region-based efforts in progress across the state.

The Climate Adaptation Strategy is updated every three years under state law. It has been developed through a collection of public input and guided by leaders from across the Administration. This public input process helped to identify and fill key gaps in adaptation actions. For example, recognizing the need for an updated, integrated approach to addressing climate-driven extreme heat and driving the release of a draft Extreme Heat Action Plan in January.

### **CALIFORNIA CLIMATE INVESTMENT PROGRAM**

On April 12, 2022, California released an annual report showing that the California Climate Investments program continues to lead the way to a low-carbon and more equitable future with more than \$2.1 billion in greenhouse gas (GHG) reducing projects in 2021. To date, \$18.3 billion has been appropriated for the statewide initiative that puts Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health, with nearly \$10.5 billion in implemented projects.

From December 2020 through November 2021, more than 75,000 new California Climate Investments projects were launched, delivering significant environmental, economic, and public health benefits across the state. The program continues to direct a significant amount of funding to disadvantaged and low-income communities and households, known as priority populations. In 2021, more than \$1 billion in funding was directed to projects benefiting priority populations. To date, almost \$5.2 billion has reached these communities, which is more than half of all project investments.

California Climate Investments projects implemented in 2021 will reduce GHG emissions by nearly 10 million metric tons of carbon dioxide over the course of their lifetimes, equivalent to taking about a million cars off the road for a year. These outcomes and more are detailed in the latest California Climate Investments Annual Report on the use of auction proceeds from the state's Cap-and-Trade Program. More than 560,000 projects have been funded since the first California Climate Investments appropriations were made in 2014, with projects implemented to date expected to reduce GHG emissions by nearly 76 million metric tons of carbon dioxide over project lifetimes.

To date, California Climate Investments projects have helped plant more than 170,000 trees in urban areas; funded more than 8,900 affordable housing units and 850 transit projects that expand or add bus and rail service; and conserved or restored more than 720,000 acres of land across the state. Projects are reducing fossil fuel use in cars, trucks and off-road equipment by



more than 700 million gallons and have provided nearly 420,000 vouchers for electric and plug-in hybrid vehicle purchases statewide.

California's Cap-and-Trade Program has raised \$19.2 billion dollars since compliance began in 2013. The state's share of Cap-and-Trade auction proceeds are placed in the Greenhouse Gas Reduction Fund, then appropriated by the Legislature and distributed as California Climate Investments. That money is then awarded to individual projects selected by more than 20 different state agencies.

The California Air Resources Board released an updated interactive map of each implemented project in the state with filters for programs, counties or legislative districts, and additional project-level information for each investment. The Board also released a Project Profiles Map, a new way to explore where projects featured in project profiles are located across the state, and filter by agency, program, county and publication year.

### **CALIFORNIA'S ECONOMY**

This month, California's jobs report showed that California's job growth over the last year continues to outpace the nations at 6.4% in March compared to U.S. jobs gains of 4.5% during that timeframe. California's unemployment rate continued to decrease, reaching 4.9% in March 2022. In March, California added 60,200 nonfarm payroll jobs to the economy. Fewer than one million Californians are unemployed for the first time since February 2020. California has now regained nearly 90% of the nonfarm jobs lost during March and April of 2020 due to the COVID-19 pandemic.

For the second month in a row, none of California's 11 industry sectors lost jobs, and Leisure & Hospitality once again posted the largest job increase with Limited-Service Eating Places being its main driver. Professional & Business Services also posted gains thanks to strength in Employment Services, as well as Accounting, Tax Preparation, and Bookkeeping Services.

In a recent cash report from the California Department of Finance, officials said they're about \$17.3 billion dollars over what Gov. Gavin Newsom projected in his January budget proposal. With tax processing underway following the filing deadline, it's looking more likely the state's budget surplus will be larger than the \$45.7 billion the Governor projected in January.

A new report from the Legislative Analyst Office shows the state could see another \$33-39 billion in unanticipated revenue from personal income, corporation and sales taxes. However, the DOF said exactly how much the surplus could be is still being calculated. One thing to remember is that roughly half of all state revenues is dedicated under the constitution for K-12 and Community College funding (Proposition 98).

With the new surplus revenues, the legislature and governor will have to deal with the state appropriations limit (SAL), which was put into the State Constitution under Proposition 4 of 1979, and restricts the amount of tax revenue the state can spend. Having reached the SAL, each additional dollar of revenue must be allocated consistent with SAL requirements, generally making them unavailable to fund baseline expenditures.

Additionally, the state also must continue to spend required amounts on schools and community colleges and reserve and debt payments, pursuant to Proposition 98 and Proposition 2. Together, it is estimated that for every dollar of tax revenue above the SAL, the state faces approximately \$1.60 in constitutional funding obligations. Based on scenario analyses, if revenues exceed median expected growth, SAL requirements very plausibly could reach \$20 billion to \$45 billion by 2025-26. Unfortunately, this causes each additional dollar of revenue above the limit to worsen the state's budget outlook. In light of the constraints presented by the SAL, creating additional budget resilience would help shield the Legislature's policy priorities in future years.

### **CALIFORNIA AND CHINA MOU**

On April 18, 2022, Governor Newsom furthered California's long-standing collaboration with China on climate change by renewing a Memorandum of Understanding (MOU) to advance ongoing cooperation on initiatives to protect the environment, reduce carbon emissions and air pollution, and promote clean energy development. The MOU renews a prior version signed by Governor Brown in 2018.

The Governor and China's Minister of Ecology and Environment, Huang Runqiu, signed the MOU in a virtual meeting joined by Lieutenant Governor Eleni Kounalakis, who serves as the Governor's Representative for International Affairs and Trade Development, and senior climate officials from California and China.

The MOU outlines continued exchanges between California and China on the implementation of emissions trading systems, expanding markets for clean transportation, including zero-emission vehicles, and reducing air pollution and short-lived climate pollutants. It also includes a new focus on strategies to achieve carbon neutrality, nature-based solutions to combat climate change and protect biodiversity, and promoting climate-resilient infrastructure investment and green finance.

The California-China Climate Institute at the University of California, Berkeley will serve as California's primary liaison for information sharing and communication under the MOU. Led by former Governor Jerry Brown, the Institute was launched in 2019 to foster cooperation and joint policy research on climate issues by California and China. Governor Newsom last year signed legislation to codify the Institute in statute.

### **2022 LEGISLATIVE DEADLINES**

- |           |   |
|-----------|---|
| April 29: | Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.                                  |
| May 6:    | Last day for policy committees to hear and report to the floor nonfiscal bills introduced in their house.                                       |
| May 13:   | Last day for policy committees to meet prior to May 31  |
| May 20:   | 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 |

May 31

- May 27: Last day for each house to pass bills introduced in that house
- June 15: Budget Bill must be passed by midnight
- June 30: Last day for a legislative measure to qualify for the Nov. 8, 2022 General Election ballot
- July 1: Last day for policy committees to meet and report bills
- July 1- August 1: Summer Recess
- August 12: Last day for fiscal committees to meet and report bills
- August 15 – 31: Floor session only. No committee may meet for any purpose except Rules Committee.
- August 25: Last day to amend bills on the floor
- August 31: Last day for each house to pass bills. Final Recess begins upon adjournment

## South Coast Air Quality Management District Legislative and Regulatory Update – April 2022

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### ❖ Important Upcoming Dates

- |           |   |   |
|-----------|---|---|
| May 14    | – | Deadline for Governor to release May Revision to the proposed Budget Act              |
| May 20    | – | Last day for fiscal committees to hear and report house of origin bills to the floor. |
| May 23-27 | – | Floor session only.   |
| May 27    | – | House of Origin deadline  |

### ❖ RESOLUTE Actions on Behalf of South Coast AQMD. RESOLUTE partners David Quintana, Jarrell Cook, and Alfredo Arredondo continued their representation of South Coast AQMD before the State's Legislative and Executive branch. Selected highlights of our recent advocacy include:

- Assisted South Coast staff in confirming and participating in key meetings with staff for legislators that sit on the Assembly Transportation Committee and the Assembly Natural Resources Committee regarding two sponsored pieces of legislation: AB 2836 and AB 2141.
- Continued outreach to numerous legislative members and offices regarding South Coast AQMD priority legislation and issues.

### ❖ SCAQMD Sponsored Legislation.

- AB 2141 (Eduardo Garcia): AB 617 Sustainable Funding  
Heard in Assembly Natural Resources Committee on April 25. Passed with 7 Ayes, 3 Noes, and 1 No Vote Recorded.
  - Ayes: Boerner Horvath, Friedman, Cristina Garcia, Muratsuchi, Reyes, Stone, Wood
  - Noes: Flora, Mathis, Seyarto
  - NVR: Luz Rivas (the Assemblymember was absent)
- AB 2836 (Eduardo Garcia): Carl Moyer Extension  
Heard in Assembly Transportation on April 18. Passed with 12 Ayes, 0 Noes, and 3 No Vote Recorded.
  - Ayes: Berman, Daly, Davies, Friedman, Gipson, Kalra, Lee, Medina, Nazarian, O'Donnell, Ward, Wicks
  - NVR: Cunningham, Fong, Nguyen
- AB 2836 (Eduardo Garcia): Carl Moyer Extension  
Heard in Assembly Natural Resources Committee on April 25. Passed with 9 Ayes, 0 Noes, and 2 No Vote Recorded.
  - Ayes: Boerner Horvath, Flora, Friedman, Cristina Garcia, Mathis, Muratsuchi, Reyes, Stone, Wood
  - NVR: Luz Rivas (the Assemblymember was absent), Seyarto

### ❖ Joint Climate Change Committee on Climate Change Policies Held an Informational Hearing on “Annual Update on Statewide Trends of Greenhouse Gas Emissions and an Overview of the 2022 Scoping Plan”. On April 21, 2022, the Joint Climate Change Policies Committee held its informational hearing on [‘Annual Update on Statewide Trends of Greenhouse Gas Emissions and an Overview of the 2022 Scoping Plan’](#) (video at the link).

A key point made by the committee: “We are not on track to meet the 2030 GHG target. SB 32 (Pavley, 2016) requires a GHG emission reduction target of 40 percent below the 1990 levels by 2030. Based on the latest data on 2021 GHG emissions, we are approximately two percent below that of 2019 levels. This is well short of the trajectory needed to meet the 2030 GHG target under SB 32 which would require a four percent reduction each year.” See this [Background Document](#) provided by the committee for more information.

- ❖ **Legislative Analyst’s Office Update Greenhouse Gas Reduction Fund Revenue Projections.** With a higher than expected February Auction Result from the Cap-And-Trade quarterly auction, the LAO has updated their revenue assumption, including the likely discretionary funding that will be available for the Cap-And-Trade Expenditure Plan:

“At Least \$1.6 Billion in Discretionary Revenue Will Likely Be Available. Overall, our revenue projections are roughly the same as our January analysis, although recent auction results and relatively stable prices over the last few months have reduced some of the downside risk. We think auction revenues could support a GGRF discretionary expenditure plan ranging from about \$1.6 billion to \$1.8 billion (or \$600 million to \$800 million above the Governor’s January spending proposal). The amount that the Legislature ultimately allocates in the 2022-23 budget should depend on its tolerance for downside revenue risk and how much it desires to leave as a reserve in the fund. Given significant GGRF revenue uncertainty, we recommend the Legislature focus its budget deliberations over the next several weeks on a package that is closer to \$1.6 billion.”

The final quarterly auction for the 2021-2022 fiscal year will take place in May. This auction result will likely inform the projections adopted by the Administration and the Legislature for the 2022-2023 expenditure plan.

- ❖ **CalMatters: Lower cost, slower gains: California prepares controversial new climate strategy.** The staff at the Air Resources Board have decided to adopt the preferred modeling scenario that will be utilized in the Scoping Plan update set to be finalized by the end of this year. CalMatters provides coverage of this and related news in the following article:

“California air-quality officials have endorsed an updated blueprint for battling climate change, choosing a plan that aims to minimize job losses and costs while slashing greenhouse gases and achieving carbon neutrality by 2045.

California has long been a global leader in addressing the climate crisis, enacting aggressive laws and policies to reduce its carbon footprint. But the state has recently come under fire from activists and some legislators for failing to act quickly enough and relying too much on carbon-trading programs.

The strategy that the staff of the state Air Resources Board plans to unveil in May requires a massive shift away from California’s reliance on fossil fuels and more emphasis on renewable energy sources. The plan, which aims for an 80% reduction of greenhouse gases below 1990 levels by 2050, would cost an estimated \$18 billion in 2035 and \$27 billion in 2045.”

Full article available here: <https://calmatters.org/environment/2022/04/california-climate-change-strategy/>



## CALIFORNIA ADVISORS, LLC

South Coast AQMD Report  
California Advisors, LLC  
May 12, 2022 Legislative Committee Hearing

### **General Update**

After a week-long spring recess, the Assembly and the Senate reconvened on Monday, April 18. Upon their return, lawmakers faced a busy schedule ahead as they raced to meet legislative deadlines. April 29 was the deadline for policy committees to hear and report fiscal bills introduced in their house of origin to the respective Appropriations Committees. Notably, an overwhelming majority of bills are considered to have a fiscal impact to the state. However, for those measures that are not fiscally tagged, May 6 was the deadline for policy committees to hear and report those bills directly to the floor.

As it relates to legislation, the focus in early May will be on the respective Appropriations Committees, which will decide the fate of hundreds of bills in each house. Bills that meet the Committee's cost threshold will be placed on the Suspense File. On May 19, prior to the deadline for fiscal committees to hear and report bills to the floor, the vote-only Suspense File Hearings will be held. For background, in the Senate, generally, if the cost of a bill is determined to be \$50,000 or more to the General Fund or \$150,000 or more to a special fund, the bill meets the criteria for referral to the Suspense File. In the Assembly, any bill with an annual cost of more than \$150,000 (any fund) will meet the threshold for Suspense.

May 27 is the House of Origin deadline which is the last day for each chamber to pass bills introduced in that house.

### **Special Elections**

On Tuesday, April 5, there was a special election in Assembly District 62 to fill the vacancy following former Assemblymember Autumn Burke's resignation. The final election results show Tina Simone McKinnor and Robert Pullen-Miles were the top two candidates with the most votes. They will both advance to the General Election on June 7.

On April 6, Lori D. Wilson was sworn into office as the 11<sup>th</sup> District's new Assemblymember after winning a special election also held on Tuesday, April 5. She replaces former Assemblymember Jim Frazier who announced his retirement last year. The district includes parts of Contra Costa, Sacramento, and Solano Counties.

Wilson has already received her committee appointments and Assembly Speaker Anthony Rendon also appointed Wilson as Assistant Majority Whip.

## **Budget**

The Department of Finance (DOF) published its April Finance Bulletin, which provides an economic update and cash report. According to the bulletin, California continues to exceed its revenue expectations. Specifically, the bulletin stated that cash receipts for the first nine months of the 2021-22 fiscal year were \$17.35 billion above the 2022-23 Governor's Budget forecast of \$138.348 billion. However, cash receipts for the month of March were \$199 million below the forecast of \$21.047 billion. Nonetheless, it is anticipated that California will have a significant amount of money to spend in the upcoming budget cycle.

Also, the Legislative Analyst's Office (LAO) released an interim update to its formal revenue outlook for 2021-22. According to the LAO's estimates, it is "virtually certain" that collections from the state's "big three" taxes—personal income, sales, and corporation taxes—will significantly exceed the Governor's Budget assumption of \$185 billion. The LAO's estimate is that there will be somewhere between \$33 billion and \$39 billion in unanticipated revenue. This is slightly less than the Governor's January budget proposal that included a surplus of \$45.7 billion. Notably, the LAO did caution that the implications of unanticipated revenues for the state's budget are not straightforward as the Legislature could face constraints due to the State Appropriations Limit (SAL), also known as the Gann Limit.

As the month of May begins, policy committees will finish addressing bills that were introduced in their house. Further, the focus of the Legislature will once again turn back to budget hearings, with budget conversations taking center stage. Governor Gavin Newsom will release the May Revise, which reflects changes to his proposed budget based upon the latest economic forecasts. The May Revise marks the start of what will be a month of negotiations with legislators. The budget, with any legislative adjustments, must be finalized by June 15 in time for the Governor to sign the package and the new fiscal year to begin on July 1.

On April 28, the Senate Democrats released their budget priorities for the year. The Senate's "Putting Wealth to Work" budget proposal estimates that the state will have \$68 billion in general fund resources available to spend on their priorities. The plan includes \$8 billion in payments to taxpayers to combat the rising costs of energy and consumer goods. The plan also calls for \$18 billion set aside for climate resiliency programs.