

BOARD MEETING DATE: April 2, 2021

AGENDA NO. 19

REPORT: Special Legislative Committee

SYNOPSIS: The Legislative Committee held a special meeting remotely on Friday, March 19, 2021. The following is a summary of the meeting.

Agenda Item	Recommendation/Action
AB 426 (Bauer-Kahan) - Toxic air contaminants	Work With Author
AB 1547 (Reyes) - Air pollution: warehouse facilities	Work With Author
AB 1296 (Kamlager) - South Coast Air Quality Management District: District Board: Membership	Work With Author
SB 342 (Gonzalez) - South Coast Air Quality Management District: Board Membership	Work With Author

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:DPG:sd

Committee Members

Present: Mayor Pro Tem Michael A. Cacciotti/Chair
Senator Vanessa Delgado (Ret.)
Supervisor V. Manuel Perez
Supervisor Janice Rutherford

Absent: Dr. William A. Burke
Council Member Joe Buscaino/Vice Chair

Call to Order

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

ACTION ITEMS:

1. Recommend Position on State Bills:

AB 426 (Bauer-Kahan) Toxic air contaminants

Philip Crabbe III, Public Affairs Manager, Legislative, Public Affairs & Media, presented AB 426 (Bauer-Kahan) . This bill would clarify that air districts statewide have the authority to adopt and implement regulations to require data regarding air pollution from new and existing indirect and areawide sources of air pollution, including mobile sources drawn by those sources, to enable the calculation of health risks from toxic air contaminants.

This bill would also add the reduction of health risks from toxic air contaminants to the responsibilities of air districts, as it relates to their authorized authority to conduct indirect source rulemaking. Finally, the bill would clarify that air districts' regulatory authority over indirect and areawide sources of pollution includes both new and existing sources.

However, air districts already have this authority with respect to indirect source rulemaking, and this bill could create confusion regarding air districts' existing authority.

Staff met with Bay Area AQMD staff and expressed concerns regarding the bill. Staff from the two agencies have been working together on changes to the bill to address these concerns.

Staff's recommendation is to take a "Work With Author" position and continue to seek the additional amendment. Supervisor Perez expressed support for staff's recommended approach.

Supervisor Rutherford inquired as to whether the bill's sponsor was supportive of the final amendment being requested. Staff confirmed that the sponsor supports the amendment.

Harvey Eder, Public Solar Power Coalition, provided public comment regarding indirect source authority and related case law.

Staff recommended a "WORK WITH AUTHOR" position on this bill.

Moved by Perez; seconded by Delgado

Ayes: Cacciotti, Delgado, Perez

Noes: Rutherford

Abstain: None

Absent: Burke, Buscaino

AB 1547 (Reyes) Air pollution: warehouse facilities

Mr. Crabbe presented AB 1547 (Reyes) . which is a spot (or placeholder) bill . As proposed to be amended, this bill would authorize CARB to regulate indirect sources throughout the state. The bill would also require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation in the consideration of the project by residents affected by it.

Supervisor Perez expressed concern about taking an oppose position and asked if staff had met with the author . Mr. Crabbe responded that staff met with Assembly Member Reyes briefly, and had meetings with her staff, and that the author expressed a willingness to work with the South Coast AQMD.

Senator Delgado stated that the author's staff reached out to her to discuss the bill and that she does not want to oppose the bill at this time, but instead recommends that we work with the author.

Chair Cacciotti and Supervisor Perez agreed with this approach.

Chris Chavez with Coalition for Clean Air stated that he does not agree that this bill infringes on local control. Coalition for Clean Air supports the bill and encourages the South Coast AQMD to work with the author.

Mr. Eder provided comments on a Supreme Court case in California from 2012 and on solar equity and conversion.

Yassi Kavezade, Sierra Club, expressed support for the bill.

Todd Campbell, Clean Energy, expressed concern about meeting federal air quality deadlines and stated that Sacramento is not helping enough. He encourage South Coast AQMD to work with the author.

Supervisor Rutherford commented that this bill is an attempt to take land use authority away from local governments and the bill is not needed.

Staff initially recommended an "OPPOSE" position on this bill. **However, based on Committee discussion, a motion to take a "WORK WITH AUTHOR" position on this bill was considered by the Committee.**

Moved by Delgado; seconded by Perez

Ayes: Cacciotti, Delgado, Perez

Noes: Rutherford

Abstain: None

Absent: Burke, Buscaino

AB 1296 (Kamlager) South Coast Air Quality Management District: district board: membership and SB 342 (Gonzalez) South Coast Air Quality Management District: board membership

Mr. Crabbe presented AB 1296 (Kamlager) and SB 342 (Gonzalez). These bills would each increase the number of members of the South Coast AQMD Governing Board from 13 to 15 by adding two environmental justice (EJ) appointees, one appointed by the Senate Rules Committee and one by the Assembly Speaker.

SB 342 has two differences from AB 1296. SB 342 requires that the two EJ Boardmembers reside within environmental justice communities within the South Coast District. SB 342 makes technical adjustments relating to what constitutes a quorum.

Senator Delgado asked for a clarification on the definition of an environmental justice community within these bills. Staff will get information from the authors' offices regarding this inquiry.

Abigail Mejia of Senator Lena Gonzalez's office commented in support of SB 342 and offered to get clarification on the bill's definition of an environmental justice community and follow-up with South Coast AQMD staff.

Melissa Romero, California League of Conservation Voters, commented in support of SB 342.

Mr. Chavez commented in support of SB 342 and AB 1296.

David Pettit, NRDC, expressed support for SB 342.

Mr. Eder commented on the definition of environmental justice and a Supreme Court decision he believes clarifies the definition.

Supervisor Rutherford stated that this bill usurps local control. Supervisor Perez agreed and believes these bills need to be looked into further.

Senator Delgado stated that she would like to hear more about the intent of these bills and is open to more communication with the authors. In response to an inquiry from Chair Cacciotti, Mr. Nastri suggested a "Work With Author" approach on these two bills and stated that staff can continue to gather more information on these bills and report back at the next meeting.

Based on Committee discussion, a motion to take a "WORK WITH AUTHOR" position on these two bills was considered by the Committee.

Moved by Delgado; seconded by Perez
Ayes: Cacciotti, Delgado, Perez
Noes: Rutherford
Abstain: None
Absent: Burke, Buscaino

WRITTEN REPORTS:

2. Legislative Committee State Bill Activity Report

Mr. Alatorre explained that the committee had asked for staff to provide a report on important legislative bills, which staff will prepare and submit to committee members on a weekly basis.

There was no public comment.

3. Legislative Committee Federal Bill Activity Report

There was no public comment.

OTHER MATTERS:

4. Public Comment Period

There was no public comment.

5. Next Meeting Date

The next regular Legislative Committee meeting is scheduled for Friday, April 9, 2021 at 9:00 a.m.

Adjournment

The meeting adjourned at 8:49 a.m.

Attachments

1. Attendance Record
2. Recommend Position on State Bills
3. Potential State Legislative Bills of Interest – Written List
4. Potential Federal Legislative Bills of Interest – Written List

ATTACHMENT 1

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT SPECIAL LEGISLATIVE COMMITTEE MEETING (VIA ZOOM) ATTENDANCE RECORD – March 19, 2021

Mayor Pro Tem Michael Cacciotti.....	South Coast AQMD Board Member
Senator Vanessa Delgado	South Coast AQMD Board Member
Supervisor V. Manuel Perez	South Coast AQMD Board Member
Supervisor Janice Rutherford.....	South Coast AQMD Board Member
Frank Cardenas	Board Consultant (Cacciotti)
Guillermo Gonzalez	Board Consultant (Perez)
Debra Mendelsohn	Board Consultant (Rutherford)
Ben Wong	Board Consultant (Cacciotti)
Ross Zelen.....	Board Consultant (Kracov)
Ross Buckley	California Advisors, LLC
Paul Gonsalves	Joe A. Gonsalves & Son
David Quintana	Resolute
Alan Abbs	Bay Area AQMD
Mark Abramowitz	
Angie Balderas	Sierra Club
Stephanie Bream	CCEEB
Betsy Brien	PBF Energy
Greg Busch	Marathon Petroleum
Todd Campbell.....	Clean Energy
Chris Chavez	Coalition for Clean Air
Ramine Cromartie	Western States Petroleum Association
Ken Dami	
Carlo De La Cruz	
Peter Herzog	
Regina Hsu.....	Earth Justice
Inland Empire Economic Partnership	
Dawid Jasper	
Yassi Kavezade	Sierra Club
Frances Keeler	CCEEB
Matt Klink	
Bill LaMarr	California Small Business Alliance
Zachary Leary	
Loraine Ludquist	
Bruce Marsh	
Erick Martell	Port of Los Angeles
Adrian Martinez	Earth Justice
Dan McGivney.....	So Cal Gas
Abilgail Mejia	Senator Lena Gonzalez's Office
Peter Okurowski	
Daniel Peeden	
Felipe Perez	
David Pettit	NRDC
Melissa Romero	California League of Conservation Voters
David Rothbart	Los Angeles County Sanitation Districts
Patty Senecal	Western States Petroleum Association

Brissa Sotelo-Vargas	Valero
Madeline Stone	Bay Area AQMD
Andrea Vidaurre	
Barry Wallerstein	
Janet Whittick	CCEEB
Peter Whittingham	Whittingham Public Affairs Advisors
Sarah Wiltfong	
Francis Yang	Sierra Club
Derrick Alatorre	South Coast AQMD Staff
Jason Aspell	South Coast AQMD Staff
Barbara Baird.....	South Coast AQMD Staff
Maria Castro.....	South Coast AQMD Staff
Philip Crabbe	South Coast AQMD Staff
Stacy Day	South Coast AQMD Staff
Bayron Gilchrist.....	South Coast AQMD Staff
Kathryn Higgins.....	South Coast AQMD Staff
Anissa Cessa Heard-Johnson	South Coast AQMD Staff
Mark Henninger.....	South Coast AQMD Staff
Sujata Jain	South Coast AQMD Staff
Ricky Lai.....	South Coast AQMD Staff
Jason Low	South Coast AQMD Staff
Ian MacMillan.....	South Coast AQMD Staff
Matt Miyasato	South Coast AQMD Staff
Ron Moskowitz.....	South Coast AQMD Staff
Wayne Nastri	South Coast AQMD Staff
Denise Peralta-Gailey	South Coast AQMD Staff
Sarah Rees.....	South Coast AQMD Staff
Jeanette Short.....	South Coast AQMD Staff
Lisa Tanaka O'Malley	South Coast AQMD Staff
Anthony Tang	South Coast AQMD Staff
Veera Tyagi.....	South Coast AQMD Staff
Jill Whynot.....	South Coast AQMD Staff
Paul Wright	South Coast AQMD Staff
Victor Yip	South Coast AQMD Staff
Priscilla Yuen.....	South Coast AQMD Staff

ATTACHMENT 2A

South Coast Air Quality Management District
Legislative Analysis Summary – AB 426 (Bauer-Kahan)
Version: Introduced – 2/4/2021
Analyst: PC

AB 426 (Bauer-Kahan) Toxic air contaminants

Summary: This bill would clarify that air pollution control districts (APCDs) and air quality management districts (AQMDs) statewide have the authority to adopt and implement regulations to require data regarding air pollution within the district’s jurisdiction from new and existing areawide stationary sources of air pollution, including mobile sources drawn by those stationary sources, to enable the calculation of health risks from toxic air contaminants created by the stationary sources.

This bill would also add the reduction of health risks from toxic air contaminants to the responsibilities of air districts, as it relates to their authorized authority to conduct indirect source rulemaking.

Background: Existing law authorizes local APCDs and AQMDs, in carrying out their responsibilities with respect to the attainment of state ambient air quality standards, to adopt and implement regulations that accomplish certain objectives. Existing law allows APCDs and AQMDs to adopt and implement regulations to reduce or mitigate emissions from indirect and areawide sources of air pollution to achieve attainment of state ambient air quality standards.

Diesel trucks emit more particulate matter than all of the state’s power plants combined. The author claims that an issue has arisen because air districts do not have enough information regarding “indirect sources” of pollution, which includes facilities that attract truck traffic and other “mobile” sources of pollution. Indirect sources of pollution include warehouses, distribution centers, ports, shopping centers, and event centers. In order to adequately address diesel pollution to protect the public’s health, air districts need the ability to gather information and work with local jurisdictions to mitigate negative health impacts on residents from diesel pollution.

People who live near indirect sources that attract truck traffic and other mobile sources that emit fine particulate and other pollutants are at high risk for exposure to health-threatening air pollutants emitted by these medium and heavy-duty vehicles. Further, communities near freeways and busy roadways have compounded health impacts due to near-constant exposure to air pollutants.

Status: 2/12/2021 - Referred to Asm. Comms. on NAT. RES. and TRANS.

Specific Provisions: Specifically, this bill would:

1. Add the reduction of health risks from toxic air contaminants to the responsibilities of air districts, as it relates to their authorized authority to conduct indirect source rulemaking;
2. Clarify that air districts' regulatory authority over indirect sources of pollution includes both new sources as well as existing sources; and
3. Allow air districts to require data regarding air pollution within the district's jurisdiction from new and existing areawide stationary sources of air pollution, including mobile sources drawn by those stationary sources, to enable the calculation of health risks from toxic air contaminants.

Impacts on South Coast AQMD's Mission, Operations or Initiatives: This bill, as written, would seek to clarify air districts' authority to gather more data regarding local indirect sources of air pollution that contribute significantly to negative community health impacts and to take actions to reduce toxic risk. It also seeks to clarify that air districts' indirect source rule authority applies to both new and existing facilities. However, air districts already have these aspects of authority with respect to indirect source rulemaking. An indirect source rule that seeks to help attain the state ambient air quality standards may have co-benefits of reducing toxic emissions. And there is nothing in the statutes that limit air district authority to new indirect sources or precludes regulation of existing indirect sources. This bill, as written, could create confusion regarding the existing authority of air districts. The bill could be used by opponents of our proposed warehouse rule to argue that air district authority is not currently sufficient to adopt rules relating to existing indirect sources. Staff's view is that clarification is not necessary because there is currently no statutory support for the opponents' arguments. South Coast AQMD staff has met with Bay Area AQMD staff and expressed these concerns regarding the bill. Bay Area AQMD and South Coast AQMD staff have been working together on possible proposed amendments to the bill to address these concerns.

South Coast AQMD Amendment Proposal: Add language to and/or alter existing language in the bill to properly acknowledge the existing authority of air districts, such as South Coast AQMD, to promulgate indirect source regulations with respect to both new and existing facilities and require data to facilitate those regulations. In addition to the attached draft amendments, South Coast AQMD staff has requested language be added that would provide that these amendments do not constitute a change in, but rather are declaratory of existing law. **(PLEASE SEE CORRESPONDING DRAFT AMENDMENTS TO AB 426 (BAUER-KAHAN) SUBMITTED BY THE BAY AREA AQMD IN RESPONSE TO SOUTH COAST AQMD STAFF CONCERNS.)**

Recommended Position: WORK WITH AUTHOR

South Coast Air Quality Management District
Legislative Analysis Summary – AB 426 (Bauer-Kahan)
Version: Introduced – 2/4/2021
Analyst: PC

Support:

Bay Area Air Quality Management District (Sponsor)

Opposition:

N/A

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 426

Introduced by Assembly Member Bauer-Kahan

February 4, 2021

An act to amend Section 40716 of the Health and Safety Code, relating to stationary air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 426, as introduced, Bauer-Kahan. Toxic air contaminants.

Existing law authorizes local air pollution control districts and air quality management districts, in carrying out their responsibilities with respect to the attainment of state ambient air quality standards, to adopt and implement regulations that accomplish certain objectives.

This bill would additionally authorize the districts to adopt and implement regulations to require data regarding air pollution within the district's jurisdiction from areawide stationary sources of air pollution, including mobile sources drawn by those stationary sources, to enable the calculation of health risks from toxic air contaminants. This bill would additionally authorize the districts to adopt and implement regulations to accomplish these objectives in carrying out their responsibilities with respect to the reduction of health risks from toxic air contaminants.

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

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

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

1 (a) Existing law imposes various limitations on emissions of
2 air contaminants for the control of air pollution from vehicular and
3 nonvehicular sources. Existing law generally designates the State
4 Air Resources Board as the state agency with the primary
5 responsibility for the control of vehicular air pollution, and the air
6 pollution control districts or the air quality management districts
7 with the primary responsibility for the control of air pollution from
8 all sources other than vehicular sources, including stationary
9 sources. Existing law allows air pollution control districts and air
10 quality management districts to adopt and implement regulations
11 to reduce or mitigate emissions from indirect and areawide sources
12 of air pollution to achieve attainment of state ambient air quality
13 standards.

14 (b) The people of California have a right to know when
15 industrial or commercial operations result in emission of toxic air
16 contaminants that may pose a significant health risk to the people
17 exposed to those emissions.

18 (c) Diesel-fueled trucks are responsible for 33 percent of
19 statewide oxides of nitrogen emissions annually. These same trucks
20 emit more particulate matter than all of the state's powerplants.

21 (d) People who live near stationary sources that attract truck
22 traffic are at high risk for exposure to these health-threatening air
23 pollutants emitted by these medium- and heavy-duty vehicles, and
24 communities near freeways and busy roadways have compounded
25 health risk due to near-constant exposure to criteria air pollutants.

26 (e) In 1998, the State Air Resources Board identified diesel
27 particulate matter as a toxic air contaminant based on published
28 evidence of a relationship between diesel exhaust exposure and
29 lung cancer.

30 (f) Diesel particulate matter also contributes to noncancer health
31 effects, such as premature death, hospitalizations, and emergency
32 department visits for exacerbated chronic heart and lung diseases,
33 including asthma, increased respiratory symptoms, and decreased
34 lung function in children.

35 (g) Children are particularly vulnerable to the negative effect
36 of diesel particulate matter because they have higher respiratory
37 rates than adults and this can increase their exposure to air
38 pollutants relative to their body weight.

1 (h) Increased respiratory symptoms, such as coughing, wheezing,
2 runny nose, and doctor-diagnosed asthma, have been linked to
3 traffic exposure.

4 (i) Reducing emissions of these pollutants can have an
5 immediate beneficial impact on air quality and public health.

6 (j) Existing law does not provide local air pollution control
7 districts and air quality management districts sufficient data
8 collection and enforcement authority to reduce health risks
9 associated with toxic air contaminants, such as diesel particulate
10 matter. This authority would also allow air pollution control
11 districts and air quality management districts to adopt and
12 implement regulations requiring local and areawide stationary
13 sources to provide data on vehicular traffic drawn by stationary
14 sources and other operational data to better calculate local health
15 risks created by the stationary sources.

16 (k) The state should therefore move swiftly to provide this
17 authority to local air pollution control districts and air quality
18 management districts to encourage air districts to provide incentives
19 to stationary sources to transition to cleaner vehicle fleets, change
20 operations, or take other actions that would reduce the health risk
21 to residents from toxic air contaminants.

22 SEC. 2. Section 40716 of the Health and Safety Code is
23 amended to read:

24 40716. (a) In carrying out its responsibilities pursuant to this
25 division with respect to the attainment of state ambient air quality
26 ~~standards~~, *standards or the reduction of health risks from toxic air*
27 *contaminants*, a district may adopt and implement regulations to
28 accomplish ~~both~~ any of the following:

29 (1) Reduce or mitigate emissions from *new and existing* indirect
30 and areawide sources of air pollution.

31 (2) Encourage or require the use of measures which reduce the
32 number or length of vehicle trips.

33 (3) *Require data regarding air pollution within the district's*
34 *jurisdiction from new and existing areawide stationary sources of*
35 *air pollution, including mobile sources drawn by those stationary*
36 *sources, to enable the calculation of health risks from toxic air*
37 *contaminants.*

38 (b) Nothing in this section constitutes an infringement on the
39 existing authority of counties and cities to plan or control land use,

- 1 and nothing in this section provides or transfers new authority over
- 2 such land use to a district.

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AMENDMENTS TO ASSEMBLY BILL NO. 426

Amendment 1

In the title, in line 2, strike out “stationary”

Amendment 2

On page 2, in line 21, strike out “stationary” and insert:

indirect

Amendment 3

On page 3, in lines 7 and 8, strike out “data collection and enforcement” and
insert:

regulatory

Amendment 4

On page 3, in line 10, strike out “matter.” and insert:

matter, if actions taken pursuant to that authority do not assist in attaining state ambient air quality standards.

Amendment 5

On page 3, in line 10, strike out “authority” and insert:

act

Amendment 6

On page 3, in line 10, strike out “also allow” and insert:

clarify the existing authority of

Amendment 7

On page 3, in line 12, strike out “local” and insert:

indirect

Amendment 8

On page 3, in line 12, strike out “stationary”

Amendment 9

On page 3, in line 13, strike out “stationary” and insert:

these

Amendment 10

On page 3, in line 15, strike out “the stationary sources.” and insert:

them. This act would also clarify the existing authority of air pollution control districts to reduce or mitigate emissions from both new and existing indirect and areawide sources of air pollution.

Amendment 11

On page 3, in line 19, strike out “stationary” and insert:

indirect

Amendment 12

On page 3, in line 34, after “existing” insert:

indirect and

Amendment 13

On page 3, in line 34, strike out “stationary”

Amendment 14

On page 3, in line 35, strike out “stationary”

LEGISLATIVE COUNSEL' SDIGEST

AB 426, as amended, Bauer-Kahan. Toxic air contaminants.

Existing law authorizes local air pollution control districts and air quality management districts, in carrying out their responsibilities with respect to the attainment of state ambient air quality standards, to adopt and implement regulations that accomplish certain objectives.

This bill would additionally authorize the districts to adopt and implement regulations to require data regarding air pollution within the district' s jurisdiction from indirect and areawide ~~stationary~~ sources of air pollution, including mobile sources drawn by those ~~stationary~~ sources, to enable the calculation of health risks from toxic air contaminants. This bill would additionally authorize the districts to adopt and implement regulations to accomplish these objectives in carrying out their responsibilities with respect to the reduction of health risks from toxic air contaminants.

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

[AMENDED IN...]

california legislature—2021–22 regular session

ASSEMBLY BILL

No. 426

Introduced by Assembly Member Bauer-Kahan

[Date introduced]

[Title will go here]

legislative counsel's digest

AB 426, as introduced, Bauer-Kahan. Toxic air contaminants.

[Text of Legislative Counsel's Digest will go here]

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

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Prepared By	_____
Approved By	_____
Digest Change	Yes <input type="checkbox"/> No <input type="checkbox"/>

SUBSTANTIVE

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 426

california legislature—2021–22 regular session

ASSEMBLY BILL

No. 426

1 **Introduced by Assembly Member Bauer-Kahan**

February 4, 2021

1 An act to amend Section 40716 of the Health and Safety Code,
2 relating to ~~stationary~~ air pollution.

Amendment 1

legislative counsel's digest

AB 426, as introduced, Bauer-Kahan. Toxic air contaminants.

Existing law authorizes local air pollution control districts and air quality management districts, in carrying out their responsibilities with respect to the attainment of state ambient air quality standards, to adopt and implement regulations that accomplish certain objectives.

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This bill would additionally authorize the districts to adopt and implement regulations to require data regarding air pollution within the district's jurisdiction from *indirect and* areawide ~~stationary~~ sources of air pollution, including mobile sources drawn by those ~~stationary~~ sources, to enable the calculation of health risks from toxic air contaminants. This bill would additionally authorize the districts to adopt and implement regulations to accomplish these objectives in carrying out their responsibilities with respect to the reduction of health risks from toxic air contaminants.

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

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

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

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 2 air contaminants for the control of air pollution from vehicular and
 3 nonvehicular sources. Existing law generally designates the State
 4 Air Resources Board as the state agency with the primary
 5 responsibility for the control of vehicular air pollution, and the air

RN 21 10508 04

6 pollution control districts or the air quality management districts
 7 with the primary responsibility for the control of air pollution from
 8 all sources other than vehicular sources, including stationary
 9 sources. Existing law allows air pollution control districts and air
 10 quality management districts to adopt and implement regulations
 11 to reduce or mitigate emissions from indirect and areawide sources
 12 of air pollution to achieve attainment of state ambient air quality
 13 standards.

14 (b) The people of California have a right to know when
 15 industrial or commercial operations result in emission of toxic air
 16 contaminants that may pose a significant health risk to the people
 17 exposed to those emissions.

18 (c) Diesel-fueled trucks are responsible for 33 percent of
 19 statewide oxides of nitrogen emissions annually. These same trucks
 20 emit more particulate matter than all of the state's powerplants.

21 (d) People who live near ~~stationary~~ *indirect* sources that attract
 truck

22 traffic are at high risk for exposure to these health-threatening air
 23 pollutants emitted by these medium- and heavy-duty vehicles, and
 24 communities near freeways and busy roadways have compounded

Amendment 2

RN 21 10508 04

25 health risk due to near-constant exposure to criteria air pollutants.

26 (e) In 1998, the State Air Resources Board identified diesel
27 particulate matter as a toxic air contaminant based on published
28 evidence of a relationship between diesel exhaust exposure and
29 lung cancer.

30 (f) Diesel particulate matter also contributes to noncancer health
31 effects, such as premature death, hospitalizations, and emergency
32 department visits for exacerbated chronic heart and lung diseases,
33 including asthma, increased respiratory symptoms, and decreased
34 lung function in children.

35 (g) Children are particularly vulnerable to the negative effect
36 of diesel particulate matter because they have higher respiratory
37 rates than adults and this can increase their exposure to air
38 pollutants relative to their body weight.

Page 3 1 (h) Increased respiratory symptoms, such as coughing, wheezing,
2 runny nose, and doctor-diagnosed asthma, have been linked to
3 traffic exposure.

4 (i) Reducing emissions of these pollutants can have an
5 immediate beneficial impact on air quality and public health.

6 (j) Existing law does not provide local air pollution control

RN 21 10508 04

SUBSTANTIVE

Amendment 3

7 districts and air quality management districts sufficient ~~data~~
8 ~~collection and enforcement~~ regulatory authority to reduce health
risks

9 associated with toxic air contaminants, such as diesel particulate
10 ~~matter.~~ matter, if actions taken pursuant to that authority do not
assist in attaining state ambient air quality standards. This
~~authority act~~ would ~~also allow~~ clarify the existing authority of air
pollution control

Amendments 4, 5 & 6

11 districts and air quality management districts to adopt and
12 implement regulations requiring ~~local indirect~~ and areawide
stationary

Amendments 7 & 8

13 sources to provide data on vehicular traffic drawn by ~~stationary~~
these

Amendment 9

14 sources and other operational data to better calculate local health
15 risks created by ~~the stationary sources.~~ them. This act would also
clarify the existing authority of air pollution control districts to
reduce or mitigate emissions from both new and existing indirect
and areawide sources of air pollution.

Amendment 10

16 (k) The state should therefore move swiftly to provide this
17 authority to local air pollution control districts and air quality

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PROPOSED AMENDMENTS

RN 21 10508 04

AB 426

— 6 —

SUBSTANTIVE

18 management districts to encourage air districts to provide incentives
19 to ~~stationary~~ *indirect* sources to transition to cleaner vehicle fleets,
change

Amendment 11

20 operations, or take other actions that would reduce the health risk
21 to residents from toxic air contaminants.

22 SEC. 2. Section 40716 of the Health and Safety Code is
23 amended to read:

24 40716. (a) In carrying out its responsibilities pursuant to this
25 division with respect to the attainment of state ambient air quality
26 standards or the reduction of health risks from toxic air
27 contaminants, a district may adopt and implement regulations to
28 accomplish any of the following:

29 (1) Reduce or mitigate emissions from new and existing indirect
30 and areawide sources of air pollution.

31 (2) Encourage or require the use of measures which reduce the
32 number or length of vehicle trips.

33 (3) Require data regarding air pollution within the district's
34 jurisdiction from new and existing *indirect and areawide* ~~stationary~~
sources of

Amendments 12 & 13

35 air pollution, including mobile sources drawn by those ~~stationary~~

Amendment 14

RN 21 10508 04

36 sources, to enable the calculation of health risks from toxic air
37 contaminants.

38 (b) Nothing in this section constitutes an infringement on the
39 existing authority of counties and cities to plan or control land use,
Page 4 1 and nothing in this section provides or transfers new authority over
2 such land use to a district.

(Amended by Stats. 1996, Ch. 777, Sec. 2. Effective January 1,
1997. | CODE COMPARE) [PU Amended by Stats. 1996, Ch.
777, Sec. 2. Effective January 1, 1997.] [PU Amended by Stats.
1996, Ch. 777, Sec. 2. Effective January 1, 1997. | CODE
COMPARE]

(PU 20190AB 321199INT)

(PU RN20192343505)

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ATTACHMENT 2C

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1547 (Reyes)
Version: Introduced – 2/19/2021 (TO BE AMENDED)
Analyst: PC

AB 1547 (Reyes)

Air pollution: warehouse facilities.

-- CONTENT OF ANALYSIS BASED ON PROPOSED AMENDMENTS RECEIVED
FROM AUTHOR'S OFFICE --

Summary: This bill would authorize CARB to regulate indirect sources. This bill would also require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation on the consideration of the project by residents affected by it.

Background: Existing law regulates the emissions of air pollution. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, subject to the powers and duties of CARB. Existing law designates CARB as having the primary responsibility for the control of air pollution from vehicular sources.

Existing law, the Planning and Zoning Law, sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for particular specified classes of development projects. Existing law, the California Environmental Quality Act (CEQA), requires a lead agency to prepare, or cause to be prepared by contract, 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.

The trucks and trains that carry freight to be warehoused and trucks idling engines at or near warehouse sites pollute by emitting small toxic particles. Particulate emissions from diesel vehicles and equipment contribute to health problems that include cardiovascular problems, cancer, asthma, decreased lung function and capacity, reproductive health problems, and premature death. Warehousing facilities increase air pollution and threaten the health of residents living and working near busy roads and logistics facilities. Beyond health threats from the transportation of freight, warehouses are also associated with negative impacts on residents' quality of life. Warehouse centers also deprive local communities of land that could be used for future green space, schools and public buildings, and new residential, retail, and commercial centers. While trucks may represent only a small share of the traffic in urban areas, they generate more than one-half of overall emissions for specific contaminants. One approach to contend with these issues is to promote the use of new cleaner technologies and alternative fuel pathways.

Status: 2/22/2021 - Read first time.

Specific Provisions: Specifically, this bill would:

1. Authorize CARB to regulate indirect sources.
2. Require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation on the consideration of the project by residents affected by the project. These actions include, but are not limited to:
 - a. Ensure that the design of the warehouse development project provides for at least a 3,000-yard buffer zone between the boundary of the project site and sensitive land use;
 - b. Conduct a cumulative analysis of the air quality impacts of the warehouse development project, taking into consideration air quality impacts from other nearby sources of pollution and air quality impacts of reasonably foreseeable future projects;
 - c. Require all onsite equipment used at the warehouse to be powered by electricity;
 - d. Require all offroad construction equipment used for the warehouse development project to meet the Tier 4 emission standards set forth in Article 4 (commencing with Section 2420) of Chapter 9 of Division 3 of Title 13 of the California Code of Regulations; and
 - e. Require the project applicant to hold a series of community meetings with affected residents to obtain community inputs and incorporate consideration of those community inputs into the project design.
3. Include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Impacts on South Coast AQMD's Mission, Operations or Initiatives: While this bill is well intentioned and attempts to address an important air pollution issue, it is a clear infringement on local control and authority. These issues are best addressed at the local level, through air district rulemaking, by local leaders that have a close and detailed knowledge of what the issues are that need to be addressed within a specific air district with respect to indirect source rules involving warehouses, and what the best approaches are to affectively addressing those issues.

Recommended Position: OPPOSE

Support:

N/A

Opposition:

N/A

ATTACHMENT 2D

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1547

Introduced by Assembly Member Reyes

February 19, 2021

An act relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 1547, as introduced, Reyes. Air pollution: warehouse facilities.

Existing law regulates the emissions of air pollution. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, subject to the powers and duties of the State Air Resources Board. Existing law designates the state board as having the primary responsibility for the control of air pollution from vehicular sources.

This bill would state the intent of the Legislature to enact subsequent legislation relating to air pollution at warehouse facilities.

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

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

- 1 SECTION 1. It is the intent of the Legislature to enact
- 2 subsequent legislation relating to air pollution at warehouse
- 3 facilities.

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AMENDMENTS TO ASSEMBLY BILL NO. 1547

Amendment 1

In the title, in line 1, after “act” insert:

to add Chapter 2.8 (commencing with Section 65098) to Division 1 of Title 7 of the Government Code, and to amend Section 39602.5 of the Health and Safety Code,

Amendment 2

On page 1, before line 1, insert:

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

(1) Logistics includes the process of planning, implementing, and controlling procedures for the efficient and effective transportation and storage of goods.

(2) For communities already struggling with some of the worst air quality in the nation, the expansion of the logistics industry presents a serious air quality and environmental justice challenge.

(3) Environmental pollution and emissions of greenhouse gases have a harmful impact on human health and ecosystem quality.

(4) For example, in the last decade, more than 150 million square feet of industrial space, the vast majority of it warehouses, has been built in the Inland Empire.

(5) The Counties of San Bernardino and Riverside are at the top of the most ozone-polluted counties.

(6) The use of diesel trucks in the logistics industry, especially those that come and go from warehouses, are adding to what has become an intractable problem.

(7) The trucks and trains that carry freight to be warehoused and trucks idling engines at or near warehouse sites pollute by emitting small toxic particles.

(A) These particles are of varying sizes and toxicity.

(B) Particulate emissions from diesel vehicles and equipment contribute to health problems that include cardiovascular problems, cancer, asthma, decreased lung function and capacity, reproductive health problems, and premature death.

(8) Warehousing facilities threaten the health of residents living and working near busy roads and logistics facilities.

(9) Beyond health threats from the transportation of freight, warehouses are also associated with negative impacts on residents' quality of life.

(10) Warehouse centers also deprive local communities of land that could be used for future green space, schools and public buildings, and new residential, retail, and commercial centers.

(11) While trucks may represent only a small share of the traffic in urban areas, they generate more than one-half of overall emissions for specific contaminants.

(12) One of the approaches to contend with these issues is to promote the use of new technologies and alternative fuel pathways.

(b) It is the intent of the Legislature to encourage the continued development and deployment of zero-emission medium- and heavy-duty vehicles in the goods movement sector.



SEC. 2. Chapter 2.8 (commencing with Section 65098) is added to Division 1 of Title 7 of the Government Code, to read:

Chapter 2.8. Warehouse Facilities

65098. (a) For purposes of this section, the following definitions apply:

(1) "Public agency" means a city, county, and city and county, and subdivisions of those entities, including any agencies of the city, county, or city and county.

(2) "Threshold language" means a language for the geographical area in which a warehouse development project is located as identified by the State Department of Health Care Services in its most recent determination required pursuant to subdivision (b) of Section 14029.91 of the Welfare and Institution Code.

(b) Before approving a warehouse development project, a public agency shall do all of the following:

(1) Ensure that the design of the warehouse development project provides for at least a 3,000-yard buffer zone between the boundary of the project site and sensitive land use.

(2) Conduct a cumulative analysis of the air quality impacts of the warehouse development project, taking into consideration air quality impacts from other nearby sources of pollution and air quality impacts of reasonably foreseeable future projects.

(3) Require all onsite equipment used at the warehouse to be powered by electricity.

(4) Require all offroad construction equipment used for the warehouse development project to meet the Tier 4 emission standards set forth in Article 4 (commencing with Section 2420) of Chapter 9 of Division 3 of Title 13 of the California Code of Regulations.

(5) Require loading and unloading docks and trailer spaces for cold storage warehouses to provide electrical connections to provide electrical power to trucks.

(6) Require the project applicant to hold a series of community meetings with affected residents to obtain community inputs and incorporate consideration of those community inputs into the project design.

(7) Require the project applicant to post a prominent notice on the project site that contains a brief description of the warehouse development project and directions on obtaining information posted pursuant to paragraph (1) of subdivision (c).

(c) Upon receipt of an application for a warehouse development project, a public agency shall do all of the following:

(1) Post information on its internet website that is easily accessible and easily understandable by the public regarding both of the following:

(A) The project, including a complete and accurate project description, maps, and drawings of the project design.

(B) The process by which interested members of the public can provide comments and input regarding the project.

(2) Mail or deliver a notice with a brief description of the warehouse development project and directions on obtaining information posted pursuant to paragraph (1) to both of the following:

(A) All owners and occupants of properties located within 3,000 yards of the project site.

(B) All schools located within two miles of the project site.

(3) Provide the information and notices required pursuant to this subdivision in English and all threshold languages.

(d) (1) (A) The lead agency shall conduct at least one scoping meeting at a location within one mile of the project site.

(B) If, after making a good faith effort, the lead agency is unable to secure a location for the scoping meeting within one mile of the project site, the lead agency may hold the meeting at another location that meets both of the following requirements:

(i) The meeting location is readily accessible to residents of disadvantaged communities located within one-half mile of the project site.

(ii) The meeting location is located within one-half mile of a transit stop, if feasible.

(2) If the scoping meeting is held on a weekday, the scoping meeting shall be held between the hours of 5 p.m. and 8 p.m.

(3) At the scoping meeting, the lead agency shall do both of the following:

(A) Provide a description of the project and any information known about the project's potential environmental impacts.

(B) Take public comments regarding potential environmental impacts of the project, including any social and economic impacts related to a direct or indirect physical change caused by the project, project alternatives, and mitigation measures that would avoid or reduce any potentially significant environmental impacts.

(e) In a meeting in which a warehouse development project is being considered, the public agency, upon request, shall provide translation services in a requested threshold language.

SEC. 3. Section 39602.5 of the Health and Safety Code is amended to read:

39602.5. (a) The state board shall adopt rules and regulations pursuant to Section 43013 that, in conjunction with other measures adopted by the state board, the districts, and the United States Environmental Protection Agency, will achieve ambient air quality standards required by the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) in all areas of the state by the applicable attainment date, and to maintain these standards thereafter. The state board shall adopt these measures if they are necessary, technologically feasible, and cost effective, consistent with Section 43013.

(b) If necessary to carry out its duties under this section, the state board shall adopt and enforce rules and regulations that anticipate the development of new technologies or the improvement of existing technologies. The rules and regulations shall require standards that the state board finds and determines can likely be achieved by the compliance date set forth in the rule.

(c) The state board may adopt and enforce rules and regulations applicable to indirect sources, as defined in Section 7410 of Title 42 of the United States Code.

SEC. 4. The Legislature finds and declares that the regulation of warehouse development projects to identify and address the potential environmental impacts and ensure public participation by residents affected by projects is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act adding Chapter 2.8

(commencing with Section 65098) to Division 1 of Title 7 of the Government Code applies to all cities, including charter cities.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 3

On page 1, strike out lines 1 to 3, includi

SECURED
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PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1547

california legislature—2021–22 regular session

ASSEMBLY BILL

No. 1547

Introduced by Assembly Member Reyes

February 19, 2021



RN2108887

An act to add Chapter 2.8 (commencing with Section 65098) to Division 1 of Title 7 of the Government Code, and to amend Section 39602.5 of the Health and Safety Code, relating to air pollution.

Amendment 1

legislative counsel's digest

AB 1547, as introduced, Reyes. Air pollution: warehouse facilities.

Existing law regulates the emissions of air pollution. Existing law designates air pollution control districts and air quality management districts as having the primary responsibility for the control of air pollution from all sources other than vehicular sources, subject to the powers and duties of the State Air Resources Board. Existing law designates the state board as having the primary responsibility for the control of air pollution from vehicular sources.

This bill would authorize the State Air Resources Board to regulate indirect sources, as defined.

Existing law, the Planning and Zoning Law, sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for particular specified classes of development projects. Existing law, the California Environmental Quality Act (CEQA), requires a lead agency to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, 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.

This bill would require local governments, before approving a warehouse development project, to take certain actions to identify and address the potential environmental impacts of the project and to ensure public participation by residents affected by the project on the consideration of the project, as provided. By imposing additional duties on local governments, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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

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

~~This bill would state the intent of the Legislature to enact subsequent legislation relating to air pollution at warehouse facilities.~~

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

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

- + SECTION 1. (a) The Legislature finds and declares all of the
- + following:
- + (1) Logistics includes the process of planning, implementing,
- + and controlling procedures for the efficient and effective
- + transportation and storage of goods.
- + (2) For communities already struggling with some of the worst
- + air quality in the nation, the expansion of the logistics industry
- + presents a serious air quality and environmental justice challenge.
- + (3) Environmental pollution and emissions of greenhouse gases
- + have a harmful impact on human health and ecosystem quality.
- + (4) For example, in the last decade, more than 150 million
- + square feet of industrial space, the vast majority of it warehouses,
- + has been built in the Inland Empire.
- + (5) The Counties of San Bernardino and Riverside are at the
- + top of the most ozone-polluted counties.

Amendment 2

- + (6) *The use of diesel trucks in the logistics industry, especially*
- + *those that come and go from warehouses, are adding to what has*
- + *become an intractable problem.*
- + (7) *The trucks and trains that carry freight to be warehoused*
- + *and trucks idling engines at or near warehouse sites pollute by*
- + *emitting small toxic particles.*
- + (A) *These particles are of varying sizes and toxicity.*
- + (B) *Particulate emissions from diesel vehicles and equipment*
- + *contribute to health problems that include cardiovascular*
- + *problems, cancer, asthma, decreased lung function and capacity,*
- + *reproductive health problems, and premature death.*
- + (8) *Warehousing facilities threaten the health of residents living*
- + *and working near busy roads and logistics facilities.*
- + (9) *Beyond health threats from the transportation of freight,*
- + *warehouses are also associated with negative impacts on residents'*
- + *quality of life.*
- + (10) *Warehouse centers also deprive local communities of land*
- + *that could be used for future green space, schools and public*
- + *buildings, and new residential, retail, and commercial centers.*
- + (11) *While trucks may represent only a small share of the traffic*
- + *in urban areas, they generate more than one-half of overall*
- + *emissions for specific contaminants.*
- + (12) *One of the approaches to contend with these issues is to*
- + *promote the use of new technologies and alternative fuel pathways.*
- + (b) *It is the intent of the Legislature to encourage the continued*
- + *development and deployment of zero-emission medium- and*
- + *heavy-duty vehicles in the goods movement sector.*
- + SEC. 2. *Chapter 2.8 (commencing with Section 65098) is added*
- + *to Division 1 of Title 7 of the Government Code, to read:*

Chapter 2.8. Warehouse Facilities

- + 65098. (a) *For purposes of this section, the following*
- + *definitions apply:*
- + (1) *"Public agency" means a city, county, and city and county,*
- + *and subdivisions of those entities, including any agencies of the*
- + *city, county, or city and county.*
- + (2) *"Threshold language" means a language for the*
- + *geographical area in which a warehouse development project is*
- + *located as identified by the State Department of Health Care*

- + Services in its most recent determination required pursuant to
- + subdivision (b) of Section 14029.91 of the Welfare and Institution
- + Code.
- + (b) Before approving a warehouse development project, a public
- + agency shall do all of the following:
- + (1) Ensure that the design of the warehouse development project
- + provides for at least a 3,000-yard buffer zone between the boundary
- + of the project site and sensitive land use.
- + (2) Conduct a cumulative analysis of the air quality impacts of
- + the warehouse development project, taking into consideration air
- + quality impacts from other nearby sources of pollution and air
- + quality impacts of reasonably foreseeable future projects.
- + (3) Require all onsite equipment used at the warehouse to be
- + powered by electricity.
- + (4) Require all offroad construction equipment used for the
- + warehouse development project to meet the Tier 4 emission
- + standards set forth in Article 4 (commencing with Section 2420)
- + of Chapter 9 of Division 3 of Title 13 of the California Code of
- + Regulations.
- + (5) Require loading and unloading docks and trailer spaces for
- + cold storage warehouses to provide electrical connections to
- + provide electrical power to trucks.
- + (6) Require the project applicant to hold a series of community
- + meetings with affected residents to obtain community inputs and
- + incorporate consideration of those community inputs into the
- + project design.
- + (7) Require the project applicant to post a prominent notice on
- + the project site that contains a brief description of the warehouse
- + development project and directions on obtaining information
- + posted pursuant to paragraph (1) of subdivision (c).
- + (c) Upon receipt of an application for a warehouse development
- + project, a public agency shall do all of the following:
- + (1) Post information on its internet website that is easily
- + accessible and easily understandable by the public regarding both
- + of the following:
- + (A) The project, including a complete and accurate project
- + description, maps, and drawings of the project design.
- + (B) The process by which interested members of the public can
- + provide comments and input regarding the project.

- + (2) Mail or deliver a notice with a brief description of the
- + warehouse development project and directions on obtaining
- + information posted pursuant to paragraph (1) to both of the
- + following:
- + (A) All owners and occupants of properties located within 3,000
- + yards of the project site.
- + (B) All schools located within two miles of the project site.
- + (3) Provide the information and notices required pursuant to
- + this subdivision in English and all threshold languages.
- + (d) (1) (A) The lead agency shall conduct at least one scoping
- + meeting at a location within one mile of the project site.
- + (B) If, after making a good faith effort, the lead agency is unable
- + to secure a location for the scoping meeting within one mile of the
- + project site, the lead agency may hold the meeting at another
- + location that meets both of the following requirements:
- + (i) The meeting location is readily accessible to residents of
- + disadvantaged communities located within one-half mile of the
- + project site.
- + (ii) The meeting location is located within one-half mile of a
- + transit stop, if feasible.
- + (2) If the scoping meeting is held on a weekday, the scoping
- + meeting shall be held between the hours of 5 p.m. and 8 p.m.
- + (3) At the scoping meeting, the lead agency shall do both of the
- + following:
- + (A) Provide a description of the project and any information
- + known about the project's potential environmental impacts.
- + (B) Take public comments regarding potential environmental
- + impacts of the project, including any social and economic impacts
- + related to a direct or indirect physical change caused by the
- + project, project alternatives, and mitigation measures that would
- + avoid or reduce any potentially significant environmental impacts.
- + (e) In a meeting in which a warehouse development project is
- + being considered, the public agency, upon request, shall provide
- + translation services in a requested threshold language.
- + SEC. 3. Section 39602.5 of the Health and Safety Code is
- + amended to read:
- + 39602.5. (a) The state board shall adopt rules and regulations
- + pursuant to Section 43013 that, in conjunction with other measures
- + adopted by the state board, the districts, and the United States
- + Environmental Protection Agency, will achieve ambient air quality

+ standards required by the federal Clean Air Act (42 U.S.C. Sec.
+ 7401 et seq.) in all areas of the state by the applicable attainment
+ date, and to maintain these standards thereafter. The state board
+ shall adopt these measures if they are necessary, technologically
+ feasible, and cost effective, consistent with Section 43013.

+ (b) If necessary to carry out its duties under this section, the
+ state board shall adopt and enforce rules and regulations that
+ anticipate the development of new technologies or the improvement
+ of existing technologies. The rules and regulations shall require
+ standards that the state board finds and determines can likely be
+ achieved by the compliance date set forth in the rule.

+ (c) *The state board may adopt and enforce rules and regulations
+ applicable to indirect sources, as defined in Section 7410 of Title
+ 42 of the United States Code.*

+ *SEC. 4. The Legislature finds and declares that the regulation
+ of warehouse development projects to identify and address the
+ potential environmental impacts and ensure public participation
+ by residents affected by projects is a matter of statewide concern
+ and is not a municipal affair as that term is used in Section 5 of
+ Article XI of the California Constitution. Therefore, Section 2 of
+ this act adding Chapter 2.8 (commencing with Section 65098) to
+ Division 1 of Title 7 of the Government Code applies to all cities,
+ including charter cities.*

+ *SEC. 5. No reimbursement is required by this act pursuant to
+ Section 6 of Article XIII B of the California Constitution because
+ a local agency or school district has the authority to levy service
+ charges, fees, or assessments sufficient to pay for the program or
+ level of service mandated by this act, within the meaning of Section
+ 17556 of the Government Code.*

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~subsequent legislation relating to air pollution at warehouse~~
3 ~~facilities.~~

Amendment 3

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ATTACHMENT 2E

South Coast Air Quality Management District
Legislative Analysis Summary – AB 1296 (Kamlager)
Version: Introduced – 2/19/2021
Analyst: SD

AB 1296 (Kamlager)

South Coast Air Quality Management District: district board: membership.

Summary: This bill would increase the number of members of the South Coast AQMD Governing Board from 13 to 15 members by adding two environmental justice (EJ) appointees, one appointed by the Senate Rules Committee and one appointed by the Speaker of the Assembly.

Background: Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling air pollution for sources other than vehicular sources to an air pollution control district or air quality management district. Existing law establishes the South Coast AQMD as the district with the responsibility for controlling air pollution from sources other than vehicular sources in the South Coast region.

Existing law establishes a district board consisting of 13 members to govern the South Coast AQMD. Existing law requires one member of the South Coast AQMD Governing Board to be appointed by the Senate Rules Committee and one member to be appointed by the Speaker of the Assembly.

Status: 3/4/2021 - Referred to Asm. Comm. on NAT. RES.

Specific Provisions: Specifically, this bill would:

- a) Increase the number of members on the South Coast AQMD Governing Board from 13 to 15 appointed members;
- b) Add an additional board member to be appointed by the Senate Rules Committee;
- c) Add an additional board member to be appointed by the Speaker of the Assembly; and
- d) Require that both of these two new members be EJ appointees who are persons who work directly with communities in the South Coast district that are most significantly burdened by, and vulnerable to, high levels of pollution, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations.

Impacts on South Coast AQMD's Mission, Operations or Initiatives: Currently, there are three existing members of the South Coast AQMD Governing Board that are appointed by state authorities, i.e., by the Governor, Senate Rules Committee, and the Speaker of the Assembly. If signed into law, this bill would result in 1/3 of the Board being appointed by state authorities.

Recommended Position: **NO STAFF RECOMMENDATION**

ATTACHMENT 2F

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1296

Introduced by Assembly Member Kamlager

February 19, 2021

An act to amend Section 40420 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1296, as introduced, Kamlager. South Coast Air Quality Management District: district board: membership.

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling air pollution for sources other than vehicular sources to an air pollution control district or air quality management district. Existing law establishes the South Coast Air Quality Management District as the district with the responsibility for controlling air pollution from sources other than vehicular sources in the South Coast Air Basin. Existing law establishes a district board consisting of 13 members to govern the south coast district. Existing law requires one member of the district board to be appointed by the Senate Committee on Rules and one member to be appointed by the Speaker of the Assembly.

This bill would increase the number of members of the district board of the south coast district to 15 members by adding 2 environmental justice appointees, one appointed by the Senate Committee on Rules and one appointed by the Speaker of the Assembly.

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

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

SECTION 1. Section 40420 of the Health and Safety Code is amended to read:

40420. (a) The south coast district shall be governed by a district board consisting of ~~13~~ 15 members appointed as follows:

(1) One member appointed by the Governor, with the advice and consent of the Senate.

~~(2) One member~~ (A) Two members appointed by the Senate Committee on Rules.

(B) *One of the members appointed under subparagraph (A) shall be an environmental justice appointee who is a person who works directly with communities in the south coast district that are most significantly burdened by, and vulnerable to, high levels of pollution, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations.*

~~(3) One member~~ (A) Two members appointed by the Speaker of the Assembly.

(B) *One of the members appointed under subparagraph (A) shall be an environmental justice appointee who is a person who works directly with communities in the south coast district that are most significantly burdened by, and vulnerable to, high levels of pollution, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations.*

(4) Four members appointed by the boards of supervisors of the counties in the south coast district. Each board of supervisors shall appoint one of these members, who shall be one of the following:

(A) A member of the board of supervisors of the county making the appointment.

(B) A mayor or member of a city council from a city in the portion of the county making the appointment that is included in the south coast district.

(5) Three members appointed by cities in the south coast district. The city selection committee of Orange, Riverside, and San Bernardino Counties shall each appoint one of these members, who shall be either a mayor or a member of the city council of a city in the portion of the county included in the south coast district.

(6) A member appointed by the cities of the western region of Los Angeles County, consisting of the Cities of Agoura Hills, Artesia, Avalon, Bell, Bellflower, Bell Gardens, Beverly Hills, Calabasas, Carson, Cerritos, Commerce, Compton, Cudahy, Culver City, Downey, El Segundo, Gardena, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Inglewood, La Habra Heights, La Mirada, Lakewood, Lawndale, Lomita, Long Beach, Lynwood, Malibu, Manhattan Beach, Maywood, Montebello, Norwalk, Palos Verdes Estates, Paramount, Pico Rivera, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Santa Fe Springs, Santa Monica, Signal Hill, South Gate, Torrance, Vernon, West Hollywood, Westlake Village, and Whittier. These cities shall organize as a city selection committee for the purposes of subdivision (f), and shall be known as the city selection committee of the western region of Los Angeles County. The member appointed shall be either a mayor or a member of the city council of a city in the western region.

(7) A member appointed by the cities of the eastern region of Los Angeles County, consisting of the cities in Los Angeles County that are not listed in paragraph (6) or (8), and excluding the Cities of Lancaster, Los Angeles, and Palmdale. These cities shall organize as a city selection committee for the purposes of subdivision (f), and shall be known as the city selection committee of the eastern region of Los Angeles County. The member appointed shall be either a mayor or a member of the city council of a city in the eastern region.

(8) A member appointed by the Mayor of the City of Los Angeles from among the members of the Los Angeles City Council.

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

(c) The member appointed by the Governor shall be either a physician who has training and experience in the health effects of air pollution, an environmental engineer, a chemist, a meteorologist, or a specialist in air pollution control.

(d) Each member shall be appointed on the basis of ~~his or her~~ *the member's* ability to attend substantially all meetings of the

1 south coast district board, to discharge all duties and responsibilities
2 of a member of the south coast district board on a regular basis,
3 and to participate actively in the affairs of the south coast district.
4 No member may designate an alternate for any purpose or
5 otherwise be represented by another in ~~his or her~~ *their* capacity as
6 a member of the south coast district board.

7 (e) Each appointment by a board of supervisors shall be
8 considered and acted on at a duly noticed, regularly scheduled
9 hearing of the board of supervisors, which shall provide an
10 opportunity for testimony on the qualifications of the candidates
11 for appointment.

12 (f) The appointments by cities in the south coast district shall
13 be considered and acted on at a duly noticed meeting of the city
14 selection committee, which shall meet in a government building
15 and provide an opportunity for testimony on the qualifications of
16 the candidates for appointment. Each appointment shall be made
17 by not less than a majority of all the cities in the portion of the
18 county included in the south coast district having not less than a
19 majority of the population of all the cities in the portion of the
20 county included in the south coast district. Population shall be
21 determined on the basis of the most recent verifiable census data
22 developed by the Department of Finance. Persons residing in
23 unincorporated areas or areas of a county outside the south coast
24 district shall not be considered for the purposes of this subdivision.

25 (g) The members appointed by the Senate Committee on Rules
26 and the Speaker of the Assembly shall have one or more of the
27 qualifications specified in subdivision (c) or shall be a public
28 member. None of those appointed members may be a locally
29 elected official.

30 (h) All members shall be residents of the district.

31 (i) (1) The member who was serving on the district board as
32 of June 1, 2007, who had been appointed to represent the eastern
33 region of Los Angeles County shall be deemed on January 1, 2008,
34 to be the member appointed to represent the western region of Los
35 Angeles County pursuant to paragraph (6) of subdivision (a) and
36 shall serve from January 1, 2008, until the end of the term of office
37 for the member who had been appointed to represent the western
38 region of Los Angeles County. At the end of that term, the city
39 selection committee of the western region of Los Angeles County

1 shall make an appointment pursuant to paragraph (6) of subdivision
2 (a).

3 (2) The member who was serving on the district board as of
4 June 1, 2007, who had been appointed to represent the western
5 region of Los Angeles County shall be deemed on January 1, 2008,
6 to be the member appointed pursuant to paragraph (8) of
7 subdivision (a) until the end of that member's term. At the end of
8 that term, the Mayor of the City of Los Angeles shall make an
9 appointment pursuant to paragraph (8) of subdivision (a).

10 (3) On or after January 1, 2008, the city selection committee of
11 the eastern region of Los Angeles County shall convene promptly
12 to make an appointment pursuant to paragraph (7) of subdivision
13 (a).

ATTACHMENT 2G

South Coast Air Quality Management District
Legislative Analysis Summary – SB 342 (Gonzalez)
Version: Amended – 3/10/2021
Analyst: DPG/PC

SB 342 (Gonzalez)

South Coast Air Quality Management District: board membership.

Summary: This bill would increase the number of members of the South Coast AQMD Governing Board from 13 to 15 members by adding two environmental justice (EJ) appointees, one appointed by the Senate Rules Committee and one appointed by the Speaker of the Assembly.

Background: Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law assigns the responsibility for controlling air pollution for sources other than vehicular sources to an air pollution control district or air quality management district. Existing law establishes the South Coast AQMD as the district with the responsibility for controlling air pollution from sources other than vehicular sources in the South Coast region.

Existing law establishes a district board consisting of 13 members to govern the South Coast AQMD. Existing law requires one member of the South Coast AQMD Governing Board to be appointed by the Senate Rules Committee and one member to be appointed by the Speaker of the Assembly.

Status: 3/10/2021 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Specific Provisions: Specifically, this bill would:

- a) Increase the number of members on the South Coast AQMD Governing Board from 13 to 15 appointed members;
- b) Add an additional board member to be appointed by the Senate Rules Committee;
- c) Add an additional board member to be appointed by the Speaker of the Assembly;
- d) Require that both of these two new members be EJ appointees who shall reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice, including, but not limited to, communities with diverse racial and ethnic populations and communities with low-income populations.
- e) Require that eight members, rather than seven, of the South Coast AQMD Governing Board constitute a quorum; unless, there are two or more vacancies on the Board, in which case seven members, rather than six, shall constitute a quorum and the two vacant positions shall not be counted toward the majority required for official action by the Board.

Impacts on South Coast AQMD’s Mission, Operations or Initiatives: Currently, there are three existing members of the South Coast AQMD Governing Board that are appointed by state authorities, i.e., by the Governor, Senate Rules Committee, and the Speaker of the Assembly. If signed into law, this bill would result in 1/3 of the Board being appointed by state authorities.

Recommended Position: NO STAFF RECOMMENDATION

ATTACHMENT 2H

AMENDED IN SENATE MARCH 10, 2021

SENATE BILL

No. 342

Introduced by Senator Gonzalez

February 9, 2021

An act ~~relating to environmental justice~~, to amend Sections 40420 and 40424 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 342, as amended, Gonzalez. ~~Environmental justice~~. *South Coast Air Quality Management District: board membership.*

Existing law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board, consisting of 13 members.

This bill would add 2 members to the district board, appointed by the Senate Committee on Rules and the Speaker of the Assembly. The bill would require the 2 additional members to reside in and work directly with communities in the South Coast Air Basin that are disproportionately burdened by and vulnerable to high levels of pollution and issues of environmental justice.

~~Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice composed of various representatives, as specified, to assist the California Environmental Protection Agency in developing an agencywide environmental justice strategy.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation to increase environmental justice representation at a local level.~~

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

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

1 SECTION 1. Section 40420 of the Health and Safety Code is
2 amended to read:
3 40420. (a) The south coast district shall be governed by a
4 district board consisting of ~~13~~ 15 members appointed as follows:
5 (1) One member appointed by the Governor, with the advice
6 and consent of the Senate.
7 (2) ~~One member~~ (A) Two members appointed by the Senate
8 Committee on Rules.
9 (B) One member appointed pursuant to this paragraph shall
10 reside in and work directly with communities in the South Coast
11 Air Basin that are disproportionately burdened by and vulnerable
12 to high levels of pollution and issues of environmental justice,
13 including, but not limited to, communities with diverse racial and
14 ethnic populations and communities with low-income populations.
15 (3) ~~One member~~ (A) Two members appointed by the Speaker
16 of the Assembly.
17 (B) One member appointed pursuant to this paragraph shall
18 reside in and work directly with communities in the South Coast
19 Air Basin that are disproportionately burdened by and vulnerable
20 to high levels of pollution and issues of environmental justice,
21 including, but not limited to, communities with diverse racial and
22 ethnic populations and communities with low-income populations.
23 (4) Four members appointed by the boards of supervisors of the
24 counties in the south coast district. Each board of supervisors shall
25 appoint one of these members, who shall be one of the following:
26 (A) A member of the board of supervisors of the county making
27 the appointment.
28 (B) A mayor or member of a city council from a city in the
29 portion of the county making the appointment that is included in
30 the south coast district.
31 (5) Three members appointed by cities in the south coast district.
32 The city selection committee of Orange, Riverside, and San
33 Bernardino Counties shall each appoint one of these members,
34 who shall be either a mayor or a member of the city council of a
35 city in the portion of the county included in the south coast district.

(6) A member appointed by the cities of the western region of Los Angeles County, consisting of the Cities of Agoura Hills, Artesia, Avalon, Bell, Bellflower, Bell Gardens, Beverly Hills, Calabasas, Carson, Cerritos, Commerce, Compton, Cudahy, Culver City, Downey, El Segundo, Gardena, Hawaiian Gardens, Hawthorne, Hermosa Beach, Hidden Hills, Huntington Park, Inglewood, La Habra Heights, La Mirada, Lakewood, Lawndale, Lomita, Long Beach, Lynwood, Malibu, Manhattan Beach, Maywood, Montebello, Norwalk, Palos Verdes Estates, Paramount, Pico Rivera, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Santa Fe Springs, Santa Monica, Signal Hill, South Gate, Torrance, Vernon, West Hollywood, Westlake Village, and Whittier. These cities shall organize as a city selection committee for the purposes of subdivision (f), and shall be known as the city selection committee of the western region of Los Angeles County. The member appointed shall be either a mayor or a member of the city council of a city in the western region.

(7) A member appointed by the cities of the eastern region of Los Angeles County, consisting of the cities in Los Angeles County that are not listed in paragraph (6) or (8), and excluding the Cities of Lancaster, Los Angeles, and Palmdale. These cities shall organize as a city selection committee for the purposes of subdivision (f), and shall be known as the city selection committee of the eastern region of Los Angeles County. The member appointed shall be either a mayor or a member of the city council of a city in the eastern region.

(8) A member appointed by the Mayor of the City of Los Angeles from among the members of the Los Angeles City Council.

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

(c) The member appointed by the Governor shall be either a physician who has training and experience in the health effects of air pollution, an environmental engineer, a chemist, a meteorologist, or a specialist in air pollution control.

(d) Each member shall be appointed on the basis of ~~his or her~~ *their* ability to attend substantially all meetings of the south coast

1 district board, to discharge all duties and responsibilities of a
2 member of the south coast district board on a regular basis, and to
3 participate actively in the affairs of the south coast district. ~~No A~~
4 member ~~may~~ *shall not* designate an alternate for any purpose or
5 otherwise be represented by another in ~~his or her~~ *their* capacity as
6 a member of the south coast district board.

7 (e) Each appointment by a board of supervisors shall be
8 considered and acted on at a duly noticed, regularly scheduled
9 hearing of the board of supervisors, which shall provide an
10 opportunity for testimony on the qualifications of the candidates
11 for appointment.

12 (f) The appointments by cities in the south coast district shall
13 be considered and acted on at a duly noticed meeting of the city
14 selection committee, which shall meet in a government building
15 and provide an opportunity for testimony on the qualifications of
16 the candidates for appointment. Each appointment shall be made
17 by not less than a majority of all the cities in the portion of the
18 county included in the south coast district having not less than a
19 majority of the population of all the cities in the portion of the
20 county included in the south coast district. Population shall be
21 determined on the basis of the most recent verifiable census data
22 developed by the Department of Finance. Persons residing in
23 unincorporated areas or areas of a county outside the south coast
24 district shall not be considered for the purposes of this subdivision.

25 (g) The members appointed by the Senate Committee on Rules
26 and the Speaker of the Assembly shall have one or more of the
27 qualifications specified in subdivision (c) or shall be a public
28 member. None of those appointed members may be a locally
29 elected official.

30 (h) All members shall be residents of the district.

31 (i) (1) The member who was serving on the district board as
32 of June 1, 2007, who had been appointed to represent the eastern
33 region of Los Angeles County shall be deemed on January 1, 2008,
34 to be the member appointed to represent the western region of Los
35 Angeles County pursuant to paragraph (6) of subdivision (a) and
36 shall serve from January 1, 2008, until the end of the term of office
37 for the member who had been appointed to represent the western
38 region of Los Angeles County. At the end of that term, the city
39 selection committee of the western region of Los Angeles County

1 shall make an appointment pursuant to paragraph (6) of subdivision
2 (a).

3 (2) The member who was serving on the district board as of
4 June 1, 2007, who had been appointed to represent the western
5 region of Los Angeles County shall be deemed on January 1, 2008,
6 to be the member appointed pursuant to paragraph (8) of
7 subdivision (a) until the end of that member's term. At the end of
8 that term, the Mayor of the City of Los Angeles shall make an
9 appointment pursuant to paragraph (8) of subdivision (a).

10 (3) On or after January 1, 2008, the city selection committee of
11 the eastern region of Los Angeles County shall convene promptly
12 to make an appointment pursuant to paragraph (7) of subdivision
13 (a).

14 *SEC. 2. Section 40424 of the Health and Safety Code is*
15 *amended to read:*

16 40424. (a) Except as provided in subdivision (b), ~~seven~~ *eight*
17 members of the south coast district board shall constitute a quorum,
18 and no official action shall be taken by the south coast district
19 board except in the presence of a quorum and upon the affirmative
20 votes of a majority of the members of the south coast district board.

21 (b) Notwithstanding subdivision (a), whenever there are two
22 or more vacancies on the south coast district board, ~~six~~ *seven*
23 members shall constitute a quorum, and the two vacant positions
24 shall not be counted toward the majority required for official action
25 by the south coast district board. Thereafter, whenever at least one
26 of those vacancies is filled, the quorum and voting requirements
27 of subdivision (a) shall apply.

28 ~~SECTION 1. It is intent of the Legislature to enact subsequent~~
29 ~~legislation to increase environmental justice representation at a~~
30 ~~local level.~~

ATTACHMENT 3

State Legislation of Potential Interest to South Coast AQMD Week of 3-16-21

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
AB 363	Medina	Carl Moyer Memorial Air Quality Standards Attainment Program	Bill is problematic. South Coast and other large air districts already utilize online Moyer application systems and proposing a one-size fits all statewide system is duplicative, expensive and creates problems. CARB lacks experience administering local program and does not know local issues at play. This would hurt the autonomy of local air districts. Further, there is a need to update Carl Moyer funding guidelines. Prohibiting regulatory changes to Moyer until 2023 would be detrimental to this need.	Current version of bill detrimental to South Coast AQMD policy priorities. However, with amends. this bill might instead help air quality priorities.	OPPOSE (However, amends expected that may change recommendation)	Staff has had discussions with the sponsors of the bill. Amendments are expected that delete online application program and make other changes
AB 426	Bauer-Kahan	Toxic air contaminants.	This bill restates existing air district ISR authority, but also expands that authority as it relates to toxics. This bill must not interfere with existing ISR activity by South Coast AQMD, e.g. relating to warehouses.	If worded properly, this bill could possibly expand air district's ISR authority, as desired by BAAQMD. However, wording must be right so that it doesn't interfere with South Coast ISR efforts.	SUPPORT IF AMENDED	South Coast AQMD staff is working with BAAQD (sponsor) to secure amends that would prevent bill from interfering with South Coast ISR efforts.

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
AB 680	Burke	Greenhouse Gas Reduction Fund: California Just Transition Act.	This bill impacts how grant funding provided through the Greenhouse Gas Reduction Fund (e.g. AB 617 incentive funding) is awarded and dispersed.	This bill might impact the funding of air quality projects within the South Coast region.	No current recommended position	Monitor bill for now. Potentially engage to provide technical input.
AB 833	Quirk-Silva	State government: grants: administrative costs.	This bill limits the amount of admin. costs a local government/agency is allowed to receive with regard to a state grant and provides that no more than 5 percent of grant funds may be used for admin. costs.	This bill might impact South Coast AQMD's ability to fund air quality projects within the South Coast region.	No current recommended position	Monitor bill for now. Potentially engage to provide technical input.
AB 905	Quirk	Mobile fueling on-demand tank vehicles: performance standards.	This bill removes local air districts' authority to regulate mobile fueling on-demand tank ("ODT") vehicles and would instead require CARB to regulate mobile fueling ODT vehicles as a mobile source, adopt regulations to control emissions attributable to mobile fueling ODT vehicles and certify equipment for those vehicles.	This bill undermines local control of air districts and would result in reduced enforcement and increased emissions with respect to mobile fueling activity within the South Coast region.	OPPOSE	Staff would recommend that efforts be made to oppose this bill, to allow local air districts to retain their existing authority to properly regulate mobile fueling activity to prevent a detrimental increase in emissions within the South Coast region.

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
AB 1205	Frazier	State Air Resources Board: elections.	This bill states the intent of the Legislature to enact legislation requiring that all members of the CARB Board be elected, rather than appointed.	This bill could impact South Coast AQMD Board Members and the agency's representation on the CARB Board.	No current recommended position	Monitor bill for now.
AB 1296	Kamlager	South Coast Air Quality Management District: district board: membership.	This bill increases number of South Coast AQMD Governing Board Members from 13 to 15 by adding two environmental justice appointees, one appointed by the Senate Rules Committee and one by the Assembly Speaker.	This bill directly impacts the South Coast AQMD Governing Board and the number of state appointed members on the Board.	No current recommended position	Monitor bill for now.
SB 342	Gonzalez	South Coast Air Quality Management District: board membership.	This bill increases number of South Coast AQMD Governing Board Members from 13 to 15 by adding two environmental justice appointees, one appointed by the Senate Rules Committee and one by the Assembly Speaker.	This bill directly impacts the South Coast AQMD Governing Board and the number of state appointed members on the Board.	No current recommended position	Monitor bill for now.
**AB 1346	Berman	TBD	South Coast AQMD staff was informed that bill will be gutted and amended to require CARB to ban sale of small internal combustion lawn and garden equipment by 2024 + incentive package.	TBD	No current recommended position	Monitor bill in anticipation of new amended bill content.

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
AB 1523	Gallagher	Greenhouse gases.	This bill revises the California Global Warming Solutions Act of 2006 by designating each air district with the responsibility of regulating all sources, other than vehicular sources, of GHG emissions within its jurisdiction.	This bill could expand the authority and responsibilities of the South Coast AQMD.	No current recommended position	Monitor bill for now.
**AB 1547	Reyes	Air pollution: warehouse facilities.	South Coast AQMD staff was informed that this bill will be a vehicle for new Indirect Source Rule authority for CARB.	TBD	No current recommended position	Monitor bill in anticipation of new amended bill content.
SB 596	Becker	Greenhouse gases: cement and concrete production.	This bill requires that one or more communities located adjacent to a cement plant be selected for a community emissions reductions program pursuant to the AB 617 program.	This bill could impact air districts' local authority and autonomy to select and recommend future communities of need for the AB 617 program.	OPPOSE UNLESS AMENDED	Work to have the requirement in the bill that one or more communities located adjacent to a cement plant be selected for an AB 617 community be deleted from the bill.

ATTACHMENT 4

Federal Legislation of Potential Interest to South Coast AQMD Week of 3-16-21

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
<u>HR 1512</u>	Pallone (D-NJ), Tonko (D-NY), Rush (D-IL)	Climate Leadership and Environmental Action for Our Nation's (CLEAN) Future Act -- To build a clean and prosperous future by addressing the climate crisis, protecting the health and welfare of all Americans, and putting eht Nation on the path to a net-zero greenhouse gas economy by 2050, and for other purposes.	HR 1512 includes four bills with Governing Board positions related to electrification of Ports, clean microgrids, clean school buses, and air monitoring. Other provisions related to air quality.	This bill includes programs and policies that would help address federal sources of air pollution; provide funding opportunities for South Coast AQMD either directly or create programs to assist residents, especially within environmental justices communities and businesses; and seek to address workforce transition and labor issues in relation to technological changes. The 2023 AQMP includes residential and commercial building efficiencies as well as seeks to reduce emissions from mobile sources to reach attainment.	Work with Authors	In general, amendments will seek: * Add criteria air pollutants where appropriate throughout the bill. * Ensure federal policies and regulations do not over-reach local and State authority. * Ensure federal government takes responsibility for their assigned sources of air pollution and does not penalize local regions for attainment issues not within their control. * Request adequate levels of funding authorizations for programs.

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
HR 848	Thompson (D-CA) and 37 original co-sponsors	GREEN Act -- To amend the Internal Revenue Code of 1986 to provide incentives for renewable energy and energy efficiency, and for other purposes.	The bill includes tax credits for residential and commercial buildings and a 10% tax credit for manufacturers of zero-emission medium- and heavy-duty vehicles per vehicle sold (after rebates and other incentives are deducted and not to exceed \$100K).	This bill would help incentivize the purchase of zero-emission medium-and heavy-duty trucks. It also would renew and extend tax credits to help residents and businesses improve home and building efficiencies and utilize renewable sources of energy.	Work with Authors	At this point in time, there are no specific amendment requests. This bill is limited in scope and staff have been told that the discussion on point-of-sale incentives for fleet and independent owner, operators would be considered separately as will the federal excise tax issues.

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
TBD	Grijalva (AZ-D) and 39 cosponsors	Ocean-Based Climate Solutions Act of 2020 - it is expected that this bill will be reintroduced in the 117th Congress. To direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to provide for ocean-based climate solutions to reduce carbon emissions and global warming; to make coastal communities more resilient; and to provide for the conservation and restoration of ocean and coastal habitats, biodiversity, and marine mammal and fish populations; and for other purposes.	This bill includes language regarding vessel speed reduction for marine mammal protection and to reduce both air pollutants and greenhouse gas emissions.	This bill could help address NOx emissions from ocean-going vessels (OGV) and spur greater investment and research into cleaner ocean-going vessels.	Work with Authors	<p>Bill is under review and three sections have been identified for potential amendments:</p> <ul style="list-style-type: none"> * Section 802 - focuses on seasonal vessel speed reductions to protect marine mammals; * Section 1401 - requires monitoring, reporting, and verification for vessels of 5,000 gross tons or more calling at, leaving, or transiting between, or at berth at, in the US, regardless of flag. Reporting metrics focus on CO2 and collect data such as amount of bunker fuel, periodic stock takes of fuel tanks and flowmeters for applicable combustion processes. Potential amendment would include air monitoring for NOx & particulate matter and other data collection that would assist with criteria air pollutants and other issues. * Section 1402 - would create a voluntary vessel speed reduction program for OGVs of a certain size. Potential amendments would expand OGV participation to increase emissions reductions, ensure the air pollution control technological capabilities of OGVs are viable at engine loads below 25%, and seek NOAA, EPA & Coast Guard to study the issue of air pollution control for OGVs and lower engine loads.

Bill Number	Author	Subject Matter	Why Important to South Coast AQMD Staff	Why Governing Board Considering	Potential Recommended Position	What We Are Seeking (Brief Info on Potential Amendments)
TBD	Grijalva (AZ-D) and 77 cosponsors	Environmental Justice for All -- It is expected that this bill will be reintroduced in the 117th Congress. Some of the provisions of this bill were included in the House CLEAN Future Act. To restore, reaffirm, and reconcile environmental justice and civil rights, provide for the establishment of the Interagency Working Group on Environmental Justice Compliance and Enforcement, and for other purposes.	This bill is package to assist environmental justice. Provisions include a federal Environmental Justice Advisory Council including local representation from the public and government; small grants, training, a clearinghouse to provide program and grant information; and transition assistance for workers and communities dependent on fossil fuels.	This bill could assist South Coast AQMD environmental justice efforts by elevating the dialogue, authorizing small grants that could be potentially utilized by AB 617 and other communities, and providing more resources and training to build capacity.	Work with Authors	<p>Bill is under review and the following sections have been identified:</p> <ul style="list-style-type: none"> * Section 7 - consideration of cumulative impacts/persistent violations in certain permitting decisions * Section 8 - Interagency Working Group on EJ * Section 14 - protections for environmental justice communities against harmful Federal actions * Section 16 - grants * Section 18 - National Environmental Justice Advisory Council * Section 19 - Clearinghouse * Section 20 - public meetings * Section 21 - projects for communities * Section 27 - health research * Section 28 - just transition assistance * Section 29 - economic revitalization for just transition assistance