

ASSEMBLY BILL

No. 1101

Introduced by Assembly Member Oropeza

February 22, 2005

An act relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1101, as introduced, Oropeza. Air pollution: diesel magnet sources.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources, including stationary sources. Existing law establishes the Protect California Air Act of 2003, and provides that the primary mechanism for controlling stationary sources is the existing new source review program of the districts.

This bill would express the legislature's intent to define diesel magnet sources to include ports, airports, rail yards, distribution centers, and intermodal sites, and to establish the time frame for districts to review and, if necessary, revise policies and procedures, and for the largest diesel magnet sources to comply with the requirements applicable to traditional stationary sources. This bill would also make legislative findings and declarations relating to diesel magnet sources of air pollution.

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. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) The people of California have a right to know when
4 industrial or commercial operations result in emission of toxic air
5 contaminants that may pose a significant health risk to the people
6 exposed to those emissions.
- 7 (2) Existing law requires facilities whose operations result in
8 emission of toxic air contaminants to prepare inventories of those
9 emissions and submit them to the local air districts for
10 prioritization.
- 11 (3) Existing law also requires facilities that are designated
12 high priority to prepare health risk assessments, and if the
13 assessment shows the potential health risks to be significant, to
14 notify the public of those risks.
- 15 (4) Existing law further requires facilities that pose
16 unacceptably high risks to public health to prepare plans to
17 reduce those risks, and to implement the plans according to a
18 specified schedule.
- 19 (5) Traditional stationary sources, both large and small, have
20 already complied with these requirements by preparing
21 inventories of their emissions, and where applicable, preparing
22 health risk assessments, notifying the public, and implementing
23 risk reduction.
- 24 (6) Recent studies show that particle emissions in diesel
25 exhaust are highly toxic, and account for upwards of 70 percent
26 of the statewide cancer risk due to toxic pollutants in ambient air.
- 27 (7) Industrial and commercial operations that involve or attract
28 high levels of diesel traffic or other diesel engine use can pose
29 substantially higher risks to the public near the facilities.
- 30 (8) Available data indicate that these diesel magnet sources
31 may pose risks to the surrounding communities that are far
32 greater than risks posed by most traditional stationary sources,
33 and that far greater numbers of people are affected by the
34 emissions. These diesel magnet sources meet the statutory
35 definition of “facility” under existing law, but to date have not
36 submitted inventories or taken other actions in compliance with
37 existing statutes.

1 (9) Large diesel magnet sources should comply with
2 requirements to prepare and submit inventories of their
3 emissions, prepare health risks assessments, notify the public of
4 significant risks, and reduce unacceptably high risks.

5 (10) Local air pollution control districts and air quality
6 management districts should review policies and procedures that
7 implement existing law and, if necessary, revise them to
8 appropriately address large diesel magnet sources. Review of
9 existing policies and procedures, and the preparation of
10 inventories, health risk assessments, public notification, and risk
11 reduction should be carried out under a coordinated process and
12 schedule.

13 (b) It is the intent of the Legislature to define diesel magnet
14 sources to include ports, airports, rail yards, distribution centers,
15 and intermodal sites, and to establish the time frame for districts
16 to review and, if necessary, revise policies and procedures, and
17 for the largest diesel magnet sources to comply with these
18 requirements.