

**ASSEMBLY BILL**

**No. 2824**

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**Introduced by Assembly Member Ruskin**

February 24, 2006

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An act to add Section 49401 to the Education Code, and to add Sections 40721 and 40722 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2824, as introduced, Ruskin. Air pollution mapping: high-risk facilities: schools.

(1) 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. Existing law permits every district board to establish, by regulation, a permit system that requires that before any person builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance that may cause the issuance of air contaminants, the person obtain a permit to do so from the air pollution control officer of the district. Existing law provides that prior to approving an application for a permit to construct or modify a source that emits hazardous air emissions, which source is located within 1,000 feet of a schoolsite, the air pollution control officer shall prepare a public notice describing the proposed project. Existing law specifies that if the air pollution control officer determines there is a reasonably foreseeable threat of a release of an air contaminant from a

source within 1,000 feet of a school and that impacts persons at the school, the officer shall notify the administering agency and the fire department having jurisdiction over the school, as provided.

This bill would require each district, on or before January 1, 2008, to identify any potential high-risk facilities located within a 1,000-foot radius of each school within the district, and to provide to specified agencies a list of those high-risk facilities. The bill would require the district to work with specified agencies to ensure that high-risk facilities are operated in a manner that does not endanger the health and safety of school occupants, and would require the district to create maps identifying each school, and each high-risk facility located within a 1,000-foot radius of each school, that are located in the district. The bill would require each district to post the maps at the district office and make the maps available to school districts and the public. The bill would, on or before January 1, 2008, require each state or local agency with jurisdiction over the regulation, permitting, inspection, or enforcement of the listed high-risk facilities to prioritize the order of inspection, permitting, and enforcement to issue permits, inspect, or enforce those facilities before other facilities. The bill would require each district to annually submit a specified report to the Legislature and the state board relating to permits.

This bill would require each school district to make available to the public at the school district office and at each school within the school district, maps identifying those high-risk facilities. The bill would, to the extent that the school district maintains an Internet Web site, require the maps be made available in electronic format on that site at the earliest practicable date. The bill would permit a school district or school to charge the actual costs of providing copies of the maps to the person requesting the copies.

Because this bill would impose additional requirements on local agencies, this bill would create a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 49401 is added to the Education Code,  
2 to read:  
3 49401. Each school district shall make available to the public  
4 at the school district office and at each school within the school  
5 district, maps provided to the school district pursuant to Section  
6 40721 of the Health and Safety Code. To the extent that the  
7 school district maintains an Internet Web site, the maps shall be  
8 made available in electronic format on that site at the earliest  
9 practicable date. The school district or school may charge the  
10 actual costs of providing copies of the maps to the person  
11 requesting the copy, pursuant to the California Public Records  
12 Act (Chapter 3.5 (commencing with Section 6250) of Division 7  
13 of Title 1 of the Government Code).  
14 SEC. 2. Section 40721 is added to the Health and Safety  
15 Code, to read:  
16 40721. (a) On or before January 1, 2008, each district shall  
17 do all of the following:  
18 (1) Secure from the relevant agencies, including, but not  
19 limited to, the United States Environmental Protection Agency,  
20 the state board, the Department of Toxic Substances Control, city  
21 and county fire departments, the county department of public  
22 works, and the city planning departments, all pertinent land-use  
23 records that identify high-risk facilities situated within a  
24 1,000-foot radius of each school within the district.  
25 (2) Complete both an inspection of the appropriate records and  
26 a physical survey of the area surrounding each school to identify  
27 any potential high-risk facilities within a 1,000-foot radius of  
28 each school within the district.  
29 (3) Provide the appropriate regulatory agencies, including, but  
30 not limited to, those agencies listed in paragraph (1), with a list  
31 of high-risk facilities within the district and the locations of those  
32 high-risk facilities. The district shall work with each agency  
33 listed in paragraph (1) to ensure that high-risk facilities are  
34 operated in a manner that does not endanger the health and safety  
35 of school occupants.

1 (b) On or before January 1, 2008, each state or local agency  
2 with jurisdiction over the regulation, permitting, inspection, or  
3 enforcement of listed high-risk facilities shall do both of the  
4 following:

5 (1) Prioritize the order of inspection of the listed high-risk  
6 facilities before other facilities, and among those listed high-risk  
7 facilities, inspect those that emit the most air contaminants first.

8 (2) Prioritize the order of permitting, and the order of  
9 enforcement of district rules, for the listed high-risk facilities  
10 before other facilities.

11 (c) (1) On or before January 1, 2008, each district shall create  
12 maps that identify all of the following information:

13 (A) Each school within the district.

14 (B) The name and address of all high-risk facilities that are  
15 located within a 1,000-foot radius of each school.

16 (C) The mapped location of each school within the district,  
17 and the mapped locations of those high-risk facilities.

18 (2) The district shall post the maps at the district office and  
19 shall make the maps available to each school district and to the  
20 public. To the extent that the district maintains an Internet Web  
21 site, the maps shall be made available in electronic format on the  
22 Internet Web site at the earliest practicable date.

23 (d) As used in this section, the following definitions apply:

24 (1) "High-risk facility" means any stationary source with a  
25 potential to generate, emit, or discharge any emissions into the  
26 ambient air of air contaminants that have been identified as a  
27 toxic air contaminant by the state board or by the air pollution  
28 control officer, including, but not limited to, any substance  
29 identified in subdivisions (a) to (f), inclusive, of Section 44321,  
30 and any substance identified in Section 25316.

31 (2) "School" shall have the same meaning as defined in  
32 subdivision (a) of Section 42301.9.

33 SEC. 3. Section 40722 is added to the Health and Safety  
34 Code, to read:

35 40722. On or before January 1, 2008, and by January 1  
36 annually thereafter, each district shall submit a report to the  
37 Legislature and the state board that includes all of the following:

38 (a) The number and type of permits issued within the district  
39 for the previous year, and to whom the permits were issued.

1 (b) A list of pending applicants for permits, including the  
2 names and addresses of the pending applicants, the length of time  
3 the applicants have been waiting for a permit, and the expected  
4 date of issuance of a permit for each applicant.

5 (c) The number of inspections conducted the previous year,  
6 and the name and address of the facilities where the inspections  
7 were conducted.

8 (d) A list of all notices to comply and notices of violations  
9 issued the previous year, and an indication of whether those  
10 persons or facilities have come into compliance.

11 (e) The district's progress in complying with the requirements  
12 of Section 40421.

13 SEC. 4. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.

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