

Introduced by Senator LowenthalFebruary 22, 2005

An act to add Sections 40459.2 and 40459.3 to the Health and Safety Code, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as introduced, Lowenthal. Air resources: South Coast Air Quality Management District: ports.

(1) Existing law provides for the regulation of ports and harbors. Existing law, the Lewis-Presley Air Quality Management Act, establishes the South Coast Air Quality Management District (south coast district) as the sole and exclusive local agency within those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino that are included within the South Coast Air Basin.

This bill would require the Port of Los Angeles and the Port of Long Beach to develop a baseline for air quality for their respective ports, in consultation with specified agencies. This bill would require the air quality baseline to be based on the level of emissions from specified sources, and would require the Port of Los Angeles and the Port of Long Beach to hold public hearings on the baseline data and discuss potential mitigation and control measures to reduce emissions from sources at the port, develop a date for which it will meet their 2001 baseline for each source listed, which shall be no later than January 1, 2008, and report to the south coast district and the State Air Resources Board regarding the port's compliance, as specified.

This bill would also make legislative findings and declarations relating to air quality.

(2) This bill would make findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 or Article IV of the California Constitution.

(3) 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.

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

3 (a) Exhaust fumes from diesel fuel are known to cause cancer.

4 (b) A landmark study conducted by the South Coast Air
5 Quality Management District, the “Multiple Air Toxics Exposure
6 Study,” found that 70 percent of all serious health risks
7 attributable to mobile pollution sources are attributable to diesel
8 engine exhaust.

9 (c) The federal Clean Air Act (42 U.S.C. Sec. 7401, et seq.)
10 requires certain regions that have high levels of air pollution
11 demonstrate that construction of new highways will not worsen
12 air pollution.

13 SEC. 2. Section 40459.2 is added to the Health and Safety
14 Code, to read:

15 40459.2. The Port of Los Angeles shall develop a baseline for
16 air quality for the port. In developing this baseline, the port shall
17 consult with the south coast district, the state board and any other
18 state or federal agency necessary to compile an accurate baseline
19 inventory.

20 (a) The air quality baseline shall be based on data collected by
21 the port regarding the level of emissions in the port during 2001
22 from all of the following sources:

23 (1) Oceangoing vessels and harbor craft.

24 (2) Cargo handling equipment.

25 (3) Rail locomotives.

26 (4) Commercial motor vehicles, as defined in subdivision (b)
27 of Section 15210 of the Vehicle Code.

1 (b) The air quality baseline shall be based on data collected by
2 the port regarding the level of emissions in the port during 2001
3 from all of the following air pollutants:

- 4 (1) Oxides of nitrogen (NO_x).
- 5 (2) Carbon monoxide (CO).
- 6 (3) PM 2.5 and PM10, as defined in Section 39614.
- 7 (4) Particulate matter from diesel fuel.
- 8 (5) Sulfur dioxide (SO₂).

9 (c) The Port of Los Angeles shall hold public hearings on the
10 baseline data and discuss potential mitigation and control
11 measures to reduce emissions from sources at the port.

12 (d) The Port of Los Angeles shall conduct an annual emission
13 inventory, beginning January 1, 2006, for emission year 2005,
14 and each year thereafter, in order to compare the current
15 emissions versus the 2001 emission baseline.

16 (e) The Port of Los Angeles shall develop a date for which it
17 will meet its 2001 baseline for each source listed, which shall be
18 no later than January 1, 2008.

19 (f) On January 1, 2007, and on January 1 of each year
20 thereafter, the Port of Los Angeles shall report to the south coast
21 district and the state board regarding the port's compliance with
22 subdivision (d), including, but not limited to, an accounting of
23 the port's programs and efforts that are directed towards that
24 compliance.

25 (g) Nothing in this section prevents the state board or the south
26 coast district from adopting and implementing regulations for
27 any source at any port in this state.

28 SEC. 3. Section 40459.3 is added to the Health and Safety
29 Code, to read:

30 40459.3. The Port of Long Beach shall develop a baseline for
31 air quality for the port. In developing this baseline, the port shall
32 consult with the south coast district, the state board and any other
33 state or federal agency necessary to compile an accurate baseline
34 inventory.

35 (a) The air quality baseline shall be based on data collected by
36 the port regarding the level of emissions in the port during 2002
37 from all of the following sources:

- 38 (1) Oceangoing vessels and harbor craft.
- 39 (2) Cargo handling equipment.
- 40 (3) Rail locomotives.

1 (4) Commercial motor vehicles, as defined in subdivision (b)
2 of Section 15210 of the Vehicle Code.

3 (b) The air quality baseline shall be based on data collected by
4 the port regarding the level of emissions in the port during 2002
5 from all of the following air pollutants:

6 (1) Oxides of nitrogen (NO_x).

7 (2) Carbon monoxide (CO).

8 (3) PM 2.5 and PM10, as defined in Section 39614.

9 (4) Particulate matter from diesel fuel.

10 (5) Sulfur dioxide (SO₂).

11 (c) The Port of Long Beach shall hold public hearings on the
12 baseline data and discuss potential mitigation and control
13 measures to reduce emissions from sources at the port.

14 (d) The Port of Long Beach shall conduct an annual emission
15 inventory, beginning January 1, 2006, for emission year 2005,
16 and each year thereafter, in order to compare the current
17 emissions versus the 2002 emission baseline.

18 (e) The Port of Long Beach shall develop a date for which it
19 will meet their 2002 baseline for each source listed, which shall
20 be no later than January 1, 2008.

21 (f) On January 1, 2007, and on January 1 of each year
22 thereafter, the Port of Long Beach shall report to the south coast
23 district and the state board the port's compliance with subdivision
24 (e), including, but not limited to, an accounting of the port's
25 programs and efforts that are directed towards that compliance.

26 (g) Nothing in this section prevents the state board or the south
27 coast district from adopting and implementing regulations for
28 any source at any port in this state.

29 SEC. 4. The Legislature finds and declares that due to the
30 unique circumstances relating to air quality in port areas in the
31 South Coast Air Quality Management District, a statute of
32 general applicability cannot be enacted within the meaning of
33 subdivision (b) of Section 16 of Article IV of the California
34 Constitution.

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

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