

Introduced by Senator FlorezFebruary 8, 2006

An act to add Section 42403.3 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1252, as introduced, Florez. Air pollution: penalties: particulate matter.

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 designates the state board as the air pollution control agency for all purposes set forth in federal law, and provides that the state agency is responsible for the preparation of the state implementation plan required by the federal Clean Air Act, as provided. Existing law requires the state board to adopt standards, rules, and regulations necessary for the proper execution of powers and duties granted to, and imposed upon, the state board by law. Existing state board regulations establish ambient air quality standards for suspended particulate matter (PM 10) and fine suspended particulate matter (PM 2.5). Existing law requires each district to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under the districts' jurisdiction. Existing law generally provides that a violation of rules, regulations, and laws relating to air pollution is a crime.

This bill would permit the state board or any district to impose, in addition to any other civil and criminal penalties, a civil penalty of not

more than \$25,000 per violation for any discharge of specified particulate matter in violation of state or federal ambient air quality standards. The bill would, on and after January 1, 2010, increase the penalty to not more than \$50,000. The bill would also state that the intent of the Legislature is to ensure that penalties that formerly could be imposed under the federal Clean Air Act for a violation of particulate matter standards be provided by this bill.

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

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

1 SECTION 1. Section 42403.3 is added to the Health and
2 Safety Code, to read:

3 42403.3. (a)Notwithstanding any other provision of law, and
4 in addition to any civil and criminal penalties prescribed under
5 this article, the state board or any district may impose an
6 additional civil penalty of not more than twenty-five thousand
7 dollars (\$25,000) per violation for any discharge of PM 2.5 or
8 PM 10 in violation of state or federal ambient air quality
9 standards. On and after January 1, 2010, the penalty specified in
10 this subdivision shall increase to not more than fifty thousand
11 dollars (\$50,000).

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

14 (1) “PM 2.5” has the same meaning as fine suspended
15 particulate matter as set forth in subdivision (k) of Section 70100
16 of Title 17 of the California Code of Regulations.

17 (2) “PM 10” has the same meaning as suspended particulate
18 matter as set forth in subdivision (j) of Section 70100 of Title 17
19 of the California Code of Regulations.

20 (c) It is the intent of the Legislature in enacting this section to
21 ensure that penalties that formerly could be imposed under the
22 federal Clean Air Act for a violation of particulate matter
23 standards be provided by this section.

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