

Senate Bill No. 1662

CHAPTER 725

An act relating to air pollution.

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1662, Cox. Air districts: emission reduction offsets: Sacramento metro federal nonattainment area.

Under existing law, increases in emissions of air pollutants at a stationary source located in an air pollution control district or air quality management district may be offset by emission reductions credited to a stationary source located in another district if both stationary sources are located in the same air basin.

This bill would allow one stationary source located in the El Dorado County Air Quality Management District, to be determined by the El Dorado County Air Quality Management District, to offset increases in emissions by emission reductions credited to any stationary source located in the Sacramento Metropolitan Air Quality Management District if both stationary sources are in the Sacramento metro federal nonattainment area.

This bill would state the findings and declarations of the Legislature concerning the need for special legislation.

The bill would impose a state-mandated local program by imposing new duties on the districts relative to determining the applicability of the offsets.

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.

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

SECTION 1. (a) Increases in emissions of air pollutants at one stationary source located in the El Dorado County Air Quality Management District, to be determined by the El Dorado County Air Quality Management District pursuant to subdivision (d), may be offset by emission reductions credited to any stationary source located in the Sacramento Metropolitan Air Quality Management District, if both the stationary source in the El Dorado County Air Quality Management District and the stationary source or sources in the Sacramento Metropolitan Air Quality Management District are in the Sacramento metro federal nonattainment area.

(b) The requirements of Section 40709.6 of the Health and Safety Code, except subdivision (a) of that section, shall apply to any offsetting of emissions pursuant to this section.

(c) Before authorizing any offsetting of emissions pursuant to this section, the El Dorado County Air Quality Management District shall prepare and certify an environmental impact report pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code, including an analysis of, and mitigation for, the environmental impacts.

(d) The El Dorado County Air Quality Management District shall select one and only one stationary source located in the district that shall be able to offset emissions pursuant to this section. That stationary source shall only be allowed to offset emissions pursuant to this section until January 1, 2010. However, any credits acquired pursuant to this section before that date may be applied to offset emissions from that stationary source in future years, at the discretion of the El Dorado County Air Quality Management District.

SEC. 2. Due to unique circumstances concerning the Sacramento metro federal nonattainment area, the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 3. 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.