

Introduced by Senator Steinberg

February 18, 2011

An act to amend Section 44299.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as introduced, Steinberg. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program to provide grants to offset the incremental cost of projects that reduce covered emissions from covered sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. The program requires that funds be allocated to local air pollution control and air quality management districts, and that funds be distributed as expeditiously as reasonably practicable, and a report of the distribution be made available to the public.

This bill would require this report to be made available at least annually.

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 44299.2 of the Health and Safety Code
- 2 is amended to read:

1 44299.2. Funds shall be allocated to local air pollution control
2 and air quality management districts, and shall be subject to
3 administrative terms and conditions as follows:

4 (a) Available funds shall be distributed to districts taking into
5 consideration the population of the area, the severity of the air
6 quality problems experienced by the population, and the historical
7 allocation of the Carl Moyer Memorial Air Quality Standards
8 Attainment Trust Fund, except that the south coast district shall
9 be allocated a percentage of the total funds available to districts
10 that is proportional to the percentage of the total state population
11 residing within the jurisdictional boundaries of that district. For
12 the purposes of this subdivision, population shall be determined
13 by the state board based on the most recent data provided by the
14 Department of Finance. The allocation to the south coast district
15 shall be subtracted from the total funds available to districts. Each
16 district, except the south coast district, shall be awarded a minimum
17 allocation of two hundred thousand dollars (\$200,000), and the
18 remainder, which shall be known as the “allocation amount,” shall
19 be allocated to all districts as follows:

20 (1) The state board shall distribute 35 percent of the allocation
21 amount to the districts in proportion to the percentage of the total
22 residual state population that resides within each district’s
23 boundaries. For purposes of this paragraph, “total residual state
24 population” means the total state population, less the total
25 population that resides within the south coast district.

26 (2) The state board shall distribute 35 percent of the allocation
27 amount to the districts in proportion to the severity of the air quality
28 problems to which each district’s population is exposed. The
29 severity of the exposure shall be calculated as follows:

30 (A) Each district shall be awarded severity points based on the
31 district’s attainment designation and classification, as most recently
32 promulgated by the federal Environmental Protection Agency for
33 the National Ambient Air Quality Standard for ozone averaged
34 over eight hours, as follows:

35 (i) A district that is designated attainment for the federal
36 eight-hour ozone standard shall be awarded one point.

37 (ii) A district that is designated nonattainment for the federal
38 eight-hour ozone standard shall be awarded severity points based
39 on classification. Two points shall be awarded for transitional,
40 basic, or marginal classifications, three points for moderate

1 classification, four points for serious classification, five points for
2 severe classification, six points for severe-17 classification, and
3 seven points for extreme classification.

4 (B) Each district shall be awarded severity points based on the
5 annual diesel particulate emissions in the air basin, as determined
6 by the state board. One point shall be awarded to the district, in
7 increments, for each 1,000 tons of diesel particulate emissions. In
8 making this determination, 0 to 999 tons shall be awarded no
9 points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
10 2,999 tons shall be awarded two points, and so forth. If a district
11 encompasses more than one air basin, the air basin with the greatest
12 diesel particulate emissions shall be used to determine the points
13 awarded to the district. The San Diego County Air Pollution
14 Control District and the Imperial County Air Pollution Control
15 District shall be awarded one additional point each to account for
16 annual diesel particulate emissions transported from Mexico.

17 (C) The points awarded under subparagraphs (A) and (B), shall
18 be added together for each district, and the total shall be multiplied
19 by the population residing within the district boundaries, to yield
20 the local air quality exposure index.

21 (D) The local air quality exposure index for each district shall
22 be summed together to yield a total state exposure index. Funds
23 shall be allocated under this paragraph to each district in proportion
24 to its local air quality exposure index divided by the total state
25 exposure index.

26 (3) The state board shall distribute 30 percent of the allocation
27 amount to the districts in proportion to the allocation of funds from
28 the Carl Moyer Memorial Air Quality Standards Attainment Trust
29 Fund, as follows:

30 (A) Because each district is awarded a minimum allocation
31 pursuant to subdivision (a), there shall be no additional minimum
32 allocation from the Carl Moyer historical allocation funds. The
33 total amount allocated in this way shall be subtracted from total
34 funding previously awarded to the district under the Carl Moyer
35 Memorial Air Quality Standards Attainment Program, and the
36 remainder, which shall be known as directed funds, shall be
37 allocated pursuant to subparagraph (B).

38 (B) Each district with a population that is greater than or equal
39 to 1 percent of the state's population shall receive an additional
40 allocation based on the population of the district and the district's

1 relative share of emission reduction commitments in the State
2 Implementation Plan to attain the National Ambient Air Quality
3 Standard for ozone averaged over one hour. This additional
4 allocation shall be calculated as a percentage share of the directed
5 funds for each district, derived using a ratio of each district's share
6 amount to the base amount, which shall be calculated as follows:

7 (i) The base amount shall be the total Carl Moyer program funds
8 allocated by the state board to the districts in the 2002–03 fiscal
9 year, less the total of the funds allocated through the minimum
10 allocation to each district in the 2002–03 fiscal year.

11 (ii) The share amount shall be the allocation that each district
12 received in the 2002–03 fiscal year, not including the minimum
13 allocation. There shall be one share amount for each district.

14 (iii) The percentage share shall be calculated for each district
15 by dividing the district's share amount by the base amount, and
16 multiplying the result by the total directed funds available under
17 this subparagraph.

18 (b) Funds shall be distributed as expeditiously as reasonably
19 practicable, and a report of the distribution shall be made available
20 to the public *at least annually*.

21 (c) All funds allocated pursuant to this section shall be expended
22 as provided in the guidelines adopted pursuant to Section 44287
23 within two years from the date of allocation. Funds not expended
24 within the two years shall be returned to the Covered Vehicle
25 Account within 60 days and shall be subject to further allocation
26 as follows:

27 (1) Within 30 days of the deadline to return funds, the state
28 board shall notify the districts of the total amount of returned funds
29 available for reallocation, and shall list those districts that request
30 supplemental funds from the reallocation and that are able to
31 expend those funds within one year.

32 (2) Within 90 days of the deadline to return funds, the state
33 board shall allocate the returned funds to the districts listed
34 pursuant to paragraph (1).

35 (3) All supplemental funds distributed under this subdivision
36 shall be expended consistent with the Carl Moyer Air Quality
37 Standards Attainment Program within one year of the date of
38 supplemental allocation. Funds not expended within one year shall
39 be returned to the Covered Vehicle Account and shall be distributed
40 at the discretion of the state board to districts, taking into

1 consideration of each district's ability to expeditiously utilize the
2 remaining funds consistent with the Carl Moyer Air Quality
3 Standards Attainment Program.

4 (d) This section shall remain in effect only until January 1, 2015,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2015, deletes or extends that date.

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