

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE MAY 20, 2013

AMENDED IN SENATE APRIL 29, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 760

Introduced by Senator Wright

February 22, 2013

An act to add Section 40709.8 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 760, as amended, Wright. Electrical generation facility: emission reduction credits.

Existing law requires every air pollution control and air quality management district board to establish a system by which all reductions in the emission of air contaminants that are to be used to offset certain future increases in the emission of air contaminants to be banked prior to use to offset future increases in emissions. Existing law designates the State Air Resources Board as the responsible agency for the preparation of the state implementation plan required by the federal Clean Air Act.

This bill would prohibit every air pollution control and air quality management district that has established an emission reduction credit program, as specified, from imposing any conditions to physically destroy existing equipment that may be currently operating or not operating that is or will be retired at an electrical generation facility unless the owner or operator retires that equipment to provide emission reduction credits, emission offsets, or an offset exemption from the

district or the new source review program of the federal Clean Air Act otherwise requires. *The bill would require an air pollution control or air quality management district implementing this provision to recover any incurred costs from existing applicable fees.* By imposing new duties on air pollution control and air quality management districts, this bill would impose a state-mandated local program.

~~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.~~

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. Section 40709.8 is added to the Health and Safety
- 2 Code, to read:
- 3 40709.8. (a) A district that has established a system pursuant
- 4 to Section 40709 by which reductions in emissions may be banked
- 5 or otherwise credited to offset future increases in the emissions of
- 6 air contaminants, or that utilizes a calculation method that enables
- 7 internal emissions reductions to be credited against increases in
- 8 emissions, shall not impose any conditions to physically destroy
- 9 existing equipment that may be currently operating or not operating
- 10 that is or will be retired at an electrical generation facility unless
- 11 either of the following applies:
- 12 (a)
- 13 (1) The owner or operator retires that equipment to provide
- 14 emission reduction credits, emission offsets, or an offset exemption
- 15 from the district.
- 16 (b)

1 (2) The new source review program of the federal Clean Air
2 Act (42 U.S.C. Sec. 7401 et seq.) requires the imposition of such
3 a condition.

4 (b) *Any costs incurred by a district in implementing this section*
5 *shall be recovered from existing applicable fees.*

6 ~~SEC. 2.— If the Commission on State Mandates determines that~~
7 ~~this act contains costs mandated by the state, reimbursement to~~
8 ~~local agencies and school districts for those costs shall be made~~
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
10 ~~4 of Title 2 of the Government Code.~~

11 *SEC. 2. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *a local agency or school district has the authority to levy service*
14 *charges, fees, or assessments sufficient to pay for the program or*
15 *level of service mandated by this act, within the meaning of Section*
16 *17556 of the Government Code.*