

AMENDED IN ASSEMBLY MAY 16, 1995
AMENDED IN ASSEMBLY APRIL 26, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1027

Introduced by Assembly Member Aguiar

February 23, 1995

An act to amend ~~Sections 39607, 40920, 40924, and 40925.5 of, to repeal Section 41503.1 of, and to repeal and add Section 40914 of, Section 39607 of~~ the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1027, as amended, Aguiar. Air pollution: attainment plans: reports.

(1) Existing law requires the State Air Resources Board to establish criteria for designating air basin attainment or nonattainment for any state ambient air quality standard, as specified. Existing law requires *each* air pollution control ~~districts~~ *district* and air quality management ~~districts~~ *district*, ~~on or before December 31, 1994, and once every 3 years thereafter,~~ to report to the state board, and make available to the public, its progress toward the attainment of state ambient air standards, ~~as measured by 2 or more standards of measurement, as determined by the state board~~ *specified*.

Existing law requires district attainment plans to achieve a 5% reduction in emissions per year, except as specified, and

requires districts with severe air pollution to reduce overall population exposure to ambient pollutant levels, as specified.

~~This bill would delete those requirements, and would require that district plans be designed to achieve specified reductions in population exposure, as defined, and as determined by the district in connection with its triennial plan review and revision, thereby imposing a state-mandated local program by imposing new duties on the districts. The bill would require the state board to identify levels of population exposure in specified years.~~

~~(2) Existing law requires that certain districts be designated nonattainment-transitional under specified circumstances, and requires those districts to review plans for attaining the state ozone standard and determine whether stationary source control measures scheduled for adoption in the next 3 years are needed.~~

~~This bill would require those districts to determine whether stationary source control measures scheduled for adoption or implementation in the next 3 years are needed.~~

~~(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.~~

This bill would require the state board to establish by July 1, 1996, a uniform methodology for use by districts in assessing population exposure to pollutants, estimating reductions in exposure, and establishing means to reduce exposure, as specified.

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

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

- 1 SECTION 1. Section 39607 of the Health and Safety
- 2 Code is amended to read:
- 3 39607. The state board shall:
- 4 (a) Establish a program to secure data on air quality in
- 5 each air basin established by the state board.



1 (b) Inventory sources of air pollution within the air
2 basins of the state and determine the kinds and quantity
3 of air pollutants, including, but not limited to, the
4 contribution of natural sources of emissions, to the extent
5 feasible and necessary to carry out the purposes of this
6 chapter. The state board shall use, to the fullest extent,
7 the data of local agencies and other state and federal
8 agencies in fulfilling this purpose.

9 (c) Monitor air pollutants in cooperation with districts
10 and with other agencies to fulfill the purpose of this
11 division.

12 (d) Adopt test procedures to measure compliance
13 with its nonvehicular emission standards and those of
14 districts.

15 (e) Establish and periodically review criteria for
16 designating an air basin attainment or nonattainment for
17 any state ambient air quality standard set forth in Section
18 70200 of Title 17 of the California Code of Regulations. In
19 developing and reviewing these criteria, the state board
20 shall consider instances where there is poor or limited
21 ambient air quality data, and shall consider highly
22 irregular or infrequent violations. The state board shall
23 provide an opportunity for public comment on the
24 proposed criteria, and shall adopt the criteria after a
25 public hearing.

26 (f) Evaluate, in consultation with the districts and
27 other interested parties, air quality-related indicators
28 which may be used to measure or estimate progress in the
29 attainment of state standards and establish a list of
30 approved indicators. On or before July 1, 1993, the state
31 board shall identify one or more air quality indicators to
32 be used by districts in assessing progress as required by
33 subdivision (b) of Section 40924. The state board shall
34 continue to evaluate the prospective application of air
35 quality indicators and, upon a finding that adequate air
36 quality modeling capability exists, shall identify one or
37 more indicators which may be used by districts in
38 ~~addition to the improvement in population exposure~~ *lieu*
39 *of the annual emission reductions* mandated by
40 subdivision (a) of Section 40914. In no case shall any



1 indicator be less *stringent or less* protective, on the basis
2 of overall health protection, than the ~~improvement in~~
3 ~~population exposure specified~~ *annual emission reduction*
4 *requirement* in subdivision (a) of Section 40914.

5 ~~SEC. 2. Section 40914 of the Health and Safety Code~~
6 ~~is repealed.~~

7 ~~SEC. 3. Section 40914 is added to the Health and~~
8 ~~Safety Code, to read:~~

9 40914. (a) Each ~~district plan shall be designed to~~
10 ~~achieve reasonable annual reductions in population~~
11 ~~exposure, as determined by the district board in~~
12 ~~connection with the district's triennial assessment,~~
13 ~~review, and revision of its attainment plan pursuant to~~
14 ~~Sections 40924 and 40925. In making that determination,~~
15 ~~the district board shall consider all of the following:~~

16 (1) ~~The effect on population exposure of emission~~
17 ~~reductions from stationary, transportation, and areawide~~
18 ~~emission sources.~~

19 (2) ~~The cost-effectiveness of the district's air quality~~
20 ~~programs, rules, regulations, and enforcement practices;~~
21 ~~as well as the costs and benefits of all additional district,~~
22 ~~state, and federal regulatory actions necessary to attain~~
23 ~~the state or federal ambient air quality standards.~~

24 (3) ~~The factors specified in subdivision (a) of Section~~
25 ~~40913.~~

26 (4) ~~The items specified in subdivision (b) of Section~~
27 ~~40728.5, as applied to control measures in the district plan.~~

28 (b) For purposes of subdivision (a) and Section 40924,
29 reductions in population exposure shall be calculated
30 with respect to the average actual population exposure
31 which existed in the district during 1993, 1994, and 1995.
32 All reductions in population exposure occurring after
33 December 31, 1995, including, but not limited to,
34 reductions in population exposure resulting from
35 measures adopted prior to December 31, 1995, shall be
36 included in this calculation.

37 (e) Not later than June 30, 1996, the state board shall,
38 by regulation, identify the average actual level of
39 population exposure which existed in each district during
40 1993, 1994, and 1995.



1 ~~(d) For purposes of this chapter and Section 39607,~~
2 ~~“exposure” and “population exposure” shall mean~~
3 ~~districtwide population-weighted average human~~
4 ~~exposure to ambient pollutant concentrations exceeding~~
5 ~~the state standard.~~

6 ~~SEC. 4. Section 40920 of the Health and Safety Code~~
7 ~~is amended to read:~~

8 ~~40920. Each district with severe air pollution shall, to~~
9 ~~the extent necessary to meet the requirements of Section~~
10 ~~40913, include the following measures in its attainment~~
11 ~~plan:~~

12 ~~(a) All measures required for moderate and serious~~
13 ~~nonattainment areas, as specified in Sections 40918 and~~
14 ~~40919.~~

15 ~~(b) A permitting program designed to achieve no net~~
16 ~~increase in emissions of nonattainment pollutants or their~~
17 ~~precursors from all permitted new or modified stationary~~
18 ~~sources which emit, or have the potential to emit, 10 tons~~
19 ~~or more per year.~~

20 ~~(c) Transportation control measures to achieve an~~
21 ~~average during weekday commute hours of 1.5 or more~~
22 ~~persons per passenger vehicle by 1999, and no net~~
23 ~~increase in vehicle emissions after 1997, if the district is~~
24 ~~located within, or contains all or part of, a standard~~
25 ~~metropolitan statistical area with a population of 250,000~~
26 ~~or more based on the 1990 census. The state board shall~~
27 ~~establish guidelines for calculating average vehicle~~
28 ~~occupancy, after consultation with the Department of~~
29 ~~Transportation and other affected groups. The guidelines~~
30 ~~shall include methods for crediting telecommuting and~~
31 ~~other measures that concurrently reduce persons per~~
32 ~~vehicle and vehicle trips.~~

33 ~~(d) Measures to achieve the use of a significant~~
34 ~~number of low-emission motor vehicles by operators of~~
35 ~~motor vehicle fleets.~~

36 ~~SEC. 5. Section 40924 of the Health and Safety Code~~
37 ~~is amended to read:~~

38 ~~40924. (a) On or before December 31 of each year~~
39 ~~following the state board's approval of a district's~~
40 ~~attainment plan, the district shall prepare and submit a~~



1 report to the state board summarizing its progress in
2 meeting the schedules for developing, adopting, or
3 implementing the air pollution control measures
4 contained in the district's plan.

5 (b) On or before December 31, 1994, and once every
6 three years thereafter, the district shall assess the overall
7 effectiveness of its air quality program in reducing
8 population exposure, the quantity of emission reductions
9 actually achieved in the preceding three-year period, and
10 the rate of population and industrial and
11 vehicular related emissions growth experienced in the
12 district and projected for the future, and shall contrast all
13 of the preceding to the assumptions and goals contained
14 in the district's attainment plan. The district shall also
15 assess the extent of air quality improvement achieved
16 during the preceding three years, based upon ambient
17 pollutant measurements, best available modeling
18 techniques, and air quality indicators identified by the
19 state board for that purpose under subdivision (f) of
20 Section 39607. Upon completion of each triennial analysis,
21 the district shall adopt its findings at a public hearing and
22 report its findings to the state board.

23 (c) In addition to the requirements specified in
24 subdivision (b), on or before December 31, 1994, and
25 once every three years thereafter, the district shall report
26 to the state board, and make available to the public, its
27 progress toward the attainment of state ambient air
28 quality standards as measured by two or more standards
29 of measurement, as determined by the state board. One
30 standard of measurement shall be population exposure.
31 Other standards of measurement may include, but are
32 not limited to, ozone and carbon monoxide design value,
33 and pollutant concentration hours.

34 SEC. 6. Section 40925.5 of the Health and Safety Code
35 is amended to read:

36 40925.5. (a) A district which is nonattainment for the
37 state ozone standard shall be designated
38 "nonattainment transitional" by operation of law if,
39 during a single calendar year, the state standard is not



1 exceeded more than three times at any monitoring
2 location within the district.

3 (b) Any district which is designated
4 nonattainment transitional under subdivision (a) shall
5 review its plan for attaining the state ozone standard and
6 shall determine whether the stationary source control
7 measures scheduled for adoption or implementation
8 within the next three years by the district are needed to
9 accomplish expeditious attainment or to maintain the
10 state standard following the projected attainment date.
11 In making this determination, the district shall consider
12 air quality trends, the effect of the state's motor vehicle
13 control program, including turnover of the vehicle fleet,
14 the impact of measures previously adopted by the district
15 which are in the process of being implemented, and other
16 significant factors influencing emissions trends.

17 (c) If a nonattainment transitional district determines
18 that one or more of the stationary source control
19 measures scheduled for adoption or implementation
20 within the next three years are no longer necessary to
21 accomplish expeditious attainment or to maintain the
22 state standard, the district shall shift those measures to the
23 contingency category.

24 (d) If a nonattainment transitional district determines
25 that delaying one or more stationary source control
26 measures will not retard the achievement of the state
27 ozone standard, it may delay that measure for not more
28 than three years.

29 (e) Subdivisions (c) and (d) shall not apply to any
30 stationary source control measures required by Section
31 39610. In addition, subdivisions (c) and (d) shall be
32 suspended at any time that the district ceases to qualify
33 for a nonattainment transitional designation under
34 subdivision (a).

35 (f) Actions of any district pursuant to this section are
36 subject to the review and approval of the state board. The
37 state board shall not disapprove district actions pursuant
38 to this section unless it finds that the actions will delay
39 expeditious attainment of the state ozone standard.



1 ~~SEC. 7. Section 41503.1 of the Health and Safety Code~~
2 ~~is repealed.~~

3 ~~SEC. 8. No reimbursement is required by this act~~
4 ~~pursuant to Section 6 of Article XIII B of the California~~
5 ~~Constitution because a local agency or school district has~~
6 ~~the authority to levy service charges, fees, or assessments~~
7 ~~sufficient to pay for the program or level of service~~
8 ~~mandated by this act, within the meaning of Section 17556~~
9 ~~of the Government Code.~~

10 ~~Notwithstanding Section 17580 of the Government~~
11 ~~Code, unless otherwise specified, the provisions of this act~~
12 ~~shall become operative on the same date that the act~~
13 ~~takes effect pursuant to the California Constitution.~~

14 *(g) Establish, not later than July 1, 1996, a uniform*
15 *methodology which may be used by districts in assessing*
16 *population exposure, including, but not limited to,*
17 *exposure of subpopulations such as children, the elderly,*
18 *and persons with respiratory disease, to ambient air*
19 *pollutants at levels above the state ambient air quality*
20 *standards, for estimating reductions in population*
21 *exposure for the purposes of Sections 40913, 40924, and*
22 *41503, and for the establishment of the means by which*
23 *reductions in population exposures may be achieved. The*
24 *methodology adopted pursuant to this subdivision shall*
25 *be consistent with the Clean Air Act (42 U.S.C. Sec. 7401*
26 *et seq.), and with this division, including, but not limited*
27 *to, Section 39610.*

