

AMENDED IN SENATE MARCH 25, 1996
AMENDED IN SENATE SEPTEMBER 12, 1995
AMENDED IN ASSEMBLY MAY 23, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1855

Introduced by Assembly Member Sher

February 24, 1995

An act to amend Section 41701.5 of, and to add Section 41701.6 to, the Health and Safety Code, relating to air pollution, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1855, as amended, Sher. Air pollution: emission limits.

Existing law prohibits, with specified exceptions, the discharge of air contaminants into the atmosphere that exceed a specified shade or opacity.

This bill would prohibit the State Air Resources Board or any air pollution control district or air quality management district from imposing a discharge requirement on emissions of visible smoke, as specified, from any diesel engine or generator used exclusively to operate a drinking water system in specified circumstances. The bill would also make technical changes.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ 2/3. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 41701.5 of the Health and Safety
2 Code is amended to read:
3 41701.5. (a) Neither the state board nor any district
4 shall impose a discharge requirement on emissions of
5 visible smoke from diesel pile-driving hammers which is
6 more stringent than the requirements of this section,
7 except as provided in subdivisions (b) and (c).
8 (b) A district shall issue a permit to the operator of a
9 diesel pile-driving hammer if the operator submits a
10 completed application for a permit to the district and the
11 district determines, on the basis of information provided
12 in the application, that the proposed use will comply with
13 one of the following requirements:
14 (1) Meets the Ringelmann 1 limit, as published by the
15 United States Bureau of Mines, and does not exceed that
16 limit for more than four minutes during the driving of a
17 single pile.
18 (2) Meets the Ringelmann 2 limit, as published by the
19 United States Bureau of Mines, does not exceed that limit
20 for more than four minutes during the driving of a single
21 pile, and uses kerosene fuel, smoke suppressing fuel
22 additives, and synthetic lubricating oil. A district may
23 establish other requirements for compliance with this
24 paragraph if the requirements are technologically and
25 economically feasible. A district may consider the type of
26 soil in which the pile driving is to occur and the number
27 of blows required to drive a pile in determining the
28 technological and economic feasibility of other conditions
29 to be imposed by the district.
30 (c) A permit issued by a district shall be valid until the
31 pile-driving work has been approved or accepted by the
32 person or entity for which the work is being performed.
33 Upon request of an operator or of a person or entity for
34 which the pile-driving work is performed, a district may



1 extend the time period for which the permit is valid if the
2 operator continues to comply with this section.

3 SEC. 2. Section 41701.6 is added to the Health and
4 Safety Code, to read:

5 41701.6. Neither the state board nor any district shall
6 impose a discharge requirement on emissions of visible
7 smoke from any diesel auxiliary engine or generator used
8 exclusively to operate a drinking water system which is
9 more stringent than the Ringelmann 2 limit, as published
10 by the United States Bureau of Mines on January 1, 1995,
11 when operated under emergency circumstances, or
12 operated not more than 30 minutes each week, or two
13 hours each month, under nonemergency circumstances.

14 SEC. 3. *This act is an urgency statute necessary for the*
15 *immediate preservation of the public peace, health, or*
16 *safety within the meaning of Article IV of the*
17 *Constitution and shall go into immediate effect. The facts*
18 *constituting the necessity are:*

19 *In order that serious threats to public health and safety*
20 *that are faced by persons who are served by public water*
21 *systems, which threats are caused by uncertainty*
22 *regarding the reliability of those systems in an emergency*
23 *because of restrictions imposed by state laws on the*
24 *testing and operation of emergency generators, may be*
25 *alleviated, as soon as possible, it is necessary that this act*
26 *take effect immediately.*

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28 CORRECTIONS

29 Title — Line 1.

30 Digest — Page 2.

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