

AMENDED IN ASSEMBLY MAY 2, 2000
AMENDED IN ASSEMBLY APRIL 24, 2000
AMENDED IN ASSEMBLY APRIL 10, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1877

Introduced by Assembly Member Maldonado

February 10, 2000

An act to add Section 40723 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1877, as amended, Maldonado. Air pollution: rules and regulations.

Existing law requires air pollution control districts and air quality management districts to adopt and enforce rules and regulations to achieve and maintain state and federal ambient air quality standards. Existing law also authorizes an air pollution control district or air pollution management district to establish a permit system, requiring a person to obtain a permit before taking any action that may release air contaminants.

This bill would require a district, upon the request of an operator of equipment subject to an emission limitation or other air pollution control standard, to review the applicable limitation or standard and to determine whether the limitation or standard should be required for a source category, under certain circumstances. By imposing

additional duties on local air 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 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 40723 is added to the Health and
2 Safety Code, to read:

3 40723. Upon the request of any operator of
4 equipment that is subject to an emission limitation or
5 other air pollution control standard, the district shall
6 review whether the applicable limitation or other
7 standard has been achieved and whether the limitation
8 or standard should be required for the source category if
9 all of the following conditions are true:

10 (a) The operator purchased equipment that was
11 subject to or intended by the manufacturer or vendor to
12 satisfy federal, state, or local air district rules or
13 permitting requirements imposing emission limits or
14 other air pollution control standards.

15 (b) An express warranty was provided to the operator.

16 (c) The operator made a good faith effort, for a
17 reasonable period of time, to operate the equipment in
18 accordance with the operating conditions specified by
19 the equipment vendor.

20 (d) The equipment failed to meet the warranty
21 provided by the vendor.

22 (e) *The operator demonstrates that the applicable*
23 *emission limitation or air pollution control standard was*
24 *established primarily on the basis of the representations*
25 *and data provided by the vendor.*

26 SEC. 2. No reimbursement is required by this act
27 pursuant to Section 6 of Article XIII B of the California



1 Constitution because a local agency or school district has
2 the authority to levy service charges, fees, or assessments
3 sufficient to pay for the program or level of service
4 mandated by this act, within the meaning of Section 17556
5 of the Government Code.

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