

Senate Bill No. 529

CHAPTER 813

An act to repeal and add Section 43830.8 of the Health and Safety Code, relating to motor vehicle fuel.

[Approved by Governor October 8, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 529, Bowen. Motor vehicle fuel.

Existing law prohibits the State Air Resources Board from adopting any regulation that requires the addition of any oxygenate to motor vehicle fuel unless the regulation is subject to multimedia rulemaking, as defined.

This bill, instead, except as provided, would prohibit the state board from adopting any regulation that establishes a specification for motor vehicle fuel unless that regulation, and a multimedia evaluation conducted by affected agencies and coordinated by the state board, are reviewed by the California Environmental Policy Council. The bill would prescribe procedures for the multimedia evaluation and would provide that if the council determines that the proposed regulation will cause a significant adverse impact on public health or the environment, the council shall recommend alternative measures. Under the bill, within 60 days of receiving notice from the council of a determination of adverse impact, the state board would be required to adopt revisions to the proposed regulation, or the affected state agencies would be required to take appropriate action to mitigate the adverse impacts, as provided.

This bill would require the state board to enter into an agreement to conduct an external scientific peer review of the California Predictive Model and to submit the findings of that review to the Legislature on or before July 1, 2000.

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

SECTION 1. (a) It is the intent of the Legislature that the California Phase 3 Reformulated Gasoline (CaRFG3) regulations described in the Governor's Executive Order No. D-5-99, and proposed by the State Air Resources Board, be subject to a comprehensive multimedia evaluation consistent with the objectives of this act, to the extent practicable, and within the timeframe provided for in the Executive order.

(b) It is further the intent of the Legislature that each portion of the multimedia evaluation referred to in Section 43830.8 of the



Health and Safety Code be performed by the agency with lead responsibility and expertise over that medium, be subject to peer review, and be submitted to the California Environmental Policy Council for final review and approval.

SEC. 2. Section 43830.8 of the Health and Safety Code is repealed.

SEC. 3. Section 43830.8 is added to the Health and Safety Code, to read:

43830.8. (a) The state board may not adopt any regulation that establishes a specification for motor vehicle fuel unless that regulation, and a multimedia evaluation conducted by affected agencies and coordinated by the state board, are reviewed by the California Environmental Policy Council established pursuant to subdivision (b) of Section 71017 of the Public Resources Code.

(b) As used in this section, “multimedia evaluation” means the identification and evaluation of any significant adverse impact on public health or the environment, including air, water, or soil, that may result from the production, use, or disposal of the motor vehicle fuel that may be used to meet the state board’s motor vehicle fuel specifications.

(c) The multimedia evaluation shall be based on the best available scientific data, written comments submitted by any interested person, and information collected by the state board in preparation for rulemaking. At a minimum, the evaluation shall address impacts associated with all the following:

(1) Emissions of air pollutants, including ozone forming compounds, particulate matter, toxic air contaminants, and greenhouse gases.

(2) Contamination of surface water, groundwater, and soil.

(3) Disposal or use of the byproducts and waste materials from the production of the fuel.

(d) The state board shall prepare a written summary of the multimedia evaluation and submit it for peer review in accordance with Section 57004. The state board shall maintain for public inspection, a record of any relevant materials submitted from any state agency and any written public comments received during the multimedia evaluation. The state board shall submit its written summary and the results of the peer review to the California Environmental Policy Council prior to the adoption of the proposed regulation.

(e) The council shall complete its review of the multimedia evaluation within 90 calendar days following notice from the state board that it intends to adopt the regulation. If the council determines that the proposed regulation will cause a significant adverse impact on the public health or the environment, or that alternatives exist that would be less adverse, the council shall recommend alternative measures that the state board or other state agencies may take to reduce the adverse impact on public health or



the environment. The council shall make all information relating to its review available to the public.

(f) Within 60 days of receiving notification from the council of a determination of adverse impact, the state board shall adopt revisions to the proposed regulation to avoid or reduce the adverse impact, or the affected agencies shall take appropriate action that will, to the extent feasible, mitigate the adverse impact so that, on balance, there is no adverse impact on public health or the environment.

(g) In coordinating a multimedia evaluation pursuant to subdivision (a), the state board shall consult with other boards and departments within the California Environmental Protection Agency, the State Department of Health Services, the State Energy Resources Conservation and Development Commission, the Department of Forestry and Fire Protection, the Department of Food and Agriculture, and other state agencies with responsibility for, or expertise regarding, impacts that could result from the production, use, or disposal of the motor vehicle fuel that may be used to meet the specification.

(h) Notwithstanding subdivisions (a) through (g), inclusive, the state board may, prior to July 1, 2000, adopt a regulation that was formally proposed prior to January 1, 2000, to revise existing specifications for motor vehicle fuel, if the council reviews the environmental assessment of the proposed revision and determines that there will be no significant adverse impact on public health or the environment, including any impact on air, water, or soil, that is likely to result from the change in motor vehicle fuel that is expected to be implemented to meet the state board's revised motor vehicle fuel specifications. Such a determination by the council shall be deemed final and conclusive.

(i) Notwithstanding subdivision (a), the state board may adopt a regulation that establishes a specification for motor vehicle fuel without the proposed regulation being subject to a multimedia evaluation if the council, following an initial evaluation of the proposed regulation, conclusively determines that the regulation will not have any significant adverse impact on public health or the environment.

SEC. 4. The state board shall enter into an agreement, consistent with Section 57004, to conduct an external scientific peer review of the California Predictive Model and, notwithstanding Section 7550.5 of the Government Code, shall submit the findings of that review to the Legislature on or before July 1, 2000.

