

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1256

Introduced by Assembly Member Bill Berryhill

February 18, 2011

An act to ~~amend Section 39602 of~~ *add Section 39611* to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1256, as amended, Bill Berryhill. State Air Resources Board: ~~state implementation plan~~. *transported air pollutants: cost reimbursement.*

Existing law establishes in the California Environmental Protection Agency the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to identify toxic air contaminants that are emitted into the ambient air of the state, and requires the state board to designate those substances listed as hazardous air pollutants pursuant to federal law.

Existing law requires the state board, not later than December 31, 1989, to identify each air basin, or subregion thereof, in which transported air pollutants from upwind areas outside the air basin, or subregion thereof, cause or contribute to a violation of the state ambient air quality standard for ozone, and to identify the district of origin of the transported air pollutants based upon the preponderance of available evidence. Existing law requires the state board, in cooperation with the districts, to assess the relative contribution of upwind emissions to downwind ozone ambient air pollutant levels to the extent permitted

by available data, and to establish mitigation requirements commensurate with the level of contribution.

This bill would require the state board to identify each air basin, or subregion of an air basin, in which transported air pollutants from upwind areas outside the air basin, or subregion of an air basin, cause or contribute to a violation of a state or federal ambient air quality standard in a downwind district, and to identify the district of origin of the transported air pollutants. The bill would require the state board to assess the relative contribution of upwind emissions to downwind ambient air pollutant levels to the extent permitted by available data, and to establish cost reimbursement for a downwind district commensurate with the level of contribution by the district of origin, including, but not limited to, cost reimbursement for mitigation and any state or federal fine imposed on a downwind district for a violation of state or federal ambient air quality standards.

~~Existing law designates the State Air Resources Board as the state agency responsible for the preparation of the state implementation plan required by the federal Clean Air Act.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

- 1 SECTION 1. Section 39611 is added to the Health and Safety
- 2 Code, to read:
- 3 39611. (a) The state board shall identify each air basin, or
- 4 subregion of an air basin, in which transported air pollutants from
- 5 upwind areas outside the air basin, or subregion of an air basin,
- 6 cause or contribute to a violation of a state or federal ambient air
- 7 quality standard in a downwind district, and shall identify the
- 8 district of origin of the transported air pollutants.
- 9 (b) The state board shall assess the relative contribution of
- 10 upwind emissions to downwind ambient air pollutant levels to the
- 11 extent permitted by available data, and shall establish cost
- 12 reimbursement for a downwind district commensurate with the
- 13 level of contribution by the district of origin, including, but not
- 14 limited to, cost reimbursement for mitigation and any state or

1 *federal fines imposed on a downwind district for a violation of*
2 *state or federal ambient air quality standards.*

3 SECTION 1. ~~Section 39602 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 39602. ~~(a) The state board is designated the air pollution~~
6 ~~control agency for all purposes set forth in federal law.~~

7 ~~(b) The state board is designated the state agency responsible~~
8 ~~for the preparation of the state implementation plan required by~~
9 ~~the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and, to this~~
10 ~~end, shall coordinate the activities of all districts necessary to~~
11 ~~comply with that act.~~

12 ~~(c) Notwithstanding any other provision of this division, the~~
13 ~~state implementation plan shall only include those provisions~~
14 ~~necessary to meet the requirements of the federal Clean Air Act.~~