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HEALTH AND SAFETY CODE - HSC

DIVISION 26. AIR RESOURCES [39000 - 44475.3] (*Division 26 repealed and added by Stats. 1975, Ch. 957.)*

PART 5. VEHICULAR AIR POLLUTION CONTROL [43000 - 44299.91] (*Part 5 added by Stats. 1975, Ch. 957.)*

CHAPTER 9.7. San Joaquin Valley Emergency Clean Air Attainment Program [44299.75 - 44299.79] (*Chapter 9.7 added by Stats. 2000, Ch. 532, Sec. 4.)*

44299.75. As used in this chapter, the following terms have the following meanings:

- (a) "Advanced introduction costs" means the costs of the project, less a baseline cost that would otherwise be incurred by the applicant in the normal course of business. "Advanced introduction costs" may include, but shall not be limited to, incremental costs, additional operational costs, facility modifications, additional staff training, fueling infrastructure, and costs associated with off-cycle vehicle replacement, as determined by the district.
- (b) "Attainment" means meeting the National Ambient Air Quality Standards (NAAQS) for ozone.
- (c) "Covered engine" includes any internal combustion engine or electric motor and drive powering a covered source.
- (d) "Covered source" includes onroad and off-road heavy-duty diesel vehicles and other onroad and off-road high-emitting diesel engine categories, as determined by the San Joaquin Valley Air Pollution Control District.
- (e) "Covered vehicle" includes any vehicle or piece of equipment powered by a covered engine.
- (f) "District" means the San Joaquin Valley Air Pollution Control District.
- (g) "New very low-emission vehicle" means a vehicle that qualifies as a very low-emission vehicle when it is a new vehicle, as defined in Section 430 of the Vehicle Code, or that is modified with the approval and warranty of the original equipment manufacturer to qualify as a very low-emission vehicle within 12 months of delivery to an owner for private or commercial use.
- (h) "NO x" means oxides of nitrogen.
- (i) "Program" means the San Joaquin Valley Emergency Clean Air Attainment Program created by this chapter.
- (j) "Repower" means replacing an engine with a different engine. The term "repower," as used in this chapter, generally refers to replacing an older, uncontrolled engine with a new, emissions-certified engine, although replacing an older emissions-certified engine with a new engine certified to lower emissions standards may be eligible for funding under this program.
- (k) "Retrofit" means making modifications to the engine and fuel system such that the retrofitted engine does not have the same specifications as the original engine.
- (l) "San Joaquin Valley federal ozone nonattainment area" means the area defined by the United States Environmental Protection Agency on page 56699 of Volume 56 of the Federal Register dated November 6, 1991.
- (m) "Very low-emission vehicle" means a vehicle with emissions significantly lower than otherwise applicable baseline emission standards or uncontrolled emission levels determined pursuant to the criteria in Section 44282.

(*Added by Stats. 2000, Ch. 532, Sec. 4. Effective January 1, 2001.*)

44299.76. (a) There is hereby created the San Joaquin Valley Emergency Clean Air Attainment Program. The program shall be administered and implemented by the district.

(b) The program may provide grants to offset the advanced introduction costs of eligible projects that the district determines aid in the reduction of onroad and off-road emissions of NO x within the San Joaquin Valley federal ozone nonattainment area.

(c) Eligibility of projects for grant awards shall be determined by the district in accordance with this chapter.

(*Added by Stats. 2000, Ch. 532, Sec. 4. Effective January 1, 2001.*)

44299.77. (a) Eligible projects may include, but shall not be limited to, any of the following:

- (1) Purchase of new very low- or zero-emission covered vehicles or covered engines to replace older heavy-duty diesel vehicles or engines.
- (2) NOx emission-reducing retrofit of covered engines, or replacement of old diesel engines and drives powering covered sources with newer diesel engines and drives certified to more stringent NOx emissions standards than the engine being replaced.
- (3) Purchase and use of NOx emission-reducing add-on equipment for covered vehicles.
- (4) Implementation of practical, low-emission retrofit technologies, repower options, advanced technologies, or low sulfur or alternative fuel mixtures for covered engines and vehicles.

(b) In determining eligible projects, the district shall not exclude any technology based on the type of fuel utilized by that technology.

(c) Eligible applicants may be any person or public agency that owns one or more covered vehicles that operate primarily within the San Joaquin Valley federal ozone nonattainment area or otherwise contribute substantially to the NOx emissions inventory in the San Joaquin Valley federal ozone nonattainment area, as determined by the district.

(d) The program shall provide grants to eligible projects that help reduce onroad and off-road NOx emissions on a timely and cost-effective basis within the San Joaquin Valley federal ozone nonattainment area in order to maximize the reduction in NOx emissions from available funds, thereby aiding the area in its efforts to achieve applicable air quality goals.

(Added by Stats. 2000, Ch. 532, Sec. 4. Effective January 1, 2001.)

44299.78. (a) Funds to implement the program shall be provided from the amount allocated from the Traffic Congestion Relief Fund for the purposes of paragraph (100) of subdivision (a) of Section 14556.40 of the Government Code.

(b) Funds from the account may be reserved by the district for local governments within the San Joaquin Valley federal ozone nonattainment areas that adopt an eligible program pursuant to this chapter.

(c) To ensure that emission reductions are obtained as needed from pollution sources, any funds provided as described in subdivision (a) shall be segregated as follows:

- (1) Not more than 1 percent of the funds shall be allocated to program support and outreach costs incurred by the district directly associated with implementing the program pursuant to this chapter.
- (2) Not more than 2 percent of the funds provided as described in subdivision (a) shall be allocated to direct program outreach activities.
- (3) The balance shall be used to offset costs of eligible projects.

(d) Funds provided as described in subdivision (a) shall be allocated to the district upon the approval by the district of an application from an eligible applicant regarding an eligible project. The district may determine the maximum amount of annual funding each applicant may receive.

(e) Funds provided as described in subdivision (a) shall not be expended on any NO x control retrofit technology unless the technology has been determined to be eligible for use in the program pursuant to Section 44299.79.

(Added by Stats. 2000, Ch. 532, Sec. 4. Effective January 1, 2001.)

44299.79. On or before January 10, 2001, the executive officer of the state board shall make a determination as to the eligibility of NOx retrofit technologies for use in the program, and may make additional determinations of eligibility of NOx technologies after January 10, 2001. In order to be determined eligible by the executive officer of the state board, each NOx retrofit technology shall have, at a minimum, the ability to reduce onroad heavy-duty diesel emissions of NOx by 10 percent or more and shall be durable and effective in reducing emissions, as determined by the executive officer of the state board.

(Added by Stats. 2000, Ch. 532, Sec. 4. Effective January 1, 2001.)