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AB-1317 Carl Moyer Memorial Air Quality Standards Attainment Program. (2017-2018)

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Assembly Bill No. 1317

CHAPTER 634

An act to amend Section 44275 of the Health and Safety Code, relating to vehicular air pollution.

[Approved by Governor October 10, 2017. Filed with Secretary of State October 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1317, Gray. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program, which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from covered sources. Existing law defines the term "covered source" for purposes of the program.

This bill would revise the definition of "covered source" to include stationary irrigation or water conveyance engines.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 44275 of the Health and Safety Code, as amended by Section 6 of Chapter 610 of the Statutes of 2015, is amended to read:

44275. (a) As used in this chapter, the following terms have the following meanings:

(1) [Reserved]

(2) "Btu" means British thermal unit.

(3) "Commission" means the State Energy Resources Conservation and Development Commission.

(4) "Cost-effectiveness" means dollars provided to a project pursuant to subdivision (d) of Section 44283 for each ton of covered emission reduction attributed to a project or to the program as a whole. In calculating cost-effectiveness, one-time grants of funds made at the beginning of a project shall be annualized using a time value of public funds or discount rate determined for each project by the state board, taking into account the interest rate on bonds, interest earned by state funds, and other factors as determined appropriate by the state board. Cost-effectiveness shall be calculated by dividing annualized costs by average annual emissions reduction. The state board, in consultation with the districts and concerned members of the public, shall establish appropriate cost-effective limits for oxides of nitrogen, particulate matter, and reactive organic gases and a reasonable system for comparing the cost-effectiveness of proposed projects as described in subdivision (a) of Section 44283.

(5) "Covered emissions" include emissions of oxides of nitrogen, particulate matter, and reactive organic gases from any covered source.

(6) "Covered engine" includes any internal combustion engine or electric motor and drive powering a covered source.

(7) "Covered source" includes onroad vehicles, off-road nonrecreational equipment and vehicles, locomotives, marine vessels, agricultural sources of air pollution, as defined in Section 39011.5, stationary irrigation or water conveyance engines, and, as determined by the state board, other categories necessary for the state and districts to meet air quality goals.

(8) "Covered vehicle" includes any vehicle or piece of equipment powered by a covered engine.

(9) "District" means a county air pollution control district or an air quality management district.

(10) "Fund" means the Air Pollution Control Fund established pursuant to Section 43015.

(11) "Incremental cost" means the cost of the project less a baseline cost that would otherwise be incurred by the applicant in the normal course of business. Incremental costs may include added lease, energy, or fuel costs pursuant to Section 44283 as well as incremental capital costs.

(12) "Liquidated" means that all moneys for a specified fiscal year have been spent by a district to reimburse grantees for valid and eligible project invoices and district administrative costs. Payments withheld from the grantee by a district until all contractual reporting requirements are met may be excluded from these amounts for the purposes of liquidation.

(13) "Mobile Source Air Pollution Reduction Review Committee" means the Mobile Source Air Pollution Reduction Review Committee created by Section 44244.

(14) "New very low emission vehicle" means a heavy-duty vehicle that qualifies as a very low emission vehicle when it is a new vehicle, where new vehicle has the same meaning 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.

(15) "NOx" means oxides of nitrogen.

(16) "Program" means the Carl Moyer Memorial Air Quality Standards Attainment Program created by subdivision (a) of Section 44280.

(17) "Recaptured" means those moneys that are returned to a district or the state board by a grantee because that grantee did not meet contractual obligations.

(18) "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 newer engine certified to lower emissions standards may be eligible for funding under this program.

(19) "Retrofit" means making modifications to the engine and fuel system so that the retrofitted engine does not have the same specifications as the original engine.

(20) "Returned" means those moneys sent by a district to the state board for reallocation because those moneys are not liquidated by a liquidation deadline.

(21) "Schoolbus project" means the purchase of new schoolbuses or the repower or retrofit of emissions control equipment for existing schoolbuses.

(22) "Very low emission vehicle" means a heavy-duty vehicle with emissions significantly lower than otherwise applicable baseline emission standards or uncontrolled emission levels pursuant to Section 44282.

(b) This section shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, deletes or extends that date.

SEC. 2. Section 44275 of the Health and Safety Code, as amended by Section 7 of Chapter 610 of the Statutes of 2015, is amended to read:

44275. (a) As used in this chapter, the following terms have the following meanings:

(1) [Reserved]

(2) "Btu" means British thermal unit.

(3) "Commission" means the State Energy Resources Conservation and Development Commission.

(4) "Cost-effectiveness" means dollars provided to a project pursuant to subdivision (d) of Section 44283 for each ton of NOx reduction attributed to a project or to the program as a whole. In calculating cost-effectiveness, one-time grants of funds made at the beginning of a project shall be annualized using a time value of public funds or discount rate determined for each project by the state board, taking into account the interest rate on bonds, interest earned by state funds, and other factors as determined appropriate by the state board. Cost-effectiveness shall be calculated by dividing annualized costs by average annual emissions reduction of NOx in this state.

(5) "Covered engine" includes any internal combustion engine or electric motor and drive powering a covered source.

(6) "Covered source" includes onroad vehicles of 14,000 pounds gross vehicle weight rating (GVWR) or greater, off-road nonrecreational equipment and vehicles, locomotives, diesel marine vessels, stationary agricultural engines, stationary irrigation or water conveyance engines, and, as determined by the state board, other high-emitting diesel engine categories.

(7) "Covered vehicle" includes any vehicle or piece of equipment powered by a covered engine.

(8) "District" means a county air pollution control district or an air quality management district.

(9) "Fund" means the Air Pollution Control Fund established pursuant to Section 43015.

(10) "Incremental cost" means the cost of the project less a baseline cost that would otherwise be incurred by the applicant in the normal course of business. Incremental costs may include added lease or fuel costs pursuant to Section 44283 as well as incremental capital costs.

(11) "Liquidated" means that all moneys for a specified fiscal year have been spent by a district to reimburse grantees for valid and eligible project invoices and district administrative costs. Payments withheld from the grantee by a district until all contractual reporting requirements are met may be excluded from these amounts for the purposes of liquidation.

(12) "Mobile Source Air Pollution Reduction Review Committee" means the Mobile Source Air Pollution Reduction Review Committee created by Section 44244.

(13) "New very low emission vehicle" means a vehicle that qualifies as a very low emission vehicle when it is a new vehicle, where new vehicle has the same meaning 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.

(14) "NOx" means oxides of nitrogen.

(15) "Program" means the Carl Moyer Memorial Air Quality Standards Attainment Program created by subdivision (a) of Section 44280.

(16) "Recaptured" means those moneys that are returned to a district or the state board by a grantee because that grantee did not meet contractual obligations.

(17) "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 newer engine certified to lower emissions standards may be eligible for funding under this program.

(18) "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.

(19) "Returned" means those moneys sent by a district to the state board for reallocation because those moneys are not liquidated by a liquidation deadline.

(20) "Schoolbus project" means the purchase of new schoolbuses or the repower or retrofit of emissions control equipment for existing schoolbuses.

(21) "Very low emission vehicle" means a vehicle with emissions significantly lower than otherwise applicable baseline emission standards or uncontrolled emission levels pursuant to Section 44282.

(b) This section shall become operative on January 1, 2024.