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AB-1749 Community emissions reduction programs: toxic air contaminants and criteria air pollutants.
(2021-2022)

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Assembly Bill No. 1749

CHAPTER 340

An act to amend Section 44391.2 of, and to add Section 44391.5 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, Cristina Garcia. Community emissions reduction programs: toxic air contaminants and criteria air pollutants.

Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Existing law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Existing law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Existing law requires an air district encompassing any location selected by the state board to adopt, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Existing law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed, and to prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program, among other things.

This bill would require the state board to additionally identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants. The bill would authorize an air district that is required to adopt a community emissions reduction program to take up to one additional year to adopt the program, if the state board and a majority of the persons who are designated by the district to participate in the development and adoption of the program agree. The bill would require an air district that is required to adopt a community emissions reduction program to additionally include in its annual report a summary of updates to the program made to ensure consistency with updates to the statewide strategy. The bill would require an air district with a population of 1,000,000 persons or more that issues permits to stationary sources of criteria air pollutants or toxic air contaminants to make available in an easily identifiable location on the air district's internet website all permits issued by the air district for those stationary sources. By increasing the duties of air districts, the 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.

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

SECTION 1. Section 44391.2 of the Health and Safety Code is amended to read:

44391.2. (a) For purposes of this section, the following provisions shall apply:

- (1) "Disadvantaged community" means a community identified as disadvantaged pursuant to Section 39711.
- (2) "Sensitive receptors" includes the same locations as specified in paragraph (5) of subdivision (a) of Section 42705.5.

(b) On or before October 1, 2018, the state board shall prepare, in consultation with the Scientific Review Panel on Toxic Air Contaminants, the districts, the Office of Environmental Health Hazard Assessment, environmental justice organizations, affected industry, and other interested stakeholders, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. The state board shall update the statewide strategy at least once every five years. In preparing the statewide strategy, the state board shall conduct at least one public workshop in each of the northern, central, and southern parts of the state. The statewide strategy shall include criteria for the development of community emissions reduction programs. The criteria presented in the statewide strategy shall include, but are not limited to, all of the following:

- (1) An assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants. The assessment shall prioritize disadvantaged communities and sensitive receptor locations based on one or more of the following: best available modeling information, existing air quality monitoring information, existing public health data based on consultation with the Office of Environmental Health Hazard Assessment, and the monitoring results obtained pursuant to Section 42705.5.
- (2) A methodology for assessing and identifying the contributing sources or categories of sources, including, but not limited to, stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities identified pursuant to paragraph (1).
- (3) An assessment of whether a district should update and implement the risk reduction audit and emissions reduction plan developed pursuant to Section 44391 for any facility to achieve emissions reductions commensurate with its relative contribution, if the facility's emissions either cause or significantly contribute to a material impact on a sensitive receptor location or disadvantaged community, based on any data available for assessment pursuant to paragraph (1) or other relevant data.
- (4) An assessment of the existing and available measures for reducing emissions from the contributing sources or categories of sources identified pursuant to paragraph (2), including, but not limited to, best available control technology, as defined in Section 40405, best available retrofit control technology, as defined in Section 40406, and best available control technology for toxic air contaminants, as defined in Section 39666.

(c) (1) Based on the assessment and identification pursuant to paragraph (1) of subdivision (b), the state board shall select, concurrent with the statewide strategy, locations around the state for preparation of community emissions reduction programs. The state board shall select additional locations annually thereafter, as appropriate.

(2) (A) Within one year of the state board's selection, the district encompassing any location selected pursuant to this subdivision shall adopt, in consultation with the state board, individuals, community-based organizations, affected sources, and local governmental bodies in the affected community, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures identified pursuant to paragraph (4) of subdivision (b).

(B) A district, with the agreement of the state board and a majority of the persons who are designated by the district to participate in the development and adoption of the community emissions reduction program, may take up to one additional year to adopt a community emissions reduction program pursuant to subparagraph (A).

(3) The community emissions reduction programs shall be consistent with the statewide strategy and include emissions reduction targets, specific reduction measures, a schedule for the implementation of measures, and an enforcement plan.

(4) The community emissions reduction programs shall be submitted to the state board for review and approval within 60 days of the receipt of the program. Programs that are rejected shall be resubmitted within 30 days. To the extent that a program, in whole or in part, is not approvable, the state board shall initiate a public process to discuss options for achieving an approvable program. Concurrent with the public process to achieve an approvable program, the state board shall develop and implement the applicable mobile source elements in the draft program to commence achievement of emissions reductions.

(5) The community emissions reduction programs shall result in emissions reductions in the community, based on monitoring or other data.

(6) In implementing a community emissions reduction program, the district and the state board shall be responsible for measures consistent with their respective authorities.

(7) A district encompassing a location selected pursuant to this subdivision shall prepare an annual report summarizing both of the following:

(A) The results and actions taken to further reduce emissions pursuant to the community emissions reduction program.

(B) Updates to the community emissions reduction program made to ensure consistency with updates to the statewide strategy prepared pursuant to subdivision (b).

(8) Compliance with a community emissions reduction program prepared pursuant to this section, including its implementation, shall be enforceable by the district and state board, as applicable.

(d) The state board shall provide grants to community-based organizations for technical assistance and to support community participation in the implementation of this section and Section 42705.5.

SEC. 2. Section 44391.5 is added to the Health and Safety Code, to read:

44391.5. (a) Each statewide strategy update developed by the state board pursuant to Section 44391.2, known as the "Community Air Protection Blueprint" or "Blueprint," shall additionally identify measures to reduce criteria air pollutants and toxic air contaminants.

(b) A district with a population of 1,000,000 persons or more that issues permits to stationary sources of criteria air pollutants or toxic air contaminants shall make available on an easily identifiable location on the district's internet website all permits issued by the district for those stationary sources.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.