



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-1465 Nonvehicular air pollution: civil penalties. (2023-2024)

SHARE THIS:  

Date Published: 09/23/2024 02:00 PM

Assembly Bill No. 1465

CHAPTER 300

An act to amend Section 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor September 20, 2024. Filed with Secretary of State September 20, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, Wicks. Nonvehicular air pollution: civil penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Existing law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

This bill would allow specified civil penalties to be multiplied by a factor of not more than 3 if the violation results from an emission from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the emission contains or includes one or more air contaminants, as specified. The bill would define "source" for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, the timeliness and accuracy of the notifications from the violator, and other circumstances related to the violation be considered, as specified. The bill would also require that civil penalties for a violation be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

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

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

SECTION 1. Section 42402.6 is added to the Health and Safety Code, to read:

42402.6. (a) Penalties prescribed pursuant to Sections 42402, 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 for violations may be multiplied by a factor of not more than three if both of the following occur:

(1) The emission is from a Title V source.

(2) The emission contains or includes one or more air contaminants, as identified by the state board pursuant to Section 39657, and as defined in Section 39013, or as listed in the Table of Standards pursuant to Section 70200 of Title 17 of the California Code of Regulations.

(b) For purposes of this section, "source" means an establishment that is located on one or more contiguous or adjacent properties.

(c) In assessing penalties, health impacts, community disruptions, the timeliness and accuracy of the notifications from the violator, and other circumstances related to the violation shall be considered, pursuant to Section 42403.

SEC. 2. Section 42403 of the Health and Safety Code is amended to read:

42403. (a) The civil penalties prescribed in Sections 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs in any court of competent jurisdiction.

(b) In determining the amount assessed, the court, or in reaching any settlement, the district, shall take into consideration all relevant circumstances, including, but not limited to, the following:

(1) The extent of harm caused by the violation.

(2) The nature and persistence of the violation.

(3) The length of time over which the violation occurs.

(4) The frequency of past violations.

(5) The record of maintenance.

(6) The unproven or innovative nature of the control equipment.

(7) Any action taken by the defendant, including the nature, extent, and time of response of the cleanup and construction undertaken, to mitigate the violation.

(8) The financial burden to the defendant.