

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

652



FROM: Executive Office

SUBMITTAL DATE: April 29, 2003

SUBJECT: Position on AB 1063 by Assembly Member Marco Firebaugh

RECOMMENDED MOTION: That the Board of Supervisors support AB 1063 and direct the Executive Office and the Board's Sacramento representative to further the Board's position.

BACKGROUND: Under the Lewis-Presley Air Quality Management Act, the South Coast Air Quality Management District (SCAQMD) is designated as the sole and exclusive authority within the South Coast Basin with responsibility for comprehensive air pollution control. Because federal and state health based ambient air quality standards for ozone and PM10 are exceeded regularly in southern California, the SCAQMD needs additional regulatory authority to ensure compliance with these health-based standards. AB 1063 would allow the SCAQMD to establish, to the extent permissible under federal law, and adopt regulations requiring any motor vehicle, non-road engine, or non-road vehicle that operates substantially within the south coast region to install retrofit controls to reduce emissions of air contaminants to the maximum extent feasible. The bill would also allow the SCAQMD to impose a reasonable mitigation fee on or after January 1, 2006 and impose that fee upon ports, marine terminals, shipping companies, and railroads. The bill would require the fee to be used exclusively to mitigate the emission impacts of the activity or activities for which the fee is imposed.

Gary M. Christmas

Gary M. Christmas, Legislative Manager

Department Recommendation: Policy Policy
 Consent Consent
 Per Executive Office:

FINANCIAL DATA: N/A
CURRENT YEAR COST \$
NET COUNTY COST \$

ANNUAL COST: \$
IN CURRENT YEAR BUDGET: Yes/ No/
BUDGET ADJUSTMENT FY: Yes/ No/

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION:

APPROVE.

[Signature]

County Executive Office Signature

Prev. Agn. ref.

Dist. ALL

AGENDA NO.

3 5



2003
LEGISLATIVE ANALYSIS

BILL NUMBER: Assembly Bill 1063

AUTHOR: Assembly Member Marco Firebaugh

PRESENT LAW: Existing state law designates the South Coast Air Quality Management District (SQMA) as the agency responsible for air pollution control within the South Coast Air Basin.

Existing state and federal law establishes health based air quality standards for ozone and PM10.

PROPOSED LAW: AB 1063 would authorize the SCAQMD, to the extent permissible under federal law, to adopt regulations requiring any motor vehicle, nonroad engine, or nonroad vehicle that operates substantially in the south coast district, to install retrofit controls to reduce emissions of air contaminants to the maximum extent feasible. The bill prohibits these regulations to be applicable before January 1, 2007.

This bill could require the SCAQMD to establish fair share emission reduction targets to be met by ships and locomotives operating within the South Coast District to assist in meeting federal air quality standards.

This bill would also authorize the SCAQMD to adopt a reasonable mitigation fee on or after January 1, 2006 and impose that fee upon ports, marine terminals, shipping companies and railroads. The bill would require that the fee be used exclusively to mitigate the emission impacts of the activity or activities for which the fee is imposed, including obtaining equivalent emission reduction from other sources, and mitigating or avoiding emissions from vehicle idling at rail crossings.

RECOMMENDATION: Support

BACKGROUND: This bill is intended to grant the SCAQMD emission reduction authority over mobile sources including locomotives, ships and other on road and offroad engines. According to the author, without this enhanced regulator authority, clean air standards will not be obtained in the South Coast Air Basin.

The sponsor of this bill, the South Coast Air Quality Management District, argues that there is a unique situation in its air basin with the extraordinary concentration of emission sources from ports and rail corridors. Given that the SCAQMD is the only extreme non-attainment basis for ozone in the nation and that it suffers the worst air quality and highest incidence of air pollution related diseases in the country.

Opponents of this measure, however, argue that emission standards should not be promulgated by the district because it penalizes those sources registered in that district and creates unfair competitive advantage for those sources outside the regulatory district.

ORGANIZATION
POSITIONS:

This bill is supported by the South Coast Air Quality Management District, the American Lung Association, AREE International Corporation, J.Gallo Mobile Tree Grinding, J Miller Tractor Works, and 65 individuals.

AB 1063 is opposed by the California Association of Port Authorities, California Manufacturers and Technology Association, California Railroad Industry, and the Pacific Merchant Shipping Association.