

Senate Bill 419 – (Simitian) as amended 3/31/05
Ultrahazardous materials: transportation: railroad tank cars

Summary: This bill would require the Office of Emergency Services to adopt regulations prohibiting a person from transporting ultrahazardous material on the highways of this state, or delivering to a railroad or vessel, ultrahazardous materials for transport, if that material entered the state, or is being transported from the state, in a pressurized railroad tank car manufactured before January 1, 1989, except as specified. The bill ties the definition of “ultrahazardous material” to federal definitions relating to explosives, flammable materials and poisons. The bill would also prohibit the transportation of explosives, flammable materials and poisons through “urban exclusion corridors,” as defined, when the transported materials exceed specified thresholds for each category.

Background: Existing law prohibits any person from transporting hazardous waste in this state unless the person holds a valid registration issued by the Department of Toxic Substances Control. Existing law also requires railroad corporations to report to the California Public Utilities Commission and the Office of Emergency Services certain information relating to rail transport of hazardous materials.

Status: Hearing scheduled in Senate Committee on Environmental Quality on April 18, 2005.

Specific Provisions: This bill would:

(1) Require OES to adopt regulations prohibiting any person from transporting ultrahazardous material on state highways or delivering to a railroad or vessel if that material entered the state or is transported from the state, in a pressurized railroad tank car that was manufactured before January 1, 1989 unless the pressurized tank car has been retrofitted with the best available safety technology, as determined by OES.

Operational Impacts on AQMD: This bill would reduce the utilization of pre-1989 rail or truck pressurized vessels used to transport hazardous waste, and require that such vessels be equipped with BACT controls. Toxic air contaminant emissions would likely decrease as the result of this legislation.

Recommended Position: Support with amendments. Toxic air contaminants from the shipping of pressurized hazardous waste represent one of numerous public health vectors of concern to the District. This bill would require older vessels to be retrofitted with best available safety equipment. Staff suggests amending the bill to ensure that the retrofitting of older rail cars with “best available safety equipment” take into consideration the utilization of best available emission control equipment as well.

Support:
Sierra Club California

Opposition:
California Railroad Industry

April 20, 2005 LEGISLATIVE COMMITTEE RECOMMENDED POSITION/COMMENTS: *Support with amendments*

Senate Bill 475 – (Runner)
Air Pollution: Stationary Sources: Emission Reduction Credits

Summary:

This bill originally eliminated the ability of the Governing Board to approve or disapprove transfers of emission reduction credits out of the South Coast District. This bill will be amended to require the Antelope Valley Air Quality Management District, the Mojave Desert Air Quality Management District and the South Coast Air Quality Management District to conduct a joint study to identify means to generate or transfer additional emission reduction credits that could be used in permitting of new and modified sources in the Mojave Desert Air Basin.

The study shall seek to identify opportunities and methods, including innovative methods, to generate credits that are real, permanent, enforceable, surplus and quantifiable, and that comply with all other applicable state and federal requirements for emission reductions credits.

Background:

The study authorized by this bill is the result of past requests for allowing the transfer of emission reduction credits from South Coast AQMD to the Mojave Basin. A business that is looking to relocate from the traditional urban core of Los Angeles to this area cannot transfer its credits because no emission credits exist within Mojave to accommodate these businesses. This bill is a reasonable first step in addressing this.

Status: SB 475 will be amended by the author as requested by the AQMD, and passed by the Senate Environmental Quality Committee (7-0 vote). It has now been sent to the Senate Floor for consideration.

Specific Provisions:

The study shall take into account the air quality benefits of promoting job-housing balance between the two regions. The study shall be submitted to the state legislature on or before July 1, 2006.

Operational Impacts on AQMD:

No major impacts.

Recommended Position: Support

Support: None on file.

Opposition: California Communities Against Toxics, California Safe Schools, Center on Race, Poverty, and the Environment, Clean Power Campaign, Desert Citizens Against Pollution, Del Amo Action Committee

May 13, 2005 LEGISLATIVE COMMITTEE RECOMMENDED POSITION/COMMENTS: <i>Support</i>

Senate Bill 975 – (Ashburn) Air Quality: Biodiesel Fuel

Summary: This bill provides that any public agency or regulated utility may use biodiesel or biodiesel blended fuel in a qualified retrofitted diesel engine certified by the state board to comply with federal ambient air quality requirements, federal energy policy statutes, federal executive orders, and other federal energy security mandates.

Background: Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to establish, by regulation, various standards for gasoline and motor vehicle fuel.

Status: Passed as amended by Senate Environmental Quality Committee on April 26, 2005 (8-0 vote). Re-referred to Committee on Appropriations. No hearing date has been set.

Operational Impacts on AQMD:

The purpose behind the bill is to allow federal, state or local agencies to comply with federal energy policy mandates to reduce the use of petroleum based fuel in retrofitted diesel engines. However, by doing so the bill would allow agencies to violate existing California Air Resources Board (CARB) regulations and AQMD Fleet Rules that reduce toxic diesel emissions through the existing process that requires the use and purchase of alternative fuels. This bill would inappropriately overrule existing CARB and AQMD regulations, which have been put into place after having gone through full public rulemaking processes.

Recommended Position: Oppose. Staff recommends that the AQMD oppose SB 975 for the following reasons:

1. Biodiesel fuel is not a certified state fuel and in some cases its use can cause NOx emissions to increase by up to 10%.
2. The use of biodiesel should not be a substitution for using retrofitted diesel engines.
3. If retrofits are used with biodiesel this may affect some warranty requirements as biodiesel is not a certified fuel and its performance with different retrofit technologies is not verified either.

Support:

National Biodiesel Board

Opposition:

Bay Area AQMD

May 13, 2005 LEGISLATIVE COMMITTEE RECOMMENDED POSITION/COMMENTS: <i>Oppose</i>
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