

AB 423 (GLORIA) SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT: MEMBERS

POSITION: The Chamber's Public Policy Sub-Committee on Energy & Water voted to OPPOSE the bill on June 6, 2019. The Chamber's Public Policy Committee voted to change the position from OPPOSE to OPPOSE UNLESS AMENDED on June 11, 2019. The Chamber's Board of Directors voted to change the position from OPPOSE UNLESS AMENDED to NEUTRAL on June 27, 2019.

RATIONALE: The bill would make Notices of Violations and complaints public prior to their final settlement risks creating an opportunity for abuse by adversaries, however it is unclear whether it would positively impact air pollution.

STATUS: AB 423 was introduced by Assemblymember Todd Gloria on February 7, 2019. The bill has passed out of the Assembly and will be heard in the Senate Committees on Governance & Finance and Environmental Quality on June 26, 2019.

SUMMARY

AB 423 would restructure the governing board of the Air Pollution Control District (APCD) in San Diego County to include more representation from cities and have a designated military liaison. The bill also calls for a new website to be created that is separate from the County of San Diego's website and for Notices of Violation (NOVs) to be posted online and made public prior to final settlement by APCD. The bill requires an evaluation of the current public complaint process and for APCD to develop a plan for an air monitoring program. The bill also mandates that an air quality report be published annually and for the board to consider adopting an indirect source rule.

INDUSTRY/IES IMPACTED

There are more than 4,400 manufacturing, biotech, and other types of businesses in San Diego County that have air permits issued by APCD. All of these companies would be affected by AB 423, both in terms of the new governance of the board and the many mandates that are called for in the bill.

SUPPORTERS

- American Lung Association in California
- City of San Diego
- Climate Action Campaign
- Coalition for Clean Air
- Environmental Health Coalition
- IBEW Local Union 569
- SanDiego350

ARGUMENTS IN FAVOR

- This brings APCD more in line with other air districts around the state and creates a more diverse governing board.

OPPONENTS

- California Chamber of Commerce
- California Manufacturers and Technology Association
- Industrial Environmental Association
- Western States Petroleum Association

ARGUMENTS IN OPPOSITION

- This bill creates significant regulatory burden on the estimated 4,400 facilities that are expected to be impacted.
- Making NOVs and complaints public prior to their final settlement risks exposing sensitive company information and abuse by adversaries.
- According to the Navy, the expansion of the governing board has the ability to place folks

on the board who do not understand the military and its readiness needs.

MORE INFORMATION

APCD has stated that nothing required in the bill in its current form would result in significant cost increases to APCD, therefore, there would not be higher permit fees.

According to the Assembly Appropriations Committee analysis, a one-time California Air Resources Board cost of \$180,000 per year for three years to perform the audit would be needed.