

Senate Bill No. 2038

CHAPTER 269

An act to amend Section 40709.6 of the Health and Safety Code, relating to air pollution.

[Approved by Governor July 22, 1996. Filed with
Secretary of State July 23, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2038, Rogers. Air pollution: stationary source offsets.

Existing law allows increases in emissions of air pollutants at a stationary source to be offset by emission reductions credited to a stationary source in another district if specified conditions are met.

This bill would make a nonsubstantive technical change in those provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 40709.6 of the Health and Safety Code is amended to read:

40709.6. (a) Increases in emissions of air pollutants at a stationary source located in a district may be offset by emission reductions credited to a stationary source located in another district if both stationary sources are located in the same air basin or, if not located in the same air basin, if all of the following requirements are met:

(1) The stationary source to which the emission reductions are credited is located in an upwind district that is classified as being in a worse nonattainment status than the downwind district pursuant to Chapter 10 (commencing with Section 40910).

(2) The stationary source at which there are emission increases to be offset is located in a downwind district that is overwhelmingly impacted by emissions transported from the upwind district, as determined by the state board pursuant to Section 39610.

(3) Any offset credited shall be approved by a resolution adopted by the governing board of the upwind district and the governing board of the downwind district. In adopting a resolution pursuant to this subdivision, each governing board shall consider the impact of the offset on air quality, public health, and the regional economy.

(b) The district, in which the stationary source to which emission reductions are credited is located, shall determine the type and quantity of the emission reductions to be credited.

(c) The district, in which the stationary source at which there are emission increases to be offset is located, shall do both of the following:

(1) Determine the impact of those emission reductions in mitigation of the emission increases in the same manner and to the same extent as the district would do so for fully credited emission reductions from sources located within its boundaries.

(2) Adopt a rule or regulation to discount the emission reductions credited to the stationary source in the other district. The discount shall not be less than the emission reduction for offsets from comparable sources located within the district boundaries.

