

AB 1390 Policy

The Sacramento AQMD's AB 1390 Policy

This policy addresses Carl Moyer Program grant funding distribution. It was approved by the Sacramento AQMD's Board of Directors on January 23, 2003.

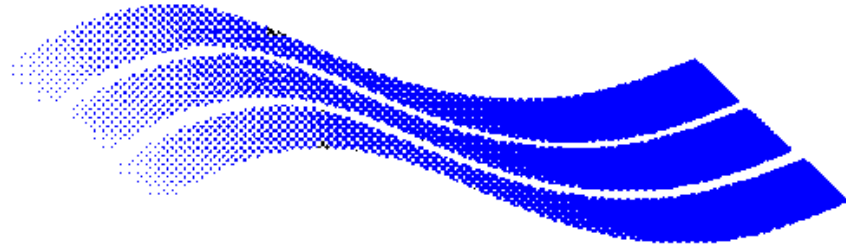
Assembly Bill 1390 specifies that the Sacramento AQMD must distribute at least 50% of its Carl Moyer Program funds, beginning with FY 2001–02 , in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution.

AB 1390-designated areas will be identified using one or both of the following criteria based on the 2000 census data:

- A census tract with 50% or more of the population being non-white
- A census tract with 10% or more of the population living at or below the federal poverty level

Qualifying Carl Moyer Program projects must demonstrate a significant amount of operation either within an AB 1390-designated area, within 1,000 feet of a designated area or in a location shown to directly impact the air quality of a designated area. Much of the western portion of the Sacramento region has been identified as qualifying under these criteria.

SACRAMENTO METROPOLITAN



AIR QUALITY
MANAGEMENT DISTRICT

GUIDELINES FOR IMPLEMENTING
AB 1390 (FIREBAUGH) REQUIREMENTS FOR THE
CARL MOYER MEMORIAL AIR QUALITY INCENTIVE PROGRAM



JANUARY 23, 2003

1.0 CARL MOYER PROGRAM OVERVIEW

The Sacramento Metropolitan Air Quality Management District (SMAQMD) is responsible for protecting public health and the environment by achieving clean air in the Sacramento region. The SMAQMD is part of the Sacramento Federal Ozone Non-Attainment Area (SFNA), which consists of Sacramento & Yolo counties, Placer &



El Dorado counties up to the Sierra ridge line, and the southern and northeastern parts of Sutter and Solano counties respectively. The SFNA is designated as a Severe Ozone Non-Attainment area under federal standards and a Serious Ozone Non-Attainment area under state ambient air quality standards. Ground-level ozone directly impacts the community by increasing rates of asthma and respiratory disease, especially in children, by irritating the respiratory tract.¹ Ozone is formed in the atmosphere from a reaction between oxides of nitrogen (NO_x), hydrocarbons, and sunlight.

One of the programs administered by the SMAQMD Mobile Source Division (MSD) to control ozone is the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer). The SMAQMD receives and distributes Carl Moyer funds directly from the California Air Resources Board (CARB) on behalf of the entire SFNA, except for the southern portion of Sutter County.

Since ozone is caused in part by NO_x and up to 70% of total NO_x emissions come from heavy-duty diesel engines, the Carl Moyer Program provides financial incentives to reduce NO_x emissions from heavy-duty diesel engines operating in our area. Typical projects include purchasing new, low-emission transit buses, school buses, and repowering agricultural pumps, off-road construction and agricultural equipment, or heavy-duty on road diesel trucks with newer, lower-emission diesel engines.

The state legislature recently enacted AB 1390 (Firebaugh), which places certain restrictions on the distribution of Carl Moyer funds. The California Air Resources Board (CARB) is responsible for overseeing the implementation of AB1390, and it has adopted guidelines that the SMAQMD must consider when evaluating and funding Carl Moyer projects. The AB1390 and CARB requirements include funding a minimum of 50% of total projects in areas that are disproportionately impacted by regional or localized air pollution and either classified as low-income or communities of color.

2.0 AB 1390 REQUIREMENTS

AB 1390 added Section 43023.5 to the California Health and Safety Code. That section mandates that not less than 50% of the total Carl Moyer funds allocated to air districts with a population in excess of 1 million residents be used in a manner that directly benefits low-income areas or communities of color that are disproportionately impacted by exposure to regional or localized air contaminants. These standards may also be applied to additional state programs in the future. See Appendix A for the text of AB1390.

Neither AB 1390 nor the CARB Guidelines define low-income or communities of color, nor do they address the standards for identifying communities that are disproportionately impacted by either regional or localized pollution. Instead, CARB is directing individual air districts to develop their own specific standards based on local conditions. In sum, under AB 1390 and the CARB Guidelines, SMAQMD must:

- Continue to apply existing Carl Moyer program standards including geographic and cost effectiveness restrictions.
- Create standards for designating qualifying areas in the SFNA under AB1390.
- Allocate 50% of the Carl Moyer program funds to projects that will benefit areas designated under AB1390.

¹ The 2002 California Almanac of Emissions and Air Quality, 2002: California Air Resources Board

3.0 SUMMARY OF AB 1390 GUIDELINES IN OTHER AIR DISTRICTS

3.1 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)

The SCAQMD uses evaluation criteria based on Poverty Level, PM Exposure, and Toxic Exposure. They define their poverty guidelines as census tracts in which at least 10% of the population falls below the Federal Poverty Level. Disproportional impact is defined by areas with the highest 15% of PM concentration on an annual level, and areas with a cancer risk of 1,000 in a million based on their MATES II estimates. 50% of their FY 2001-02 Carl Moyer funds must be spent in these areas to satisfy AB 1390 (Firebaugh) requirements.

3.2 SAN DIEGO AIR POLLUTION CONTROL DISTRICT (SDAPCD)

The SDAPCD uses evaluation criteria based on household income statistics and ambient air quality data for ozone and PM. They define low income areas as census tracts in which the average household income is 80% or less of the county median household income. Disproportional impact was determined by using data from monitoring stations to interpolate pollution levels for the entire region; areas with pollution levels higher than the District average qualify. At least 50% of their FY 2001-02 Carl Moyer funds must be spent in these areas to satisfy AB 1390 requirements.

3.3 BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD)

The BAAQMD uses evaluation criteria based on analysis of 1 km blocks using PM exposure data and populations of children and the elderly. They have chosen not to designate areas as low income or communities of color, but rather focus on identifying grid areas impacted by PM from mobile and stationary sources. Using their monitoring data from major industry and trucking data, they established areas that had the most significant exposure to PM concentrations that also contained high levels of children and the elderly.

BAAQMD also believes that most low income areas or communities of color are located within close proximity to major stationary sources or transit corridors. Using this criteria, BAAQMD has been able to qualify over 50% of their FY 2001-02 Carl Moyer funds under AB 1390 requirements.

4.0 SUMMARY OF PROPOSED CARL MOYER PROGRAM AB 1390 GUIDELINES

4.1 DEFINITIONS

4.1.1 CENSUS TRACTS

Geographic areas that correspond to the smallest census tract used in the census prepared by the U.S. Census Bureau.

4.1.2 COMMUNITIES OF COLOR

Communities of color are census tracts in which 50% or more of the population is non-white. See Appendix B for a regional map of communities of color.

4.1.3 LOW-INCOME COMMUNITIES

Low-income communities are census tracts in which 10% or more of the population lives at or below the Federal Poverty Level. Tying the definition of low-income community to the federal standard allows for automatic adjustments due to inflation. See Appendix C for a regional map of low income areas.

4.1.4 QUALIFYING AREAS

A qualifying area is a census tract in the SFNA that meets the definition of a low-income community or a community of color, or an area within 1,000 feet of a qualifying area.

4.2 GUIDELINES

Various agencies and organizations have prepared studies and reports demonstrating that low-income communities and communities of color generally suffer a disproportionately high level of impact from air pollution. Because

ozone is a regional pollution problem and high ozone levels may occur many miles downwind from the pollution source, the SMAQMD assumes under AB1390 that all low-income communities and communities of color suffer a disproportionate impact. Consequently, the SMAQMD will direct 50% of the Carl Moyer funds to projects that impact qualifying areas. Projects will be deemed to impact qualifying areas if:

- The project is eligible for Carl Moyer funding², and
- The applicant will operate the project equipment at least 20% of its total operating hours in the SFNA within one or more of the following areas:
 - A qualifying area; or
 - An area within 1,000 ft of a qualifying area; or
 - An area determined by separate analysis to impact the air quality of a qualifying area.

These proposed additions to the Carl Moyer program are comparable to those adopted by other affected districts (SCAQMD, SDAPCD & BAAQMD) and will ensure compliance with new legal and regulatory requirements from adoption of AB 1390.

² The specific requirements of the Carl Moyer Program (which is a portion of the Heavy-Duty Low Emission Vehicle Incentive Program) can be found at our website: www.airquality.org. Vehicles and equipment funded under this program must operate a significant number of mile or hours within the SFNA.

APPENDIX A – TEXT OF AB 1390 (FIREBAUGH)

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

SECTION 1. (a) The Legislature finds and declares both of the following: (1) Air pollution is a serious and persistent problem for the health and welfare of the citizens of the state, and it poses a threat to our natural environment. (2) Certain areas of the state suffer from greater exposure to poor air quality, particularly pollutants emitted by motor vehicles.

(b) It is the intent of the Legislature to do all of the following: (1) Focus existing state air quality programs more directly on those geographic areas that suffer from the greatest exposure to poor air quality. (2) Structure future state air quality programs in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state. (3) Include, in any future appropriations intended to provide incentives for the purchase of zero emission vehicles by a member of the public or by a public agency, a concurrent appropriation for air quality emission reduction programs that are designed to benefit communities with significant air quality problems.

SECTION. 2. Section 43023.5 is added to the Health and Safety Code, to read:

43023.5. (a) Notwithstanding the requirements established by Provision 3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001) requiring all districts to distribute one-half of the funds subject to that provision in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution, only districts with a population of one million residents or greater, in consultation with the state board, shall ensure that not less than 50 percent of the funds subject to that provision and any other funds appropriated for purposes of the programs specified in paragraphs (1) to (3), inclusive, are expended in a manner that directly reduces air contaminants or reduces the public health risks associated with air contaminants in those districts, including, but not limited to, airborne toxics and particulate matter, in communities with the most significant exposure to air contaminants or localized air contaminants, or both, including, but not limited to, communities of minority populations or low-income populations, or both: (1) The Carl Moyer Air Quality Standards Attainment Program (Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code). (2) Programs for the purchase of reduced-emissions schoolbuses. (3) Diesel mitigation programs.

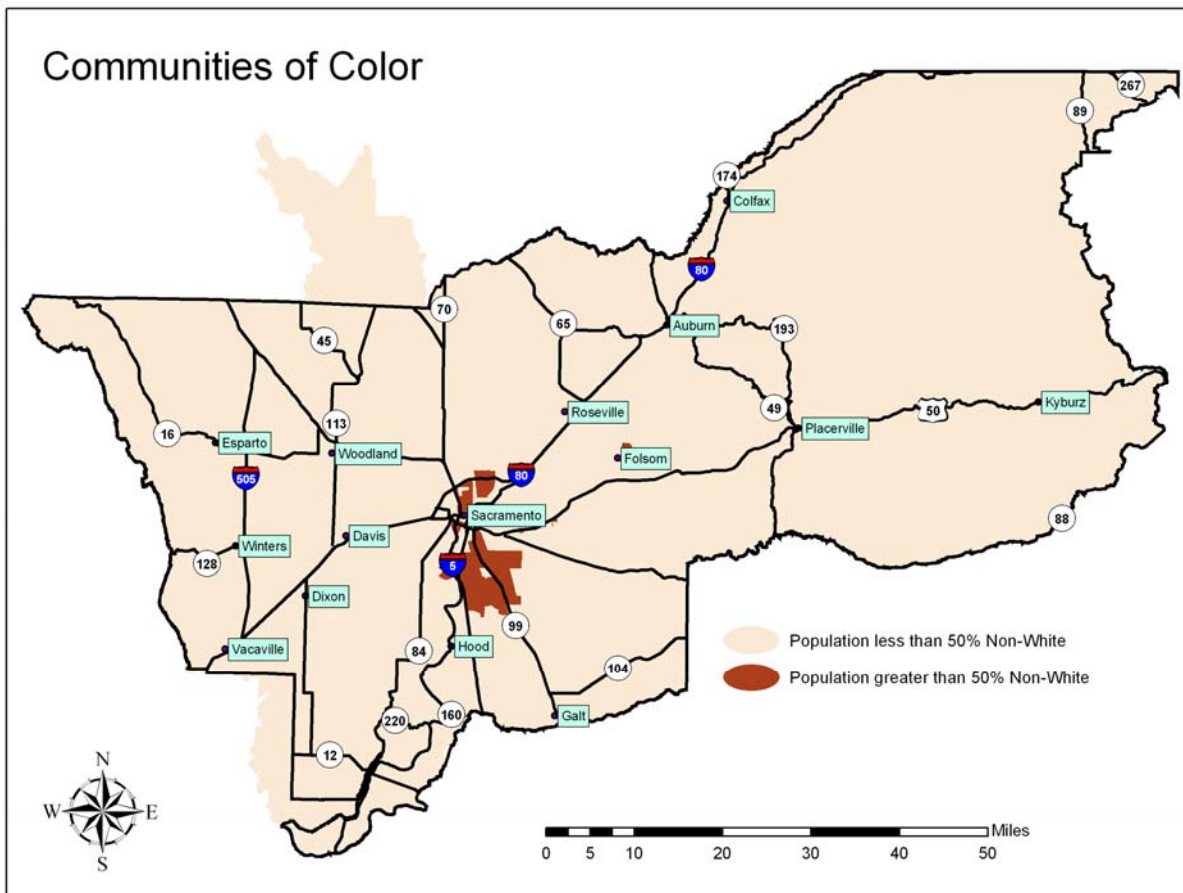
(b) Notwithstanding the requirements established by Provision 3 of Item 3900-001-0044 of the Budget Act of 2001 (Chapter 106 of the Statutes of 2001) requiring all districts to distribute one-half of the funds subject to that provision in a manner that directly benefits low-income communities and communities of color that are disproportionately impacted by air pollution, a district with less than one million residents is encouraged to expend funds available to the district for the purposes specified in subdivision (a) in a manner similar to that set forth in subdivision (a), to the extent that district determines that this is feasible. (c) This section shall remain in effect until January 1, 2007, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends that date.

SECTION. 3. Section 44260 of the Health and Safety Code is amended to read:

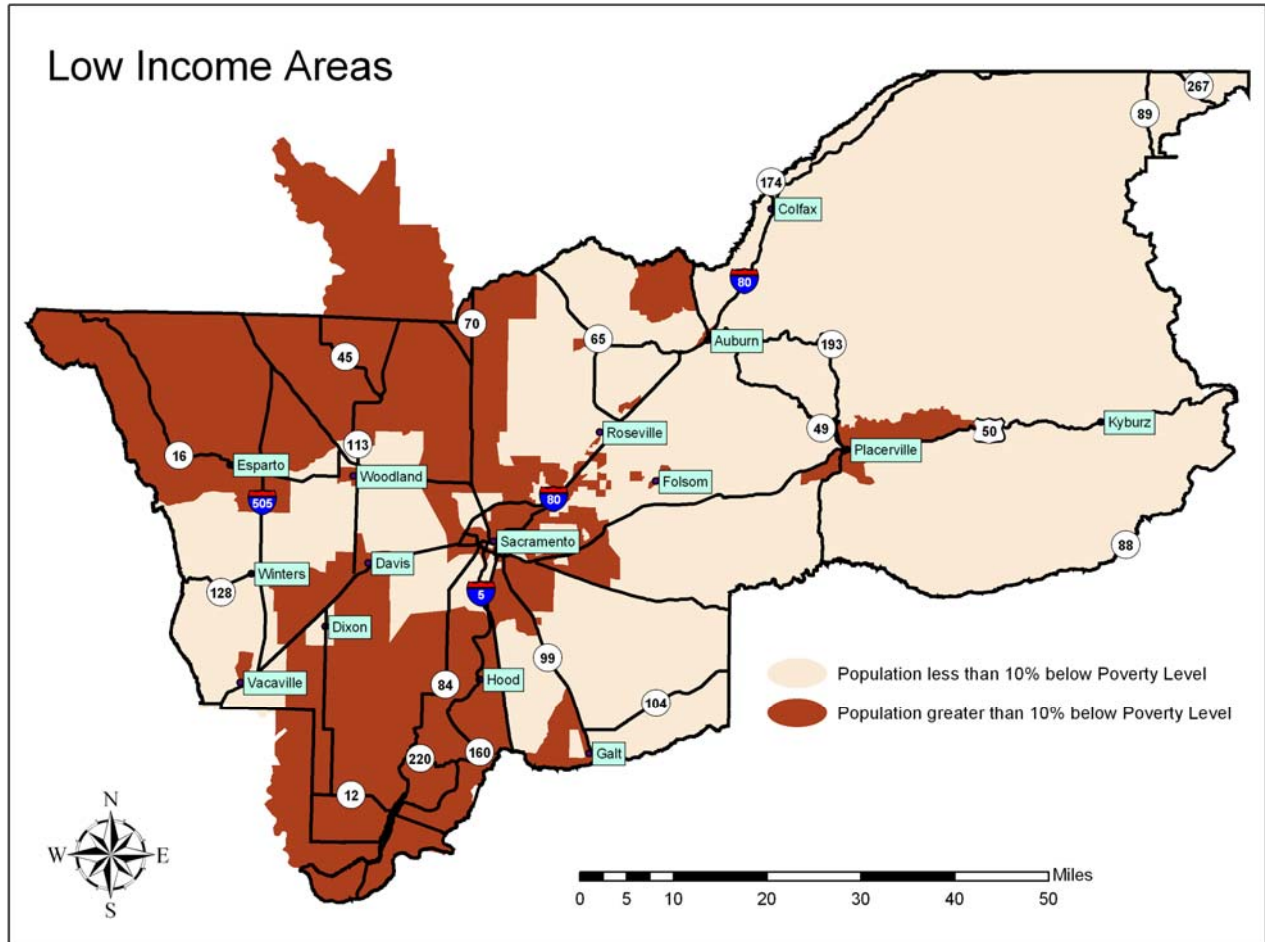
44260. The state board, in conjunction with the State Energy Resources Conservation and Development Commission, shall develop and administer a program to provide grants to individuals, local governments, public agencies, nonprofit organizations, and private businesses, to encourage the purchase or lease of a new zero-emission vehicle. The state board may reserve, allocate, and reallocate funds to any of those potential grant recipients. The state board shall periodically review grant applications and the award of grants to ensure, to the greatest extent possible, that all grant funds are used. The state board may reduce or eliminate grants awarded pursuant to this chapter if the state board determines that the recipient received a grant for the purchase or lease of a zero-emission vehicle in the Budget Act of 2001.

SECTION. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

APPENDIX B – COMMUNITIES OF COLOR REGIONAL MAP



APPENDIX C – REGIONAL MAP OF LOW INCOME AREAS



AB 1390 QUALIFYING CENSUS TRACTS

To determine the 2000 Census Tract for your location, please visit the following website:

<http://www.ffiec.gov/geocode/>

Type in your physical address, make a note of the census tract you are in, and then look on this list to see if your census tract qualifies.

The first three digits of the census tract in this list represent the county ID number, which is not listed when you look up your physical location on the website. Make sure you compare your census tract number with the census tract numbers in the appropriate county list below.

El Dorado County –

017-0311	017-031301	017-031502
017-0312	017-031302	

Placer County –

061-0203	061-021103	061-0216
061-020901	061-021402	

Sacramento County –

067-0004	067-005201	067-008119
067-0005	067-005202	067-008128
067-0006	067-005203	067-008129
067-0007	067-0053	067-008130
067-0010	067-005402	067-008131
067-0011	067-005403	067-008133
067-0012	067-005502	067-008134
067-0013	067-005505	067-008137
067-0014	067-005506	067-008139
067-0017	067-005507	067-008141
067-0018	067-005508	067-008142
067-0019	067-005605	067-008143
067-0020	067-005902	067-008208
067-0021	067-006002	067-0083
067-0022	067-006003	067-008404
067-0026	067-006101	067-0088
067-0027	067-006102	067-008905
067-0028	067-006201	067-008907
067-0029	067-006202	067-008908
067-0030	067-0063	067-008909
067-003101	067-0064	067-008911
067-003102	067-0065	067-008913
067-003201	067-0066	067-009004
067-003202	067-006701	067-009005
067-0034	067-006702	067-009006
067-003501	067-0068	067-009007

067-003502	067-0069	067-009008
067-0036	067-007001	067-009009
067-0037	067-007004	067-009103
067-0038	067-007007	067-009105
067-004001	067-007011	067-009106
067-004006	067-007013	067-009110
067-004009	067-007014	067-009111
067-004010	067-0071	067-009112
067-004011	067-007202	067-009316
067-0041	067-007204	067-009318
067-004201	067-007207	067-009319
067-004202	067-007208	067-009320
067-004203	067-007209	067-009321
067-0043	067-007402	067-009322
067-004401	067-007403	067-009501
067-004402	067-007404	067-009503
067-0045	067-007406	067-009504
067-004601	067-007413	067-009601
067-004602	067-007414	067-009605
067-0047	067-007416	067-009606
067-004801	067-007423	067-009607
067-004802	067-007424	067-009608
067-004903	067-007501	067-009609
067-004904	067-007503	067-009610
067-004905	067-007504	067-009613
067-004906	067-007602	067-009614
067-005001	067-007701	067-009618
067-005002	067-007801	067-0097
067-005101	067-007802	067-0098
067-005102	067-008007	
067-005103	067-008113	

Solano County –

095-253105	095-2533	
095-253202	095-2535	

Sutter County –

101-0509	101-0510	101-0511
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Yolo County –

113-010101	113-010509	113-0108
113-010102	113-010510	113-010901
113-010201	113-010602	113-010902
113-010203	113-010605	113-011001
113-010204	113-010606	113-011101
113-0104	113-010608	113-011102

113-010501	113-010701	113-0114
113-010507	113-010703	113-0115
113-010508	113-010704	