

Assembly Bill No. 679

CHAPTER 11

An act to add Sections 39616.5 and 43700.1 to the Health and Safety Code, relating to emissions.

[Approved by Governor February 24, 2006. Filed with
Secretary of State February 25, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 679, Calderon. Air resources: diesel fuel.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources and generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law imposes emission standards on used motor vehicles, including heavy-duty diesel motor vehicles. Existing law authorizes the state board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications that the state board has found to be necessary, cost effective, and technologically feasible. Existing law requires the state board to consult with significantly impacted entities and to make specified determinations before adopting or amending a standard or regulation relating to motor vehicle fuel specifications. Existing federal law requires the state to submit a state implementation plan for the control of air pollution that, among other things, lists reductions in emissions in the state. Existing law makes legislative findings and declarations relating to reductions in diesel emissions from motor vehicles.

This bill would prohibit the state board from adopting any regulation that excludes the importation of compliant diesel fuel, as defined, by entities that do not have refineries in California. The bill would authorize the state board to designate a fuel as a compliant diesel fuel, as specified. The bill would also require the state board to convene a panel of interested parties to develop a test protocol for the evaluation of California Air Resources Board (CARB) diesel fuel, and to recommend to the executive officer of the state board a subsequent test program that measures the emissions benefits of CARB diesel fuel. The bill would also require the state board, no later than December 31, 2007, to complete the test program and to submit the results of the test program to specified committees of the Legislature.

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

SECTION 1. Section 39616.5 is added to the Health and Safety Code, to read:

39616.5. (a) The state board shall not adopt any regulation that excludes the importation of compliant diesel fuel by entities that do not have refineries in California.

(b) For the purposes of this section, “compliant diesel fuel” means a diesel fuel that complies with the designated equivalent limits in paragraph (1) of subdivision (h) of Section 2282 of Title 13 of the California Code of Regulations.

(c) The state board may designate a fuel as a compliant diesel fuel if an importer demonstrates that the relevant properties of the diesel fuel to be imported are equivalent to the properties of California Air Resources Board (CARB) diesel fuel blends being certified for sale in California.

(d) For the purposes of this section, “relevant properties” include all of the following:

- (1) Aromatic hydrocarbon content.
- (2) Polycyclic aromatic hydrocarbon content.
- (3) API gravity.
- (4) Cetane number.
- (5) Nitrogen content.
- (6) Sulfur content.

SEC. 2. Section 43700.1 is added to the Health and Safety Code, to read:

43700.1. (a) The state board shall convene a panel of interested parties to develop a test protocol for the evaluation of California Air Resources Board (CARB) diesel fuel, and to recommend to the executive officer of the state board a subsequent test program that measures the emissions benefits of CARB diesel fuel.

(b) No later than December 31, 2007, the state board shall complete the test program described in subdivision (a), and shall submit the results of the test program to the Senate Committee on Environmental Quality, the Senate Committee on Transportation and Housing, and the Assembly Committee on Transportation.