



# San Gabriel Valley Council of Governments

## AGENDA AND NOTICE

### OF THE MEETING OF THE ENERGY, ENVIRONMENT AND NATURAL RESOURCES (EENR) COMMITTEE

Wednesday, May 17, 2017 – 12:30 PM

Upper San Gabriel Valley Municipal Water District (602 E. Huntington Dr; Monrovia, CA)

Chair  
**Denis Bertone**  
City of San Dimas

Vice Chair  
**Liz Reilly**  
City of Duarte

Members  
*Claremont*  
*Duarte*  
*Glendora*  
*Rosemead*  
*San Dimas*  
*Sierra Madre*  
*South Pasadena*  
*West Covina*

Thank you for participating in today's meeting. The EENR Committee encourages public participation and invites you to share your views on agenda items.

**MEETINGS:** *Regular Meetings of the EENR Committee are held on the third Wednesday of each month at 12:30 PM at the Upper San Gabriel Valley Municipal Water District, 602 E. Huntington Drive, Monrovia, CA.* The EENR Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, [www.sgvkog.org](http://www.sgvkog.org). Copies are available via email upon request ([sgv@sgvcog.org](mailto:sgv@sgvcog.org)). Documents distributed to a majority of the Committee after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

**CITIZEN PARTICIPATION:** Your participation is welcomed and invited at all EENR Committee meetings. Time is reserved at each regular meeting for those who wish to address the Committee. SGVCOG requests that persons addressing the Committee refrain from making personal, slanderous, profane or disruptive remarks.

**TO ADDRESS THE EENR COMMITTEE:** At a regular meeting, the public may comment on any matter within the jurisdiction of the Committee during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Committee on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The EENR Committee may not discuss or vote on items not on the agenda.**

**AGENDA ITEMS:** The Agenda contains the regular order of business of the EENR Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the EENR Committee can be fully informed about a matter before making its decision.

**CONSENT CALENDAR:** Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Committee member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Committee.

#### PRELIMINARY BUSINESS

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the Chair may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting (*It is anticipated that the EENR Committee may take action on the following matters*)

**CONSENT CALENDAR** (*It is anticipated that the EENR Committee may take action on the following matters*)

5. EENR Meeting Minutes  
*Recommended Action: Approve.*
6. Correspondence  
*Recommended Action: Receive and File.*

**PRESENTATIONS** (*It is anticipated that the EENR Committee may take action on the following matters*)

7. BKK Landfill Project – Chris Freeland, City Manager, City of West Covina  
*Recommended Action: For information only.*

**DISCUSSION ITEMS** (*It is anticipated that the EENR Committee may take action on the following matters*)

**ACTION ITEMS** (*It is anticipated that the EENR Committee may take action on the following matters*)

8. San Gabriel Mountains National Monument Status – Omar Gomez, San Gabriel Mountains Forever  
*Recommended Action: Recommend the Governing Board adopt a resolution supporting the San Gabriel Mountains National Monument designation and direct the Executive Director to submit comments to the Secretary of the Interior.*
9. AB 1132 (Garcia) – Rainbow Yeung, South Coast AQMD  
*Recommended Action: Discuss and provide direction to staff.*
10. AB 1274 (O'Donnell) – Rainbow Yeung, South Coast AQMD  
*Recommended Action: Discuss and provide direction to staff.*

**UPDATE ITEMS** (*It is anticipated that the EENR Committee may take action on the following matters*)

11. Los Angeles County Community Choice Energy JPA  
*Recommended Action: For information.*
12. National Forest Foundation Community Collaborative  
*Recommended Action: For information.*
13. SGVCOG Water Committee Update  
*Recommended Action: For information.*
14. San Gabriel Valley Energy Wise Partnership  
*Recommended Action: For information.*

**COMMITTEE MEMBER ITEMS**

**STAFF ANNOUNCEMENTS**  
**ANNOUNCEMENTS**  
**ADJOURN**





**SGVCOG EENR Committee Unapproved Minutes**

Date: April 19, 2017

Time: 12:31 PM

Location: USGVMWD (602 E. Huntington Drive, Monrovia)

**PRELIMINARY BUSINESS**

1. Call to Order  
This meeting was called to order at 12:31 pm

2. Roll Call

**Members Present**

Duarte	L. Reilly
Glendora	J. Nelson
Rosemead	M. Clark
San Dimas	D. Mahmud
West Covina	J. Toma

**Absent**

Claremont  
Sierra Madre  
South Pasadena

**COG Staff**

Christian Cruz, Staff

3. Public Comment  
No public comment.
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting  
There were no changes to the Agenda.

**CONSENT CALENDAR**

5. EENR Meeting Minutes
6. Correspondence  
**There was a motion to approve consent items 5-6. (M/S: L. Reilly / J. Toma).**

[Motion Passed]

<b>AYES:</b>	Duarte, Glendora, Rosemead, San Dimas, West Covina
<b>NOES:</b>	
<b>ABSTAIN:</b>	
<b>ABSENT:</b>	Claremont, Sierra Madre, South Pasadena

**PRESENTATIONS**

7. Easy Program Evaluation – Kelsey Zurcher, Intern, SGVCOG  
K. Zurcher presented on this item.
8. Charge Ready Program – Cassie Cuaresma, Project Manager, Southern California Edison  
C. Cuaresma presented on this item.

**DISCUSSION ITEMS**

**ACTION ITEMS**

**UPDATE ITEMS**

9. Los Angeles Community Choice Energy JPA  
M. Creter reported on this item.
10. National Forest Foundation Community Collaborative  
L. Reilly reported on this item.
11. SGVCOG Water Committee Update  
M. Clark reported on SB 231
12. San Gabriel Valley Energy Wise Partnership  
K. Ward.

**COMMITTEE MEMBER ITEMS**

J. Capoccia recapped 626 Golden Streets

**STAFF ANNOUNCEMENTS**

**ANNOUNCEMENTS**

**ADJOURN**

Meeting adjourned at 1:42 p.m.

# Public energy programs save customers money — at least in the beginning



A new government-run energy program approved by L.A. County supervisors would include solar projects like this parking canopy at Taft High in Woodland Hills. (Anne Cusack / Los Angeles Times)

APRIL 30, 2017, 3:00 AM

**S**outhern California Edison customers looking to cure their power-bill pain might find some relief in Los Angeles County's new government-run energy program — but the track records of similar public energy efforts show that the initial cost advantage doesn't last.

From California to Massachusetts, the kinds of community energy programs that L.A. County approved this month lowered electricity bills 5% to 40% when they began.

But after an initial honeymoon period, the savings have tended to shrink.

In many cases, the electricity-cost difference between the old utility and the newer competing public program has declined to a few cents a month on customers' bills. In some cases, the cost advantage for the new rivals has

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Item #6  
Page 1 of 4

Customers who leave the traditional utilities should pay a higher fee for electricity bought on their behalf that no longer is needed, according to a proposal filed with regulators by Southern California Edison, San Diego Gas & Electric and Pacific Gas & Electric. Increasing the fee included with each month's bill would further reduce any cost difference.

Still, proponents of the government-run operations, called Community Choice Aggregation programs, or CCAs, contend that they offer benefits to all electricity users beyond cost savings.

## How public power works

The public programs replace some of the functions performed by traditional, investor-owned utilities such as Edison.

The government-run operations take on the role of purchasing power as well as developing their own sources of electricity, such as by placing solar panels atop roofs or canopies on parking lots.

In doing so, they compete against the utilities in securing power contracts and finding suitable spots for developing sustainable power projects.

But Edison, SDG&E and PG&E still must collect money from all utility customers to pay for maintenance of power lines, substations and other resources that help make up the electric grid.

"They're responsible for system reliability," said Steve Hoffman, a retired president of power company NRG West. "All of those costs are still going to be borne by CCA customers."

Much of the economic benefit to consumers comes from the utility — government-run or investor-owned — that can secure the best deal and save consumers money.

But there's an additional benefit: As the government-run energy programs push for more clean energy, Edison and other investor-owned utilities increasingly must consider that consumers might want wider use of solar or wind power rather than fossil fuel sources such as natural gas or coal.

"CCAs do provide pressure on the utilities," Hoffman said.

## How well is public power performing?

About a half-dozen states operate community choice aggregation programs, including California, Illinois, Massachusetts, New Jersey, Ohio and Rhode Island.

In Illinois, utility customers participate in the government programs at a higher rate than in any other state.

Illinois offers utility customers broad flexibility to switch between the investor-owned utilities and the government-run programs.

As older, higher-priced contracts ended, investor-owned utilities negotiated better deals that allowed them to offer more competitive prices to retail customers.

“Basically, [the investor-owned utilities] had a high-note mortgage and refinanced it at a lower rate,” said Mark Pruitt, principle at the Illinois Community Choice Aggregation Network.

Chicago was the biggest Illinois town to join the public power push. But only two years later, in 2015, city officials decided to get out of the business of supplying energy and returned about 750,000 households, or about 2 million people, to the investor-owned utility because prices had become more competitive.

Scott Tess, environmental sustainability manager for Urbana, Ill., said the majority of the utility customers in the college town are enrolled in the government program. He said it sometimes is difficult to see savings from month to month because electricity usage and prices fluctuate.

“There are quarters of the year where we haven’t competed as well,” Tess said. “It’s actually hard to see \$5 or \$10 savings per month. It’s actually year to year that you see the savings.”

## Greening the Cape

In Cape Cod, where Maggie Downey runs Cape Light Compact, the nation’s oldest community choice aggregation program, about 65% of ratepayers have stayed with the public energy plan even though it isn’t always the cheapest.

Over the 15 years that the Cape Light Compact has operated, a residential customer would have paid on average about \$6.30 more a year for electricity but also would have gotten increasingly clean options, culminating with the recent introduction of a 100% renewable energy selection.

“It brings in more choices,” said Downey, whose program serves 207,000 customers. “We never say we’re the lowest price. If we bought today, the price could change. The price could go up.”

Giving customers the ability to choose clean energy is one of the major benefits of community energy programs, beyond any potential savings, proponents argue.

## Marin County’s version

About 255,000 utility customers are part of California’s oldest community energy program that began in Marin County in May 2010. That’s 83% of the eligible customers in the service area.

“Right now, our rates are barely less than theirs,” said Jamie Tuckey, a spokeswoman for the program in Northern California, dubbed MCE . “But it’s less.”

The typical MCE residential customer pays about \$97.75 a month for electricity from 50% renewable energy sources such as solar power, which means the program already meets the state’s mandate that utilities get half of their power from clean sources by 2030.

That compares to a typical PG&E customer bill of \$98.30 a month for an electricity mix of about 33% from renewable sources, including about 13% from solar.

MCE and PG&E also offer 100% clean energy options. MCE’s 100% clean energy program increases monthly costs by about \$4 to a typical residential bill, while PG&E’s comparable program adds about \$13.

“We’ve seen their rates reduce. They’re also even offering 100% renewable option,” Tuckey said.

“I think a lot of that,” she said, “is spurred by the competition that CCAs are creating in California.”

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# REPORT

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DATE: May 17, 2017  
TO: Energy, Environment and Natural Resources Committee  
FROM: Phil Hawkey, Executive Director  
RE: **BKK LANDFILL PROJECT**

## **RECOMMENDED ACTION**

For information only.

## **BACKGROUND**

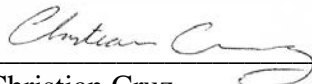
The BKK Landfill is a brownfield site approximately 583-acres. The site operated as a Class I – hazardous waste landfill from 1962-1987 and operated as a Class III – municipal waste landfill from 1987 until its closure in 1996. During this time the site collected approximately 3.4 million tons of liquid and solid hazardous waste and 20 million tons of municipal waste.

The City of West Covina Community Development Commission (CDC), in July 2003, purchased approximately 231 acres from BKK Corporation. The CDC also leased an additional 84-acres at the cost of \$1 per year for 100 years for a proposed 18-hole golf course development. The city's role resulted in an amendment of the consent order between BKK Corporation and the U.S. Environmental Protection Agency (EPA). The amendment removed land-use deed restrictions to allow recreational uses on a portion of the landfill and established a prospective purchaser agreement with the EPA and California Department of Toxic Substances Control (DTSC) to secure environmental liability protection for the city, developers and future landowners.

In October 2004, BKK notified DTSC and U.S. EPA that it did not have sufficient funds to continue operating the remaining landfill after November 2004. The City coordinated with Department of Toxic Substances Control (DTSC) and the California Integrated Waste Management Board (CIWMB) in hiring an emergency response contractor to provide continued remediation oversight activities.

In December 2016, the City of West Covina forged an exclusive negotiating agreement with Singpoli Group LLC that could bring an amusement park to the former BKK landfill site pending the completion of a feasibility study.

Chris Freeland, City Manager from the City of West Covina, will present on the proposed project and potential environmental impacts.

Prepared by:   
Christian Cruz  
Management Analyst

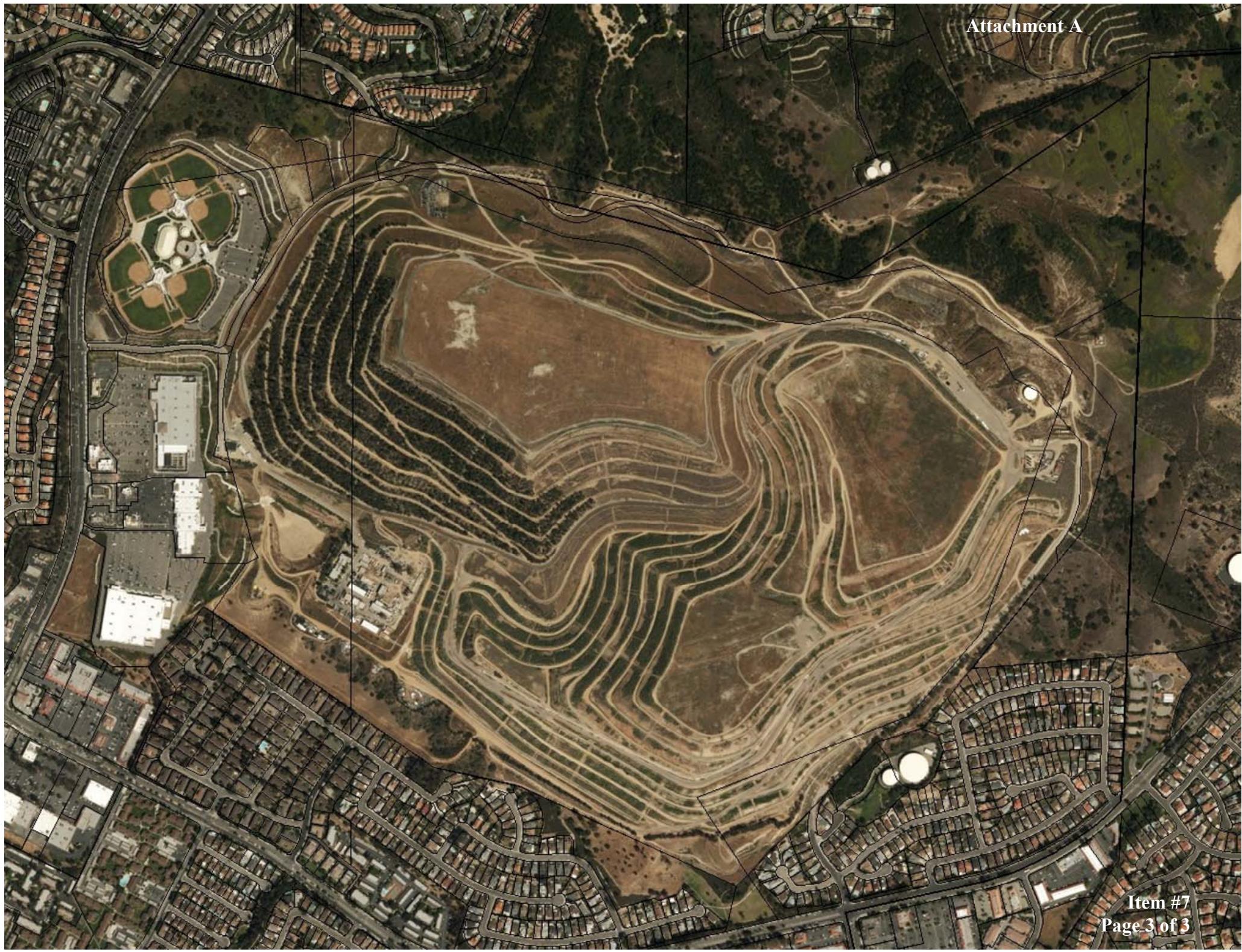
# REPORT

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Approved by: Marisa Creter  
Marisa Creter  
Assistant Executive Director

## ATTACHMENTS

Attachment A – BKK Landfill Map





# REPORT

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DATE: May 17, 2017

TO: Energy, Environment and Natural Resources Committee

FROM: Phil Hawkey, Executive Director

**RE: SAN GABRIEL NATIONAL MONUMENT STATUS**

## **RECOMMENDED ACTION**

Recommend the Governing Board adopt a resolution supporting the San Gabriel Mountains National Monument designation and direct the Executive Director to submit comments to the Secretary of the Interior

## **BACKGROUND**

In October 2014, President Barack Obama designated 346,177 acres of land as the San Gabriel Mountains National Monument (Attachment A), the eighth national monument under Forest Service management. All the land included in the National Monument was already existing federal land as part of the National Forest. The designation provided additional resources for the San Gabriel Mountains and ensured that thousands of miles of streams, hiking trails, and other outdoor recreation opportunities would be protected. President Obama's declaration also required public input, which resulted in the creation of the San Gabriel Mountains National Monument Community Collaborative (Collaborative). Since its formation, the Collaborative has been tasked with bringing diverse partners and residents together in order to identify, prioritize and advocate for investments, management objectives, and values that sustainably benefit the Angeles National Forest, the San Gabriel Mountains National Monument, and all communities throughout the region.

On April 26, 2017, President Trump signed an executive order (Attachment B) directing the Secretary of the Interior to review all National Monuments established under the Antiquities Act over the past 21 years where the designation covers more than 100,000 acres which includes San Gabriel Mountains National Monument. The Secretary of the Interior will review all National Monuments based on the following criteria:

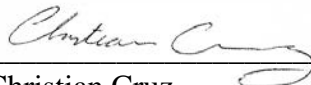
1. The requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected";
2. Whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest";
3. The effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of the Federal Land Policy and Management, as well as the effects on the available uses of Federal lands beyond the monument boundaries;
4. The effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;
5. Concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities; and
6. The availability of Federal resources to properly manage designated areas.

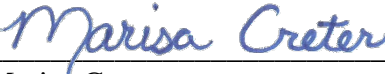
# REPORT

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The Secretary of the Interior is providing an interim report within 45 days to the President and a final report within 120 days of the date of the order.

On May 2, 2017, the Los Angeles County Board of Supervisors passed a motion (Attachment C) to direct the Chief Executive Office, in coordination with the Washington, DC Legislative Advocates, to send a five-signature letter to the Los Angeles County's congressional delegation (Attachment D), requesting their support to advocate and seek legislation that protects the existing National Monuments from ending. Additionally, the Collaborative will consider a letter at their May 25th meeting highlighting that the San Gabriel Mountains National Monument meets all the criteria, as established in the Executive Order, to keep its designation as a National Monument.

Prepared by:   
Christian Cruz  
Management Analyst

Approved by:   
Marisa Creter  
Assistant Executive Director

## **ATTACHMENTS**

- Attachment A – San Gabriel Mountains National Monument Map
- Attachment B – Executive Order
- Attachment C – LA County Board of Supervisors Motion
- Attachment D – LA County Supervisors Congressional Delegation Letter

# USDA San Gabriel Mountains National Monum

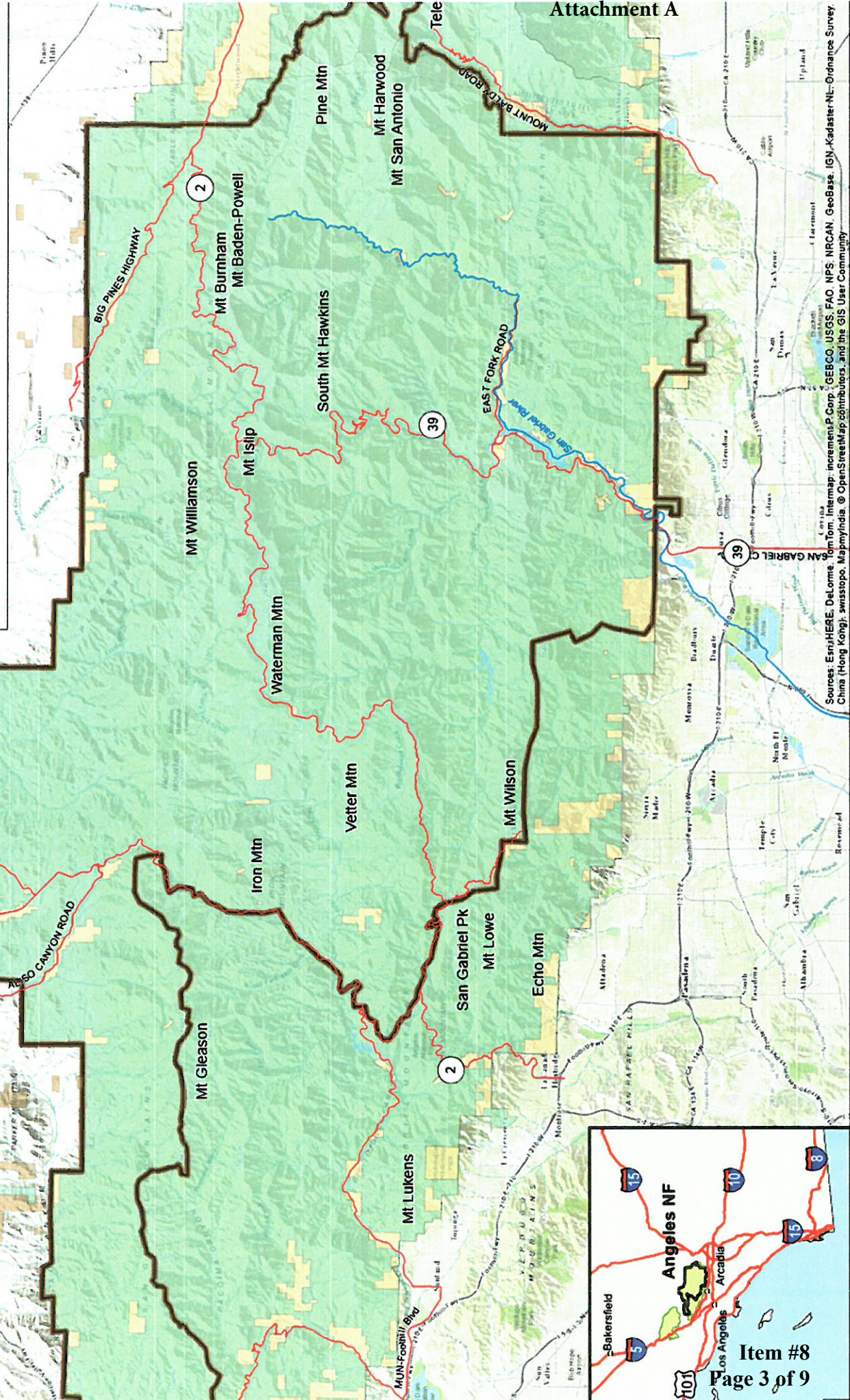
**Legend**

- Major Roads
- Secondary Roads
- Final Boundary
- Basic Ownership
- NON-FS
- USDA FOREST SERVICE
- BLM
- State

**Disclaimer**  
The USDA Forest Service makes no warranty, expressed or implied, regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

**References**  
Map prepared by the U.S. Forest Service with data provided by the Angeles & San Bernardino National Forests.

**Final Boundary**  
For more information about the U.S. Forest Service, visit [www.fs.fed.us](http://www.fs.fed.us).  
Monument boundary area: 346,177 acres.



**Attachment A**

Sources: Esri/HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

## Presidential Documents

Executive Order 13792 of April 26, 2017

### Review of Designations Under the Antiquities Act

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in recognition of the importance of the Nation's wealth of natural resources to American workers and the American economy, it is hereby ordered as follows:

**Section 1. Policy.** Designations of national monuments under the Antiquities Act of 1906, recently recodified at sections 320301 to 320303 of title 54, United States Code (the "Antiquities Act" or "Act"), have a substantial impact on the management of Federal lands and the use and enjoyment of neighboring lands. Such designations are a means of stewarding America's natural resources, protecting America's natural beauty, and preserving America's historic places. Monument designations that result from a lack of public outreach and proper coordination with State, tribal, and local officials and other relevant stakeholders may also create barriers to achieving energy independence, restrict public access to and use of Federal lands, burden State, tribal, and local governments, and otherwise curtail economic growth. Designations should be made in accordance with the requirements and original objectives of the Act and appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.

**Sec. 2. Review of National Monument Designations.** (a) The Secretary of the Interior (Secretary) shall conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, to determine whether each designation or expansion conforms to the policy set forth in section 1 of this order. In making those determinations, the Secretary shall consider:

- (i) the requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected";
- (ii) whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest";
- (iii) the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;
- (iv) the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;
- (v) concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities;
- (vi) the availability of Federal resources to properly manage designated areas; and

(vii) such other factors as the Secretary deems appropriate.

(b) In conducting the review described in subsection (a) of this section, the Secretary shall consult and coordinate with, as appropriate, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Secretary of Homeland Security, and the heads of any other executive departments or agencies concerned with areas designated under the Act.

(c) In conducting the review described in subsection (a) of this section, the Secretary shall, as appropriate, consult and coordinate with the Governors of States affected by monument designations or other relevant officials of affected State, tribal, and local governments.

(d) Within 45 days of the date of this order, the Secretary shall provide an interim report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chairman of the Council on Environmental Quality, summarizing the findings of the review described in subsection (a) of this section with respect to Proclamation 9558 of December 28, 2016 (Establishment of the Bears Ears National Monument), and such other designations as the Secretary determines to be appropriate for inclusion in the interim report. For those designations, the interim report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

(e) Within 120 days of the date of this order, the Secretary shall provide a final report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chairman of the Council on Environmental Quality, summarizing the findings of the review described in subsection (a) of this section. The final report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

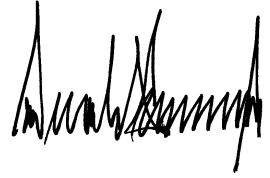
**Sec. 3. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be the signature of Donald Trump, located in the upper right quadrant of the page.

THE WHITE HOUSE,  
*April 26, 2017.*

[FR Doc. 2017-08908  
Filed 4-28-17; 11:15 am]  
Billing code 3295-F7-P

AGN. NO. \_\_\_\_

May 2, 2017

**MOTION BY SUPERVISOR HILDA L. SOLIS**

**San Gabriel National Monument**

On April 26, 2017, President Trump signed an executive order that ordered a review of all National Monuments established under the Antiquities Act over the past 21 years, this includes the San Gabriel Mountains. As the original author that started the process to protect the San Gabriel Mountains when I served in Congress, implementing the President Trump’s Executive Order would wipe away the years of work has been done to date. The process to declare a National Monument took 10 years and plenty of community engagement to ensure that stakeholders were all involved.

President Obama declared the national monument in October 2014 and required public input, which resulted in the creation of the San Gabriel Mountains National Monument Community Collaborative. This collaborative has 40 diverse members who discuss priorities and ensure the Forest Service hears from the public. This effort could be ended with Presidents Trump’s order.

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS,**

Direct CEO, in coordination with the Washington, DC Legislative Advocates, to send a five-signature letter to the Los Angeles County’s congressional delegation, requesting their support to advocate and seek legislation that protects the existing National Monuments from ending.

###

HLS/tv

- MORE -

MOTION

SOLIS \_\_\_\_\_

KUEHL \_\_\_\_\_

HAHN \_\_\_\_\_

BARGER \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_



**COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS**

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

HILDA L. SOLIS

MARK RIDLEY-THOMAS

SHEILA KUEHL

JANICE HAHN

KATHRYN BARGER

May 4, 2017

The Honorable Nanette Barragán  
U.S. House of Representatives  
1320 Longworth House Office Building  
Washington, D.C. 20515

Dear Representative Barragán:

We are writing to express our support for legislation that protects the designation of the San Gabriel Mountains National Monument.

On April 26, 2017, President Trump signed an Executive Order that directed a review of all national monuments established under the Antiquities Act over the past 21 years. This Executive Order could impact at least 20 and possibly up to 40 national monuments, including the San Gabriel Mountains National Monument.

Efforts to establish the San Gabriel Mountains National Monument began in 2003, with the enactment of the San Gabriel River Watershed Study Act, which was undertaken to determine whether any portion of the San Gabriel Watershed and Mountains would be eligible to be designated as a unit of the National Park Service.

In October 2014, President Obama declared 346,177 acres of existing Federal land as the San Gabriel Mountains National Monument. The designated area covers the Angeles National Forest and a portion of the neighboring San Bernardino National Forest. The designation provided additional resources for the San Gabriel Mountains, and ensured that thousands of miles of streams, hiking trails and other outdoor recreation opportunities would be protected. President Obama's declaration also required public input, which resulted in the creation of the San Gabriel Mountains National Monument Community Collaborative. This nonprofit partner of the U.S. Forest Service has 40 diverse members who work with the Forest Service to discuss priorities, resources, investments, management objectives and implementation practices related to the San Gabriel Mountains National Monument.


President Trump's Executive Order could wipe away the over 10 years of work that has been done to establish the San Gabriel Mountains National Monument, including the previous and ongoing community engagement to ensure that stakeholders are all involved.

The Honorable Nanette Barragán  
May 4, 2017  
Page 2


We respectfully urge you to support legislation that would protect the designation of the San Gabriel Mountains National Monument.


Thank you for your consideration on this important issue.

Sincerely,

  
MARK RIDLEY-THOMAS  
Chairman of the Board  
Supervisor, Second District

  
HILDA L. SOLIS  
Supervisor, First District

  
SHEILA KUEHL  
Supervisor, Third District

  
JANICE HAHN  
Supervisor, Fourth District

  
KATHRYN BARGER  
Supervisor, Fifth District



# REPORT

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DATE: May 17, 2017  
TO: Energy, Environment and Natural Resources Committee  
FROM: Phil Hawkey, Executive Director  
RE: **AB 1132 (GARCIA)**

## **RECOMMENDED ACTION**

Discuss and provide direction to staff.

## **AB 1132 (GARCIA) BACKGROUND**

Under current state law, an Air Pollution Control Officer (APCO) discovering an air pollution violation may seek an Order of Abatement (OFA) to prevent further violations from the source. Prior to issuing the order, the matter must be heard by either the air district's governing board or hearing board, following 10 days' notice, including publication in a daily newspaper.

This legislation (Attachment A) would authorize an APCO to issue an OFA, pending a hearing of the district board, if the APCO determines that a person is in violation, either by operating without a permit or exceeding a district permit or rule, and the violation presents an imminent and substantial endangerment to the public health or welfare or the environment. This would also require the OFA to remain in effect until the hearing is completed and the hearing board.

## **SUPPORT AND OPPOSITION**

Supporters believe this legislation AB 1132 would speed up the process of protecting the public, and would bring air districts into compliance with federal clean air regulations, AB 1132 retains due process and other legal protections.

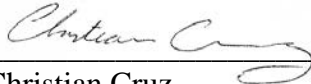
The bill is being opposed by the following industry groups:


- California Business Properties Association
- California Chamber of Commerce
- California Construction and Industrial Materials Association
- California League of Food Processors
- California Manufacturers & Technology Association
- Metal Finishing Association of Northern California
- Metal Finishing Association of Southern California
- West Coast Chapter of the Institute of Scrap Recycling Industries Western Growers
- Western States Petroleum

Rainbow Yeung, from the South Coast Air Quality Management District, will present and provide an overview.

# REPORT

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Prepared by:   
Christian Cruz  
Management Analyst

Approved by:   
Marisa Creter  
Assistant Executive Director

## **ATTACHMENTS**

Attachment A – AB 1132 (Garcia)

AMENDED IN ASSEMBLY APRIL 24, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1132**

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**Introduced by Assembly Member Cristina Garcia**

February 17, 2017

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An act to add Section 42451.5 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as amended, Cristina Garcia. Nonvehicular air pollution: ~~order of~~ *for* abatement.

Existing law regulates the emission of air pollutants by stationary sources and authorizes the regional air quality management districts and air pollution control districts (air districts) to enforce those requirements. Existing law authorizes the governing boards and the hearing boards of air districts to issue an order for abatement, after notice and a hearing, whenever they find a violation of those requirements.

This bill would authorize the air pollution control officer, if he or she ~~determines that a person has violated those requirements and the violation presents an imminent and substantial endangerment to the public health or welfare, or the environment,~~ *finds that any person is causing an imminent and substantial endangerment to the public health or welfare, or the environment, by violating those requirements,* to issue an *interim* order for abatement pending a hearing before the hearing board of the air district. The bill would require the air pollution control officer to notify the alleged violator of the order and would establish a procedure for a postorder hearing.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 42451.5 is added to the Health and Safety  
2 Code, to read:

3 42451.5. (a) ~~If the air pollution control officer determines that~~  
4 ~~a person is~~ *The air pollution control officer may issue an interim*  
5 *order for abatement, pending a hearing pursuant to Section 42451,*  
6 *if the air pollution control officer finds that any person is causing*  
7 *an imminent and substantial endangerment to the public health*  
8 *or welfare, or the environment, by constructing or operating any*  
9 *article, machine, equipment, or other contrivance without a permit*  
10 *required by this part, or is in violation of by violating Section 41700*  
11 *or 41701 or of any order, rule, or regulation prohibiting or limiting*  
12 *the discharge of air contaminants into the air and that the violation*  
13 ~~presents an imminent and substantial endangerment to the public~~  
14 ~~health or welfare, or the environment, the air pollution control~~  
15 ~~officer may issue an order for abatement to the person pending a~~  
16 ~~hearing pursuant to Section 42450.~~ *air.* The order shall be effective  
17 upon the notification of the person of the *issuance of the* order. In  
18 notifying the person, the air pollution control officer shall also  
19 provide that person with an accusation specifying the grounds on  
20 which the order is issued and procedures by which the person may  
21 challenge the order.

22 (b) Upon receipt by the ~~air~~ district of a notice of defense to the  
23 accusation from the person, the ~~air~~ district shall, within 15 days,  
24 set the matter for a hearing pursuant to this article, which shall be  
25 held as soon as possible, but not later than 30 days after the receipt  
26 of the notice.

27 (c) The order shall remain in effect until the hearing is completed  
28 and the hearing board has made a final determination on the merits,  
29 which shall be made within 60 days after the completion of the  
30 hearing. If the determination is not transmitted within this period,  
31 the order shall be of no further effect.

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# REPORT

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DATE: May 17, 2017  
TO: Energy, Environment and Natural Resources Committee  
FROM: Phil Hawkey, Executive Director  
RE: **AB 1274 (O'DONNELL)**

## **RECOMMENDED ACTION**

Discuss and provide direction to staff.

## **AB 1274 (O'DONNELL) BACKGROUND**

Existing law provides, with limited exceptions, that vehicles that are six years old or newer are not required to participate in smog check and instead pay a \$12 annual smog abatement fee. Existing law also establishes the Moyer Program, administered by the Air Resources Board to provide grants to offset the incremental cost of eligible projects that reduce emissions from certain vehicular sources.

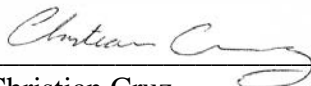
This legislation (Attachment A) exempts two additional model years of vehicles (model years 7 and 8) from motor vehicle inspection and maintenance program (smog check) requirements, assesses these vehicles a fee of \$24 per year for each year they are exempted, and directs revenue from the fee to the Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program)

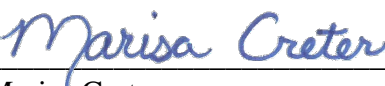
## **SUPPORT AND OPPOSITION**

Supporters believe with the passage of the recent Air Quality Management Plan; the district needs funding for incentive programs to reduce emissions and achieve targets. This smog abatement bill would redistribute funds that are already collected for such programs to help reach the \$10 billion over 10-year funding goal.

There is currently no opposition to this bill.

Rainbow Yeung, from the South Coast Air Quality Management District, will present and provide an overview.

Prepared by:   
Christian Cruz  
Management Analyst

Approved by:   
Marisa Creter  
Assistant Executive Director

## **ATTACHMENTS**

Attachment A – AB 1274 (O'Donnell)

AMENDED IN ASSEMBLY MARCH 30, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

**ASSEMBLY BILL****No. 1274****Introduced by Assembly Member O'Donnell**

February 17, 2017

An act to amend ~~Section 44280~~ Sections 44011, 44060, 44060.5, and 44091.1 of the Health and Safety Code, relating to vehicular air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1274, as amended, O'Donnell. ~~Carl Moyer Memorial Air Quality Standards Attainment Program.~~ *Smog check: exemption.*

*Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law, except as provided, exempts motor vehicles that are 6 or less model-years old from being inspected biennially upon renewal of registration.*

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program, which is administered by the State Air Resources Board. The program authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources. The program also authorizes funding for a fueling infrastructure demonstration program and for technology development efforts that are expected to result in commercially available technologies in the near-term that would improve the ability of the program to achieve its goals.

AB 1274

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~~This bill would make nonsubstantive changes to these provisions.~~

*This bill would, except as provided, exempt motor vehicles that are 8 or less model-years old from being inspected biennially upon renewal of registration. The bill would assess an annual smog abatement fee of \$24 on motor vehicles that are 7 or 8 model-years old. The bill would require the fee be deposited into the Air Pollution Control Fund and be available for expenditure, upon appropriation by the Legislature, to fund the Carl Moyer Memorial Air Quality Standards Attainment Program.*

*This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.*

Vote: ~~majority~~ <sup>$\frac{2}{3}$</sup> . Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

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

1     SECTION 1. Section 44011 of the Health and Safety Code is  
2     amended to read:  
3     44011. (a) All motor vehicles powered by internal combustion  
4     engines that are registered within an area designated for program  
5     coverage shall be required biennially to obtain a certificate of  
6     compliance or noncompliance, except for the following:  
7     (1) All motorcycles until the department, pursuant to Section  
8     44012, implements test procedures applicable to motorcycles.  
9     (2) All motor vehicles that have been issued a certificate of  
10    compliance or noncompliance or a repair cost waiver upon a change  
11    of ownership or initial registration in this state during the preceding  
12    six months.  
13    (3) All motor vehicles manufactured prior to the 1976  
14    model-year.  
15    (4) (A) Except as provided in subparagraph (B), all motor  
16    vehicles four or less model-years old.  
17    (B) (i) Beginning January 1, ~~2005~~, 2018, all motor vehicles ~~six~~  
18    ~~eight~~ or less model-years old, unless the state board finds that  
19    providing an exception for these vehicles will prohibit the state  
20    from meeting the requirements of Section 176(c) of the federal  
21    Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state's

1 commitments with respect to the state implementation plan required  
2 by the federal Clean Air Act.

3 *(ii) Clause (i) does not apply to a motor vehicle that is seven*  
4 *model-years old in year 2017 for which a certificate of compliance*  
5 *has been obtained.*

6 (C) All motor vehicles excepted by this paragraph shall be  
7 subject to testing and to certification requirements as determined  
8 by the department, if any of the following apply:

9 (i) The department determines through remote sensing activities  
10 or other means that there is a substantial probability that the vehicle  
11 has a tampered emission control system or would fail for other  
12 cause a smog check test as specified in Section 44012.

13 (ii) The vehicle was previously registered outside this state and  
14 is undergoing initial registration in this state.

15 (iii) The vehicle is being registered as a specially constructed  
16 vehicle.

17 (iv) The vehicle has been selected for testing pursuant to Section  
18 44014.7 or any other provision of this chapter authorizing  
19 out-of-cycle testing.

20 (D) This paragraph does not apply to diesel-powered vehicles.

21 (5) In addition to the vehicles exempted pursuant to paragraph  
22 (4), any motor vehicle or class of motor vehicles exempted pursuant  
23 to subdivision (c) of Section 44024.5. It is the intent of the  
24 Legislature that the department, pursuant to the authority granted  
25 by this paragraph, exempt at least 15 percent of the lowest emitting  
26 motor vehicles from the biennial smog check inspection.

27 (6) All motor vehicles that the department determines would  
28 present prohibitive inspection or repair problems.

29 (7) Any vehicle registered to the owner of a fleet licensed  
30 pursuant to Section 44020 if the vehicle is garaged exclusively  
31 outside the area included in program coverage, and is not primarily  
32 operated inside the area included in program coverage.

33 (8) (A) All diesel-powered vehicles manufactured prior to the  
34 1998 model-year.

35 (B) All diesel-powered vehicles that have a gross vehicle weight  
36 rating of 8,501 to 10,000 pounds, inclusive, until the department,  
37 in consultation with the state board, pursuant to Section 44012,  
38 implements test procedures applicable to these vehicles.

39 (C) All diesel-powered vehicles that have a gross vehicle weight  
40 rating from 10,001 pounds to 14,000 pounds, inclusive, until the

1 state board and the Department of Motor Vehicles determine the  
2 best method for identifying these vehicles, and until the department,  
3 in consultation with the state board, pursuant to Section 44012,  
4 implements test procedures applicable to these vehicles.

5 (D) All diesel-powered vehicles that have a gross vehicle weight  
6 rating of 14,001 pounds or greater.

7 (b) Vehicles designated for program coverage in enhanced areas  
8 shall be required to obtain inspections from appropriate smog  
9 check stations operating in enhanced areas.

10 (c) For purposes of subdivision (a), a collector motor vehicle,  
11 as defined in Section 259 of the Vehicle Code, is exempt from  
12 those portions of the test required by subdivision (f) of Section  
13 44012 if the collector motor vehicle meets all of the following  
14 criteria:

15 (1) Submission of proof that the motor vehicle is insured as a  
16 collector motor vehicle, as shall be required by regulation of the  
17 bureau.

18 (2) The motor vehicle is at least 35 model-years old.

19 (3) The motor vehicle complies with the exhaust emissions  
20 standards for that motor vehicle's class and model-year as  
21 prescribed by the department, and the motor vehicle passes a  
22 functional inspection of the fuel cap and a visual inspection for  
23 liquid fuel leaks.

24 *SEC. 2. Section 44060 of the Health and Safety Code is*  
25 *amended to read:*

26 44060. (a) The department shall prescribe the form of the  
27 certificate of compliance or noncompliance, repair cost waivers,  
28 and economic hardship extensions.

29 (b) The certificates, repair cost waivers, and economic hardship  
30 extensions shall be in the form of an electronic entry filed with the  
31 department, the Department of Motor Vehicles, and any other  
32 person designated by the department. The department shall ensure  
33 that the motor vehicle owner or operator is provided with a written  
34 report, signed by the licensed technician who performed the  
35 inspection, of any test performed by a smog check station,  
36 including a pass or fail indication, and written confirmation of the  
37 issuance of the certificate.

38 (c) (1) The department shall charge a fee to a smog check  
39 station, including a test-only station, and a station providing referee  
40 functions, for a motor vehicle inspected at that station that meets

1 the requirements of this chapter and is issued a certificate of  
2 compliance, a certificate of noncompliance, repair cost waiver, or  
3 economic hardship extension.

4 (2) The fee charged pursuant to paragraph (1) shall be calculated  
5 to recover the costs of the department and any other state agency  
6 directly involved in the implementation, administration, or  
7 enforcement of the motor vehicle inspection and maintenance  
8 program, and shall not exceed the amount reasonably necessary  
9 to fund the operation of the program, including all responsibilities,  
10 requirements, and obligations imposed upon the department or  
11 any of those state agencies by this chapter, that are not otherwise  
12 recoverable by fees received pursuant to Section 44034.

13 (3) Except for adjustments to reflect changes in the Consumer  
14 Price Index, as published by the United States Bureau of Labor  
15 Statistics, the fee for each certificate, waiver, or extension shall  
16 not exceed seven dollars (\$7).

17 (4) Fees collected by the department pursuant to this subdivision  
18 shall be deposited in the Vehicle Inspection and Repair Fund. It  
19 is the intent of the Legislature that a prudent surplus be maintained  
20 in the Vehicle Inspection and Repair Fund.

21 (d) (1) (A) Motor vehicles exempted under paragraph (4) of  
22 subdivision (a) of Section 44011 *that are six or less model-years*  
23 *old* shall be subject to an annual smog abatement fee of twelve  
24 dollars (\$12). ~~The~~

25 (B) *Motor vehicles exempted under paragraph (4) of subdivision*  
26 *(a) of Section 44011 that are seven or eight model-years old shall*  
27 *be subject to an annual smog abatement fee of twenty-four dollars*  
28 *(\$24).*

29 (C) *The department may also, by regulation, subject motor*  
30 *vehicles that are exempted under paragraph (5) of subdivision (a)*  
31 *of Section 44011 to the twelve dollar (\$12) annual smog abatement*  
32 *fee. Payment of the annual smog abatement fee shall be made to*  
33 *the Department of Motor Vehicles at the time of registration of*  
34 *the motor vehicle.*

35 (2) Except as provided in *paragraph (1) of subdivision (a) of*  
36 *of, and subdivision (b) of, Section 44091.1,* fees collected pursuant  
37 to this subdivision shall be deposited on a daily basis into the  
38 Vehicle Inspection and Repair Fund.

39 (e) The sale or transfer of the certificate, waiver, or extension  
40 by a licensed smog check station or test-only station to any other

1 licensed smog check station or to any other person, and the  
2 purchase or acquisition of the certificate, waiver, or extension, by  
3 any person, other than from the department, the department's  
4 designee, or pursuant to a vehicle's inspection or repair conducted  
5 pursuant to this chapter, is prohibited.

6 (f) Following implementation of the electronic entry certificate  
7 under subdivision (b), the department may require the modification  
8 of the analyzers and other equipment required at smog check  
9 stations to prevent the entry of a certificate that has not been issued  
10 or validated through prepayment of the fee authorized by  
11 subdivision (c).

12 (g) The fee charged by licensed smog check stations to  
13 consumers for a certificate, waiver, or extension shall be the same  
14 amount that is charged by the department.

15 *SEC. 3. Section 44060.5 of the Health and Safety Code is*  
16 *amended to read:*

17 44060.5. (a) Beginning July 1, 2008, the smog abatement fee  
18 described in *subparagraph (A) or (C) of paragraph (1) of*  
19 *subdivision (d) of Section 44060 shall be increased by eight dollars*  
20 *(\$8).*

21 (b) Revenues generated by the increase described in this section  
22 shall be distributed as follows:

23 (1) The revenues generated by four dollars (\$4) shall be  
24 deposited in the Air Quality Improvement Fund created by Section  
25 44274.5.

26 (2) The revenues generated by four dollars (\$4) shall be  
27 deposited in the Alternative and Renewable Fuel and Vehicle  
28 Technology Fund created by Section 44273.

29 (c) This section shall remain in effect only until January 1, 2024,  
30 and as of that date is repealed, unless a later enacted statute, that  
31 is enacted before January 1, 2024, deletes or extends that date.

32 *SEC. 4. Section 44091.1 of the Health and Safety Code is*  
33 *amended to read:*

34 44091.1. ~~Commencing January 1, 2005, (a) Revenue from the~~  
35 ~~fee specified in *subparagraph (A) or (C) of paragraph (1) of*~~  
36 ~~subdivision (d) of Section 44060 shall be twelve dollars (\$12).~~

37 ~~The revenues from that fee shall be allocated as follows:~~

38 ~~(a)~~

39 ~~(1) The revenues generated by six dollars (\$6) of the fee shall~~  
40 ~~be deposited in the Air Pollution Control Fund, and shall be~~

1 available for expenditure, upon appropriation by the Legislature,  
 2 to fund the Carl Moyer Memorial Air Quality Standards Attainment  
 3 Program (Chapter 9 (commencing with Section 44275)) to the  
 4 extent that the state board or a participating district determines the  
 5 moneys are expended to mitigate or remediate the harm caused by  
 6 the type of motor vehicle on which the fee is imposed.

7 ~~(b) (1)–~~

8 (2) (A) Except as provided for in ~~paragraph (2)~~, *subparagraph*  
 9 (B), of the revenue generated by the remaining six dollars (\$6) of  
 10 the fee, four dollars (\$4) shall be deposited in the account created  
 11 by Section 44091, while the revenue generated by the remaining  
 12 two dollars (\$2) shall be deposited in the Vehicle Inspection and  
 13 Repair Fund and may be expended, upon appropriation, for, among  
 14 other things, the Clean Vehicle Rebate Project established as a  
 15 part of the Air Quality Improvement Program pursuant to Article  
 16 3 (commencing with Section 44274) of Chapter 8.9.

17 ~~(2)~~

18 (B) All revenue generated by the remaining six dollars (\$6) of  
 19 the fee described in this ~~subdivision~~ *paragraph* that is imposed at  
 20 first registration of a motor vehicle and that is exempted under  
 21 paragraph (4) of subdivision (a) of Section 44011 shall be deposited  
 22 in the account created by Section 44091.

23 (b) *Revenue from the fee specified in subparagraph (B) of*  
 24 *paragraph (1) of subdivision (d) of Section 44060 shall be*  
 25 *deposited into the Air Pollution Control Fund and shall be*  
 26 *available for expenditure, upon appropriation by the Legislature,*  
 27 *to fund the Carl Moyer Memorial Air Quality Standards Attainment*  
 28 *Program (Chapter 9 (commencing with Section 44275)).*

29 SECTION 1. ~~Section 44280 of the Health and Safety Code, as~~  
 30 ~~amended by Section 17 of Chapter 401 of the Statutes of 2013, is~~  
 31 ~~amended to read:~~

32 44280. (a) ~~There is hereby created the Carl Moyer Memorial~~  
 33 ~~Air Quality Standards Attainment Program. The program shall be~~  
 34 ~~administered by the state board in accordance with this chapter.~~  
 35 ~~The administration of the program may be delegated to the districts.~~

36 (b) ~~The program shall provide grants to offset the incremental~~  
 37 ~~cost of projects that reduce covered emissions from covered sources~~  
 38 ~~in the state. Eligibility for grant awards shall be determined by the~~  
 39 ~~state board, in consultation with the districts, in accordance with~~  
 40 ~~this chapter.~~

1     ~~(e) The program also shall provide funding for a fueling~~  
2 ~~infrastructure demonstration program and for technology~~  
3 ~~development efforts that are expected to result in commercially~~  
4 ~~available technologies in the near-term that would improve the~~  
5 ~~ability of the program to achieve its goals. The infrastructure~~  
6 ~~demonstration and technology development portions of the program~~  
7 ~~shall be managed by the commission, in consultation with the state~~  
8 ~~board.~~  
9     ~~(d) This section shall remain in effect only until January 1, 2024,~~  
10 ~~and as of that date is repealed, unless a later enacted statute, that~~  
11 ~~is enacted before January 1, 2024, deletes or extends that date.~~

O