

Senate Bill 1280

Coal Mitigation- Market Based Compliance

Senator Loni Hancock (D-9)
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ISSUE

The harms caused by fossil fuel transportation are dangerous and irreparable. Fossil fuels such as coal are shipped in uncovered mile-long trains that travel for miles and during the process release coal dust into the air, water and agricultural fields. Coal dust contains arsenic, lead, mercury and nickel among other heavy metals. The dangers of coal shipment are severe and contribute to a dirty environment. This bill would require port facilities that ship bulk commodities and receive state funds to prohibit coal shipments or fully mitigate the greenhouse gas emission associated with the combustion of coal by participating in California's Cap-and-Trade Program.

CURRENT LAW

AB 32 (2006) requires California to reduce its Green House Gas (GHG) emissions to 1990 levels by 2020. One of the strategies identified to help reduce GHG was Cap-and Trade, a market based regulation that sets firm limits on GHGs compliance and allows for trading that creates incentives to reduce GHGs below allowable levels.

BACKGROUND

In 2006, California voters approved Proposition 1B, which allocated almost \$20 billion in bonds to advance infrastructure projects, mobility, safety, and air quality improvements throughout the state. Proposition 1B placed a condition on the allocation of funds by emphasizing that projects receiving funds must address the state's most urgent needs and reduce pollutant emissions.

Two billion dollars of the Prop 1B funds were dedicated for Trade Corridor Improvement Fund (TCIF) projects. The California Transportation Commission (CTC) was tasked with disturbing the funds with an emphasis placed on projects that improve trade corridor mobility while reducing emissions of diesel particulate and other pollutant emissions.

The City of Oakland was awarded \$176 million from the TCIF funds for site preparation and infrastructure redevelopment of the former Oakland Army Base.

The initial redevelopment project proposal provided to the CTC, did not include the potential for the transportation and export of coal, nor did the initial EIR anticipate the inclusion of a coal export facility.

The current proposal was amended to include the transportation of up to 9 million tons of coal to West Oakland each year. Coal would come on railroad lines from Utah and be transferred to cargo ships for export to China and other countries.

West Oakland, the location of the development project, is designated by the CalEnviroScreen as being a disadvantaged community due to its high asthma rates, cancer risks, and pollution levels.

This proposal to transport approximately 9 million tons of coal is not in accordance with Proposition 1B and contradicts California's efforts in reducing catastrophic climate change.

Governor Brown, Senate President Pro Tem de León and other state leaders have worked for many years to position California as a world leader in climate change initiatives. Exporting coal through the City of Oakland would undermine all the climate change and environmental policies adopted by our state

THIS BILL

SB 1280 prohibits a lead agency from adopting a negative declaration or a mitigated negative declaration or certifying an EIR for a project affecting the shipment of coal commodity through a port facility that is receiving state funds from the TCIF unless the lead agency either prohibits coal shipment through the port facility or requires a full and complete mitigation of the emissions of greenhouse

gasses resulting from the combustion of coal shipped through the port facility.

SUPPORT

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