



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING**

COMMITTEE MEMBERS

**BRAD WAGENKNECHT –
CHAIRPERSON
CHRIS DALY
ERIN GARNER
LIZ KNISS
JOHN SILVA**

**PAMELA TORLIATT–VICE CHAIRPERSON
DAN DUNNIGAN
SCOTT HAGGERTY
MARK ROSS**

**MONDAY
APRIL 4, 2005
9:30 A.M.**

**FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES**

AGENDA

- 1. CALL TO ORDER - ROLL CALL**
- 2. PUBLIC COMMENT PERIOD**

(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

- 3. APPROVAL OF MINUTES OF FEBRUARY 23, 2005**
- 4. CONSIDERATION OF NEW BILLS AND CORRESPONDING AGENCY POSITIONS**

J. Broadbent/5052

jbroadbent@baaqmd.gov

- a) AB 383 (Montanez)—Changes eligibility for smog check financial assistance*
- b) AB 679 (Calderon)—Spot bill evolving into an attack on California's clean diesel fuel specifications*
- c) AB 838 (Saldana)—Establishes tax credit for hybrid vehicles*
- d) AB 898 (Maze)—Weakens training requirements for smog check technicians*
- e) AB 1220 (Jones)—Strengthens portable equipment registration program*
- f) AB 1223 (Leno)—Allows car companies to sell clean vehicles directly to the public*
- g) AB 1407 (Oropeza)—Imposes air quality fee on off-road diesel*
- h) AB 1430 (Goldberg)—Disallows ERC use in low-income and minority communities*
- i) AB 1697 (Pavley)—Prevents new daycare facilities near air pollution sources*
- j) SB 523 (Torlakson)—Extends bike funding program*
- k) SB 698 (Poochigian)—Funds clean-up of pre-'77 schoolbuses*
- l) SB 761(Lowenthal)—Changes port truck idling program*

- m) *SB 762 (Lowenthal)—Establishes Oakland Area Intermodal Port Congestion and Environmental Quality Commission*
 - n) *SB 771 (Simitian)—Bans ship incineration within three miles of shore*
 - o) *SB 870 (Escutia)—Establishes mandatory minimum air penalties and directs funding to communities*
 - p) *SB 975 (Ashburn)—Exempts biodiesel users from ARB fleet rules*
 - q) *SB 976 (Ashburn)—Exempts military from California new source review requirements*
- Staff will present recommended positions on these bills. Staff will also discuss briefly and answer questions on bills included in the attached BAAQMD Bill Discussion List—April 2005.*

5. COMMITTEE MEMBERS' COMMENTS

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

6. TIME AND PLACE OF NEXT MEETING AT THE CALL OF THE CHAIR

7. ADJOURNMENT

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
9:30 a.m., Wednesday, February 23, 2005

- 1. Call to Order - Roll Call:** Chairperson Brad Wagenknecht called the meeting to order at 9:30 a.m.

Present: Brad Wagenknecht, Chairperson, Dan Dunnigan, Erin Garner, Scott Haggerty, Mark Ross, John Silva.

Absent: Chris Daly, Liz Kniss, Pamela Torliatt.

Also Present: Julia Miller

- 2. Public Comment Period:** There were none.

- 3. Approval of Minutes of December 21, 2004:** Director Haggerty moved approval of the minutes; seconded by Director Silva; carried unanimously without objection.

- 4. Consideration of New Bills and Corresponding Agency Positions:**

- a) *SB 44 (Kehoe)-Incorporating air quality into local government general plans*
- b) *SF 109 (Ortiz)-Changes to air penalty language*
- c) *SB 153 (Chesbro et alia)-California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006*
- d) *Additional bills introduced after the agenda mail-out*

Thomas Addison, Advanced Projects Advisor, presented and discussed the following three bills with a recommendation for each one:

| Bill | Brief Description | Staff Recommendation |
|------------------|---|-----------------------------|
| SB 44 (Kehoe) | Extends statewide a San Joaquin Valley requirement that local governments incorporate air quality issues into general plans | Support |

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|-------------------------------------|---|-----------------------|
| SB 109 (Ortiz) | Extends sunset for program on minor air violations, and changes current air penalty language to allow civil and criminal penalties for a single violation | Oppose unless amended |
| SB 153 (Chesbro <i>et alia</i>) | Establishes California Clean Water, Clean Air, Safe Neighborhood Park, and Coastal Protection Act bond measure | Support |

After discussion of each of the above bills, the Committee took the following actions:

Committee Action: Director Haggerty moved that the Committee recommend the Board adopt the staff’s recommendation on SB 44 (Kehoe); seconded by Deputy Director Dunnigan; carried unanimously without objection.

Committee Action: Director Ross moved that the Committee recommend the Board adopt the staff’s recommendation on SB 109 (Ortiz); seconded by Director Haggerty; carried unanimously without objection.

Committee Action: Director Haggerty moved that the Committee recommend the Board adopt a “Watch” position on SB 153 (Chesbro *et alia*); seconded by Director Silva; carried unanimously without objection.

Mr. Addison discussed the four new bills listed below that were introduced after the agenda packet mail-out:

| Bill | Brief Description | Staff Recommendation |
|----------------------|---|----------------------|
| AB 694 (Chan) | Would authorize the BAAQMD to expand TFCA eligibility to private vehicles | Support |
| SB 225 (Soto) | Provides additional Carl Moyer funding for heavy-duty diesel vehicles | Support |
| SB 497 (Simitian) | Establishes a Low-Emissions Contractor Incentive Program | Support |
| AB 1101 (Oropeza) | Establishes notification requirement for the largest sources of diesel emissions with significant public health risks | Support |

After discussion of each of the above bills, the Committee took the following actions:

Committee Action: Director Haggerty moved that the Committee recommend the Board adopt the staff’s recommendation on AB 694 (Chan); seconded by Director Silva; carried unanimously without objection.

Committee Action: Director Ross moved that the Committee recommend the Board adopt the staff's recommendation on SB 225 (Soto); seconded by Director Haggerty; carried unanimously without objection.

Committee Action: Deputy Director Dunnigan moved that the Committee recommend the Board adopt the staff's recommendation on SB 497 (Simitian); seconded by Director Garner; carried unanimously without objection.

Committee Action: Director Silva moved that the Committee recommend the Board adopt a "Support in Concept" position on AB 1101 (Oropeza); seconded by Director Ross; carried unanimously without objection.

5. **Update on District's 2005 Legislative Agenda:** *Staff presented an oral update on the status of the District's 2005 Legislative Agenda.*

Mr. Addison stated that in addition to AB 694 (Chan) the other item on the legislative agenda is this Air District co-sponsoring a resolution with the South Coast AQMD encouraging good federal rule-making on new diesel locomotive standards. Mr. Addison noted that the legislation is anticipated to be introduced next month.

Committee Action: None. This report provided for information only.

6. **Committee Members' Comments:** Director Garner discussed the issue of indoor air quality and Jack Broadbent, Executive Officer/APCO stated that the District's Advisory Council will be discussing the issue this year.
7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting was adjourned at 10:26 a.m.

Mary Romaidis
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter Office Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Thomas Addison
Advanced Projects Advisor

Date: March 28, 2005

Re: Consideration of New Bills and Corresponding Agency Positions

RECOMMENDED ACTION

Recommend that the Board adopt positions on recently-introduced bills.

DISCUSSION

The number of air quality bills introduced this year is unusually high. Their subject areas, as well as the intentions of their authors, vary widely. While many of these bills are still lacking detail, bills that will advance are rapidly being fleshed out for their first committee hearings, which are mostly in April. The table below lists staff recommendations on seventeen bills for the Committee’s consideration.

Additional bills of potential significance to the District are listed in the attached “BAAQMD Bill Discussion List”. If time allows, staff will also briefly discuss some of these bills, as well as answer any questions from the Committee.

| Bill | Brief Description | Staff Recommendation |
|-----------------------|---|-----------------------------|
| AB 383 (Montanez) | Changes eligibility for smog check financial assistance | Support if amended |
| AB 679 (Calderon) | Spot bill evolving into an attack on clean diesel fuel specifications | Oppose in concept |
| AB 838 (Saldana) | Establishes tax credit for hybrid vehicles | Support and seek amendments |
| AB 898 (Maze) | Weakens training requirements for smog check technicians | Oppose in concept |
| AB 1220 (Jones) | Strengthens portable equipment registration program | Support |
| AB 1223 (Leno) | Allows manufacturers to sell clean vehicles directly to the public | Support in concept |
| AB 1407 (Oropeza) | Imposes air quality fee on off-road diesel fuel, and funds off-road incentive-based clean-up projects | Support in concept |
| AB 1430 (Goldberg) | Disallows use of emission reduction credits in low-income and minority areas | Oppose unless amended |
| AB 1697 (Pavley) | Evolving bill to prevent new daycare facilities near air pollution sources, with substantial unfunded work for district staff | Oppose unless amended |

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|------------------------|--|-----------------------|
| SB 523 (Torlakson) | Extends an existing bike funding program which is slated for significant cuts | Support |
| SB 698 (Poochigian) | Funds clean-up of pre-1977 schoolbuses | Support if amended |
| SB 761 (Lowenthal) | Imposes new requirements on air districts enforcing truck idling program at ports | Seek amendments |
| SB 762 (Lowenthal) | Establishes Oakland Area Intermodal Port Congestion and Environmental Quality Commission | Seek amendments |
| SB 771 (Simitian) | Bans ship incineration within three miles of shore | Support |
| SB 870 (Escutia) | Establishes mandatory minimum air penalties and directs funding to communities adjacent to violators | Oppose unless amended |
| SB 975 (Ashburn) | Exempts biodiesel users from ARB fleet rules | Oppose |
| SB 976 (Ashburn) | Exempts military from California new source review requirements | Oppose |

ANALYSIS

SB 383 is authored by Cindy Montanez (D-San Fernando). It is sponsored by the Planning and Conservation League, and changes who is eligible to receive financial assistance in the Smog Check program. Currently, all motorists directed to test-only stations who fail their inspection are eligible for up to \$500 of state-paid emissions repairs, regardless of their income level. Furthermore, any motorist failing smog whose income is at-or-below 185% of the federal poverty level (\$36,000 for a family of four) is also eligible for \$500 of repair assistance. This bill would change this threshold to a more generous 225%. It would also limit assistance to those directed to test-only stations to households with incomes below 250% of the federal poverty level. The impacts of the bill on air quality are essentially neutral.

However, staff believe the bill could have significant air quality benefit if amended to partially incorporate an improvement to the Smog Check program suggested by the Inspection and Maintenance Program Review Committee. This body, advised by the Air Resources Board (ARB) and the Bureau of Automotive Repair (BAR), has recommended to the Legislature that smog checks should be annual for both high-mileage and older vehicles. (Inspections are currently biennial.) While this would have significant emissions benefits, it is also not politically realistic. Staff instead suggest a voluntary program where older and high-mileage vehicles are tested in their “off” year, and failing vehicles have their repairs paid for by the state. This would have significant emissions benefits, and would help the owners of these vehicles. Such a program could be tested on a pilot basis, and if successful could be expanded statewide. Staff are thus recommending a “support if amended” position.

AB 679 is authored by Ron Calderon (D-Montebello) and is sponsored by the California Trucking Association. While the measure is not yet fleshed out, it will address diesel fuel sold in California (California diesel). The content of this fuel is set by the ARB, and is designed to reduce emissions. One component of the fuel is its low sulfur content, but it also has other benefits including a low aromatic content. Diesel fuel sold in the 49 other states meets standards set by the U.S. EPA, and in 2006 this “federal diesel” will match California’s sulfur content ceiling of 15 parts per million. However, ARB maintains that federal diesel will still produce more in-use emissions than California diesel. This assertion has been challenged by the California Trucking Association, who would prefer

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to be able to use less expensive federal diesel. Staff are recommending an “oppose in concept” position if this bill evolves to weaken existing fuel standards in California and increase emissions.

AB 838 is being authored by Lori Saldana (D-San Diego). It is intended to increase the purchase of hybrid vehicles in California by effectively eliminating the vehicle license fee paid annually by hybrid owners. This would last through 2012, and would translate to roughly a \$300 savings in the first year, with progressive declines as the vehicles’ values decline with age.

Staff are recommending a “support and seek amendments” position on the measure. One amendment would be to include even greater incentives for plug-in hybrids, to encourage manufacturers to bring these cleaner cars to market. (Plug-in hybrids have larger battery packs than today’s production vehicles, allowing them some range while being driven on the battery only. Their increased costs are modest, but their emissions reductions are dramatic.) An additional amendment would be to offer a savings to consumers who purchase clean, alternative fuel vehicles operating on natural gas or other choices. Demand for hybrids today is robust, with waiting lists for many models. On the other hand, natural gas vehicles offer substantial emissions benefits, but they are less popular and would benefit from such an incentive.

AB 898 is authored by Bill Maze (R-Visalia), and is sponsored by a Jiffy-Lube franchisee in the Central Valley. In its current version, the bill would require BAR to make Smog Check test-only technician training requirements similar to those in other states. However, the sponsor has a wider goal. He wants to amend state law to allow his 22 repair shops (which are not currently smog check stations) to become test-only stations. Because Jiffy-Lube facilities do a variety of vehicle repairs that can improve smog performance, they are not allowed to be test-only stations. Such a change would weaken California’s Inspection and Maintenance program statewide, and increase vehicle emissions. Thus staff are recommending an “oppose in concept” position.

AB 1220 is authored by Dave Jones (D-Sacramento), and sponsored by the California Air Pollution Control Officers Association (CAPCOA). It deals with the control program for portable equipment, or non-stationary diesel engines used primarily in industrial applications. Under current law, ARB establishes the parameters of the program including fees, controls, and the registration process, but enforcement is assigned to local air districts. This bill would allow districts to require owners of the equipment to notify the district when moving equipment from one district to another, and to install use-meters on the engines. (The amount of engine use correlates directly with emissions, but without such meters districts have no way of ensuring that the self-reported hours of use are accurate.) The bill would also require the fees assessed on the engine owners to cover the actual costs of district enforcement of the program. Staff are recommending a “support” position.

AB 1223 is authored by Mark Leno (D-San Francisco). It is designed to increase sales of clean vehicles in California by allowing consumers to purchase directly from the manufacturers. The author believes that doing so will reduce prices for clean vehicles. Thus more Californians will purchase them, and air quality will benefit. Staff are recommending a “support in concept” position.

AB 1407 is authored by Jenny Oropeza (D- Long Beach), and sponsored by the Clean Power Campaign. It is titled the Off-Road Environmental Health and Air Quality Funding Act of 2005, and involves off-road diesel fuel sold in California. This fuel, commonly dyed to prevent its use in on-road vehicles, is not subject to California’s excise tax of 18 cents per gallon. Off-road engines are primarily found in agricultural, construction, port, and railyard equipment. Generally, they have not been subject to emission standards as stringent as their on-road counterparts, and their emissions are substantial.

This bill would impose a fee of an unspecified amount on off-road fuel. The proceeds would fund Moyer program engine replacement and retrofit only for off-road engines. Increasing Moyer funding is part of the District’s 2005 legislative agenda, and thus staff are recommending a “support in concept” position.

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AB 1430 is authored by Jackie Goldberg (D-Los Angeles), and sponsored by California Communities Against Toxics. The sponsor believes that industrial sources of air pollution are planning to escape regulatory requirements on their stationary sources by funding mobile source emission control programs, and that local air districts plan to support this action. Furthermore, they believe that all pollution trading and offset programs are a failure, and have concentrated pollution in low-income and minority communities. Additionally, they maintain that such programs have virtually eliminated public participation in the environmental decision-making process.

Both federal and state air law governing stationary sources depend fundamentally on the trading concept embodied in emission reduction credits (ERCs)—the concept that this bill attacks. In essence, new or expanding stationary sources in non-attainment regions must both use stringent controls at their facility and more than offset their increased emissions by securing reductions elsewhere. As currently drafted, AB 1430 would disallow stationary sources located in low-income and minority communities (regardless of air quality therein) from expanding, and prevent new sources from locating in such areas. The district is committed to policymaking and practices that are fair and equitable to all residents regardless of factors such as race, socioeconomic status, or location. This bill unfortunately would work against this goal, and would dramatically change air law to “solve” a hypothetical stationary-for-mobile emissions trading problem not present in our region. Staff are thus recommending an “oppose unless amended” position.

AB 1697 is authored by Fran Pavley (D-Agoura Hills), and sponsored by the Natural Resources Defense Council. It is modeled after legislation enacted several years ago that limits new schools from locating close to freeways in an attempt to limit schoolchildren’s exposure to air toxics from cars and trucks. The bill is still evolving, but essentially it would prevent new daycare facilities from locating within 1000 feet of a freeway, state highway, or industrial site. However, the sponsor is contemplating an amendment that would establish an exemption process to allow siting within this perimeter. The local air district would be required to conduct a detailed analysis on a case-by-case basis, and then make a determination if the daycare center should be allowed to be exempted from the general requirement.

While staff support the author’s goal of reducing children’s exposure to air toxics, this bill would create both a substantial and time-consuming new unfunded mandate for district personnel. Thus, staff are recommending an “oppose unless amended” position. The suggested amendments are to not allow case-by-case exemptions to whatever perimeter is ultimately selected, and greater specificity about the emissions sources covered by the bill.

SB 523 is authored by Tom Torlakson (D-Antioch), and sponsored by the California Bicycle Coalition. The state’s Bicycle Transportation Account currently receives \$7.2 million in funding for bike projects, but this amount will be reduced by roughly a third in 2006. The bill would retain this funding at the current level. The district has long supported alternatives to driving alone, and increased cycling cuts automobile emissions. Thus staff are recommending a “support” position.

SB 698 is authored by Charles Poochigian (R-Fresno), and sponsored by the California School Transportation Coalition. While substantive amendments are still pending, the bill intends to use left-over funds in a state education account to fund replacement of old schoolbuses by the California Energy Commission. The initial target is the pre-1977 schoolbuses still on the road. The district has long supported efforts to clean schoolbuses, since this reduces children’s exposure to diesel particulate. In fact, the district has been particularly aggressive about providing our own local funding through the Transportation Fund for Clean Air to remove these older schoolbuses in the Bay Area. Other regions, in particular the San Joaquin Valley, have spent far less (both proportionally and in total dollars) at cleaning their schoolbuses to date. SB 698 would direct its funds to the oldest buses, regardless of location. Thus as drafted, the bill would in effect penalize both the children of the Bay Area and the school districts that previously invested their own scarce resources into providing matching funds for cleaner buses. It would reward regions that have been slow to begin work on this

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issue. Staff are recommending a “support if amended” position, and suggesting that the funds be distributed by the air districts, and allocated between districts on a population-weighted basis.

SB 761 is one in a series of five bills authored by Alan Lowenthal (D-Long Beach) involving California’s ports. It amends the truck idling program at ports established two years ago. District staff are currently charged with enforcing this program, which limits truck idling times to 30 minutes and holds marine terminals responsible for waits exceeding this cap. This program has taken substantial resources to implement, and has been a virtually unfunded mandate. This bill would impose substantial additional new requirements on district staff, since it would increase the idling time cap to 60 minutes, but now count time trucks are within the terminal towards that cap. As drafted, the bill is problematic. However, staff are recommending the committee direct the district to seek amendments to the bill to make the program more workable and either yield greater emission benefits for time invested or scale back the mandated district involvement. Staff will update the committee at its next meeting of the progress of these efforts.

SB 762 is also authored by Senator Lowenthal, and would establish both a Joint Powers Authority (JPA) and a commission at the Ports of Oakland, Long Beach, and Los Angeles. In northern California, the County of Alameda, City of Oakland, and the district would comprise the JPA, which is formed to oversee the Oakland Intermodal Port Congestion and Environmental Quality Commission. This body shall contain, in addition to members of the JPA member agencies, multiple seats representing labor, truckers, the terminals, community groups, transportation agencies, and others. It is charged with establishing a host of rules and regulations governing which trucking companies will be allowed to conduct business at the ports, rules for allowing other truckers to pick up cargo loads, and a host of other primarily economic with some environmental issues. Staff are again recommending the committee direct the district to seek amendments to the bill to make the program more workable and directly focused on air quality or scale back the district’s participation. Staff will update the committee at its next meeting of the progress of these efforts.

SB 771 is authored by Joseph Simitian (D-Palo Alto), and is sponsored by the Bluewater Network. It would ban incineration on marine vessels within three miles of the California coast. Two years ago, the district supported an identical bill specific to cruise ship incineration that is now law. Incineration releases a variety of air toxics, and staff recommend a “support” position on this year’s measure.

SB 870 is authored by Martha Escutia (D-Whittier), and co-sponsored by California Communities against Toxics and the Environmental Working Group. It contains a lengthy findings and declarations section that essentially says local air district enforcement of air laws is weak, and flawed in a variety of ways. While the bill has yet to be fleshed out, it will essentially stipulate mandatory minimum penalties for air violations, and direct that a portion of fines fund asthma prevention programs and apparently enhanced enforcement through community-based groups or programs. While the sponsors’ intention is to use mandatory minimum penalties to increase penalties and improve compliance, staff feel strongly that if successful, this would actually weaken our enforcement program. Currently the overwhelming majority of cases are resolved through the mutual settlement process. Mandatory minimums would require the district to resolve all notices-of-violation through litigation instead, a process so resource-intensive as to be unworkable. Furthermore, penalties are by statute and in practice a critical part of the district’s budget. Taking resources away from the district will worsen, not improve, enforcement. Staff are recommending an “oppose unless amended” position.

SB 975 is authored by Roy Ashburn (R-Bakersfield), and is informally sponsored by the Department of Defense. It stipulates that public agency and utility fleets using biodiesel are exempt from requirements to cut fleet emissions until the engines used are certified by the ARB for use with biodiesel. ARB’s pioneering diesel risk reduction program is based on mandated clean-up of public agency and other fleets. Essentially, these require an 85% reduction in emissions of toxic diesel particulate. Biodiesel, even when used as B-100 (where the fuel is not blended with any conventional diesel) gets at best roughly one-third of the needed reductions. Many military vehicles are using

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biodiesel in much lower concentrations to comply with federal fuel diversity legislation. This provides even lower air quality benefits, which do not come close to providing the risk reduction needed, and required, in ARB's fleet rules. SB 975 would in essence provide an unlimited loophole that any fleet could use to avoid complying with the needed statewide risk reduction program. Staff are recommending an "oppose" position.

SB 976 is also authored by Senator Ashburn, and is directly designed to benefit military bases. It stipulates that California's New Source Review law does not apply to stationary sources on military bases that are being replaced, provided the replacement source has emissions 10% lower than the replaced source. In some situations, California law would require significantly greater reductions. Staff feel that military bases contributing to California's air quality problems should not receive special exemptions from air quality laws, and recommend an "oppose" position.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Thomas Addison
Advanced Projects Advisor

FORWARDED: _____

Reviewed by: Jean Roggenkamp

BAAQMD BILL DISCUSSION LIST – APRIL 2005

March 22, 2005

* Light type indicates a position is being recommended by Staff to the Legislative Committee. If a date appears after the recommendation, the Committee has taken action and approved Staff's recommendation. Bold type indicates an official position of the agency, and the date the Board of Directors adopted that position.

** Bill has been significantly amended since the District took its position.

| BILL NO. | AUTHOR | SUBJECT | BAAQMD POSITION* | PRIORITY | STATUS | LAST VERSION | OTHER AGENCY POSITIONS |
|----------|----------------|--|--------------------------------------|----------|-----------------------------|--------------|------------------------|
| AB 32 | Pavley | Requires CA Climate Action Registry to harmonize reporting | Watch | Low | Asm. Approps. | 12/6/04 | |
| AB 184 | Cogdill | Spot bill to cut gross polluter emissions | Watch | Low | Introduced | 1/24/05 | |
| AB 315 | Hancock | Requires regulations for new schools that would address indoor air quality and other environmental issues | Watch | Low | Asm. Approps. | 2/10/05 | |
| AB 383 | Montanez | Directs smog check financial assistance to only those meeting income criteria, and increases that income level | Support if amended | Low | Asm. Trans. 4/4/05 | 3/17/05 | |
| AB 578 | Horton | Allows increase in cars sent to test-only smog stations only after public review | Watch | Low | Asm. Trans | 2/16/05 | |
| AB 679 | Calderon | Spot bill to allow use of non-CARB diesel fuel in CA | Oppose in concept | Medium | Asm. Trans. | 2/28/05 | |
| AB 694 | Chan | Allows TFCA funding for private sector clean vehicle projects | Support (sponsor) 3/16/05 | High | Asm. Trans. 4/4/05 | 2/17/05 | |
| AB 721 | Nunez | Provides loans to small-business chrome platers | Watch | Low | Asm. Env. Safety and Toxics | 2/17/05 | |
| AB 728 | Negrete-McLeod | Extends net metering program for biogas electricity generators | Watch | Low | Asm. Utilities 4/18/05 | 2/17/05 | |

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| AB 810 | Parra | Allows tax credit for small refineries generating ultra-low sulfur fuel | Watch | Low | Asm. Rev.& Tax 4/18/05 | 2/18/05 | |
| AB 825 | Levine | Establishes California-Mexico air quality committee on cross-border pollution | Watch | Low | Asm. Nat. Res. 4/18/05 | 2/18/05 | |
| AB 838 | Saldana | Establishes tax credit for hybrids | Support and seek amdmts | Low | Asm. Rev.& Tax 4/18/05 | 2/18/05 | |
| AB 841 | Arambula | Addresses PM monitoring on west side of Central Valley | Watch | Low | Introduced | 2/18/05 | |
| AB 888 | De La Torre | Allows SCAQMD to mandate rail yard equipment cleanup | Watch | Medium | Introduced | 2/18/05 | |
| AB 898 | Maze | Addresses smog check technician training | Oppose in concept | Low | Asm. Trans. | 2/18/05 | |
| AB 936 | Wyland | Establishes Governor's Council on Transportation Fuels Policy | Watch | Medium | Asm. Nat. Res. | 2/18/05 | |
| AB 942 | Cogdill | Spot bill on agricultural burning | Watch | Low | Asm. Nat. Res. | 2/18/05 | |
| AB 1007 | Pavley | Requires ARB to develop plan for increasing alternative fuel use | Support | Low | Introduced | 2/22/05 | |
| AB 1020 | Hancock | Requires incorporation of smart growth into regional transportation models | Watch | Low | Introduced | 2/22/05 | |
| AB 1101 | Oropeza | Extends existing toxic hotspot program to largest diesel magnet sources | Support in Concept 3/16/05 | Medium | Introduced | 2/22/05 | |
| AB 1208 | Yee | Will allow increased vehicle registration fee surcharge in San Francisco for traffic mitigation | Watch | Medium | Introduced | 2/22/05 | |
| AB 1220 | Jones | Ensures districts' costs to enforce portable equipment registration program are covered, and improves program | Support | Medium | Asm. Nat. Res. 4/18/05 | 2/22/05 | |
| AB 1221 | Jones | Increases size of ARB Board by adding Sacramento representative | Watch | Low | Asm. Nat. Res. 4/18/05 | 2/22/05 | |
| AB 1222 | Jones | Establishes ARB-run remote sensing program for locomotives | Watch | Medium | Introduced | 2/22/05 | |
| AB 1223 | Leno | Allows car companies to sell clean vehicles directly to the public | Support in concept | Low | Asm. Trans. | 2/22/05 | |

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| AB 1229 | Nation | Puts greenhouse gas emission labels on new cars | Watch | Low | Asm. Trans. | 2/22/05 | |
| AB 1231 | J. Horton | Will restrict air district hearing board authorities | Watch | Medium | Asm. Nat. Res. 4/18/05 | 2/22/05 | |
| AB 1234 | Salinas | Addresses compensation and ethics for special districts | Watch | Low | Asm. Loc. Gvt. 4/6/05 | 2/22/05 | |
| AB 1269 | Pavley | Clean Air, Clean Water, Coastal Protection, and Parks Act of 2007 | Watch | Medium | Asm. Nat. Res. | 2/22/05 | |
| AB 1292 | Evans | Addresses indoor air quality in schools | Watch | Low | Asm. Education | 2/22/05 | |
| AB 1357 | Ruskin | Becoming a bill to lower public agency clean vehicle acquisition costs through combined purchases | Watch | Low | Asm. Bus. & Professions | 2/22/05 | |
| AB 1362 | Levine | Specifies that 20% of CA electricity shall be renewable by 2010 | Watch | Low | Asm. Utilities 4/18/05 | 2/22/05 | |
| AB 1365 | Ruskin | Includes greenhouse gas reduction goals in state planning priorities | Watch | Low | Introduced | 2/22/05 | |
| AB 1407 | Oropeza | Impose an air quality fee of unspecified amount on off-road diesel fuel and use proceeds to cut off-road emissions | Support in concept | Medium | Introduced | 2/22/05 | |
| AB 1430 | Goldberg | Disallows ERC use in low-income and minority communities | Oppose unless amended | Medium | Introduced | 2/22/05 | |
| AB 1530 | La Malfa | Prohibits public agencies from joining organizations that fund ballot measures or candidates | Watch | Low | Introduced | 2/22/05 | |
| AB 1585 | Blakeslee | Specifies that 20% of CA electricity shall be renewable by 2010 | Watch | Low | Asm. Utilities 4/18/05 | 2/22/05 | |
| AB 1623 | Klehs | Imposes a \$4 annual vehicle registration fee surcharge in Alameda (and likely other Bay Area counties) for traffic mitigation | Watch | Medium | Introduced | 2/22/05 | |
| AB 1660 | Pavley | Establishes the California Energy Efficient Vehicle Group Purchase program for public agencies | Watch | Low | Introduced | 2/22/05 | |

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| AB 1697 | Pavley | Prevents new daycare facilities near air pollution sources | Seek amendments | Medium | Introduced | 2/22/05 | |
| AJR 5 | Oropeza | Urges 1.5 mpg annual federal CAFE increase | Watch | Low | Asm. Trans. 4/4/05 | 2/22/05 | |
| ACR 23 | Garcia | Urges Caltrans to develop truck routes to minimize congestion and emissions | Watch | Low | Asm. Trans. 4/4/05 | 2/22/05 | |
| SB 44 | Kehoe | Requires air quality issues to be incorporated into local general plans | Support 3/16/05 | Medium | Sen. Approps. | 2/23/05 | |
| SB 45 | Alarcon | Limits ability of marine terminals to charge per diem or demurrage fees | Watch | Low | Sen. Trans. | 1/5/05 | |
| SB 107 | Simitian | Specifies that 20% of CA electricity shall be renewable by 2010 | Watch | Low | Sen. Energy & Utilities 4/5/05 | 1/20/05 | |
| SB 109 | Ortiz | Extends minor violations sunset and allows dual civil/criminal air prosecution | Oppose unless Amended 3/16/05 | High | Sen. Env. Quality 4/4/05 | 1/20/05 | |
| SB 153 | Chesbro | CA Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006 | Watch 3/16/05 | Medium | Sen. Natural Resources | 2/8/05 | |
| SB 225 | Soto | Evolving bill to increase Moyer funding | Support 3/16/05 | High | Sen. Env. Quality 4/4/05 | 2/15/05 | |
| SB 250 | Campbell | Facilitates transition to hydrogen fuels | Watch | Low | Sen. Env. Quality 4/11/05 | 2/15/05 | |
| SB 309 | Torlakson | Spot bill on fuel supply and reliability | Watch | Medium | Sen. Rules | 2/16/05 | |
| SB 393 | Ortiz | Puts substantial new oversight and requirements on special districts | Watch | Medium | Sen. Loc. Govt. 4/6/05 | 2/17/05 | |
| SB 431 | Battin | Establishes requirements on utilities and generators around renewables and repowering electric generators | Watch | Low | Sen. Energy & Utilities | 2/17/05 | |
| SB 459 | Romero | Allows SCAQMD to impose locomotive emission mitigation fee | Watch | Low | Sen. Env. Quality 4/4/05 | 2/18/05 | |
| SB 467 | Lowenthal | Requires ARB to revise Moyer guidelines for forklifts/non-road engines | Watch | Low | Sen. Env. Quality 4/4/05 | 2/18/05 | |
| SB 475 | Runner | Spot bill on air pollution inventory | Watch | Low | Sen. Rules | 2/18/05 | |

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| SB 497 | Simitian | Establishes Low-Emission Contractor Incentive Program | Support 3/16/05 | Low | Sen. Env. Quality 4/4/05 | 2/18/05 | |
| SB 521 | Torlakson | Affects transit village development districts | Watch | Low | Sen. Loc. Govt. 4/6/05 | 2/18/05 | |
| SB 523 | Torlakson | Extends bike funding program | Support | Low | Sen. Trans. & Housing 4/5/05 | 2/18/05 | |
| SB 669 | Battin | Spot bill to encourage cogeneration | Watch | Low | Sen. Rules | 2/22/05 | |
| SB 680 | Simitian | Imposes a \$5 annual vehicle registration fee surcharge in Santa Clara County for traffic mitigation | Watch | Medium | Sen. Trans. & Housing 4/5/05 | 2/22/05 | |
| SB 698 | Poochigian | Funds clean-up of pre-'77 schoolbuses | Support if amended | Medium | Sen. Rules | 2/22/05 | |
| SB 757 | Kehoe | Petroleum Demand Reduction Act | Watch | Medium | Sen. Energy & Utilities 4/5/05 | 2/22/05 | |
| SB 760 | Lowenthal | Imposes a fee on containers at Ports of Long Beach and Los Angeles with part of the proceeds going to air projects. | Watch | Medium | Sen. Trans. & Housing 4/5/05 | 2/22/05 | |
| SB 761 | Lowenthal | Changes port truck idling program | Seek amendments | Medium | Sen. Trans. & Housing 4/5/05 | 2/22/05 | |
| SB 762 | Lowenthal | Establishes Oakland Area Intermodal Port Congestion and Environmental Quality Commission | Seek amendments | Medium | Sen. Trans. & Housing 4/5/05 | 2/22/05 | |
| SB 763 | Lowenthal | Priority berthing at Long Beach/Los Angeles ports for low sulfur vessels | Watch | Low | Sen. Trans. & Housing 4/5/05 | 2/22/05 | |
| SB 764 | Lowenthal | Holds Long Beach/Los Angeles port emissions to 2001 baseline | Watch | Medium | Sen. Trans. & Housing 4/5/05 | 2/22/05 | |
| SB 771 | Simitian | Bans ship incineration within 3 miles of shore | Support | Low | Sen. Env. Quality 4/4/05 | 2/22/05 | |
| SB 829 | Murray | Spot bill on air quality plans | Watch | Low | Sen. Rules | 2/22/05 | |
| SB 841 | Hollingsworth | Spot bill on controlled burning | Watch | Low | Sen. Rules | 2/22/05 | |
| SB 863 | Florez | Establishes CA Clean Air Bond Act with \$5.15 billion for mostly agricultural emission reduction | Watch | Low | Sen. Env. Quality 4/11/05 | 2/22/05 | |

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| SB 870 | Escutia | Establishes mandatory minimum penalties for air violations and directs penalties to adjacent communities | Oppose unless amended | High | Sen. Rules | 2/22/05 | |
| SB 975 | Ashburn | Exempts biodiesel users from ARB fleet rules | Oppose | Low | Sen. Env. Quality 4/18/05 | 2/22/05 | |
| SB 976 | Ashburn | Exempts military from California new source review requirements | Oppose | Low | Sen. Env. Quality 4/18/05 | 2/22/05 | |
| SB 984 | McClintock | Requires CEC study and inventory of zero-emission powerplants | Watch | Low | Sen. Utilities & Commerce | 2/22/05 | |
| SB 999 | Machado | Adds 3 appointees to San Joaquin Air District Board | Watch | Low | Sen. Env. Quality 4/11/05 | 2/22/05 | |
| SB 1027 | Perata | Spot bill on ports | Watch | Low | Sen. Rules | 2/22/05 | |
| SB 1048 | Machado | Changes criteria for distributed generation less than 40 MW | Watch | Low | Sen. Utilities & Commerce | 2/22/05 | |
| SB 1056 | Florez | Spot bill on air permits | Watch | Low | Sen. Env. Quality 4/18/05 | 2/22/05 | |