



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

ERIN GARNER – CHAIRPERSON  
CHRIS DALY  
CAROL KLATT  
MICHAEL SHIMANSKY  
BRAD WAGENKNECHT

LIZ KNISS – VICE CHAIRPERSON  
DAN DUNNIGAN  
MARK ROSS  
TIM SMITH

THURSDAY  
OCTOBER 19, 2006  
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 MAY 22, 2006**

4. **SUMMARY OF 2006 LEGISLATIVE YEAR**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Staff will present a summary of the recently-concluded year in Sacramento, highlighting the outcome of measures on which the District adopted positions.*

5. **POTENTIAL LEGISLATIVE PROPOSALS FOR 2007**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will discuss potential legislative proposals for the District's legislative agenda for 2007.*

6. **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)*

7. **TIME AND PLACE OF NEXT MEETING AT THE CALL OF THE CHAIR**
8. **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](http://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

Memorandum

To: Chairperson Garner and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 11, 2006

Re: Legislative Committee Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of May 22, 2006.

DISCUSSION

Attached for your review and approval are the draft minutes of the May 22, 2006, Legislative Committee meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

**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., Monday, May 22, 2006

**1. Call to Order - Roll Call:** Director Erin Garner called the meeting to order at 9:34 a.m.

**Present:** Erin Garner, Chairperson, Roberta Cooper, Chris Daly, Carol Klatt, Mark Ross, Tim Smith, Brad Wagenknecht.

**Absent:** Dan Dunnigan, Liz Kniss.

**Also Present:** Scott Haggerty, Gayle B. Uilkema.

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

**3. Approval of Minutes of January 30, 2006:** Director Smith moved approval of the minutes; seconded by Director Uilkema; carried without objection with Director Cooper abstaining.

**4. Consideration of New Bills and Corresponding Agency Position:** *Staff presented recommended positions on nine bills. Staff also updated the Committee on the status of the BAAQMD-sponsored AB 1870 (Lieber), and answered questions on bills included in the BAAQMD Bill Discussion List-May 2006.*

Tom Addison, Senior Advanced Projects Advisor, discussed the following nine new bills and recommended positions for consideration by the Committee.

<b>Bill</b>	<b>Brief Description</b>	<b>Staff Recommendation</b>	<b>Committee Recommendation</b>
AB 32 (Nunez and Pavley)	California Global Warming Solutions Act of 2006	Support and seek amendments	Support and seek amendments
AB 2264 (Pavley)	Establishes fuel economy standards for new state vehicle purchases	Support	Support
AB 2276 (Pavley)	Establishes ARB regulatory program for ozone-producing indoor air cleaning devices	Support	Support

AB 2444 (Klehs)	Bay Area registration fee surcharge for congestion relief and environmental regulation	Support	Support and seek amendments
AB 2600 (Lieu)	Extends current HOV lane use by natural gas vehicles	Support	Support
AB 2791 (Ruskin)	Establishes California Clean Vehicle Discount Program	Support	Support
AB 3018 (Lieber)	Establishes indoor air quality regulatory program administered by the ARB	Support	Support
SB 1205 (Escutia)	Creates the California Children’s Breathing Rights Act and changes air penalty law	Oppose unless amended	Oppose unless amended
SB 1601 (Lowenthal)	Requires BACT on emissions sources at ports for new or renegotiated leases	Support	Support

**Committee Action:** Director Smith moved that the Committee recommend that the Board of Directors adopt the staff position of “support and seek amendments” on AB 32 (Nunez and Pavley); seconded by Director Wagenknecht; carried unanimously without objection.

**Committee Action:** Director Wagenknecht moved that the Committee recommend that the Board of Directors adopt the staff position of “support” on AB 2264 (Pavley); seconded by Director Smith; carried unanimously without objection.

**Committee Action:** Director Smith moved that the Committee recommend that the Board of Directors adopt the staff position of “support” on AB 2276 (Pavley); seconded by Director Ross; carried unanimously without objection.

Mr. Addison reviewed AB 2444 (Klehs) and stated that the bill would apply to all nine Bay Area counties. A \$5 surcharge would be imposed on annual vehicle registrations and the revenue would be used for congestion mitigation. The bill would also authorize the Air District Board to impose a \$5 fee for environmental mitigation. There was considerable discussion of this bill with a recommendation that the District would support the bill and seek amendments.

**Committee Action:** Director Wagenknecht moved that the Committee recommend that the Board of Directors adopt a “support and seek amendments” position on AB 2444 (Klehs); seconded by Director Cooper; carried on the following roll call:

AYES: Cooper, Daly, Klatt, Ross, Smith, Wagenknecht, Garner.

NOES: Uilkema.

ABSENT: Dunnigan, Kniss.

**Committee Action:** Director Daly moved that the Committee recommend that the Board of Directors adopt the staff position of “support” on AB 2600 (Lieu); seconded by Director Smith; carried unanimously without objection.

**Committee Action:** Director Daly moved that the Committee recommend that the Board of Directors adopt the staff position of “support” on AB 2791 (Ruskin); seconded by Director Wagenknecht; carried unanimously without objection.

**Committee Action:** Director Daly moved that the Committee recommend that the Board of Directors adopt the staff position of “support” on AB 3018 (Lieber); seconded by Director Smith; carried unanimously without objection.

**Committee Action:** Director Smith moved that the Committee recommend that the Board of Directors adopt the staff position of “oppose unless amended” on SB 1205 (Escutia); seconded by Director Wagenknecht; carried unanimously without objection.

**Committee Action:** Director Wagenknecht moved that the Committee recommend that the Board of Directors adopt the staff position of “support” on SB 1601 (Lowenthal); seconded by Director Daly; carried unanimously without objection.

**5. Overview of Stated 2006-07 Budget:** *Staff provided an overview to the Committee on the State budget and any impact to the District.*

Mr. Addison provided a brief update on the State budget and impacts to the District and noted that both houses are recommending an increase of \$10 million in the State Subvention Fund. Mr. Addison stated that if this increase remains in the final budget approved by the Governor, this Air District would receive \$1.7 million of the funds. The California Air Resources Board (CARB) supported this level of increase to local districts.

Director Cooper discussed an environmental conference she attended in Chicago. There was discussion at the conference of a “green” building ordinance that encouraged owners of high-rise buildings to use alternative sources of energy.

Jack Broadbent, Executive Officer/APCO, stated that the California Air Pollution Control Officers Association (CAPCOA) has made progress on a revised formula for Carl Moyer funding.

Director Uilkema requested that staff take a look at state law on solar/photovoltaic panels.

Chairperson Garner discussed HVAC systems and a new filtration technology that is available. Mr. Garner suggested that the District look at the feasibility of helping to draft a bill on HVAC systems and stated that this would make a significant impact on indoor air quality at the residential level without a significant incremental cost.

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

6. **Committee Members' Comments:** There were none.
7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting was adjourned at 10:46 a.m.

Mary Romaidis  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
 Memorandum

To: Chairperson Garner and  
 Members of the Legislative Committee

From: Jack P. Broadbent  
 Executive Officer/APCO

Date: October 11, 2006

Re: SUMMARY OF 2006 LEGISLATIVE YEAR

RECOMMENDED ACTION

For information only.

BACKGROUND

The 2005-2006 Legislative Session has ended. The Legislature concluded its business with a flurry of last-minute activity on August 31<sup>st</sup>, and the Governor concluded his signing and vetoing of bills a month later. Of the thousands of bills introduced in 2006, less than 1,200 were passed by both the Senate and the Assembly to make it to the Governor’s desk. He vetoed roughly one-fourth of these, and signed 910 bills into law.

As in recent years, the Moderate Caucus in the Assembly continued to have a significant effect on the fate of environmental and air quality bills this year. The Assembly failed to pass a number of air quality measures that their Senate colleagues passed. Many observers believe that the Assembly may become at least slightly more environmentally progressive after the November election, and that the Senate may become slightly more conservative.

Another factor cited by most observers as influencing the fate of environmental bills that made it out of the Legislature is the race between the incumbent Governor and his challenger. Capitol pundits believe that the Governor was more generous in signing air quality measures, especially those on global warming, in this election year than he might otherwise have been.

DISCUSSION

Air quality was again a prominent legislative topic in 2006. The District sponsored one bill (on smoking vehicles and smog check) and had formal positions on an additional 13 measures. The following table highlights the 14 bills and the District adopted positions.

<i>Bill</i>	<i>Brief Description</i>	<i>BAAQMD Position</i>	<i>Outcome</i>
AB 32 Nunez and Pavley	California Global Warming Solutions Act of 2006	Support and seek amendments	Chapered
AB 1101 Oropeza	Extends risk reduction program to largest diesel magnet sources (ports, railyards, airports)	Support	Failed to pass Legislature
AB 1231 J. Horton	Dealt with air district hearing boards	Oppose unless amended	Failed to pass Legislature



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AB 1870 Lieber	Closes loophole allowing smoking vehicles to pass Smog Check	Co-sponsored by BAAQMD	Chaptered
AB 2264 Pavley	Establishes fuel economy standards for new state vehicle purchases	Support	Chaptered
AB 2276 Pavley	Establishes ARB regulatory program for ozone-producing indoor air “cleaners”	Support	Chaptered
AB 2444 Klehs	Bay Area registration fee surcharge for congestion relief and environmental mitigation	Support and seek amendments	Vetoed
AB 2600 Lieu	Extends current HOV lane usage by natural gas vehicles (late amendments include allowing additional 10,000 hybrids HOV access)	Support	Chaptered
AB 2791 Ruskin	Establishes California Clean Vehicle Discount Program	Support	Failed to pass Legislature
AB 3018 Lieber	Establishes indoor air quality regulatory program administered by ARB	Support	Failed to pass Legislature
SB 109 Ortiz	Deals with dual civil/criminal prosecution for certain air violations; amended to remove our earlier opposition	Neutral	Failed to pass Legislature
SB 225 Soto	Changes to Moyer program, including changes in formula that directly benefit Bay Area	Support	Chaptered
SB 1205 Escutia	Increases air penalties (final version); bill was amended based on air districts’ opposition to earlier versions	Support; initially Oppose unless amended	Failed to pass Legislature
SB 1601 Lowenthal	Requires BACT on emissions sources at ports for new or renegotiated leases	Support	Failed to pass Legislature

The District continued our successful record of having legislation it sponsored signed into law. This year the District joined with the Sierra Club and a business group (the California Council for Economic and Environmental Balance) to co-sponsor AB 1870, authored by Assemblymember Sally Lieber from Mountain View. This bill ends a loophole that has allowed smoking vehicles to pass their smog check inspections, despite their high level of toxic emissions. A diverse coalition of environmental organizations, other air districts, and business groups (including automobile repair and manufacturing coalitions, and agricultural organizations) joined the District in supporting this measure. Despite widespread bipartisan legislative support, staff was concerned about the possibility of a Governor’s veto, given opposition from the Department of Consumer Affairs (the parent agency over the Bureau of Automotive Repair). Thus staff was very pleased that the Governor signed the measure on September 29<sup>th</sup>.

District staff was also pleased that Senator Nell Soto’s SB 225 was signed into law. This bill amended the Carl Moyer program in three ways. It allows the cost-effectiveness ceiling to adjust with the consumer price index, increases from 2% to 5% the amount allowed districts to administer the program, and adjusts the formula for distributing the funds in a way that increases Moyer revenues to the Bay Area by over \$2 million annually.

This was a very successful year from the perspective that bills that were bad for air quality failed to be enacted into law. The District had oppose unless amended positions on several measures this year, and expressed concerns with additional measures. Most of these bills, including SB 1205, SB 109, and AB 2823 were amended to address the District’s concerns, allowing the District to either remove opposition or support the amended bills. The one measure where the author failed to address the District’s concerns (AB 1231---Horton) died in the Senate.

## **AGENDA : 4**

On the other hand, a number of measures that we supported that would have improved air quality were defeated, primarily in the Assembly. These included measures sponsored by environmental groups, the California Air Pollution Control Officers Association, and others. Most of these saw opposition from business, industry, port, automotive, and railroad interests. The phenomenon of a more conservative Assembly failing to pass environmental measures was not limited to air quality legislation.

A list of all the bills of potential air quality significance that the District tracked, and their outcomes, is attached to this memorandum.

### BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison

# BAAQMD BILL DISCUSSION LIST – OCTOBER 2006

October 12, 2006

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

BILL NO.	AUTHOR	SUBJECT	BAAQMD POSITION*	PRIORITY	STATUS
AB 32	Nunez and Pavley	California Global Warming Solutions Act of 2006	Support & seek amendments	High	Chaptered
AB 888	De La Torre	Allows SCAQMD to mandate rail yard equipment cleanup	Watch	Medium	Died on Assembly Floor
AB 1012	Nation	Requires half of new vehicles sold in CA in 2020 to be alternative fuel	Watch	Medium	Vetoed
AB 1020	Hancock	Requires incorporation of smart growth into regional transportation models	Watch	Low	Vetoed
AB 1101	Oropeza	Extends existing toxic hotspot program to largest diesel magnet sources	Support	Medium	Died on Senate Floor
AB 1231	J. Horton	Will restrict air district hearing board authorities	Oppose	Medium	Died on Senate Floor
AB 1870	Lieber	Closes loophole allowing smoking vehicles to pass smog check	Sponsor	High	Chaptered
AB 2015	Lieu	Changes SCAQMD board, giving more power to non-LA west-side cities	Watch	Low	Failed to pass Sen. Approps.
AB 2264	Pavley	Allows fuel efficiency standards for new state vehicle purchases	Support	Low	Chaptered
AB 2276	Pavley	Establishes ARB regulatory program for ozone-producing indoor air "cleaners"	Support	Low	Chaptered
AB 2394	Aghazarian	Extends air minor violations provisions	Watch	Low	Failed to pass Asm. Appropriations
AB 2444	Klehs	Bay Area registration fee surcharge for congestion relief and environmental mitigation	Support and seek amendments	Medium	Vetoed

AB 2600	Lieu	Extends current HOV lane usage by natural gas vehicles (late amendments include allowing additional 10,000 hybrids HOV access)	Support (initial bill)	Low	Chaptered
AB 2791	Ruskin	Establishes California Clean Vehicle Discount Program	Support	Medium	Died in Senate
AB 2804	Salinas	Allows SMAQMD to reimburse board members for attending meetings	Watch	Low	Chaptered
AB 2823	Ruskin	Requires online posting of public nuisance NOVs, and 'scarlet letter' posting for violators; amended to address our concerns	Watch	Medium	Vetoed
AB 2824	Ruskin	Requires ARB to update air toxics inventory and make it more user-friendly	Watch	Low	Died in Senate
AB 2825	Ruskin	Requires listing of all air toxic emission sources near new schoolsites	Watch	Low	Vetoed
AB 2843	Saldana	Extends the existing Moyer disadvantaged communities funding requirements into the future	Watch	Low	Chaptered
AB 3018	Lieber	Establishes indoor air quality regulatory program administered by ARB	Support	Medium	Failed to pass Assembly Floor
SB 109	Ortiz	Deals with dual civil/criminal prosecution for certain air violations; amended to remove our earlier opposition	First Oppose unless amended; then Neutral	Medium	Failed to pass Asm. Natural Resources
SB 225	Soto	Changes to Moyer program, including changes in formula that directly benefit Bay Area	Support	High	Chaptered
SB 459	Romero	Gives SCAQMD fee authority over railroads	Watch	Low	Died on Assembly Floor
SB 927 (previously 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	Vetoed
SB 999	Machado	Adds 3 appointees to San Joaquin Air District Board	Watch	Low	Died on Assembly Floor
SB 1205	Escutia	Increases air penalties (final version); bill was amended based on air districts' opposition to earlier versions	First Oppose unless amended; then Support	High	Died on Assembly Floor

SB 1230	Florez	Establishes San Joaquin clean air enterprise zones, with tax credits for over-complying businesses	Watch	Low	Vetoed
SB 1252	Florez	Increases penalties for PM violations	Watch	Medium	Died on Assembly Floor
SB 1368	Perata	Cuts greenhouse gas emissions from electricity generation over time	Watch	Medium	Chaptered
SB 1377	Soto	Affects future MOU's by ARB (in response to railroad MOU ARB signed)	Watch	Low	Placed on Asm. Inactive File
SB 1601	Lowenthal	Requires BACT on emissions sources at ports for new or renegotiated leases	Support	Medium	Failed to pass Senate Floor
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	Asm. Approps.
SB 761	Lowenthal	Changes port truck idling program	<b>Seek amendments 4/20/05</b>	Medium	Sen. Trans. & Housing 4/5/05
SB 762	Lowenthal	Establishes Oakland Area Intermodal Port Congestion and Environmental Quality Commission	<b>Seek amendments 4/20/05</b>	Medium	Asm.
SB 763	Lowenthal	Priority berthing at Long Beach/Los Angeles ports for low sulfur vessels	Watch	Low	Sen. Trans. & Housing 4/5/05
SB 764	Lowenthal	Holds Long Beach/Los Angeles port emissions to 2001 baseline	Watch	Medium	Asm. Trans.
SB 771	Simitian	Bans ship incineration within 3 miles of shore	<b>Support 4/20/05</b>	Low	Chaptered

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Chairperson Garner and  
Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 11, 2006

Re: POTENTIAL LEGISLATIVE PROPOSALS FOR 2007

RECOMMENDED ACTION

For information only.

DISCUSSION

The Committee will discuss a range of possible legislative proposals. After discussion of proposals from Committee members and staff, staff will explore a short list of possible options with relevant staff for Sacramento legislative committees, potential authors, Administration officials, and interest groups involved in air quality advocacy at the Capitol. The Legislative Committee will consider a recommended legislative agenda for 2007 at its next meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison