



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING**

**COMMITTEE MEMBERS**

**TOM BATES - CHAIRPERSON  
SUSAN ADAMS  
SCOTT HAGGERTY  
CAROL KLATT**

**JOHN GIOIA - VICE CHAIRPERSON  
JOHN AVALOS  
DAVID HUDSON  
NATE MILEY  
BRAD WAGENKNECHT**

**THURSDAY  
JUNE 6, 2013  
9:30 A.M.**

**4th FLOOR CONFERENCE ROOM  
939 ELLIS STREET  
SAN FRANCISCO, CA 94109**

**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 Air District Headquarters, 939 Ellis Street, San Francisco, CA, on the Air District's website [www.baaqmd.gov](http://www.baaqmd.gov), and at videoconference locations at least 72 hours in advance of a regular meeting.*
3. **APPROVAL OF MINUTES OF MAY 6, 2013**
4. **UPDATE ON AIR DISTRICT LEGISLATIVE INITIATIVES** **T. Addison/5109**  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)  
*The Committee will be briefed on key Air District legislative initiatives.*
5. **UPDATE ON OTHER LEGISLATION** **T. Addison/5109**  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)  
*The Committee will be briefed on the status of other legislation, including bills on regional government initiatives and the California Environmental Quality Act (CEQA).*
6. **UPDATE ON JUNE 12, 2013 SACRAMENTO DELEGATION** **T. Addison/5109**  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)  
*The Committee will be briefed on plans for its visit to the State Capitol on June 12, 2013.*

7. **COMMITTEE MEMBERS' COMMENTS/OTHER BUSINESS**

*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)*

8. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**

9. **ADJOURNMENT**

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

**(415) 749-5073  
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 Executive Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).

Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all members of the body to which this Agenda relates shall be made available at the Air District's Headquarters at 939 Ellis Street, San Francisco, CA 94941, at the time such writing is made available to all, or a majority of all members of that body.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109**  
**FOR QUESTIONS PLEASE CALL (415) 749-4963**

**EXECUTIVE OFFICE:**  
**MONTHLY CALENDAR OF DISTRICT MEETINGS**

**JUNE 2013**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	6	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	12	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month) - CANCELLED</i>	Monday	17	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month) - CANCELLED</i>	Wednesday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	27	9:30 a.m.	Board Room

**JULY 2013**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	10	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month) - CANCELLED</i>	Monday	15	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	17	9:45 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets on the 3<sup>rd</sup> Thursday every other month)</i>	Thursday	18	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## JULY 2013

<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4th Wednesday of each Month)</i> - CANCELLED	Wednesday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
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<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	25	9:30 a.m.	Board Room
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## AUGUST 2013

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	7	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	14	9:00 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	19	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED	Monday	19	10:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	21	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4th Wednesday of each Month)</i> - CANCELLED	Wednesday	28	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i> - CANCELLED	Thursday	29	9:30 a.m.	Board Room

MM – 5/29/13 (2:09 p.m.)

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Tom Bates and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: May 23, 2013

Re: Minutes of the Legislative Committee Meeting of May 6, 2013

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee Meeting of May 6, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee Meeting of May 6, 2013.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Ana Sandoval

Attachments

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109  
(415) 749-5073

**DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Thursday, May 6, 2013

**1. Call to Order – Roll Call**

Committee Chairperson Tom Bates called the meeting to order at 10:30 a.m.

Present: Committee Chairperson Tom Bates; and Directors Susan Adams, Scott Haggerty, David Hudson, Carol Klatt and Brad Wagenknecht.

Absent: Vice-Chairperson John Gioia; and Directors John Avalos and Nate Miley.

Also Present: Board of Directors Chairperson Ash Kalra.

**2. Public Comment Period: None.**

**3. Approval of Minutes of March 14, 2013**

Committee Comments: None.

Public Comments: None.

Committee Action: Director Hudson made a motion to approve the Minutes of March 14, 2013; Director Wagenknecht seconded; and the motion carried unanimously.

**4. Update on Air District Legislative Initiatives**

Jean Roggenkamp, Deputy Air Pollution Control Officer (APCO), Jack Broadbent, Executive Officer/APCO, and Brian Bunger, District Counsel, delivered the staff report Update on Air District Legislative Initiatives, including the two primary components: sponsorship of Senate Bill (SB) 691 Hancock in response to the August 6, 2012, fire at the Chevron Richmond refinery, which would allow higher penalties for one-day incidents that disrupt communities; and Assembly Bill (AB) 8 Perea/Skinner and SB 11 Pavely/Cannella, to reauthorize critical air quality funding programs due to expire in the next several years, including the Carl Moyer and AB 923 programs.

Committee Comments:

The Committee and staff discussed SB 691 Hancock.

Public Comments: None.

Committee Action: None; informational only.

## **5. Consideration of New Bills**

Public Comments:

Mike Jacob, Pacific Merchant Shipping Association, addressed the Committee in opposition to the Air District taking an “oppose” position on SB 793 Lara and Ms. Roggenkamp responded.

Committee Comments:

The Committee and staff discussed SB 793 Lara.

Committee Action:

Director Haggerty made a motion, seconded by Director Wagenknecht, to take a “watch” position on SB 793 Lara. The motion carried with Director Adams voting no.

The Committee directed staff to send a letter to the California Air Resources Board urging an administrative solution.

Committee Comments:

The Committee and staff discussed SB 792 DeSaulnier.

Committee Action:

Director Haggerty made a motion, seconded by Director Hudson, to take an “oppose” position on SB 792 DeSaulnier. The Committee further discussed SB 792 DeSaulnier. The motion carried unanimously.

Committee Comments:

The Committee and staff discussed SB 605 Lara.

Committee Action:

Director Haggerty made a motion, seconded by Board Chairperson Kalra, to take an “oppose” position on SB 605 Lara. The Committee further discussed SB 605 Lara. The motion carried unanimously.

## **6. Committee Members’ Comments/Other Business:**

The Committee and staff discussed the ongoing possibility of organizing an Air District Board delegation visit to Sacramento.

Draft Minutes – Legislative Meeting of May 6, 2013

Director Adams asked staff to provide information relative to legislation regarding the California Environmental Quality Act that may impact air quality.

Director Haggerty suggested coordinated lobbying by regional agencies on bills with which they are in agreement.

Director Hudson requested information on AB 416 Gordon.

7. **Time and Place of Next Meeting:** At the call of the Chair on Thursday, June 6, 2013, at Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, CA 94109 at 9:30 a.m.
8. **Adjournment:** The meeting adjourned at 11:12 a.m.

Sean Gallagher  
Clerk of the Boards



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Tom Bates and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 26, 2013

Re: Update on Air District Legislative Initiatives

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

The Air District has a two-part legislative agenda this year. The first part is to reauthorize critical air quality funding programs due to expire in the next several years, particularly the Air District-administered Carl Moyer and AB 923 programs. These programs cut toxic diesel emissions by cleaning up older, highly polluting engines used in trucks, school buses, off-road equipment, ships, or agricultural engines.

The second part is to advance legislation in response to the August 6, 2012 fire at the Chevron Richmond refinery, which would discourage major violations by allowing higher penalties for one-day incidents that disrupt communities.

**DISCUSSION**

Assembly Bill (AB) 8 (authored by Assembly members Henry Perea and Nancy Skinner) and Senate Bill (SB) 11 (authored by Senators Fran Pavley and Anthony Cannella) would each reauthorize the Carl Moyer and AB 923 programs, the AB 118 programs, and make changes to the Clean Fuel Outlet regulation (CFO). The CFO regulation is an Air Resources Board regulation that specifies how infrastructure for refueling hydrogen fuel cell vehicles is funded. The Air District is actively lobbying in support of both measures, along with a broad and diverse coalition.

Both reauthorization bills have passed out of the Appropriations Committees in each house, and await a floor vote as of the date of this memorandum. Both bills have seen a variety of amendments since introduction, with Senator DeSaulnier requiring the most significant amendments to date. However, Senator DeLeon (who chairs the Senate Appropriations Committee), and Assembly member Chesbro (who chairs the Assembly Natural Resources Committee) have also extracted amendments.

The Sierra Club, the Howard Jarvis Taxpayers Association, and the Automobile Club of Southern California all remain in opposition to both measures. The bills require a two-thirds vote for passage on the floor of both houses, which is expected to be challenging.

SB 691 (authored by Senator Loni Hancock) would increase penalty ceilings for one-day violations that harm communities. The bill has cleared both the Senate Environmental Quality and Judiciary Committees, and now has a deadline of May 31, 2013 to clear the Senate floor.

SB 691 is a majority vote measure, so it requires 21 affirmative votes for passage. The measure has substantial opposition. Staff has engaged in a lengthy series of discussions with the opposition over potential amendments to the measure designed to address concerns raised by the opposition. To date, those negotiations have not been productive. The only amendments the opposition has offered would narrow the scope of the bill so dramatically that it would not even apply to the Chevron Richmond refinery fire. Nevertheless, we have taken some amendments designed to ensure that the bill could not be called overly broad in its reach.

Staff will report on the outcome of floor votes for AB 8, SB 11, and SB 691 at the Committee's June 6, 2013 meeting.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Tom Bates and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 26, 2013

Re: Update on Other Legislation

**RECOMMENDED ACTION**

None; receive and file.

**DISCUSSION**

The Legislative Committee and the Board have had multiple conversations about Senate Bill (SB) 792, authored by Senator Mark DeSaulnier (D-Concord). The bill was held under submission in the Senate Appropriations Committee on May 23, 2013 so it effectively has become a two-year bill. The Committee analysis cited significant state costs to the measure, primarily because the Bay Conservation and Development Commission (BCDC) is a State agency. Under the last version of the bill dated May 14, 2013, BCDC would have been required to relocate to 390 Main Street, to draft a portion of the Sustainable Community Strategy on sea level rise, and to do a consolidation plan. The Appropriations analysis found each of these would have significant state costs. Furthermore, the analysis found that the bill could potentially trigger significant reimbursable local government mandate costs.

Earlier in the year, there was much discussion of this being the year that multiple reforms would be made to the California Environmental Quality Act (CEQA). Michael Rubio started the year as a moderate Democrat representing Bakersfield in the State Senate. He was given the Chair of the Senate Environmental Quality Committee (which handles CEQA issues), and he was championing substantial changes on behalf of the proponents of reform. Mr. Rubio has left the Senate to work for Chevron's Government Affairs program, and in his absence, CEQA reform has evaporated. While the Governor has expressed his disappointment, he also has acknowledged that CEQA will not see major structural change this year. The one CEQA bill the Air District is supporting is AB 953, authored by Assembly member Tom Ammiano (D-San Francisco). This bill would require CEQA to consider both the effects of a project on the environment, as well as the environment on the project. This bill is now on the Assembly floor, facing a deadline of May 31, 2013 to receive 41 affirmative votes for passage.

Staff will distribute an updated list of all bills of air quality significance, with their status, at the Committee meeting. This will include all bills the Air District has adopted positions on this year, as well as other measures staff is tracking.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Tom Bates and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 26, 2013

Re: Update on June 12, 2013 Sacramento Delegation

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

On June 12, 2013 a delegation of the Legislative Committee consisting of Directors Ash Kalra, Tom Bates, Brad Wagenknecht, and Susan Adams will meet with legislators at the State Capitol to discuss issues of concern to the Air District.

The Committee will discuss its objectives for the visit at its June 6, 2013 meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison  
Reviewed by: Jean Roggenkamp