



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 18

State Legislative Bills Update

**Board of Directors Meeting
April 3, 2024**

**Alan Abbs
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Presentation Outcome



The Board of Directors will consider adopting positions on pending legislative bills, as recommended by the Policy, Grants and Technology Committee.

Presentation Outline



- Policy, Grants, and Technology Committee recommendations to the Board from the March 20, 2024, Committee meeting and bill update for **AB 3076 (Essayli)**.
- **Assembly Bill (AB) 2958 (Calderon)** - State Air Resources Board: board members: compensation.
- **Senate Bill (SB) 1298 (Cortese)** - Certification of thermal powerplants: data centers.

Presentation Requested Action



Support

- AB 2958 (Calderon) - State Air Resources Board: board members: compensation.

Oppose

- SB 1298 (Cortese) - Certification of thermal powerplants: data centers.

Policy, Grants, and Technology Committee Recommendation and Recent Updates



March 20, 2024 – The Policy, Grants, and Technology Committee (Committee) voted to recommend the following three positions for the Board's consideration:

- Support AB 2958 (Calderon)
 - Oppose AB 3076 (Essayli)
 - Oppose SB 1298 (Cortese)
-
- March 21, 2024 – AB 3076 (Essayli) was gut and amended and is now an entirely different bill proposal from what the Committee voted to recommend to the Board. This bill has been removed from the "Recommended Action" for Board consideration.

Action Item: AB 2958 (Calderon)



State Air Resources Board: board members: compensation.

If passed, AB 2958 would repeal the prohibition on compensation of the members of the state board from air districts and would provide for the per diem amount for all members of the state board.

Current Status: AB 2958 has been referred to the Assembly Committee on Natural Resources.

- Set for a hearing on April 8, 2024.

Staff Recommendation: Support

Action Item: SB 1298 (Cortese)



Certification of thermal powerplants: data centers.

If passed, SB 1298 would increase the size of backup power plants that the California Energy Commission can grant a “small power plant exemption” from environmental review from 100 megawatts to 200 megawatts.

Current Status: Referred to the Senate Energy, Utilities, and Communications Committee.

- It has not yet been set for a hearing.

Staff Recommendation: Oppose

Recap: Presentation Requested Action



Support

- AB 2958 (Calderon) - State Air Resources Board: board members: compensation.

Oppose

- SB 1298 (Cortese) - Certification of thermal powerplants: data centers.



Questions / Discussion



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AGENDA: 19

Air District Board Member Compensation Policy Discussion

**Board of Directors Meeting
April 3, 2024**

**Alan Abbs
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Presentation Outcome



The Board of Directors will discuss and consider the recommendations of the Policy, Grants, and Technology Committee related to Air District Board Member compensation.

Presentation Outline



- Assembly Bill (AB) 2522 (Carrillo) - South Coast Air Quality Management District: district board: compensation.
- Health and Safety Code (HSC) Section 40227
- Recommendations of the Policy, Grants, and Technology Committee (Committee)
- Board of Directors Discussion and Consideration

Presentation Requested Action



- Approve the Air District's participation in AB 2522 (Carrillo), to provide amendments to that bill that would align the Air District's board member compensation provisions in the Health and Safety Code with the bill's proposed amendments to the South Coast Air Quality Management District's (South Coast AQMD's) board member compensation provisions.
- Direct staff to initiate a review of the Air District's Administrative Code provisions on Board Member compensation to evaluate equity considerations with respect to how Board members are compensated for their service on the Board of Directors.

AB 2522 (Carrillo)



South Coast Air Quality Management District: district board: compensation.

AB 2522 is in the process of being amended to expand the bill from being a South Coast Air Quality Management District specific bill to include other air districts in California, should they wish to be included in the bill.

Current Statute – HSC 40227



- Most recently amended by AB 2721 (Lee, Chapter 501, Statutes of 2022) which was sponsored by the Air District.
- Prior to the enactment of AB 2721, Board compensation was not to exceed \$100 per day for attending meetings, and not to exceed \$6,000 per year.
- After the enactment of AB 2721, Board compensation was changed from a \$100 per day maximum for attending meetings, to a maximum of \$100 per meeting, not to exceed \$200 per day, and not to exceed \$6,000 per year.

Recommended Action #1



Approve the Air District's participation in AB 2522 (Carrillo), to provide amendments to that bill that would align the Air District's board member compensation provisions in the Health and Safety Code with the bill's proposed amendments to the South Coast AQMD's board member compensation provisions.

Notes: Amendments would be made to the Air District HSC section 40227 to include language for a monthly cap of \$2,000 and an update to the annual cap of \$24,000 per year, subject to the Air District's Administrative Code.

Recommended Action #2



Direct staff to initiate a review of the Air District's Administrative Code provisions on Board Member compensation to evaluate equity considerations with respect to how Board members are compensated for their service on the Board of Directors.



Recap: Presentation Requested Action

- Approve the Air District's participation in AB 2522 (Carrillo), to provide amendments to that bill that would align the Air District's board member compensation provisions in the Health and Safety Code with the bill's proposed amendments to the South Coast Air Quality Management District's (South Coast AQMD's) board member compensation provisions.
- Direct staff to initiate a review of the Air District's Administrative Code provisions on Board Member compensation to evaluate equity considerations with respect to how Board members are compensated for their service on the Board of Directors.



Questions / Discussion



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AGENDA: 20

Updates to the Air District's Incident Response Program and Recommended Action to Fund Enhanced Monitoring

**Board of Directors Meeting
April 3, 2024**

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Presentation Outcome



- Provide a summary of the Incident Response Ad Hoc meetings, including updates and future direction for the Air District's Incident Response Program
- Approve the allocation of funding for new community-partnered Refinery Corridor Particulate Monitoring Program

Presentation Outline



- Incident Response Program Scope
- Recap of Incident Response Ad Hoc Meetings
- Efforts to Improve Coordination, Communication, and Air Monitoring
 - Proposed Air Monitoring Actions
- Longer-term Aspirations for Incident Response
- Recommended Action

Requested Action



Approve the Incident Response, Coordination and Communications Framework and approve the proposed Refinery Corridor Particulate Monitoring Program using funding from budget reserves that were designated for enhanced incident response in the Fiscal Year Ending 2024 Board approved budget.

Incident Response Program Scope



What is an incident?

- A non-routine release of an air contaminant that may cause adverse health consequences to the public or to emergency personnel responding to the release, or that may cause a public nuisance, or off-site environmental damage.



Incident Response Program Scope (cont'd)



Air District Roles and Objectives

- Support first responders to help minimize the impact of the incident on the public
- Incident investigation and enforcement of air quality regulations and requirements
- Assessment of air quality impacts as appropriate
- Coordination with other agencies on enforcement, and health impacts and messaging
- Provide timely and relevant information to the public

Recap of Ad Hoc Meetings



Four meetings throughout 2023

- Learn about the current Air District actions during and after incidents
- Discuss options to improve the Air District incident response program
- Provide guidance on strengthening the Air District incident response program, focusing on improving coordination, communication and air monitoring

Recap of Ad Hoc Meetings (cont'd)



Goals guiding new actions



Improved internal and external coordination

—————> Coordination



Provide information to the public more quickly



Provide more and better information to the public

—————> Communication



Reach a wider audience



Share and collect relevant air quality data

—————> Air Monitoring

Improving Coordination



- Update internal coordination procedures to streamline coordination during and after incidents
 - Promotes faster/better response and public information
- Improve coordination with local agencies to strengthen public messaging and facility accountability
- De-mystify the Air District's incident response for the public by creating a straight-forward overview of our response and after-event process.
 - Promotes transparency and an opportunity for productive community engagement before, during, and after incidents.

Improving Communications



- Public Notification Tool launched September 2023, improvements continue
- Increased frequency and speed of updates to social media and email lists
- Regular messaging updates to city and county health officers
- Proactively notify community members when there are incidents and what we know about the incidents



Improving Air Monitoring: New Program



“What is this stuff that’s landing on my car/porch/garden?”

Proposed Refinery Corridor Particulate Monitoring Program:

- Network of District-maintained particle fallout monitoring locations to provide ongoing sampling for background data and samples to be analyzed when there is an incident
- Fund and support community-conducted particle sampling to provide additional data when there is an incident
- Timely release of laboratory results and other relevant information with communication protocols co-designed by community partners
- Convene a refinery corridor community air monitoring workgroup to guide these efforts

Improving Air Monitoring (cont'd)



- Accelerated implementation for these proposed projects with contractor support (Bay Air Center)
- Estimated cost:
 - District-maintained network: \$50,000 to set up and \$310,000 per year to operate and maintain the District-maintained network
 - Community-conducted sampling program: \$90,000 to co-develop and \$360,000 per year to operate and maintain the community-conducted sampling program and workgroup
- This model of partnering with community to gather, share, and use air monitoring data could be expanded to other pollutants, areas, and incident types, or non-incident air quality challenges

Additional Monitoring Measures to Prioritize



- Co-develop community-conducted air sampling and reporting protocols for odor-related incidents
- Strengthen refinery monitoring programs by updating rules and guidelines
- Develop new air monitoring systems and team to expand air monitoring during incidents for more data for public reports and investigations



Future Directions



- Include more information about air quality impacts in public information
- Collaborate with local agency partners to provide more near real-time information that is understandable and actionable
 - More reliable public alerts
 - Information on cause, expected duration, type/amount of emissions, potential public health impacts, and suggested actions to limit impact/exposure

Recommended Action



Approve the Incident Response, Coordination and Communications Framework and approve the proposed Refinery Corridor Particulate Monitoring Program using funding from budget reserves that were designated for enhanced incident response in the Fiscal Year Ending 2024 Board approved budget.



Q&A