



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING**

**COMMITTEE MEMBERS**

**DAVE HUDSON - CHAIR  
MARGARET ABE-KOGA  
JOHN GIOIA  
KAREN MITCHOFF  
SHIRLEE ZANE**

**DOUG KIM - VICE CHAIR  
DAVID CANEPA  
REBECCA KAPLAN  
BRAD WAGENKNECHT**

**THURSDAY  
FEBRUARY 22, 2018  
10:30 A.M.**

**1<sup>ST</sup> FLOOR BOARD ROOM  
375 BEALE STREET  
SAN FRANCISCO, CA 94105**

**AGENDA**

**1. CALL TO ORDER - ROLL CALL – PLEDGE OF ALLEGIANCE**

*The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members. The Committee Chair shall lead the Pledge of Allegiance.*

**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, 375 Beale Street, San Francisco, California 94105, and on the Air District's website [www.baaqmd.gov](http://www.baaqmd.gov) 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 Board's authority. Speakers will be limited up to three (3) minutes each.*

*This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of the meeting.*

**Staff/Phone (415) 749-**

**3. APPROVAL OF THE MINUTES OF MAY 11, 2017**

**Clerk of the Boards/5073**

*The Committee will consider approving the attached draft minutes of the Legislative Committee meetings of May 11, 2017.*

4. **DISCUSSION OF POTENTIAL 2018 LEGISLATIVE AGENDA** T. Addison/5109  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)

*The Committee will discuss and consider adopting a legislative agenda for 2018.*

5. **CONSIDERATION OF NEW BILLS** T. Addison/5109  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)

*The committee will discuss and review new bills, and take positions where appropriate.*

6. **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)*

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

*Thursday, March 22, 2018, at 375 Beale Street, San Francisco, CA 94105 at 10:30 a.m.*

8. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Chair.*

**CONTACT:**

**ACTING MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
**vjohnson@baaqmd.gov**

**(415) 749-4941**  
**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. Please note that all correspondence must be addressed to the “Members of the Legislative Committee” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Committee meeting. Any correspondence received after that time will be presented to the Committee at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- 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 District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**375 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94105**  
**FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

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

**FEBRUARY 2018**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i> - CANCELLED AND RESCHEDULED TO FEBRUARY 8, 2018	Monday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of every Other Month)</i> - CANCELLED	Monday	19	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Mtg.</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	22	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	1st Floor, Yerba Buena Room #109

**MARCH 2018**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<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	7	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets on the 3<sup>rd</sup> Thursday of every other Month)</i>	Thursday	15	9:30 a.m.	1 <sup>st</sup> Floor 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.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of every other Month)</i>	Monday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Mtg.</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	1 <sup>st</sup> Floor Board Room

## MARCH 2018

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	22	10:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee &amp; Advisory Council Joint Mtg.</b> <i>(EC Meets on the 3<sup>rd</sup> Monday of each Month) and (AC Meets At the Call of the Chair)</i>	Monday	26	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	1st Floor, Yerba Buena Room #109

## APRIL 2018

<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	4	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	16	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Regular Mtg.</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	25	9:30 a.m.	1st Floor, Yerba Buena Room #109
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	26	9:30 a.m.	1 <sup>st</sup> Floor Board Room

HL – 2/14/18 – 9:05 a.m.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Dave Hudson and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 8, 2018

Re: Approval of the Minutes of May 11, 2017

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of May 11, 2017.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of May 11, 2017.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Committee Meeting of May 11, 2017

## AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of May 11, 2017

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105  
(415) 749-5073

### DRAFT MINUTES

Summary of Board of Directors  
Legislative Committee Meeting  
Thursday, May 11, 2017

#### 1. CALL TO ORDER – ROLL CALL

Committee Chairperson, Brad Wagenknecht, called the meeting to order at 9:37 a.m.

Present: Chairperson Brad Wagenknecht; and Directors Margaret Abe-Koga, David Canepa, Scott Haggerty, and David Hudson.

Absent: Vice-Chairperson Karen Mitchoff; Directors Pauline Russo Cutter, John Gioia, and Shirlee Zane.

Also Present: Board Chairperson, Liz Kniss.

#### 2. PUBLIC COMMENT PERIOD

No requests received.

#### 3. APPROVAL OF THE MINUTES OF DECEMBER 12, 2016 AND MARCH 30, 2017

Public Comments:

No requests received.

Committee Comments:

None.

Committee Action:

Director Haggerty made a motion, seconded by Director Canepa, to **approve** the minutes of December 12, 2016, and March 30, 2017; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Haggerty, Hudson, Kniss, and Wagenknecht.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Cutter, Gioia, Mitchoff, and Zane.

#### 4. CONSIDERATION OF NEW BILLS

Jean Roggenkamp, Deputy Executive Officer, introduced Thomas Addison, Senior Policy Advisor, who delivered the staff report *Consideration of New Bills*, including discussion and review of the following bills and recommended positions:

- **AB 378 (C. Garcia)** – Previous version extended Cap and Trade; now limits Cap and Trade post-2020 in different ways and gives stationary source authority to California Air Resources Board (CARB) - **Oppose unless amended;**
- **AB 458 (Frazier)** – Reduces fleet size for Permanent Fleet Registration Program - **Oppose unless amended;** and
- **AB 476 (Gipson)** – Increases vehicle weights for heavy-duty vehicles from 6,000 to 20,000 lbs., and increases light and medium-duty vehicle weights – **Oppose.**

Mr. Addison noted that, since the meeting packet was published, the following three bills were added to the agenda:

- **AB 1218 (Oberholte)** – Removes sunset on California Environmental Quality Act (CEQA) provisions exempting certain bicycle projects - **Support;**
- **SB 100 (De León)** – Tightens Renewable Portfolio Standard to 100% renewables by 2045 - **Support in Concept;** and
- **SB 775 (Wieckowski)** – Establishes new post-2020 Cap and Trade program - **Support in Concept.**

#### Public Comments:

No requests received.

#### Committee Comments:

The Committee and staff discussed how AB 476 focuses on weight classes, not fuel, and the definition of a “heavy-duty” vehicle; the District’s mixed feelings about SB 100’s aspirational goal of 100 percent of total retail sales of electricity in California coming from eligible renewable energy resources and zero-carbon resources by 2045; whether SB 563 (Lara), which establishes the Wood Smoke Burning Reduction Program using Cap and Trade funds to replace old wood-burning stoves, has funds built into it for the Air Districts’ use; the Committee’s requested that dead bills that were previously being tracked by the District, be listed in future reports; the District’s concern regarding the proposed transition to the California Air Resources Board’s oversight of criteria and toxic emissions from stationary sources per AB 378, and the projected costs associated with such a change; clarification of rumors concerning the dissolution of local Air Districts; the most effective ways that Committee members can advocate for the District’s interests in Sacramento; and the District and Committee’s concern with the errors of



the current CalEnviroScreen tool and their disappointment in the Legislature’s efforts to further perpetuate the tool.

Committee Action:

Director Abe-Koga made a motion, seconded by Director Canepa, to **approve** staff’s recommendations to the Board of Directors; and the motion **carried** by the following vote of the Committee:

AYES:	Abe-Koga, Canepa, Haggerty, Hudson, Kniss, and Wagenknecht.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Cutter, Gioia, Mitchoff, and Zane.

**5. LEGISLATIVE UPDATE**

Staff was available to answer any questions that the Committee may have had, but none were asked.

Public Comments:

No requests received.

Committee Comments:

None.

Committee Action:

None; receive and file.

**6. COMMITTEE MEMBERS’ COMMENTS / OTHER BUSINESS**

Director Hudson remarked on the anticipated competition in electrified bus fleets and the need for electric infrastructure.

**7. TIME AND PLACE OF NEXT MEETING**

At the call of the Chairperson.

**8. ADJOURNMENT**

The meeting adjourned at 10:38 a.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Dave Hudson and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 9, 2018

Re: Discussion of Potential 2018 Legislative Agenda

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RECOMMENDED ACTION

The Committee will consider recommending a 2018 Legislative Agenda to the Board of Directors.

BACKGROUND

Staff are recommending the Committee consider a legislative agenda for 2018, focused on securing state budget funding to cover the costs of the work the Air District has been assigned under AB 617.

DISCUSSION

In 2017, California extended its cap-and-trade program, a signature piece of the State's efforts to reduce greenhouse gas emissions. Integral to the deal extending the program was the passage of AB 617, authored by Assemblymember Christina Garcia. This imposes a wide variety of new requirements and obligations on local air districts. A partial list of this new workload includes development and installation of new community air monitoring programs, implementation of comprehensive community emission reduction plans, and significant new work regarding Best Available Retrofit Control Technology (BARCT), for certain cap-and-trade sources. While the specifics of the work to be done by air districts is still the topic of discussion with the Air Resources Board (ARB), local communities, and other interests, we expect that initial one-time costs may be in the range of \$15 to \$25 million dollars, and ongoing annual costs will start over \$10 million and potentially escalate over time.

The Air District adopted an 'oppose unless amended' position on AB 617 last year prior to its passage, in large part because the legislation did not include any funding for the required substantial workload increase. However, after passage, the Legislature included \$11 million for ARB to oversee AB 617 implementation, and \$27 million for all air districts statewide to implement the new requirements. These allocations have the cap-and-trade auction revenues as their source. The Air District's share of the \$27 million is \$4.8 million. As of the date of this memorandum, the Air District has yet to receive any of the allocated funds, although we expect to receive at least an initial payment relatively soon.

However, of far greater concern, the administration has allocated no funding for districts to implement AB 617 in its January proposed budget for the upcoming fiscal year. However, ARB is slated to receive \$14.6 million to oversee implementation. Staff believe our highest legislative priority for 2018, is to work to secure adequate funding to implement AB 617.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Hudson and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: February 9, 2018

Re: Consideration of New Bills

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RECOMMENDED ACTION

The Committee will discuss and review new bills and consider recommending positions on them to the Board of Directors.

BACKGROUND

2018 is the second year of the 2017-2018 Legislative Session. Relatively few new bills have been introduced as of the date of this memorandum, but staff expect that many bills relevant to the Air District will be in print as of the February 16, 2018, deadline. Staff may present some of these bills orally to the Committee at its February 22, 2018 meeting, in addition to the bills below. The Committee will consider more bills at its March meeting. All bills must be in print for 30 days before being heard in Policy Committee. In practice, the bulk of bills will have their first policy committee hearing in April. Bills with fiscal implications have an April 27, 2018, deadline to clear their policy committee or committees.

DISCUSSION

**AB 1975** is authored by Assemblymember Kansen Chu (D-San Jose), and tackles ongoing odors in Milpitas and adjacent parts of the South Bay. The Assemblymember's district has long had odor impacts from such sources as the Newby Island landfill and composting operation, the San Jose/Santa Clara regional sewage treatment plant, Zero Waste Energy Development (an anaerobic digestion facility), adjacent bay lands, the Milpitas sewage pump station, and more. Generally, odor complaints to the District have been declining, as our efforts to improve practices at these facilities have been paying off. Total Milpitas odor complaints have declined from approximately 3,500 in 2015, to 2,800 in 2016, to 1,500 in 2017. Another positive development since 2015 is the ongoing collaboration of the South Bay Odor Stakeholders Group, a public/private partnership of regulators, local governments, and odor sources.

AB 1975 would codify the stakeholders group in statute, make some changes to it, and assign it some tasks. It is similar to AB 385 of 2015 by the same author, which died in the second house. This year's bill would have CalRecycle establish the South Bay Interagency Taskforce, which would have as members all local governments in the area, the District, the local enforcement

agency (LEA), and all facilities it deems as odor sources in the region. The taskforce would have until July of 2020 to complete five assignments:

1. “Identify and quantify” sources of odor emissions;
2. “Develop and implement a protocol for joint inspections” by the Air District and the LEA;
3. “Identify best management practices that may be implemented to reduce odor emissions”;
4. Make the taskforce’s work available online; and
5. Allow public participation

Staff are recommending a “**Support if amended**” position on AB 1975. One limitation of the existing South Bay Odor Stakeholders Group is that a number of key entities are not participating, or participating only infrequently. Mandating a similar group in statute should help address this ongoing concern of the Air District, and we hope to get the more complete participation that the odor problems warrant. Staff support the third, fourth, and fifth of the taskforce’s assignments. The first and second assignments are problematic as drafted, and staff are recommending some changes to address our concerns. Quantifying odor emissions is a well-intentioned but infeasible goal, so we suggest eliminating the quantification part of the first assignment while keeping the identification of odor emissions. The second goal we believe should be struck. District inspectors and LEA inspectors inspect the relevant facilities for compliance with completely different requirements. Thus we believe joint inspections are not appropriate. These are the amendments staff recommend the District seek.

**AB 2008** is authored by Assemblymember Rudy Salas (D-Bakersfield). It would stipulate that taxpayers not count Moyer grants as gross income for state tax purposes. Today, these grants are taxable. If they become not taxable, staff believe that would encourage additional owners of older, dirtier diesel engines to seek grant funding to clean up their equipment. Less affluent taxpayers in particular might apply for non-taxable grants, and in general staff believe the bill is likely to increase the cost-effectiveness and emissions benefits from the Moyer program. Thus, staff recommend a “**Support**” position on the bill.

AB 2008 would decrease state income taxes, and thus will likely be opposed by the Department of Finance. A similar but more expansive measure was attempted by Senator Cannella in 2011. SB 358 of that year would have exempted all clean air grants from gross income. The bill failed to advance past its first policy committee.

Copies of AB 1975 and AB 2008 are attached. Staff may bring additional bills to the committee for its consideration on February 22, 2018, as well as a list of introduced bills with air quality implications.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison

Attachment 5A: Assembly Bill No. 1975

Attachment 5B: Assembly Bill No. 2008

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1975**

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**Introduced by Assembly Member Chu**

January 31, 2018

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An act to add Section 43209.5 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1975, as introduced, Chu. Nuisance: odors.

(1) Existing law prohibits, with specified exceptions, the discharge of any air contaminant or other material that causes injury, detriment, nuisance, or annoyance to, or that endangers, the public. Existing law exempts from that prohibition, among other things, all odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals; odors emanating directly from a facility or operation that produces, manufactures, or handles compost, as defined; and odors emanating from operations that compost green material or animal waste products derived from agricultural operations, as specified.

Existing law also requires an air pollution control or air quality management district that receives a complaint regarding an odor emanating from an exempt composting operation to refer the complaint to an enforcement agency with jurisdiction pursuant to the California Integrated Waste Management Act of 1989, and requires that agency to take appropriate enforcement action.

This bill would require the Department of Resources Recycling and Recovery, no later than July 1, 2019, to establish the South Bay Interagency Odor Taskforce, with a specified membership, to identify sources of odor emissions and nuisance complaints based on odor emissions received by the Bay Area Air Quality Management District

and the City of Milpitas, the City of Fremont, the City of Santa Clara, and the City of San Jose. The bill would require the taskforce, no later than January 1, 2020, to take specified actions, including, among others, developing and implementing a protocol for joint inspections by the air district and the enforcement agency represented on the taskforce. By adding to the duties of local agencies, this bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for certain cities in the County of Santa Clara.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 43209.5 is added to the Public Resources
- 2 Code, to read:
- 3 43209.5. (a) (1) No later than July 1, 2019, the department
- 4 shall establish the South Bay Interagency Odor Taskforce to
- 5 identify sources of odor emissions and nuisance complaints based
- 6 on odor emissions received by the Bay Area Air Quality
- 7 Management District and the City of Milpitas, City of Fremont,
- 8 City of Santa Clara, and City of San Jose.
- 9 (2) The taskforce established pursuant to this subdivision shall
- 10 be comprised of the following:
- 11 (A) One representative from the Bay Area Air Quality
- 12 Management District.
- 13 (B) One representative from the City of Milpitas.
- 14 (C) One representative from the City of Fremont.
- 15 (D) One representative from the City of Santa Clara.
- 16 (E) One representative from the City of San Jose.
- 17 (F) One representative from each facility identified by the
- 18 department as a potential source of odor emissions.



1 (G) One representative from the local enforcement agency.

2 (b) No later than July 1, 2020, and notwithstanding Section  
3 41705 of the Health and Safety Code, the South Bay Interagency  
4 Taskforce shall do all of the following:

5 (1) Identify and quantify sources of odor emissions in the region  
6 represented by the taskforce representatives.

7 (2) Develop and implement a protocol for joint inspections by  
8 the Bay Area Air Quality Management District and the enforcement  
9 agency represented on the taskforce.

10 (3) Identify best management practices that may be implemented  
11 to reduce odor emissions.

12 (4) Make publicly available on the department's Internet Web  
13 site taskforce meeting agendas, minutes, recommendations, and  
14 findings.

15 (5) Provide opportunities for public participation.

16 SEC. 2. The Legislature finds and declares that a special statute  
17 is necessary and that a general statute cannot be made applicable  
18 within the meaning of Section 16 of Article IV of the California  
19 Constitution because of the because of the unique odors that  
20 emanate from various locations in the County of Santa Clara.

21 SEC. 3. If the Commission on State Mandates determines that  
22 this act contains costs mandated by the state, reimbursement to  
23 local agencies and school districts for those costs shall be made  
24 pursuant to Part 7 (commencing with Section 17500) of Division  
25 4 of Title 2 of the Government Code.

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2008**

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**Introduced by Assembly Member Salas**

February 1, 2018

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An act to add Sections 17131.8 and 24318 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2008, as introduced, Salas. Income taxes: exclusion: Carl Moyer Memorial Air Quality Standards Attainment Programs grants.

The Personal Income Tax Law and the Corporation Tax Law define gross income as all income from whatever source derived, unless specifically excluded.

This bill would, under both laws, exclude from gross income any amount provided to a taxpayer pursuant to the Carl Moyer Memorial Air Quality Standards Attainment Program for the purchase of new zero or low-emission engines.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 17131.8 is added to the Revenue and
- 2 Taxation Code, to read:
- 3 17131.8. Gross income shall not include any amount provided
- 4 to a taxpayer pursuant to the Carl Moyer Memorial Air Quality
- 5 Standards Attainment Program (Chapter 9 (commencing with
- 6 Section 44275) of Part 5 of Division 26 of the Health and Safety

1 Code), relating to the purchase of new zero or low-emission  
2 engines.

3 SEC. 2. Section 24318 is added to the Revenue and Taxation  
4 Code, to read:

5 24318. Gross income shall not include any amount provided  
6 to a taxpayer pursuant to the Carl Moyer Memorial Air Quality  
7 Standards Attainment Program (Chapter 9 (commencing with  
8 Section 44275) of Part 5 of Division 26 of the Health and Safety  
9 Code), relating to the purchase of new zero or low-emission  
10 engines.

11 SEC. 3. This act provides for a tax levy within the meaning of  
12 Article IV of the California Constitution and shall go into  
13 immediate effect.