



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
SPECIAL MEETING / RETREAT  
JANUARY 16, 2019

A special meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. at the Embassy Suites by Hilton San Rafael Marin County, 101 McInnis Pkwy., San Rafael, CA 94903.

**Questions About  
an Agenda Item**

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

**Meeting Procedures**

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

## Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

**Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3** Speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed up to three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

**Public Comment on Agenda Items** The public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Speakers may speak for up to three minutes on each item on the Agenda. However, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

# BOARD OF DIRECTORS SPECIAL MEETING / RETREAT AGENDA

WEDNESDAY  
JANUARY 16, 2019  
9:30 A.M.

EMBASSY SUITES  
NOVATO MEETING ROOM  
101 MCINNIS PARKWAY  
SAN RAFAEL, CA 94903

## CALL TO ORDER

Chairperson, David E. Hudson

1. **Opening Comments**  
**Roll Call**  
**Pledge of Allegiance**

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

## PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**  
*For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have two minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

## COMMENDATION/PROCLAMATION/AWARD

3. *The Board of Directors will recognize outgoing Board Chairperson David E. Hudson for his outstanding leadership as Chair of the Board of Directors in 2018.*

## CONSENT CALENDAR (ITEMS 4 - 9)

Staff/Phone (415) 749-

4. Minutes of the Board of Directors Special Meeting of December 19, 2018  
Clerk of the Boards/5073

*The Board of Directors will consider approving the draft minutes of the Board of Directors Special Meeting of December 19, 2018.*

5. Board Communications Received from December 19, 2018 through January 15, 2019  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A copy of communications directed to the Board of Directors received by the Air District from December 19, 2018 through January 15, 2019, if any, will be at each Board Member's place.*

6. Air District Personnel on Out-of-State Business Travel **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding month.*

7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of December 2018 **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violation issued, and all settlements for amounts in excess of \$10,000 during the month of December 2018.*

8. Authorization to Execute a Two-Year Contract and Associated Purchase Orders in Excess of \$100,00.00 Pursuant to Administrative Code Division II Fiscal Policies and Procedures **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute a two-year contract and associated purchase orders to Sonoma Technology, Inc. (STI) in an amount not to exceed \$172,800.*

9. Authorization to Execute a Contract with West Oakland Environmental Indicators Project (WEOIP) for Community Engagement and Planning Purposes in West Oakland **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with the West Oakland Environmental Indicators Project (WEOIP) in an amount not to exceed \$153,000.*

## **COMMITTEE REPORT**

10. Report of the **Legislative Committee** Meeting of January 14, 2019  
**CHAIR: D. Kim**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will receive the following reports:*

### **A) Consideration of New Bills**

- 1) *Consider new bills and positions, including: AB 40 (Ting) – Requires California Air Resources Board (CARB) to develop a strategy to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040; Do not take a position until the Air District's (District) next Legislative Committee meeting, allowing time for District staff to meet with authors;*

- 2) *SB 1 (Atkins) – Defines “baseline federal standards” for air quality; requires CARB to publish changes made to federal standards on a quarterly basis and assess how federal standards have been impacted by these changes; Support in principle but continue working with authors to address District’s concerns; and*
- 3) *SB 210 (Leyva) – Creates a Heavy-Duty Vehicle Inspection & Maintenance Program and a “smog check” for non-gasoline vehicles in excess of 14,000 lbs. gross vehicle weight; Support.*

**B) Sacramento Legislative Update**

- 1) *None; receive and file.*

**C) Potential Wildfire Smoke Public Health Bill Legislation**

- 1) *None; receive and file.*

**BOARD OF DIRECTORS RETREAT**

**11. Opening Comments**

**Chairperson, Katie Rice**

**A. State of the Air District, Air Quality Summary and the Proposed Regulatory Agenda for 2019**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Executive Officer/APCO will address the Board of Directors regarding the state of the Air District, provide an overview of air quality in the Bay Area and discuss the proposed Regulatory Agenda for 2019.*

**B. Air District Administrative Overview**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**J. McKay/4629**  
[jmckay@baaqmd.gov](mailto:jmckay@baaqmd.gov)

**R. Sanders/4951**  
[rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov)

*The Chief Financial and Chief Administrative Officers will provide an administrative overview of the Air District.*

**C. Air District Financial Overview**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**J. McKay/4629**  
[jmckay@baaqmd.gov](mailto:jmckay@baaqmd.gov)

*The Chief Financial Officer will provide a financial overview of the Air District.*

**D. Bay Area Economic Overview**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**J. McKay/4629**  
[jmckay@baaqmd.gov](mailto:jmckay@baaqmd.gov)

**L. Bak/5075**  
[lbak@baaqmd.gov](mailto:lbak@baaqmd.gov)

*The Chief Financial Officer and Economist will provide an economic overview of the Bay Area.*

**E. Update on Assembly Bill 617 (AB 617) Implementation**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**G. Nudd/4782**  
[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an overview and update on the implementation of AB617.*

**F. Climate Protection Program Update**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**G. Nudd/4786**  
[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an overview and update on the Air Districts Climate Protection Program.*

**G. Key Stationary Sources Update**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**D. Breen/5041**  
[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an overview and update on the Air Districts key stationary sources.*

**H. Update on the Technology Implementation Office**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**D. Breen/5041**  
[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an update on the Technology Implementation Office.*

**I. Wildfire Air Quality Response Update**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

**W. Kino/4789**  
[wkino@baaqmd.gov](mailto:wkino@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an update on the wildfire air quality response.*

**J. Board Development and Committee Assignments for 2019**      **Chairperson, Katie Rice**

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

**12. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

*Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed two minutes each to address the Board on non-agenda matters.*

**BOARD MEMBERS' COMMENTS**

13. *Any member of the Board, 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)*

**OTHER BUSINESS**

14. Report of the Executive Officer/APCO

15. Chairperson's Report

16. Time and Place of Next Meeting:

*Wednesday, February 6, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.*

17. Adjournment

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

## CONTACT:

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto: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 Board of Directors” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board 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) 749-4941**

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

**JANUARY 2019**

<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 Legislative Committee</b> <i>(At the Call of the Chair)</i>	Monday	14	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Special Meeting/Retreat</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	9:30 a.m.	Embassy Suites Novato Meeting Room 101 McInnis Parkway San Rafael, CA 94903
<b>Board of Directors Climate Protection Committee</b> <i>(Meets on the 3<sup>rd</sup> Thursday of every other Month) - CANCELLED</i>	Thursday	17	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) - CANCELLED</i>	Monday	21	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	23	9:30 a.m.	1 <sup>st</sup> 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	24	9:30 a.m.	1 <sup>st</sup> Floor Board Room

**FEBRUARY 2019**

<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	6	9:30 a.m.	1 <sup>st</sup> Floor Board 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	20	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>	Monday	25	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	27	9:30 a.m.	1 <sup>st</sup> 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	28	9:30 a.m.	1 <sup>st</sup> Floor Board Room

## MARCH 2019

<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	6	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Advisory Council Mtg.</b> <i>(At the Call of the Chair)</i>	Monday	11	10:00 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets 3<sup>rd</sup> Monday of Every Other Month)</i>	Monday	18	9:30 a.m.	1 <sup>st</sup> Floor Board 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	20	9:30 a.m.	1 <sup>st</sup> Floor Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 3<sup>rd</sup> Thursday of Every Other Month)</i>	Thursday	21	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	27	9:30 a.m.	1 <sup>st</sup> 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	28	9:30 a.m.	1 <sup>st</sup> Floor Board Room
HL – 1/8/19 – 10:20 a.m.				G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson David Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 2, 2019

Re: Minutes of the Board of Directors Special Meeting of December 19, 2018

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Special Meeting of December 19, 2018.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special Meeting of December 19, 2018.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 4A: Draft Minutes of the Board of Directors Special Meeting of December 19, 2018

## AGENDA 4A – ATTACHMENT

Draft Minutes - Board of Directors Special Meeting of December 19, 2018

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

Board of Directors Special Meeting  
Wednesday, December 19, 2018

### **DRAFT MINUTES**

*Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, David Hudson, called the meeting to order at 9:00 a.m.

#### **Roll Call:**

Present: Chairperson David Hudson; Vice Chair Katie Rice; Secretary Rod Sinks; and Directors Teresa Barrett, John J. Bauters, David Canepa, Cindy Chavez, Pauline Russo Cutter, John Gioia, Carole Groom, Scott Haggerty, Tyrone Jue, Liz Kniss, Rafael Mandelman, Karen Mitchoff, Nate Miley, Hillary Ronen, Mark Ross, Jim Spring, Brad Wagenknecht, and Shirlee Zane.

Absent: Directors Margaret Abe-Koga, Doug Kim, and Pete Sanchez.

### **COMMENDATIONS / PROCLAMATIONS / AWARDS**

2. The Board of Directors recognized outgoing Board Member Pete Sanchez, in absentia, for his service, leadership, and dedication to protecting air quality in the Bay Area from 2016-2018.

NOTED PRESENT: Director Mitchoff was noted present at 9:01 a.m.

### **CLOSED SESSION** (9:03 a.m.)

3. **CONFERENCE WITH LEGAL COUNSEL**

NOTED PRESENT: Director Canepa was noted present at 9:17 a.m.; Director Jue was noted present at 9:20 a.m.; Director Ronen was noted present at 9:24 a.m.; Director Zane was noted present at 9:32 a.m.; Director Ross was noted present at 9:34 a.m.; and Directors Wagenknecht and Mandelman were noted present at 9:35 a.m.

**EXISTING LITIGATION (Government Code Section 54956.9(a))**

*Pursuant to Government Code Section 54956.9(a), a need to meet in closed session with legal counsel to consider the following cases:*

- A. **Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining & Marketing Company, LLC, and Phillips 66 Company v. Bay Area Air Quality Management District (AQMD)**, Contra Costa County Superior Court, Case No. N16-0963

REPORTABLE ACTION: Chair Hudson reported that no action was taken by the Board.

- B. **Valero Refining Company – California, Tesoro Refining & Marketing Company, LLC and Phillips 66 Company v. Bay Area AQMD**, Contra Costa County Superior Court, Case No. N16-0095

REPORTABLE ACTION: Chair Hudson reported that no action was taken by the Board.

**OPEN SESSION** (9:32 a.m.)

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

4. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

Public comments were given by Jed Holtzman, 350 Bay Area; Haili Wang, Fremont resident; Kat Chan, Union City resident; Ling Kao, Newark resident; Domenico Tanzarella, Fremont resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County (ICANCC); Bob Brown, Western States Petroleum Association; Richard Gray, 350 Bay Area; and Peter Welte, ClimateAction.tech.

NOTED PRESENT: Director Kniss was noted present at 9:44 a.m.

**Board Comments**

The Board and staff discussed complaints from parents of students attending The Stratford and E.M. Grimmer Elementary Schools in Fremont regarding dust and emissions from Tri-City Rock, affecting both campuses; the community meeting hosted by the Air District (District) for stakeholders on November 19; and the District’s investigations and mitigation of the particulate matter (PM) emissions from the facility.

**CONSENT CALENDAR (ITEMS 5 – 9)**

5. Minutes of the Board of Directors Regular Meeting of August 1, 2018 and Board of Directors Special Meeting of November 19, 2018
6. Board Communications Received from November 19, 2018 through December 18, 2018
7. Air District Personnel on Out-of-State Business Travel
8. Notices of Violations Issued and Settlements in Excess of \$10,000 during the month of November 2018

9. Proposed Regulatory Agenda for 2019

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Groom made a motion, seconded by Director Bauters, to **approve** the Consent Calendar Items 5 through 9, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Jue, Kniss, Mandelman, Mitchoff, Rice, Ronen, Ross, Sinks, Spering, Wagenknecht, and Zane.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Abe-Koga, Kim, Miley, and Sanchez.

**COMMITTEE REPORTS**

10. **Report of the Mobile Source Committee Meeting of December 17, 2018**

Mobile Source Committee Chair, Director Haggerty, read the following Committee report:

*The Committee met on Monday, December 17, 2018, and approved the minutes of October 25, 2018.*

*The Committee reviewed and discussed the staff presentation, Projects and Contracts with Proposed Grant Awards Over \$100,000. The Committee recommends the Board:*

- 1. Approve recommended projects with proposed grant awards over \$100,000; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.*

*The Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2017 Transportation Fund for Clean Air Program Audit Results.*

*Finally, the Committee reviewed and discussed the staff presentation Report on Transportation Fund for Clean Air Projects Expenditures and Effectiveness for Fiscal Year Ending 2018.*

*The next meeting of the Mobile Source Committee will be held on Thursday, January 24, 2019, at 9:30 a.m., at the Bay Area Air Quality Management District office, 375 Beale Street, San Francisco, CA 94105. I move that the Board approve the Mobile Source Committee's recommendations. This concludes the Chair Report of the Mobile Source Committee.*

Public Comments

No requests received.

Board Comments

Chair Hudson praised the District for the emission reduction levels from/effectiveness of Transportation Fund for Clean Air-sponsored projects that were completed by June 30, 2018.

Board Action

Director Haggerty made a motion, seconded by Director Wagenknecht, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Bauters, Chavez, Cutter, Gioia, Haggerty, Hudson, Jue, Kniss, Mandelman, Mitchoff, Rice, Ronen, Ross, Sinks, Spering, Wagenknecht, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Canepa, Groom, Kim, Miley, and Sanchez.

**11. Report of the Legislative Committee Meeting of December 17, 2018**

In the absence of the Legislative Committee Chair and Vice Chair, Chair Hudson read the following Committee report:

*The Legislative Committee met on Monday, December 17, 2018, and approved the minutes of March 22, 2018.*

*The Committee then discussed the 2018 legislative year.*

*The Committee then reviewed and discussed at length a potential 2019 legislative agenda, and recommends that the Board of Directors considers a legislative agenda for 2019. This includes: seeking an author for a bill that appropriates money from the State's Greenhouse Gas Reduction Fund for clean air centers in the Bay Area, and potentially at a statewide level, during wildfire activity; securing state budget funding to cover the ongoing costs of work that the Air District has been assigned under Assembly Bill 617; and opposing changes to the composition of the Air District's governing Board that do not originate with ourselves.*

*The next meeting of the Legislative Committee will be held at the Call of the Chair. I move that the Board approve the Committee's recommendations. This concludes the Chair's report of the Legislative Committee.*

At this time, Jack Broadbent, Executive Officer/Air Pollution Control Officer, gave the staff presentation *Wildfire Response Program*, including: program strategy; and legislative strategy.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the request that the District be more proactive than reactive when championing new legislation and taking positions on bills; the components of the District’s proposed Wildfire Response Program, for which the District is seeking State funding (and an author), and District staff’s hope that the Board and Legislative Committee will support the District’s efforts in Sacramento; the request that District staff change “clean air center” to “clean air shelter”; potential collaboration with other agencies who also prioritize and submit wildfire legislation; the anticipated frequency of Legislative Committee meetings starting in January 2019; the suggestion that public schools be equipped to be clean air shelters so that students do not have to be sent home during wildfire incidents, as the air quality in residences may be poor; the lack of dust respirator masks that are available during wildfire incidents; the suggestion that the District creates interactive air monitoring stations at schools to teach the students about air monitoring through their science departments; the Board Chairperson-Elect’s anticipated establishment of a Public Health Committee in 2019; and the suggestion that the District partners with Canada regarding wildfire resiliency.

Board Action

Director Haggerty made a motion, seconded by Director Mitchoff, to **approve** the recommendation of the Legislative Committee; and the motion **carried** by the following vote of the Board:

- AYES: Barrett, Bauters, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Jue, Kniss, Mandelman, Mitchoff, Rice, Ronen, Ross, Sinks, Spering, Wagenknecht, and Zane.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Abe-Koga, Canepa, Kim, Miley, and Sanchez.

**PUBLIC HEARINGS**

- 12. **Public Hearing to Consider Adoption of Proposed Assembly Bill 617 Expedited Best Available Retrofit Control Technology (BARCT) Implementation Schedule, and the Certification of a Final Environmental Impact Report (EIR) Pursuant to the California Environmental Quality Act (CEQA)**

Chair Hudson opened the public hearing.

Greg Nudd, Deputy Air Pollution Control Officer of Policy, introduced David Joe, Principal Engineer, who gave the staff presentation *Assembly Bill 617 Industrial Cap and Trade Sources Best Available Retrofit Control Technology Expedited Implementation Schedule*, including: outline; BARCT schedule requirements, approach, and development; prioritization of projects; potential rule development projects; environmental impacts; and recommendations.

### Public Comments

Public comments were given by Claire Broome, 350 Bay Area; Stephen Rosenblum, Palo Alto resident; Gary Hughes, Redway resident; Wileen Ellen Sweet, 350 Marin; David Gassman, No Coal in Oakland; Jed Holtzman, 350 Bay Area; Charles Davidson, Hercules resident; and Richard Gray, 350 Bay Area.

### Board Comments

The Board and staff discussed the request that water demand impacts from operation of air pollution control equipment not utilize fresh-water resources, and the request that such impacts in future staff reports be highlighted; the estimated cost of expedited BARCT implementation, and whether State funding can be procured for it; the need for a sustained funding mechanism for AB 617 in future years; if and how mobile sources of emissions are to be affected by AB 617; whether any of the potential rule development projects address condensable PM; methods of wet scrubber wastewater treatment; whether cross-contamination between (air and water) sectors can occur; the level of involvement of regional water quality control boards, water districts, and aquifer managers with AB 617; whether fees will be recovered from expedited BARCT implementation; the fact that the expedited schedule is even more accelerated than originally proposed; whether wet scrubbers will be required at refineries; how cost-effectiveness of the retrofit controls will be measured; and whether the potential rule development project schedules include the certification of CEQA EIRs, and whether District staff believes that these schedules can be completed on time.

Chair Hudson closed the public hearing.

### Board Action

Director Wagenknecht made a motion, seconded by Vice Chair Rice, to **adopt** the proposed AB 617 Expedited Best Available Retrofit Control Technology Implementation Schedule, and **certify** a Final Environmental Impact Report pursuant to the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Bauters, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Jue, Kniss, Mandelman, Miley, Mitchoff, Rice, Ronen, Ross, Sinks, Spring, Wagenknecht, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Canepa, Kim, and Sanchez.

13. **Public Hearing to Consider Adoption of Proposed Amendments to Regulation 6, Rule 5: Particulate Matter from Refinery Fluidized Catalytic Cracking Units; Proposed Amendments to Regulation 11, Rule 10: Hexavalent Chromium Emissions from All Cooling Towers and Total Hydrocarbon Emissions from Petroleum Refinery Cooling Towers; Proposed Amendments to Regulation 12, Rule 15: Petroleum Refining Emissions Tracking; and Certification of the Final Environmental Impact Report Pursuant to the California Environmental Quality Act**

Chair Hudson opened the public hearing.

Mr. Broadbent introduced Victor Douglas, Rule Development Manager, who gave the staff presentation *Refinery Rules Amendment Public Hearing*, including: overview; Rule 6-5: PM from Fluid Catalytic Cracking Units (FCCUs); Rule 11-10: Cooling Towers; Rule 12-15: Refinery Emissions Tracking; environmental and socioeconomic impacts; and recommendations.

### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area; Jan Warren, ICANCCC; Richard Gray, 350 Bay Area; Gary Hughes, Redway resident; Wileen Ellen Sweet, 350 Marin; and Charles Davidson, Hercules resident.

### Board Comments

The Board and staff discussed the Rule 6-5-exemption for the Fluid Catalytic Cracking Unit at Valero that has been abated by wet scrubber technology; methodology of/requirements for measuring total hydrocarbon in cooling towers; the District's response to the community's concern that the proposed amendments will weaken the District regulations they affect; the reason for removing cargo carriers' emissions requirements from Rule 12-15; and transitioning from daily to weekly monitoring of cooling towers regarding Rule 11-10.

Chair Hudson closed the public hearing.

### Board Action

Director Wagenknecht made a motion, seconded by Vice Chair Rice, to **adopt** a suite of amendments affecting petroleum refinery operations: proposed amendments to Regulation 6, Rule 5: Particulate Matter from Refinery Fluid Catalytic Cracking Units; proposed amendments to Regulation 11, Rule 10: Hexavalent Chromium Emissions from All Cooling Towers and Total Hydrocarbon Emissions from Petroleum Refinery Cooling Towers; proposed amendments to Regulation 12, Rule 15: Petroleum Refining Emissions Tracking; and **certify** a Final Environmental Impact Report pursuant to the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Bauters, Chavez, Cutter, Gioia, Groom, Hudson, Jue, Kniss, Mandelman, Miley, Mitchoff, Rice, Ross, Sinks, Wagenknecht, and Zane.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Canepa, Haggerty, Kim, Ronen, Sanchez, and Spring.

### PUBLIC COMMENT ON NON-AGENDA MATTERS

#### 14. **Public Comments on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

No requests received.

## **BOARD MEMBERS' COMMENTS**

### **15. Board Members' Comments**

- Director Haggerty announced that the Dohsanjh Family Auto Group is looking for matching funds or other donations that will go towards the Camp Fire Relief Fund. [www.driveforparadise.com](http://www.driveforparadise.com)
- Director Gioia announced that on December 14, 2018, the California Air Resources Board adopted Innovative Clean Transit (ICT) Regulation that requires California transit agencies to gradually transition their buses to zero-emission technologies.
- Director Ross requested a flow chart of the application/approval process from a facility for a District Permit to Operate.
- Director Groom announced that the San Mateo County Transit District purchased ten electric buses, which will be deployed in early 2019.
- Secretary Sinks announced that several Board members and legislator sent a letter to District staff regarding odor complaints in the South Bay sub-region of the Bay Area. Mr. Broadbent stated that the District will conduct an odor study there.
- Vice Chair Rice requested that the meeting be adjourned in memory of late former Marin County Supervisor, Peter Arrigoni.
- Director Kniss spoke about the number of Bay Area residents that drive over 90-minutes to work and commented on the low ratio of electric vehicles in the Bay Area, advocating for additional housing near workplaces to decrease longer commutes.

## **OTHER BUSINESS**

### **16. Report of the Executive Officer/Air Pollution Control Officer**

Mr. Broadbent explained that 15 Spare the Air alerts have already been called during the 2018 Winter Spare the Air season, which runs from November to February. He added that, although PM exceedances resulting from wildfires do not affect the District's National Ambient Air Quality Standards attainment status, the District wishes to launch the Wildfire Response Program to counter against future wildfire impacts in the Bay Area.

### **17. Chairperson's Report**

Chair Hudson reiterated his excitement over the reduction in emission levels from Transportation Fund for Clean Air-sponsored projects that were completed by June 30, 2018, and said he hopes the reductions are even greater next year.

### **18. Time and Place of Next Meeting**

Wednesday, January 16, 2019, at Embassy Suites, 101 McInnis Parkway, San Rafael, CA 94903 at 9:30 a.m.

19. **Adjournment**

The meeting adjourned at 12:04 p.m., in memory of Peter Arrigoni, former County Supervisor of Marin County.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson David Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 2, 2019

Re: Board Communications Received from December 19, 2018 through January 15, 2019

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from December 19, 2018, through January 15, 2019, if any, will be at each Board Member's place at the January 16, 2019, Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marjorie Villanueva

Reviewed by: Vanessa Johnson

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson David Hudson and  
Members of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 2, 2019

Re: Air District Personnel on Out-of-State Business Travel

---

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified of District personnel who have traveled on out-of-state business.

The report covers the out-of-state business travel for the month of December 2018. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the month of December 2018:

- The American Geophysical Union Annual Conference, Washington, D.C., December 10, 2018 to December 14, 2018 Attendees:
  - Yuanyuan Fang, Statistician
  - Sally Newman, Air Quality Specialist II
  - Abhinav Guha, Principal Air Quality Engineer
- COP24 Conference (the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change), Katowice, Poland, December 4, 2018 to December 14, 2018 Attendees:
  - Jack P. Broadbent, Executive Officer/APCO
  - Ranyee Chiang, Technology Implementation Officer

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Stephanie Osaze  
Reviewed by: Jeff McKay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson David Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 10, 2019

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of  
December 2018

---

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this Memorandum is a listing of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian C. Bunger

Attachment 7A: Notices of Violations for the Month of December 2018

AGENDA 7A - ATTACHMENT

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
NOTICES OF VIOLATIONS ISSUED**

The following Notice(s) of Violations were issued in December 2018:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Hertz Rentals	Z5563	Oakland	A57883A	12/6/18	6-1-301	Excessive emissions engine B1701 59823.
Unocal	Z5561	Piedmont	A57677A	12/4/18	2-1-307	VR-204 Phase II tests due 9/19/2018.

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
East Bay Municipal Utility Dist	B3746	El Sobrante	A58320A	12/17/18	8-7-301.2	Product cap not installed per CARB 5.0 VR-402
Eisen Environmental & Construction	Q7448	Concord	A58907A	12/18/18	11-2-303.6	No viewports.
Four Corners Union 76	C8486	Concord	A58574A	12/28/18	8-7-301.2	Gasket not installed on 87-gade Product fill adaptor dust cap
IT Environmental Liquidating Trust, Vine Hill	A0209	Martinez	A57327A	12/17/18	8-8-301.1	Gap > 1/8" on separator cover.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A57721A	12/13/18	1-522.4	Late reporting of inoperative monitor episode. RCA 07J79, Dev #5291
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A57722A	12/13/18	2-6-307	SO2, CO & O2 valves not measured by CEMS.
Recipient	Z5613	Antioch	A58960A	12/18/18	6-3-301	Burning on WSTA

StoneMor California Subsidiary, Inc	A2634	Lafayette	A57326A	12/11/18	2-1-307	Failure to meet afterburner temp
Superstop	Z5546	Rodeo	A58318A	12/10/18	2-1-307	Annual VR-202 tests overdue: Static pressure, Healy CAS pressure last tested 6/21/2017. Vapor-liquid
Superstop	Z5546	Rodeo	A58319A	12/10/18	8-7-302.1	Non-low permeation hoses installed & operating
Superstop	Z5546	Rodeo	A58319B	12/10/18	8-7-314	Two nozzles missng hold open latches (#3 #4).
TRC	B2967	Antioch	A58255A	12/17/18	CCR	Leak at gas collection and control system >800ppm

<b>Napa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Beckstofefer Vineyards	Z5601	Rutherford	A58572A	12/19/18	2-1-307	GDF did not perform static pressure performance test within 12-months of each other
California Depart of Forestry & Fire Protection	E4066	Angwin	A58571A	12/18/18	2-1-307	Static pressure performance test CARB TP 206.3 not performed within 12 months of one another.

<b>San Francisco</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Blucal	Z5562	San Francisco	A58905A	12/6/18	11-2-401.5	Inaccurate start date.
City & County of S.F.	H2224	San Francisco	A58317A	12/4/18	2-1-302	Permit expired 2/1/2015

Hollins Consulting	Z5616	San Francisco	A58979A	12/27/18	11-2-401.5	Inaccurate start date
San Francisco Municipal Railway	A8420	San Francisco	A58316A	12/4/18	2-1-307	Torque test due 12/20/2016 (last test 12/20/2013).
San Francisco Municipal Railway	A8420	San Francisco	A58316B	12/4/18	8-7-301.5	Defective vapor poppet per VR-104
San Francisco, City & County, PUC	Y8816	San Francisco	A57572A	12/14/18	2-1-307	Accidental release of digester gas PC#03292.1 RCA# 07F63

<b>San Mateo</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Double AA El Camino	Z4190	San Bruno	A58432A	12/10/18	8-7-301.5	Failed TP 201.3 (2 inch pressure test) Source test #19036, 19046
Double AA El Camino	Z4190	San Bruno	A58433A	12/10/18	8-7-302.3	ST#19037, 19047. Out of tolerance ARB TP 201.4/Failure to maintain phase 2 (vent pipe, nozzle)
Double AA El Camino	Z4190	San Bruno	A58434A	12/10/18	8-7-301.5	Out of tolerance VR-102, exhibit 2 - Source test #19033
Double AA El Camino	Z4190	San Bruno	A58439A	12/26/18	2-1-307	Failure to conduct: start up testing PC#100050, 100037
Granite Excavation and Demolition, Inc	H2115	South San Francisco	A58978A	12/3/18	11-2-401.5	Inaccurate start date.
Recipient	Z5612	Pacifica	A58959A	12/18/18	6-3-301	Burning on WSTA
San Mateo Auto Services	Y4157	San Mateo	A58323A	12/19/18	2-1-302	Permit expired 9/1/17 (incomplete fees)
San Mateo Auto Services	Y4157	San Mateo	A58324A	12/19/18	2-1-307	No record of Phase I/II, source tests in 2016-2018 (last tested 11-19-15)

San Mateo Beacon	Z5600	San Mateo	A58322A	12/19/18	2-1-302	Permit to operate expired 9/1/2017.
---------------------	-------	-----------	---------	----------	---------	--

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
ICU Medical Fleet Services LLC	E0539	San Jose	A57360A	12/12/18	2-1-302	No Permit to Operate.
R&B Equipment	Z5622	Santa Clara	A55670A	12/27/18	11-2-401.3	Expired Job # ASB104847
SFD	Z5608	San Jose	A55669A	12/27/18	11-2-401.3	Late notification

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Jelly Belly Candy Company	A2168	Fairfield	A56444A	12/20/18	2-1-307	VOC destruction efficiency <97% (NTV-2023).
Pacific Auto Salvage Inc	Z5581	Vallejo	A58570A	12/17/18	2-1-307	Static pressure performance test not performed prior to 6/22/2018.

<b>Sonoma</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
24/7 Gas Service Co.	Z5354	Cotati	A58321A	12/18/18	8-7-301.6	Failed district source tests: ST#19064 & ST#19065
24/7 Gas Service Co.	Z5354	Cotati	A58321B	12/18/18	8-7-302.5	Failed district source tests: ST#19064 & ST#19065

CVE NB Contracting Group Inc.	Z5329	Rohnert Park	A58906A	12/18/18	11-2-401.3	401.3 - Improper notification
Lagunitas Brewing Company	E2457	Petaluma	A58153A	12/11/18	2-1-307	Permit condition #25838, section 5 & 8.
SFD	Z5531	Santa Rosa	A58105A	12/6/18	5-301	Illegal Fire

<b>District Wide</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Reeve Knight Construction	J0776	Roseville	A58904A	12/4/18	11-2-303.8	No survey.
Reeve Knight Construction	J0776	Roseville	A58904B	12/4/18	11-2-401.3	Failure to notify.

**SETTLEMENTS FOR \$10,000 OR MORE REACHED**

There was 1 settlement(s) for \$10,000 or more completed in November 2018.

- 1) On November 19, 2018, the District reached settlement with Piedmont Shell (City Gateline LLC) for \$16,000, regarding the allegations contained in the following 1 Notice of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A57411A	10/26/17	5/2/11	2-1-302	Expired/ No permit to operate

There was 1 settlement(s) for \$10,000 or more completed in December 2018.

- 1) On December 17, 2018, the District reached settlement with Crockett Cogeneration for \$15,000, regarding the allegations contained in the following 1 Notice of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A57778A	8/14/18	6/4/18	2-6-307	Ammonia slip in excess of p/c 14970, late reporting of the excess
A57778B	8/14/18	6/4/18	1-523.3	

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson David Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 7, 2019

Re: Authorization to Execute a Two-Year Contract and Associated Purchase Orders in  
Excess of \$100,000 Pursuant to Administrative Code Division II Fiscal Policies and  
Procedures

---

**RECOMMENDED ACTION**

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a two-year contract and associated purchase orders to Sonoma Technology, Inc (STI) in the amount not to exceed \$172,800 for upper-air meteorological measurements needed to support air quality forecasting, provide information to the public and emergency responders during accidental releases, and support improved pollution mapping associated with Assembly Bill 617 (AB 617).

**BACKGROUND**

Upper-air wind and mixing height meteorological measurements help to ensure accurate air quality forecasts, provide information to the public and emergency responders during accidental releases, perform meteorological and air quality modeling, aid in rule development, help with mapping pollution for AB 617, and assist with climate change analysis and air quality transport. While the Air District has an extensive ground level meteorological measurement network of over 20 sites, this network does not include upper-air wind and mixing height measurements.

**DISCUSSION**

Upper-air meteorological measurements are helpful in many air quality assessment tasks. Instruments necessary to perform these measurements are extremely expensive to purchase, on the order of \$200,000 per instrument, and require significant resources to operate, both in consumables and staff time. As a result, few air districts operate this type of equipment and rely on the relatively few measurements supplied by other agencies whose focus is not air quality evaluation.

The Air District would have to make significant investments to purchase appropriate equipment and increase staffing with the appropriate expertise to operate and maintain it. In addition, because this equipment uses sound to make measurements, finding appropriate locations sited away from residents to avoid noise complaints is difficult.

STI is a recognized expert in upper-air meteorological measurements, with the equipment and operational experience to effectively and efficiently provide these services to the Air District. STI performed an upper-air study in Benicia and worked with staff to identify and develop another site in the Richmond area to provide an understanding of upper-air conditions in this important industrial corridor. By continuing measurements for an additional two years, the Air District can utilize the existing Richmond and Benicia locations, which are ideal for measurements near the eastern end of the Bay Area industrial corridor, gaining a better understanding of upper-air behavior over time while keeping measurement costs down.

By leveraging the current sites, along with STI's extensive experience operating this equipment, there is a unique opportunity to continue to obtain data needed for emergency response support, air quality forecasting, pollution mapping for AB 617, modeling, rule development, and support for climate change analysis at significant cost savings. Staff would then be better able to determine if permanent siting is necessary and if the benefits of permanent operation of this equipment should be incorporated into the Air District's functions.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

Funds for this purchase will be included in the Fiscal Year Ending (FYE) 2019 and FYE 2020 budgets.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Charles Knoderer  
Reviewed by: Eric Stevenson

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson David Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 7, 2019

Re: Authorization to Execute a Contract with West Oakland Environmental Indicators  
Project (WOEIP) for Community Engagement and Planning Purposes in West  
Oakland

---

**RECOMMENDED ACTION**

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with West Oakland Environmental Indicators Project (WOEIP) in an amount not to exceed \$153,000, for community engagement and planning services in West Oakland.

**BACKGROUND**

The Air District was awarded funding from the Transformative Climate Communities Program Planning Grant issued by the California Department of Conservation of Energy to lead the Marcus Gravey Commons Urban Biofilter Project. WOEIP will engage residents and other stakeholders in the development, design and planning of a large-scale urban biofilter alongside the heavily-trucked I-880 freeway, that courses between the residential areas and port areas of West Oakland. The Air District will provide oversight and contract-related administrative support to WOEIP and WOEIP's project partners, Urban Biofilter and Cornell University.

**DISCUSSION**

In July 2018, the Air District signed a grant agreement with the Department of Conservation to receive \$170,000, for the Transformative Climate Communities Program. This was approved by the Air District Board of Directors in April 2018. This one-year planning contract is scheduled to begin January 2019. The Air District is the lead applicant and will oversee contract management. The co-applicant, WOEIP, will lead program planning, implementation, reporting and invoicing, Air District staff will provide oversight and contract-related administrative support to WOEIP and their project partners.

Project Summary: Funding will support a community-driven pilot of green infrastructure strategies along the freeway corridor in the Prescott neighborhood, a hotspot of air pollution (edf.org/airqualitymaps) with affordable housing, planned very low-income housing and an elementary school, downwind of a major freeway. This grant will fund the community participatory research and design phases of outreach and education, citizen science, multi-stakeholder advocacy and engagement, community design and an implementation plan. The project will be supported by the Air District and facilitated by WOEIP. The project is in partnership with the green infrastructure design expert Urban Biofilter, the Alameda County Public Health Department, and Cornell University air modeling researchers. It will both create a community-scale pilot for one neighborhood and initiate a framework for future health and citizen-science driven environmental justice projects.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Funding for this one-year project has been awarded to the Air District by Transformative Climate Communities Program Planning Grant issued by the California Strategic Group Council. The Air District will award 90% (\$153,000) of the funds to WOEIP; the remaining 10% (\$17,000), will go toward Air District administrative services.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Kristen Law  
Reviewed by: Greg Nudd

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson David Hudson and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 8, 2019

Re: Report of the Legislative Committee Meeting of January 14, 2019

**RECOMMENDED ACTION**

A) The Legislative Committee (Committee) will consider new bills and positions, including:

<b>Bill/Author</b>	<b>Subject</b>	<b>Staff recommendation</b>
Assembly Bill (AB) 40 (Ting)	Requires California Air Resources Board (CARB) to develop a strategy to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040.	<i>Do not take a position until the Air District's (District) next Legislative Committee meeting, allowing time for District staff to meet with authors.</i>
Senate Bill (SB) 1 (Atkins)	Defines "baseline federal standards" for air quality; requires CARB to publish changes made to federal standards on a quarterly basis and assess how federal standards have been impacted by these changes.	<i>Support in principle but continue working with authors to address District's concerns.</i>
SB 210 (Leyva)	Creates a Heavy-Duty Vehicle Inspection & Maintenance Program and a "smog check" for non-gasoline vehicles in excess of 14,000 lbs. gross vehicle weight.	<i>Support</i>

1) The Committee will discuss and review bills and consider recommending positions to the Board of Directors (Board.)

B) Sacramento Legislative Update

1) None; receive and file.

C) Potential Wildfire Smoke Public Health Legislation

1) None; receive and file.

### BACKGROUND

The Committee will meet on Monday, January 14, 2019, and will receive the following reports and recommendations:

A) Consideration of New Bills;

B) Sacramento Legislative Update; and

C) Potential Wildfire Smoke Public Health Legislation

### BUDGET CONSIDERATION / FINANCIAL IMPACT

A) None;

B) None; and

C) None.

Legislative Committee Chairperson, Doug Kim, will give an oral report of the meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 10A: 01/14/19 – Legislative Committee Meeting Agenda #4

Attachment 10B: 01/14/19 – Legislative Committee Meeting Agenda #5

Attachment 10C: 01/14/19 – Legislative Committee Meeting Agenda #6

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 2, 2019

Re: Consideration of New Bills

---

**RECOMMENDED ACTION**

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

**DISCUSSION**

Introduction of new bills in December is typically slow, but we expect to see a flurry of activity in January, which will also include new and additional bill analysis from the various committees of the California Legislature. The new bills analyzed to date include the following:

**Assembly Bill (AB) 40** is authored by Assemblymember Phil Ting (D-San Francisco), and would require the California Air Resources Board (CARB) to develop a strategy by January 1, 2021, to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040. The strategy would include examining credit provisions, regulatory structures, market acceptance, potential technology advancements, and further research needs. The bill also requires identification of areas of coordination with other state agencies and air districts in order to implement the strategy. In developing the strategy, CARB shall consult with experts in academia, industry, and the community. Air districts are not specifically noted as being part of the strategy development process, which appears to be an oversight that could be part of a future amendment. It should be noted that the timeline to complete the strategy would be very aggressive. California has set ambitious goals for electrifying transportation via regulation, Executive Orders, and statute. AB 40 is written to help achieve these goals, however, staff are recommending to not take a position until the next Legislative Committee meeting, which would allow time to meet with the authors of the bill.

**Senate Bill 1 (SB) 1** is authored by Senate Pro-Tem Toni Atkins (D-San Diego) and is similar to **SB 49**, which was introduced in 2017 by then Senate Pro-Tem Kevin De Leon (D-Los Angeles). The Legislative Committee recommended a "Support if Amended" position on the 2017 bill and District staff provided input to the Pro-Tem's office, but ultimately the bill did not advance. SB 1 defines "baseline federal standards" for air quality as federal standards implementing the Clean Air Act in effect as of January 19, 2017 and requires CARB to publish a list of changes made to federal standards on a quarterly basis as well as an assessment on whether the change has resulted in more or less stringency than the baseline federal standard. If CARB determines that a

change results in less stringency, CARB would then consider actions to minimize the effect in California, including amending regulations, writing an emergency regulation, or amending state policies or plans, some of which would likely then require a conforming action for air districts. SB 49 also has a citizen suit provision that allows a civil action to be brought against regulatory agencies, including air districts, in order to ensure that baseline federal standards are not being weakened. The bill would become inoperable on January 20, 2025 and be repealed on January 1, 2026. Though well intentioned, SB 1 could create a significant administrative burden for CARB and the air districts in amending current regulations or developing new ones to counter federal weakening. In many instances, state and local regulations are already more stringent than federal requirements, and in some circumstances the ultimate benefit would be minimal. Like SB 49, staff recommends supporting the legislation in principle, but also to continue working with the authors to address the Air District's concerns.

**SB 210** was a bill introduced by Senator Connie Leyva (D-Chino) in 2017 that eventually died in the Assembly in 2018. SB 210 would create a Heavy-Duty Vehicle Inspection and Maintenance program, a "Smog Check" for nongasoline vehicles in excess of 14,000 lbs gross vehicle weight. Our understanding is that this bill will be reintroduced shortly with a new bill number and will be similar to SB 210 in that it would task state agencies to create test procedures for different model years and emissions control technologies to measure oxides of nitrogen and particulate matter, and then to create requirements for motor vehicles to pass test procedures in order to register or operate in the state. The revised bill would start with implementation of a pilot program to demonstrate effectiveness. Heavy-duty diesel trucks are the largest source of diesel particulate emissions in the state, as well as large contributors of oxides of nitrogen, and a vehicle inspection and maintenance program would provide significant health benefits to people that live and work near areas with high levels of truck traffic. Staff recommends a "Support" position in the new bill is substantially similar to SB 210.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs

Attachment 4A: 2019 Assembly Bill 40  
Attachment 4B: 2019 Senate Bill 1  
Attachment 4C: 2017 Senate Bill 210

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 40**

**Introduced by Assembly Members Ting and Kalra  
(Coauthors: Assembly Members Berman, Friedman, McCarty, and  
Mark Stone)**

December 3, 2018

An act to add Section 43018.6 to the Health and Safety Code, relating to vehicular air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

AB 40, as introduced, Ting. Zero-emission vehicles: comprehensive strategy.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law required the state board to develop and adopt regulations that achieve the maximum feasible reduction of greenhouse gases emitted by passenger vehicles, light-duty trucks, and any other vehicles determined by the state board to be vehicles whose primary use is noncommercial personal transportation in the state.

This bill, no later than January 1, 2021, would require the state board to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles, as defined, by 2040, as specified.

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. The Legislature finds and declares all of the  
2 following:

3 (a) The largest source of the state’s greenhouse gas emissions  
4 come from the transportation sector, primarily from passenger  
5 vehicles, accounting for nearly 40 percent of emissions.

6 (b) Over one-half of criteria air pollution, which causes smog  
7 and direct health impacts, comes from transportation.

8 (c) People who live near freeways and busy roadways are at  
9 high risk for exposure to health-threatening air pollutants from  
10 passenger vehicles traveling those corridors.

11 (d) Since the 1990s, air pollution experts have identified moving  
12 to zero-emission vehicles as a key to delivering clean air to  
13 residents.

14 (e) The state can effectively reduce both health-threatening  
15 criteria air pollution and climate pollution by adopting  
16 zero-emission vehicles statewide.

17 (f) Climate change is a matter of increasing concern for public  
18 health and the environment in the state.

19 (g) The control and reduction of greenhouse gas emissions are  
20 critical to slow the effects of climate change, such as sea-level  
21 rise, extreme weather events, or food insecurity.

22 (h) Technological solutions to reduce greenhouse gas emissions  
23 will stimulate the state’s economy and provide good clean energy  
24 job opportunities.

25 SEC. 2. Section 43018.6 is added to the Health and Safety  
26 Code, to read:

27 43018.6. (a) For purposes of this section, “zero-emission  
28 vehicles” means a vehicle that produces zero exhaust emissions  
29 of any criteria air pollutant, precursor pollutant, or greenhouse gas,  
30 excluding emissions from air conditioning systems, under any  
31 possible operating modes or conditions.

32 (b) No later than January 1, 2021, the state board shall develop  
33 a comprehensive strategy to ensure that the sales of new motor  
34 vehicles and new light-duty trucks in the state have transitioned  
35 fully to zero-emission vehicles by 2040. In developing the strategy,  
36 the state board shall do all of the following:

37 (1) Assess the credit provisions and regulatory structure  
38 adjustments needed to meet the future motor vehicle volumes in

1 order to shift the state’s new motor vehicle market to zero-emission  
2 vehicles by 2040.

3 (2) Identify regulation that could improve market acceptance,  
4 spur technology advancements, and reduce technology costs.

5 (3) Identify research needs to address any data gaps.

6 (4) Identify areas where coordination with other state agencies  
7 and districts is needed to implement measures identified as part  
8 of the comprehensive strategy.

9 (c) As part of the comprehensive strategy developed pursuant  
10 to subdivision (b), the state board shall consult with experts in  
11 academia, industry, and the community on zero-emission vehicles,  
12 motor vehicle marketing, and motor vehicle technology adoption.  
13 The topics shall include, but not be limited to, all of the following:

14 (1) Identification of opportunities and challenges for adopting  
15 zero-emission vehicles.

16 (2) Recommendations to increase dealership engagement and  
17 improve the retail experience.

18 (3) Identification of regulatory actions other state agencies might  
19 take to encourage greater consumer access to zero-emission  
20 vehicles.

21 (d) To provide a forum for public engagement, the state board  
22 shall hold at least one public workshop during the development  
23 of the comprehensive strategy required pursuant to subdivision  
24 (b).

LEGISLATIVE COMMITTEE MEETING  
OF 01/14/2019

o

**SENATE BILL****No. 1**

---

---

**Introduced by Senators Atkins, Portantino, and Stern**December 3, 2018

---

---

An act to add and repeal Title 24 (commencing with Section 120000) of the Government Code, relating to state prerogative.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1, as introduced, Atkins. California Environmental, Public Health, and Workers Defense Act of 2019.

(1) The federal Clean Air Act regulates the discharge of air pollutants into the atmosphere. The federal Clean Water Act regulates the discharge of pollutants into water. The federal Safe Drinking Water Act establishes drinking water standards for drinking water systems. The federal Endangered Species Act of 1973 generally prohibits activities affecting threatened and endangered species listed pursuant to that act unless authorized by a permit from the United States Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate.

Existing state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species.

This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. By imposing new duties on local agencies, this bill would impose a state-mandated local program.

(2) Existing law provides for the enforcement of laws regulating the discharge of pollutants into the atmosphere and waters of the state. Existing law provides for the enforcement of drinking water standards. Existing law provides for the enforcement of the California Endangered Species Act.

This bill would authorize a person acting in the public interest to bring an action to enforce certain federal standards and requirements incorporated into certain of the above-mentioned state laws if specified conditions are satisfied.

(3) Existing federal law generally establishes standards for workers' rights and worker safety.

Existing state law generally establishes standards for workers' rights and worker safety.

This bill would require specified agencies to take prescribed actions regarding certain requirements and standards pertaining to worker's rights and worker safety. The bill would authorize a person acting in the public interest to enforce standards and requirements related to worker's rights and worker safety, as provided.

(5) This bill would make its provisions inoperative as of January 20, 2025, and would repeal them as of January 1, 2026.

(6) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so 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. Title 24 (commencing with Section 120000) is
- 2 added to the Government Code, to read:

1 TITLE 24. CALIFORNIA ENVIRONMENTAL, PUBLIC  
2 HEALTH, AND WORKERS DEFENSE ACT OF 2019

3  
4 DIVISION 1. GENERAL PROVISION

5  
6 120000. This title shall be known, and may be cited, as the  
7 California Environmental, Public Health, and Workers Defense  
8 Act of 2019.  
9

10 DIVISION 2. ENVIRONMENT, NATURAL RESOURCES,  
11 AND PUBLIC HEALTH

12  
13 CHAPTER 1. FINDINGS AND DECLARATIONS

14  
15 120010. The Legislature finds and declares all of the following:

16 (a) For over four decades, California and its residents have relied  
17 on federal laws, including the federal Clean Air Act (42 U.S.C.  
18 Sec. 7401 et seq.), the Federal Water Pollution Control Act (Clean  
19 Water Act) (33 U.S.C. Sec. 1251 et seq.), the federal Safe Drinking  
20 Water Act (42 U.S.C. Sec. 300f et seq.), and the federal Endangered  
21 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), along with their  
22 implementing regulations and remedies, to protect our state's public  
23 health, environment, and natural resources.

24 (b) These federal laws establish standards that serve as the  
25 baseline level of public health and environmental protection, while  
26 expressly authorizing states like California to adopt more protective  
27 measures.

28 (c) Beginning in 2017, a new presidential administration and  
29 United States Congress have signaled a series of direct challenges  
30 to these federal laws and the protections they provide, as well as  
31 to the underlying science that makes these protections necessary,  
32 and to the rights of the states to protect their own environment,  
33 natural resources, and public health as they see fit.

34 (d) It is therefore necessary for the Legislature to enact  
35 legislation that will ensure continued protections for the  
36 environment, natural resources, and public health in the state even  
37 if the federal laws specified in subdivision (a) are undermined,  
38 amended, or repealed.

39 120011. The purposes of this division are to do all of the  
40 following:

- 1 (a) Retain protections afforded under the federal laws specified
- 2 in subdivision (a) of Section 120010 and regulations implementing
- 3 those federal laws in existence as of January 19, 2017, regardless
- 4 of actions taken at the federal level.
- 5 (b) Protect public health and welfare from any actual or potential
- 6 adverse effect that reasonably may be anticipated to occur from
- 7 pollution, including the effects of climate change.
- 8 (c) Preserve, protect, and enhance the environment and natural
- 9 resources in California, including, but not limited to, the state’s
- 10 national parks, national wilderness areas, national monuments,
- 11 national seashores, and other areas with special national or regional
- 12 natural, recreational, scenic, or historic value.
- 13 (d) Ensure that economic growth will occur in a manner
- 14 consistent with the protection of public health and the environment
- 15 and preservation of existing natural resources.
- 16 (e) Ensure that any decision made by a public agency that may
- 17 adversely impact public health, the environment, or natural
- 18 resources is made only after careful evaluation of all the
- 19 consequences of that decision and after adequate procedural
- 20 opportunities for informed public participation in the
- 21 decisionmaking process.

22  
23 CHAPTER 2. GENERAL PROVISIONS

- 24
- 25 120030. (a) A state agency may adopt standards or
- 26 requirements pursuant to this title, including, but not limited to,
- 27 by emergency regulations in accordance with Chapter 3.5
- 28 (commencing with Section 11340) of Part 1 of Division 3 of Title
- 29 2.
- 30 (b) The adoption of emergency regulations in furtherance of
- 31 this title shall be deemed an emergency and necessary for the
- 32 immediate preservation of the public peace, health, and safety, or
- 33 general welfare.
- 34 (c) Notwithstanding Chapter 3.5 (commencing with Section
- 35 11340) of Part 1 of Division 3 of Title 2, emergency regulations
- 36 adopted by a state agency under this title shall not be subject to
- 37 review by the Office of Administrative Law and shall remain in
- 38 effect until revised or repealed by the state agency, or January 20,
- 39 2021, whichever comes first.

CHAPTER 3. OPERATIVE PROVISIONS

Article 1. Air

120040. For purposes of this article, the following definitions apply:

(a) "Air district" means an air quality management or air pollution control district.

(b) "Baseline federal standards" means federal standards in effect as of January 19, 2017.

(c) "Federal standards" means federal laws or federal regulations implementing the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) including federal requirements for a state implementation plan, federal requirements for the transportation conformity program, and federal requirements for the prevention of significant deterioration.

(d) "State analogue statute" means the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) or Division 26 (commencing with Section 39000) of the Health and Safety Code.

(e) "State board" means the State Air Resources Board.

120041. Except as otherwise authorized by state law, all of the following apply:

(a) The state board shall regularly assess proposed and final changes to the federal standards.

(b) (1) At least quarterly, the state board shall publish a list of changes made to the federal standards and provide an assessment on whether a change made to the federal standards is more or less stringent than the baseline federal standards.

(2) If the state board determines that a change to the federal standards is less stringent than the baseline federal standards, the state board shall consider whether it should adopt the baseline federal standards as a measure in order to maintain the state's protections to be at least as stringent as the baseline federal standards.

(3) The state board shall publish its list, assessment, and consideration for adoption at least 30 days prior to a vote on adoption on its internet Web site for public comment.

1 (c) If the state board decides to adopt a measure pursuant to  
2 subdivision (b), the state board shall adopt the measure by either  
3 of the following procedures:

4 (1) As an emergency regulation in accordance with Section  
5 120030.

6 (2) By promulgation or amendment of a state policy, plan, or  
7 regulation.

8 (d) Notwithstanding any other law, the state board, when  
9 adopting a measure under paragraph (2) of subdivision (c) may  
10 adopt those measures in accordance with Section 100 of Title 1 of  
11 the California Code of Regulations and the measures shall be  
12 deemed to be a change without regulatory effect pursuant to  
13 paragraph (6) of subdivision (a) of that section and not subject to  
14 additional notice, procedural, or other considerations contained in  
15 state analogue statutes identified in this article. Nothing in this  
16 chapter shall affect the imposition of sanctions under the federal  
17 Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

18 (e) In the event that the citizen suit provision set forth in Section  
19 7604 of Title 42 of the United States Code is amended to restrict,  
20 condition, abridge, or repeal the citizen suit provision, the state  
21 board may consider the amendment as a change to the federal  
22 standards and may adopt the baseline federal standards pursuant  
23 to subdivision (c).

24 (f) This article does not prohibit the state board or air districts  
25 from establishing rules and regulations for California that are more  
26 stringent than the baseline federal standards.

27 120042. (a) An action may be brought by a person in the public  
28 interest exclusively to enforce baseline federal standards adopted  
29 as a measure pursuant to subdivision (c) of Section 120041 if all  
30 of the following requirements are met:

31 (1) At least 60 days prior to initiating the action, a complainant  
32 provides a written notice to the Attorney General and the counsel  
33 for the state board, a district attorney, county counsel, counsel of  
34 the air district, and prosecutor in whose jurisdiction the violation  
35 is alleged to have occurred, and the defendant identifying the  
36 specific provisions of the measure alleged to be violated.

37 (2) The Attorney General, a district attorney, a city attorney,  
38 county counsel, counsel of the state board, counsel of an air district,  
39 or a prosecutor has not commenced an action or has not been  
40 diligently prosecuting the action.

1 (b) Upon filing the action, the complainant shall notify the  
2 Attorney General that the action has been filed.

3 (c) The court may award attorney’s fees pursuant to Section  
4 1021.5 of the Code of Civil Procedure, and expert fees and court  
5 costs pursuant to Section 1032 of the Code of Civil Procedure, as  
6 appropriate, for an action brought pursuant to this section.

7 (d) This section does not limit other remedies and protections  
8 available under state or federal law.

9  
10 Article 2. Water

11  
12 120050. For purposes of this article, the following definitions  
13 apply:

14 (a) “Baseline federal standards” means federal standards in  
15 effect as of January 19, 2017, including water quality standards,  
16 effluent limitations, and drinking water standards.

17 (b) “Board” means the State Water Resources Control Board.

18 (c) “Federal standards” means federal laws or federal regulations  
19 implementing the federal Safe Drinking Water Act (42 U.S.C. Sec.  
20 300f et seq.) and the Federal Water Pollution Control Act (33  
21 U.S.C. Sec. 1251 et seq.) in effect as of January 19, 2017, including  
22 water quality standards, effluent limitations, and drinking water  
23 standards.

24 (d) “Regional board” means a regional water quality control  
25 board.

26 (e) “State analogue statute” mean the Porter-Cologne Water  
27 Quality Control Act (Division 7 (commencing with Section 13000)  
28 of the Water Code) or the California Safe Drinking Water Act  
29 (Chapter 4 (commencing with Section 116270) of Part 12 of  
30 Division 103 of the Health and Safety Code).

31 120051. Except as otherwise authorized by state law, all of the  
32 following apply:

33 (a) The board shall regularly assess proposed and final changes  
34 to the federal standards.

35 (b) (1) At least quarterly, the board shall publish a list of  
36 changes made to the federal standards and provide an assessment  
37 on whether a change made to the federal standards is more or less  
38 stringent than the baseline federal standards.

39 (2) If the board determines that a change to the federal standards  
40 is less stringent than the baseline federal standards, the board shall

1 consider whether it should adopt the baseline federal standards as  
2 a measure in order to maintain the state's protections to be at least  
3 as stringent as the baseline federal standards.

4 (3) The state board shall publish its list, assessment, and  
5 consideration for adoption at least 30 days prior to a vote on  
6 adoption on its Internet Web site for public comment.

7 (c) If the board decides to adopt a measure pursuant to  
8 subdivision (b), the board shall adopt the measure by either of the  
9 following procedures:

10 (1) As an emergency regulation in accordance with Section  
11 120030.

12 (2) By promulgation or amendment of a state policy for water  
13 quality control, a water quality control plan, or regulation.

14 (d) Notwithstanding any other law, the board, when adopting a  
15 measure under paragraph (2) of subdivision (c) may adopt those  
16 measures in accordance with Section 100 of Title 1 of the  
17 California Code of Regulations and the measures shall be deemed  
18 to be a change without regulatory effect pursuant to paragraph (6)  
19 of subdivision (a) of that section and not subject to additional  
20 notice, procedural, or other considerations contained in state  
21 analogue statutes identified in this article. Nothing in this chapter  
22 shall affect the imposition of sanctions under the federal Clean Air  
23 Act (42 U.S.C. Sec. 7401 et seq.).

24 (g) (1) In the event that the citizen suit provision set forth in  
25 Section 1365 of Title 33 of the United States Code is amended to  
26 restrict, condition, abridge, or repeal the citizen suit provision, the  
27 board may consider the amendment as a change to the federal  
28 standards and may adopt the baseline federal standards pursuant  
29 to subdivision (c).

30 (2) In the event that the citizen suit provision set forth in Section  
31 300j-8 of Title 42 of the United States Code is amended to restrict,  
32 condition, abridge, or repeal the citizen suit provision, the board  
33 may consider the amendment as a change to the federal standards  
34 and may adopt the baseline federal standards pursuant to  
35 subdivision (c).

36 (h) This article does not prohibit the board or the regional boards  
37 from establishing rules and regulations for California that are more  
38 stringent than the baseline federal standards.

39 120052. (a) An action may be brought by a person in the public  
40 interest exclusively to enforce baseline federal standards adopted

1 as a measure pursuant to subdivision (c) of Section 120051 if all  
2 of the following requirements are met:

3 (1) At least 60 days prior to initiating the action, a complainant  
4 provides a written notice to the Attorney General and the counsel  
5 for the board, a district attorney, county counsel, counsel of the  
6 regional board, and prosecutor in whose jurisdiction the violation  
7 is alleged to have occurred, and the defendant identifying the  
8 specific provisions of the measure alleged to be violated.

9 (2) The Attorney General, a district attorney, a city attorney,  
10 county counsel, counsel of the board, counsel of a regional board,  
11 or a prosecutor has not commenced an action or has not been  
12 diligently prosecuting the action.

13 (b) Upon filing the action, the complainant shall notify the  
14 Attorney General that the action has been filed.

15 (c) The court may award attorney’s fees pursuant to Section  
16 1021.5 of the Code of Civil Procedure, and expert fees and court  
17 costs pursuant to Section 1032 of the Code of Civil Procedure, as  
18 appropriate, for an action brought pursuant to this section.

19 (d) This section does not limit other remedies and protections  
20 available under state or federal law.

21

### 22 Article 3. Endangered and Threatened Species

23

24 120060. For purposes of this article, “baseline federal  
25 standards” means the federal Endangered Species Act of 1973 (16  
26 U.S.C. Sec. 1531 et seq.) in effect as of January 19, 2017, its  
27 implementing regulations, and any incidental take permits,  
28 incidental take statements, or biological opinions in effect as of  
29 January 19, 2017.

30 120061. Except as otherwise authorized by state law, the  
31 following apply:

32 (a) To ensure no backsliding as a result of any change to the  
33 federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et  
34 seq.) or its implementing regulations, in the event of the federal  
35 delisting of a species that is eligible for protection under the  
36 California Endangered Species Act and which is listed as  
37 endangered or threatened pursuant to the federal Endangered  
38 Species Act of 1973 as of January 1, 2017, or a change in the  
39 legally protected status of such a species, including through a  
40 change in listing from endangered to threatened, the adoption of

1 a rule pursuant to Section 4(d) of the federal Endangered Species  
2 Act, or any amendment to the federal Endangered Species Act of  
3 1973 or its implementing regulations, or any exemption from the  
4 application of the federal Endangered Species Act of 1973 to a  
5 federally listed species as of January 1, 2017, the Fish and Game  
6 Commission shall determine whether to list, in accordance with  
7 subdivision (b), that species under the California Endangered  
8 Species Act pursuant to this section.

9 (b) The Fish and Game Commission shall list the affected  
10 species identified in subdivision (a), pursuant to subdivision (c)  
11 and without following the regular listing process set forth in Article  
12 2 (commencing with Section 2070) of Chapter 1.5 of Division 3  
13 of the Fish and Game Code, no later than the conclusion of its  
14 second regularly scheduled meeting or within three months,  
15 whichever is shorter, after the occurrence of the event described  
16 in subdivision (a) unless either the Fish and Game Commission  
17 determines that listing of the species is not warranted because it  
18 does not meet the criteria in Chapter 1.5 (commencing with Section  
19 2050) of Division 3 of the Fish and Game Code or its implementing  
20 regulations or the Department of Fish and Wildlife recommends  
21 that the species undergo the regular listing process. If the  
22 Department of Fish and Wildlife makes a recommendation that  
23 the species undergo the regular listing process, the Fish and Game  
24 Commission shall either accept the recommendation, in which  
25 event the Fish and Game Commission shall be deemed to have  
26 accepted a petition for listing the species pursuant to paragraph  
27 (2) of subdivision (e) of Section 2074.2 of the Fish and Game  
28 Code, or reject the recommendation and immediately list the  
29 species pursuant to this subdivision.

30 (c) Notwithstanding any other law or regulation, because a  
31 decision by the Fish and Game Commission to list a species  
32 without following the regular listing process becomes effective  
33 immediately, the Fish and Game Commission shall add that species  
34 to the list of endangered or threatened species pursuant to Section  
35 100 of Title 1 of the California Code of Regulations, and the  
36 addition of that species to the list shall be deemed to be a change  
37 without regulatory effect pursuant to paragraph (6) of subdivision  
38 (a) of that section.

39 (d) (1) Upon the listing of any species under this section, the  
40 Fish and Game Commission or the Department of Fish and Wildlife

1 may authorize the taking of such species as otherwise provided  
 2 for in the Fish and Game Code. In lieu of authorizing take under  
 3 the provisions of Chapter 1.5 (commencing with Section 2050) of  
 4 Division 3 of the Fish and Game Code, the Fish and Game  
 5 Commission or the Department of Fish and Wildlife may adopt  
 6 the terms and conditions of any rule promulgated under Section  
 7 4(d) of the federal Endangered Species Act, federal incidental take  
 8 statement, incidental take permit, or biological opinion in effect  
 9 at the time of the event described in subdivision (a).

10 (2) The Department of Fish and Wildlife shall ensure that  
 11 protections remain in place pursuant to regulation, incidental take  
 12 permit, or consistency determination that are at least as stringent  
 13 as required by the baseline federal standards, as determined by the  
 14 Department of Fish and Wildlife.

15 (3) This subdivision does not prohibit the Department of Fish  
 16 and Wildlife from establishing conditions that are more stringent  
 17 than the baseline federal standards.

18 (e) Any species listed pursuant to this section shall be subject  
 19 to the provisions in the California Endangered Species Act in the  
 20 same manner as any other listed species, including those provisions  
 21 related to a change in listing status or delisting.

22 (f) For those species that the Fish and Game Commission lists  
 23 pursuant to subdivision (b), or for which baseline federal standards  
 24 are retained pursuant to subdivision (d), the California  
 25 Environmental Quality Act (Division 13 (commencing with Section  
 26 21000) of the Public Resources Code) shall not apply.

27 (g) The provisions of the California Endangered Species Act  
 28 are measures “relating to the control, appropriation, use, or  
 29 distribution of water” within the meaning of Section 8 of the federal  
 30 Reclamation Act of 1902 (43 U.S.C. Section 383) and shall apply  
 31 to the United States Bureau of Reclamation’s operation of the  
 32 federal Central Valley Project.

33  
 34 DIVISION 3. LABOR STANDARDS

35  
 36 CHAPTER 1. DEFINITIONS

37  
 38 120100. For purposes of this division, the following definitions  
 39 apply:

1 (a) “Baseline federal standards” means federal standards in  
2 effect as of January 1, 2017.

3 (b) “Board” means the Occupational Safety and Health  
4 Standards Board.

5 (c) “Department” means the Department of Industrial Relations.

6 (d) “Federal standards” means the federal Fair Labor Standards  
7 Act of 1938, as amended (29 U.S.C. Sec. 201 et seq.), the federal  
8 Occupational Safety and Health Act of 1970, as amended (29  
9 U.S.C. Sec. 651 et seq.), the Federal Coal Mine Health and Safety  
10 Act of 1969, as amended (30 U.S.C. Sec. 801 et seq.), or  
11 regulations established pursuant to those federal statutes.

12  
13 CHAPTER 2. OPERATIVE PROVISIONS

14  
15 120110. Except as otherwise authorized by state law, all of the  
16 following apply:

17 (a) The board and the department shall regularly assess proposed  
18 and final changes to the federal standards.

19 (b) (1) At least quarterly, the board and the department shall  
20 publish a list of changes made to the federal standards and provide  
21 an assessment on whether a change made to the federal standards  
22 is more or less stringent than the baseline federal standards.

23 (2) If the board or the department, as appropriate, determines  
24 that a change to the federal standards is less stringent than the  
25 baseline federal standards, the board shall consider whether it  
26 should adopt the baseline federal standards as a measure in order  
27 to maintain the state’s protections to be at least as stringent as the  
28 baseline federal standards.

29 (3) The board and the department shall publish its list,  
30 assessment, and consideration for adoption at least 30 days prior  
31 to a vote on adoption on its Internet Web site for public comment.

32 (c) If the board or the department, as appropriate, decides to  
33 adopt a measure pursuant to subdivision (b), the board or the  
34 department shall adopt the measure by an emergency regulation  
35 in accordance with Section 120030.

36 (d) Notwithstanding any other law, the board or department,  
37 when adopting a measure under subdivision (c) may adopt those  
38 measures in accordance with Section 100 of Title 1 of the  
39 California Code of Regulations and the measures shall be deemed  
40 to be a change without regulatory effect pursuant to paragraph (6)

1 of subdivision (a) of that section and not subject to additional  
2 notice, procedural, or other considerations contained in state  
3 analogue statutes.

4 (e) This division does not prohibit the board or the department  
5 from establishing rules and regulations for California that are more  
6 stringent than the baseline federal standards.

7 120111. (a) An action may be brought by a person in the public  
8 interest exclusively to enforce a measure adopted pursuant to  
9 subdivision (c) of Section 120110 if all of the following  
10 requirements are met:

11 (1) At least 60 days prior to initiating the action, a complainant  
12 provides a written notice to the Attorney General and the counsels  
13 for the board or department, as appropriate, a district attorney, a  
14 city attorney, county counsel, and a prosecutor in whose  
15 jurisdiction the violation is alleged to have occurred, and the  
16 defendant identifying the specific provisions of the measure alleged  
17 to be violated.

18 (2) The Attorney General, a district attorney, a city attorney,  
19 county counsel, the counsel for the board or department, as  
20 appropriate, or a prosecutor has not commenced an action or has  
21 not been diligently prosecuting the action.

22 (b) Upon filing the action, the complainant shall notify the  
23 Attorney General that the action has been filed.

24 (c) The court may award attorney's fees pursuant to Section  
25 1021.5 of the Code of Civil Procedure, and expert fees and court  
26 costs pursuant to Section 1032 of the Code of Civil Procedure, as  
27 appropriate, for an action brought pursuant to this section.

28 (d) This section does not limit other remedies and protections  
29 available under state or federal law.

30

31

#### DIVISION 4. MISCELLANEOUS

32

33 120200. The provisions of this title are severable. If any  
34 provision of this title or its application is held invalid, that  
35 invalidity shall not affect other provisions or applications that can  
36 be given effect without the invalid provision or application.

37 120202. (a) This title shall become inoperative on January  
38 20, 2025, and, as of January 1, 2026, is repealed.

1 (b) Notwithstanding subdivision (a), any action brought pursuant  
2 to this title on or before January 20, 2025, may proceed to a final  
3 judgment.

4 SEC. 2. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by certain mandates in this act, within  
9 the meaning of Section 17556 of the Government Code.

10 However, if the Commission on State Mandates determines that  
11 this act contains other costs mandated by the state, reimbursement  
12 to local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

LEGISLATIVE COMMITTEE MEETING  
OF 01/14/2019

o

AMENDED IN ASSEMBLY JUNE 19, 2018  
 AMENDED IN ASSEMBLY AUGUST 23, 2017  
 AMENDED IN SENATE MAY 26, 2017  
 AMENDED IN SENATE MARCH 15, 2017

**SENATE BILL****No. 210**

**Introduced by Senator Leyva**

February 1, 2017

An act to add Chapter 5.5 (commencing with Section 44150) to Part 5 of Division 26 of the Health and Safety Code, *and to amend Section 27153 of, and to add Sections 4000.17, 4156.5, 24019, 27158.1, and 27158.2 to, the Vehicle Code*, relating to vehicular air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Leyva. Heavy-Duty Vehicle Inspection and Maintenance Program.

**Existing**

(1) *Existing* law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

This bill would authorize the state board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill

would authorize the state board to assess a fee and penalties as part of the program. The bill would create the Truck Emission Check (TEC) Fund and the Diesel Emission System Inspection and Smoke Test (DESIST) Account in the fund, *Fund*, with all the moneys deposited in each *the fund* to be available upon appropriation.

(2) *Existing law generally requires the registration of vehicles by the Department of Motor Vehicles. Under existing law, a violation of the Vehicle Code is an infraction, unless otherwise specified.*

*This bill, no later than one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require the department to confirm that a heavy-duty vehicle, as specified, is compliant with, or exempt from, the program prior to the initial registration, the transfer of ownership, or the renewal of registration, except as specified. The bill would require the state board to notify the department of the vehicles allowed to be registered pursuant to these provisions.*

*This bill would authorize the department to issue a temporary permit, valid for a specified period and subject to certain conditions, to operate a vehicle for which registration may be refused pursuant to the above-described provisions, as specified. The bill would require the payment of a \$50 fee for the temporary permit, to be deposited in the Truck Emission Check (TEC) Fund.*

*This bill, commencing one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require a legal owner or registered owner of the heavy-duty vehicle to maintain a certificate of compliance with the vehicle, with exceptions, and would make a violation of this provision subject to a notice issued by an officer to correct the violation, as specified. The bill would require the driver of the vehicle to present the certificate of compliance for examination upon demand by a peace officer.*

*This bill would prohibit the operation of a heavy-duty vehicle on a public road in this state if that vehicle has an illuminated malfunction indicator light displaying a specified engine symbol, and would make a violation of this provision subject to a notice issued by an officer to correct the violation on the basis of its designation as a mechanical violation.*

*This bill would prohibit the operation of a heavy-duty vehicle in a manner resulting in the escape of visible smoke, except during active regeneration.*

*By creating new crimes, this bill would impose a state-mandated local program.*

*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 no reimbursement is required by this act for a specified reason.*

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Communities in the state are too often exposed to unhealthy
- 4 air. Communities near hubs of activity, such as warehouses and
- 5 distribution centers, ports, highways, and roads with high levels
- 6 of truck traffic, bear the burden of heavy-duty trucks that are not
- 7 maintained.
- 8 (b) Trade corridors, such as those in the Inland Empire and
- 9 Central Valley, consist of some of the most environmentally
- 10 disadvantaged cities in the state.
- 11 (c) As of 2016, heavy-duty trucks operating in the state emitted
- 12 nearly 60 percent of all oxides of nitrogen emissions from *onroad*
- 13 mobile sources, which are the most significant contributor to both
- 14 federal ozone and fine particulate matter (PM2.5) air quality
- 15 standard violations across the sate. Heavy-duty diesel trucks are
- 16 also the largest source of diesel particulate matter emissions in the
- 17 state. Diesel particulate matter is a carcinogen and toxic air
- 18 contaminant. Risks are particularly high in urban areas and along
- 19 busy roadways where trucks operate.
- 20 (d) Statewide, about 12 million residents live in communities
- 21 that exceed the federal ozone and PM2.5 standards. The health
- 22 and economic impacts of exposure to elevated levels of ozone and
- 23 PM2.5 in the state are considerable. Meeting air quality standards
- 24 will pay substantial dividends in terms of reducing costs associated
- 25 with emergency room visits and ~~hospitalization~~, *hospitalizations*,
- 26 lost work and school days, and, most importantly, premature
- 27 mortality.

1 (e) While the state has made significant progress in improving  
 2 air quality through existing programs by the state and air pollution  
 3 control and air quality management districts, further action must  
 4 be taken to achieve our public health, air quality, and climate goals

5 (f) The Heavy-Duty Vehicle Inspection and Maintenance  
 6 Program established by Section ~~44150~~ 44152 of the Health and  
 7 Safety Code is a key step in achieving the state’s goals to improve  
 8 public health and meeting our environmental imperatives.

9 (g) It is the intent of the Legislature that the Heavy-Duty Vehicle  
 10 Inspection and Maintenance Program be developed in partnership  
 11 between affected state agencies, the public, industry, and other  
 12 ~~stakeholders.~~ *stakeholders to address the inspection of, tampering*  
 13 *with, and maintenance of emissions control systems.* It is further  
 14 the intent of the Legislature *that the State Air Resources Board*  
 15 *work with other relevant agencies in conducting a pilot program*  
 16 *prior to the full-scale implementation of the Heavy-Duty Vehicle*  
 17 *Inspection and Maintenance Program in order for this program*  
 18 *to be developed in a way that minimizes costs to truck owners and*  
 19 *fleets; provides a level playing field for industry through effective*  
 20 *enforcement; and provides flexibility for the program to adapt as*  
 21 *truck technology and industry evolves.*

22 SEC. 2. Chapter 5.5 (commencing with Section 44150) is added  
 23 to Part 5 of Division 26 of the Health and Safety Code, to read:

24  
 25 CHAPTER 5.5. HEAVY-DUTY VEHICLE INSPECTION AND  
 26 MAINTENANCE PROGRAM  
 27

28 44150. *For purposes of this chapter, “program” means the*  
 29 *Heavy-Duty Vehicle Inspection and Maintenance Program*  
 30 *established pursuant to Section 44152.*

31 ~~44150.~~

32 44152. (a) ~~The~~ *No later than \_\_\_\_ and to the extent authorized*  
 33 *by federal law, the state board, in consultation with the bureau and*  
 34 *the Department of Motor Vehicles, may develop and implement*  
 35 *shall adopt and implement a regulation for a Heavy-Duty Vehicle*  
 36 *Inspection and Maintenance Program for nongasoline heavy-duty*  
 37 *onroad motor vehicles with a gross vehicle weight rating of more*  
 38 *than 14,000 pounds, as defined by the state board, including, but*  
 39 *not limited to, single-vehicle fleets and other vehicles that are*  
 40 *registered in another state and but operate in the state. on California*

1 *roads. In adopting a regulation implementing the program, the*  
2 *state board may shall do all of the following:*

3 (1) Establish test procedures for different motor vehicle model  
4 years and emissions control technologies that measure the  
5 effectiveness of the control of emissions of oxides of ~~nitrogen,~~  
6 *nitrogen and particulate matter, and greenhouse gases. matter.* The  
7 procedures may include, but are not limited to, procedures for the  
8 use of onboard diagnostics ~~systems. system data and test~~  
9 *procedures that measure the effectiveness of the control of*  
10 *emissions of greenhouse gases.*

11 (2) Require a motor vehicle to pass the test procedures in order  
12 to register or operate in the state. *The state board may establish*  
13 *in the regulation full or partial exemptions from the requirements*  
14 *of this section for categories of vehicles it determines on the basis*  
15 *of substantial evidence that the economic costs of compliance*  
16 *substantially outweigh the benefits of compliance, including public*  
17 *health benefits.*

18 (3) Allow a streamlined process for the owner or operator of a  
19 vehicle fleet who has an established compliance ~~history. history~~  
20 *with the program.*

21 (4) Establish program validation methods for evaluating program  
22 effectiveness, fraud investigation, and research purposes. ~~The~~  
23 ~~validation methods may include directing a subset of vehicles for~~  
24 ~~emissions testing.~~

25 (5) *Develop and implement enforcement methods to ensure*  
26 *continuing compliance with this section and Section 27153 of the*  
27 *Vehicle Code. The enforcement methods may include, but are not*  
28 *limited to, all of the following:*

- 29 (A) *Visual inspections.*
- 30 (B) *Functional inspections.*
- 31 (C) *Requiring emissions testing of vehicles.*

32 ~~(5) Develop~~  
33 (6) *Develop, in coordination with the Department of Motor*  
34 *Vehicles, an information technology database to collect and track*  
35 *vehicle test data, assess the data to determine compliance, and*  
36 *regularly generate lists of compliant vehicle identification numbers*  
37 *and transmit them to the Department of Motor Vehicles in order*  
38 *for the Department of Motor Vehicles to issue annual vehicle*  
39 *registration notices. notices to be issued.*

1 ~~(6) Allow for contracting for services to administer any~~  
2 ~~component of the program.~~

3 ~~(7) Establish licensing standards for persons engaged in the~~  
4 ~~business of inspection, diagnosis, and repair of heavy-duty motor~~  
5 ~~vehicles.~~

6 ~~(8) Establish a disciplinary and penalty schedule, an appeals~~  
7 ~~process, and a recourse for fraud or incompetence by parties~~  
8 ~~involved in motor vehicle inspections, testing, or repair.~~

9 *(b) The state board may establish licensing standards for*  
10 *persons engaged in the business of the inspection, diagnosis, and*  
11 *repair of heavy-duty motor vehicles. The board also may establish*  
12 *qualification standards or approval, operational, or licensure*  
13 *standards for testing equipment, including protocols, hardware,*  
14 *and software used for the submission of vehicle test data to the*  
15 *state board or its contractors.*

16 *(c) (1) As part of the program, the state board shall develop a*  
17 *Heavy-Duty Vehicle Inspection and Maintenance Compliance*  
18 *Certificate. The state board shall issue the certificate to the legal*  
19 *owner, registered owner, or designee of a vehicle that, at the*  
20 *discretion of the state board, meets the requirements of the*  
21 *program so that vehicle owners and operators may easily*  
22 *demonstrate proof of compliance, as required pursuant to Sections*  
23 *27158.1 and 27158.2 of the Vehicle Code.*

24 *(2) The certificate of compliance shall contain information*  
25 *determined to be necessary by the state board that includes, but*  
26 *need not be limited to, all of the following:*

27 *(A) Date issued.*

28 *(B) Date of expiration.*

29 *(C) Name and residence or business address or mailing address*  
30 *of the legal owner or registered owner.*

31 *(D) Vehicle identification number assigned to the vehicle.*

32 *(E) Description of the vehicle that includes the year, make, and*  
33 *model of the vehicle.*

34 *(d) The Department of Transportation, the Department of Food*  
35 *and Agriculture, and the Department of the California Highway*  
36 *Patrol may provide any necessary information to help facilitate*  
37 *the installation of equipment necessary to implement the program.*

38 *(e) The state board, the Department of Motor Vehicles, and the*  
39 *Department of Food and Agriculture may develop initiatives for*



1 outreach and education to help ensure compliance with the  
2 program.

3 (f) The state board shall request a permit to deploy equipment  
4 on the state highway system, as defined in Article 3 (commencing  
5 with Section 300) of Chapter 2 of Division 1 of the Streets and  
6 Highway Code, in accordance with Chapter 3 (commencing with  
7 Section 660) of Division 1 of the Streets and Highways Code, and  
8 in cooperation with the Department of the California Highway  
9 Patrol.

10 (g) The state board may inspect vehicles subject to this section  
11 in conjunction with the safety and weight enforcement activities  
12 of the Department of the California Highway Patrol or at other  
13 locations selected by the state board in consultation with the  
14 Department of the California Highway Patrol. Inspection locations  
15 may include instate private facilities where fleet vehicles are  
16 serviced or maintained. The state board and the Department of  
17 the California Highway Patrol may conduct these inspections  
18 cooperatively or independently, and the state board may contract  
19 for assistance in the conduct of these inspections.

20 (h) (1) The state board may issue a citation to the owner of a  
21 vehicle in violation of this section or a regulation promulgated  
22 pursuant to this section. The state board may require the operator  
23 of a vehicle to submit to a test procedure and may specify that  
24 refusal to submit is an admission constituting proof of a violation.  
25 The state board may require that, when a citation has been issued  
26 pursuant to this section, the owner of a vehicle in violation of the  
27 regulation shall be required to correct every deficiency specified  
28 in the citation within a timeframe determined by the state board.

29 (2) When deciding whether to issue a citation, the state board  
30 may take into account whether the owner of the vehicle has  
31 obtained a temporary permit to operate the vehicle pursuant to  
32 Section 4156.5 of the Vehicle Code.

33 (i) The state board shall provide an owner cited as violating  
34 this section an opportunity for an administrative hearing consistent  
35 with the process established pursuant to Article 3 (commencing  
36 with Section 60065.1) and Article 4 (commencing with Section  
37 60075.1) of Subchapter 1.25 of Chapter 1 of Division 3 of Title  
38 17 of the California Code of Regulations. Following notice and  
39 an opportunity for an administrative hearing, the state board, at

1 *its discretion, may use the procedure set forth in subdivision (j) of*  
2 *Section 44011.6 for a vehicle owner cited pursuant to this section.*

3 (j) *After an order imposing an administrative penalty becomes*  
4 *final pursuant to the hearing procedures identified in subdivision*  
5 *(i) and no petition for a writ of mandate has been filed within the*  
6 *time allotted for seeking judicial review of the order, the state*  
7 *board may apply to the Superior Court for the County of*  
8 *Sacramento for a judgment in the amount of the administrative*  
9 *penalty. The application, which shall include a certified copy of*  
10 *the final order of the administrative hearing officer, shall constitute*  
11 *a sufficient showing to warrant the issuance of the judgment.*

12 ~~44151.~~

13 44154. (a) *The state board shall assess a fee to fund the*  
14 *reasonable costs of implementing the program established pursuant*  
15 *to this chapter.*

16 (b) *All fees collected by the state board pursuant to this chapter*  
17 *shall be deposited in the Truck Emission Check (TEC) Fund, which*  
18 *is hereby created in the State Treasury. All moneys in the fund*  
19 *shall be available upon appropriation by the Legislature to the state*  
20 *board for the regulatory purposes of this chapter. the program.*

21 (c) *All penalty moneys collected by the state board pursuant to*  
22 *this chapter shall be deposited in the Diesel Emission System*  
23 *Inspection and Smoke Test (DESIST) Account, which is hereby*  
24 *created in the TEC Fund in the State Treasury. All moneys in the*  
25 *account shall be available upon appropriation by the Legislature.*  
26 *Air Pollution Control Fund.*

27 ~~44152. The~~

28 44156. *Prior to fully implementing the program, the state board,*  
29 *in consultation with the bureau, the Department of Transportation,*  
30 *the Department of Motor Vehicles, the Department of the*  
31 *California Highway Patrol, other interested state agencies, and*  
32 *stakeholders as part of a public process, may shall implement a*  
33 *pilot program prior to fully implementing the program authorized*  
34 *pursuant to this chapter. that develops and demonstrates*  
35 *technologies that show potential for readily bringing vehicles into*  
36 *the program. The state board shall report the findings of the pilot*  
37 *program on its Internet Web site.*

38 SEC. 3. *Section 4000.17 is added to the Vehicle Code,*  
39 *immediately following Section 4000.15, to read:*

1 4000.17. (a) No later than one year after the effective date of  
2 a regulation implementing the Heavy-Duty Vehicle Inspection and  
3 Maintenance Program described in Section 44152 of the Health  
4 and Safety Code, the department shall confirm, prior to the initial  
5 registration, the transfer of ownership, or the renewal of  
6 registration, that a heavy-duty vehicle is compliant with, or exempt  
7 from, the Heavy-Duty Vehicle Inspection and Maintenance  
8 Program.

9 (b) For purposes of this section, “heavy-duty vehicle” means  
10 a nongasoline heavy-duty onroad motor vehicle with a gross  
11 vehicle weight rating of more than 14,000 pounds, as defined by  
12 the State Air Resources Board pursuant to Section 44152 of the  
13 Health and Safety Code.

14 (c) Subdivision (a) does not apply to a transfer of ownership  
15 and registration under any of the following circumstances:

16 (1) A motor vehicle registered to a sole proprietorship is  
17 transferred to the proprietor as owner.

18 (2) The transfer is between companies the principal business  
19 of which is leasing motor vehicles, if there is no change in the  
20 lessee or operator of the motor vehicle or between the lessor and  
21 the person who has been, for at least one year, the lessee’s operator  
22 of the motor vehicle.

23 (3) The transfer is between the lessor and lessee of the motor  
24 vehicle, if there is no change in the lessee or operator of the motor  
25 vehicle.

26 (4) An additional individual is added as a registered owner of  
27 the motor vehicle.

28 (d) The State Air Resources Board shall notify the department  
29 of the motor vehicles allowed to be registered pursuant to this  
30 section.

31 SEC. 4. Section 4156.5 is added to the Vehicle Code, to read:

32 4156.5. (a) Except as provided in subdivision (b), the  
33 department in its discretion may issue a temporary permit to  
34 operate a vehicle when a payment of fees has been accepted in an  
35 amount to be determined by, and paid to, the department, by the  
36 owner or other person in lawful possession of the vehicle, for a  
37 vehicle for which registration may be refused pursuant to Section  
38 4000.17. The permit shall be subject to the terms and conditions  
39 that the department shall deem appropriate under the  
40 circumstances.

1 (b) The department shall not issue a temporary permit pursuant  
 2 to subdivision (a) to operate a vehicle for which a certificate of  
 3 compliance is required pursuant to Section 4000.17, and for which  
 4 that certificate of compliance has not been issued, unless the  
 5 department is presented with sufficient evidence, as determined  
 6 by the department, that the vehicle has failed its most recent  
 7 inspection pursuant to the Heavy-Duty Vehicle Inspection and  
 8 Maintenance Program described in Section 44152 of the Health  
 9 and Safety Code.

10 (c) Only one temporary permit may be issued pursuant to this  
 11 section for any vehicle, unless otherwise approved by the State Air  
 12 Resources Board.

13 (d) A temporary permit issued pursuant to this section is valid  
 14 for either 60 days after the expiration of the registration of the  
 15 vehicle or 60 days after the date that vehicle is removed from  
 16 nonoperation, whichever is applicable at the time the temporary  
 17 permit is issued.

18 (e) (1) A fee of fifty dollars (\$50) shall be paid for a temporary  
 19 permit issued pursuant to this section.

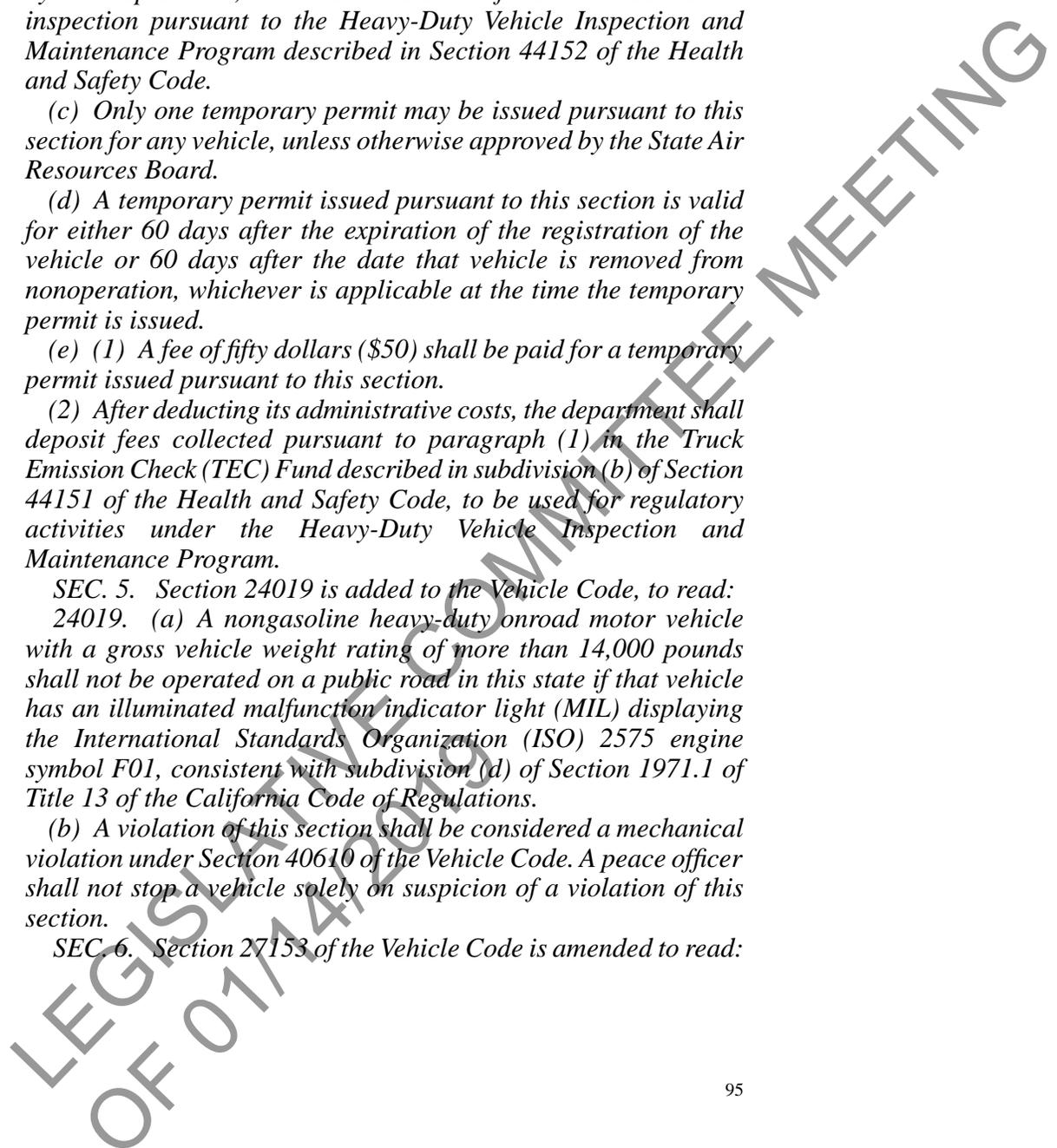
20 (2) After deducting its administrative costs, the department shall  
 21 deposit fees collected pursuant to paragraph (1) in the Truck  
 22 Emission Check (TEC) Fund described in subdivision (b) of Section  
 23 44151 of the Health and Safety Code, to be used for regulatory  
 24 activities under the Heavy-Duty Vehicle Inspection and  
 25 Maintenance Program.

26 SEC. 5. Section 24019 is added to the Vehicle Code, to read:

27 24019. (a) A nongasoline heavy-duty onroad motor vehicle  
 28 with a gross vehicle weight rating of more than 14,000 pounds  
 29 shall not be operated on a public road in this state if that vehicle  
 30 has an illuminated malfunction indicator light (MIL) displaying  
 31 the International Standards Organization (ISO) 2575 engine  
 32 symbol F01, consistent with subdivision (d) of Section 1971.1 of  
 33 Title 13 of the California Code of Regulations.

34 (b) A violation of this section shall be considered a mechanical  
 35 violation under Section 40610 of the Vehicle Code. A peace officer  
 36 shall not stop a vehicle solely on suspicion of a violation of this  
 37 section.

38 SEC. 6. Section 27153 of the Vehicle Code is amended to read:



1 27153. ~~No~~(a) A motor vehicle shall *not* be operated in a  
2 manner resulting in the escape of excessive smoke, flame, gas, oil,  
3 or fuel residue.

4 ~~The provisions of this section apply~~

5 (b) A nongasoline heavy-duty onroad motor vehicle with a gross  
6 vehicle weight rating of more than 14,000 pounds shall not be  
7 operated in a manner resulting in the escape of visible smoke,  
8 except during active regeneration.

9 (c) This section applies to motor vehicles of the United States  
10 or its agencies, to the extent authorized by federal law.

11 SEC. 7. Section 27158.1 is added to the Vehicle Code, to read:

12 27158.1. (a) Commencing one year after the effective date of  
13 a regulation implementing the Heavy-Duty Vehicle Inspection and  
14 Maintenance Program described in Section 44152 of the Health  
15 and Safety Code, a legal owner or registered owner of a  
16 nongasoline heavy-duty onroad motor vehicle with a gross vehicle  
17 weight rating of more than 14,000 pounds shall maintain a  
18 certificate of compliance, as described in Section 44152 of the  
19 Health and Safety Code, or a facsimile or electronic copy thereof,  
20 with the vehicle for which the certificate is issued.

21 (b) Subdivision (a) does not apply when a certificate of  
22 compliance is necessarily removed from the vehicle for the purpose  
23 of renewal or when the vehicle is left unattended.

24 (c) A violation of this section shall be cited in accordance with  
25 Section 40610.

26 SEC. 8. Section 27158.2 is added to the Vehicle Code, to read:

27 27158.2. (a) The driver of a nongasoline heavy-duty onroad  
28 motor vehicle with a gross vehicle weight rating of more than  
29 14,000 pounds shall present the certificate of compliance, as  
30 described in Section 44152 of the Health and Safety Code, or other  
31 evidence of the certificate of compliance, of the vehicle under his  
32 or her immediate control for examination upon demand by any  
33 peace officer.

34 (b) The driver of the vehicle described in subdivision (a) shall  
35 not present to any peace officer a certificate of compliance not  
36 issued for that vehicle.

37 SEC. 9. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the penalty*  
2 *for a crime or infraction, within the meaning of Section 17556 of*  
3 *the Government Code, or changes the definition of a crime within*  
4 *the meaning of Section 6 of Article XIII B of the California*  
5 *Constitution.*

LEGISLATIVE COMMITTEE MEETING  
OF 01/14/2019

o

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 2, 2019

Re: Sacramento Legislative Update

---

**RECOMMENDED ACTION**

None; receive and file.

**DISCUSSION**

The Senate Pro-Tem and Assembly Speaker both released committee assignments for the 2019-2020 legislative session, which are attached. There are not many major changes in either house. On the Senate side, Senator Benjamin Allen (D-Santa Monica) has replaced Senator Bob Wieckowski (D-Fremont) as Chair of Environmental Quality, however Senator Wieckowski will remain as the Chair of Budget Subcommittee #2 on Resources, Environmental Protection, Energy and Transportation. A new committee was formed, Senate Transportation, with Senator Jim Beall (D-San Jose) named as Chair. On the Assembly side, Assemblymember Phil Ting (D-San Francisco) will be the Chair of the Budget Committee, Assemblymember Richard Bloom (D-Santa Monica) will be the Chair of Budget Subcommittee #3 on Resources and Transportation, and Assemblymember Jim Frazier (D-Discovery Bay) will continue as Chair of the Transportation Committee.

Governor Newsom will be releasing his first budget proposal by January 10, 2019, and staff will provide updates on areas of interest.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs

Attachment 5A: 2019-20 Assembly Committee Membership

Attachment 5B: 2019-20 Senate Chair and Vice-Chair Committee Assignments

LEGISLATIVE COMMITTEE MEETING  
OF 01/14/2019



# ANTHONY RENDON

SPEAKER of the ASSEMBLY  
*Sixty-Third Assembly District*

December 27, 2018

E. Dotson Wilson  
Chief Clerk of the Assembly  
State Capitol, Room 3196  
Sacramento, California

Dear Dotson:

Please be advised that I have made appointments to the following committees for the 2019-20 Regular Session:

**Accountability and Administrative Review**

Assemblymember Cottie Petrie-Norris, Chair  
Assemblymember Jim Patterson, Vice Chair  
Assemblymember Autumn Burke  
Assemblymember Tom Lackey  
Assemblymember Jose Medina  
Assemblymember Sharon Quirk-Silva  
Assemblymember Christy Smith

**Aging and Long-Term Care**

Assemblymember Adrin Nazarian, Chair  
Assemblymember Randy Voepel, Vice Chair  
Assemblymember Tasha Boerner Horvath  
Assemblymember Ash Kalra  
Assemblymember Tom Lackey  
Assemblymember Eloise Reyes  
Assemblymember Blanca Rubio

**Agriculture**

Assemblymember Susan Eggman, Chair  
Assemblymember Devon Mathis, Vice Chair  
Assemblymember Cecilia Aguiar-Curry  
Assemblymember Jordan Cunningham  
Assemblymember Heath Flora  
Assemblymember Adam Gray  
Assemblymember Jacqui Irwin  
Assemblymember Reginald Jones-Sawyer

**Agriculture (continued)**

Assemblymember Marc Levine  
Assemblymember Robert Rivas  
Assemblymember Rudy Salas

I have increased the membership of the committee from 10 to 11 members.

**Appropriations**

Assemblymember Lorena Gonzalez, Chair  
Assemblymember Frank Bigelow, Vice Chair  
Assemblymember Richard Bloom  
Assemblymember Rob Bonta  
Assemblymember Bill Brough  
Assemblymember Ian Calderon  
Assemblymember Wendy Carrillo  
Assemblymember Ed Chau  
Assemblymember Tyler Diep  
Assemblymember Susan Eggman  
Assemblymember Vince Fong  
Assemblymember Jesse Gabriel  
Assemblymember Eduardo Garcia  
Assemblymember Jay Obernolte  
Assemblymember Cottie Petrie-Norris  
Assemblymember Bill Quirk  
Assemblymember Robert Rivas

**Arts, Entertainment, Sports, Tourism, and Internet Media**

Assemblymember Kansen Chu, Chair  
Assemblymember Tyler Diep, Vice Chair  
Assemblymember David Chiu  
Assemblymember Steven Choi  
Assemblymember Laura Friedman  
Assemblymember Sydney Kamlager-Dove  
Assemblymember Adrin Nazarian

**Banking and Finance**

Assemblymember Monique Limón, Chair  
Assemblymember Phillip Chen, Vice Chair  
Assemblymember Rebecca Bauer-Kahan  
Assemblymember Autumn Burke  
Assemblymember Sabrina Cervantes  
Assemblymember Steven Choi  
Assemblymember Jesse Gabriel  
Assemblymember Timothy Grayson  
Assemblymember Melissa Melendez  
Assemblymember Mark Stone  
Assemblymember Shirley Weber  
Assemblymember Buffy Wicks

I have increased the membership of the committee from 11 to 12 members.

**Budget**

Assemblymember Phil Ting, Chair  
Assemblymember Jay Obernolte, Vice Chair  
Assemblymember Joaquin Arambula  
Assemblymember Richard Bloom  
Assemblymember Bill Brough  
Assemblymember David Chiu  
Assemblymember Jim Cooper  
Assemblymember Vince Fong  
Assemblymember Jim Frazier  
Assemblymember James Gallagher  
Assemblymember Cristina Garcia  
Assemblymember Reginald Jones-Sawyer  
Assemblymember Tom Lackey  
Assemblymember Monique Limón  
Assemblymember Brian Maienschein  
Assemblymember Devon Mathis  
Assemblymember Kevin McCarty  
Assemblymember Jose Medina  
Assemblymember Melissa Melendez  
Assemblymember Kevin Mullin  
Assemblymember Al Muratsuchi  
Assemblymember Adrin Nazarian  
Assemblymember Patrick O'Donnell  
Assemblymember Jim Patterson  
Assemblymember James Ramos  
Assemblymember Eloise Reyes  
Assemblymember Luz Rivas  
Assemblymember Blanca Rubio  
Assemblymember Mark Stone  
Assemblymember Shirley Weber  
Assemblymember Buffy Wicks  
Assemblymember Jim Wood

I have increased the membership of the committee from 29 to 32 members.

**Budget Subcommittee No. 1 on Health and Human Services**

Assemblymember Joaquin Arambula, Chair  
Assemblymember Jim Frazier  
Assemblymember Devon Mathis  
Assemblymember Jim Patterson  
Assemblymember James Ramos  
Assemblymember Blanca Rubio  
Assemblymember Jim Wood  
Assemblymember Phil Ting, Democratic Alternate  
Assemblymember Jay Obernolte, Republican Alternate

I have increased the membership of the committee from 5 to 7 members.

**Budget Subcommittee No. 2 on Education Finance**

Assemblymember Kevin McCarty, Chair  
Assemblymember James Gallagher  
Assemblymember Monique Limón  
Assemblymember Brian Maienschein  
Assemblymember Jose Medina  
Assemblymember Al Muratsuchi  
Assemblymember Patrick O'Donnell  
Assemblymember Phil Ting, Democratic Alternate  
Assemblymember Jay Obernolte, Republican Alternate

**Budget Subcommittee No. 3 on Resources and Transportation**

Assemblymember Richard Bloom, Chair  
Assemblymember Vince Fong  
Assemblymember Cristina Garcia  
Assemblymember Kevin Mullin  
Assemblymember Jim Patterson  
Assemblymember Eloise Reyes  
Assemblymember Luz Rivas  
Assemblymember Phil Ting, Democratic Alternate  
Assemblymember Jay Obernolte, Republican Alternate  
I have increased the membership of the committee from 5 to 7 members.

**Budget Subcommittee No. 4 on State Administration**

Assemblymember Jim Cooper, Chair  
Assemblymember David Chiu  
Assemblymember Tom Lackey  
Assemblymember Adrin Nazarian  
Assemblymember Buffy Wicks  
Assemblymember Phil Ting, Democratic Alternate  
Assemblymember Jay Obernolte, Republican Alternate

**Budget Subcommittee No. 5 on Public Safety**

Assemblymember Shirley Weber, Chair  
Assemblymember Reginald Jones-Sawyer  
Assemblymember Tom Lackey  
Assemblymember Melissa Melendez  
Assemblymember Mark Stone  
Assemblymember Phil Ting, Democratic Alternate  
Assemblymember Jay Obernolte, Republican Alternate

**Budget Subcommittee No. 6 on Budget Process, Oversight and Program Evaluation**

Assemblymember Phil Ting, Chair  
Assemblymember Joaquin Arambula  
Assemblymember Richard Bloom  
Assemblymember Bill Brough  
Assemblymember Jim Cooper

**Budget Subcommittee No. 6 on Budget Process, Oversight and Program Evaluation (continued)**

Assemblymember Vince Fong  
Assemblymember Kevin McCarty  
Assemblymember Jay Obernolte  
Assemblymember Shirley Weber

**Business and Professions**

Assemblymember Evan Low, Chair  
Assemblymember Bill Brough, Vice Chair  
Assemblymember Joaquin Arambula  
Assemblymember Richard Bloom  
Assemblymember Phillip Chen  
Assemblymember David Chiu  
Assemblymember Jordan Cunningham  
Assemblymember Brian Dahle  
Assemblymember Susan Eggman  
Assemblymember Vince Fong  
Assemblymember Mike Gipson  
Assemblymember Todd Gloria  
Assemblymember Timothy Grayson  
Assemblymember Chris Holden  
Assemblymember Jacqui Irwin  
Assemblymember Kevin McCarty  
Assemblymember Jose Medina  
Assemblymember Kevin Mullin  
Assemblymember Jay Obernolte  
Assemblymember Phil Ting

I have increased the membership of the committee from 19 to 20 members.

**Communications and Conveyance**

Assemblymember Miguel Santiago, Chair  
Assemblymember Jay Obernolte, Vice Chair  
Assemblymember Tasha Boerner Horvath  
Assemblymember Rob Bonta  
Assemblymember Bill Brough  
Assemblymember Sabrina Cervantes  
Assemblymember Eduardo Garcia  
Assemblymember Chris Holden  
Assemblymember Sydney Kamlager-Dove  
Assemblymember Evan Low  
Assemblymember Brian Maienschein  
Assemblymember Jim Patterson  
Assemblymember Sharon Quirk-Silva  
Assemblymember Freddie Rodriguez

I have increased the membership of the committee from 13 to 14 members.

**Education**

Assemblymember Patrick O'Donnell, Chair  
Assemblymember Kevin Kiley, Vice Chair  
Assemblymember Ash Kalra  
Assemblymember Kevin McCarty  
Assemblymember Brian Maienschein  
Assemblymember Christy Smith  
Assemblymember Shirley Weber

**Elections and Redistricting**

Assemblymember Marc Berman, Chair  
Assemblymember James Gallagher, Vice Chair  
Assemblymember Ian Calderon  
Assemblymember Evan Low  
Assemblymember Chad Mayes  
Assemblymember Kevin Mullin  
Assemblymember Shirley Weber

**Environmental Safety and Toxic Materials**

Assemblymember Bill Quirk, Chair  
Assemblymember Melissa Melendez, Vice Chair  
Assemblymember Joaquin Arambula  
Assemblymember Rebecca Bauer-Kahan  
Assemblymember Brian Dahle  
Assemblymember Cristina Garcia  
Assemblymember Chris Holden  
Assemblymember Devon Mathis  
Assemblymember Al Muratsuchi  
I have increased the membership of the committee from 7 to 9 members.

**Governmental Organization**

Assemblymember Adam Gray, Chair  
Assemblymember Frank Bigelow, Vice Chair  
Assemblymember Cecilia Aguiar-Curry  
Assemblymember Marc Berman  
Assemblymember Rob Bonta  
Assemblymember Bill Brough  
Assemblymember Ken Cooley  
Assemblymember Jim Cooper  
Assemblymember Tom Daly  
Assemblymember James Gallagher  
Assemblymember Eduardo Garcia  
Assemblymember Mike Gipson  
Assemblymember Reginald Jones-Sawyer  
Assemblymember Tom Lackey  
Assemblymember Evan Low  
Assemblymember Devon Mathis

**Governmental Organization (continued)**

Assemblymember Melissa Melendez  
Assemblymember Sharon Quirk-Silva  
Assemblymember Robert Rivas  
Assemblymember Blanca Rubio  
Assemblymember Rudy Salas

**Health**

Assemblymember Jim Wood, Chair  
Assemblymember Chad Mayes, Vice Chair  
Assemblymember Cecilia Aguiar-Curry  
Assemblymember Frank Bigelow  
Assemblymember Rob Bonta  
Assemblymember Autumn Burke  
Assemblymember Wendy Carrillo  
Assemblymember Heath Flora  
Assemblymember Monique Limón  
Assemblymember Kevin McCarty  
Assemblymember Adrin Nazarian  
Assemblymember James Ramos  
Assemblymember Freddie Rodriguez  
Assemblymember Miguel Santiago  
Assemblymember Marie Waldron

**Higher Education**

Assemblymember Jose Medina, Chair  
Assemblymember Steven Choi, Vice Chair  
Assemblymember Joaquin Arambula  
Assemblymember Richard Bloom  
Assemblymember Jesse Gabriel  
Assemblymember Jacqui Irwin  
Assemblymember Kevin Kiley  
Assemblymember Marc Levine  
Assemblymember Evan Low  
Assemblymember Jim Patterson  
Assemblymember Miguel Santiago  
Assemblymember Shirley Weber  
I have decreased the membership of the committee from 13 to 12 members.

**Housing and Community Development**

Assemblymember David Chiu, Chair  
Assemblymember Brian Maienschein, Vice Chair  
Assemblymember Jesse Gabriel  
Assemblymember Todd Gloria  
Assemblymember Kevin Kiley  
Assemblymember Monique Limón  
Assemblymember Sharon Quirk-Silva

**Human Services**

Assemblymember Eloise Reyes, Chair  
Assemblymember Brian Maienschein, Vice Chair  
Assemblymember Joaquin Arambula  
Assemblymember Steven Choi  
Assemblymember Laura Friedman  
Assemblymember Mike Gipson  
Assemblymember Mark Stone

**Insurance**

Assemblymember Tom Daly, Chair  
Assemblymember Chad Mayes, Vice Chair  
Assemblymember Marc Berman  
Assemblymember Frank Bigelow  
Assemblymember Ian Calderon  
Assemblymember Phillip Chen  
Assemblymember Kansen Chu  
Assemblymember Ken Cooley  
Assemblymember Jim Cooper  
Assemblymember Jim Frazier  
Assemblymember Mike Gipson  
Assemblymember Timothy Grayson  
Assemblymember Sydney Kamlager-Dove  
Assemblymember Randy Voepel  
I have increased the membership of the committee from 13 to 14 members.

**Jobs, Economic Development, and the Economy**

Assemblymember Sabrina Cervantes, Chair  
Assemblymember Jordan Cunningham, Vice Chair  
Assemblymember Ed Chau  
Assemblymember Phillip Chen  
Assemblymember James Ramos  
Assemblymember Luz Rivas  
Assemblymember Christy Smith

**Judiciary**

Assemblymember Mark Stone, Chair  
Assemblymember Brian Maienschein, Vice Chair  
Assemblymember Ed Chau  
Assemblymember David Chiu  
Assemblymember James Gallagher  
Assemblymember Lorena Gonzalez  
Assemblymember Chris Holden  
Assemblymember Ash Kalra  
Assemblymember Kevin Kiley

**Judiciary (continued)**

Assemblymember Cottie Petrie-Norris

Assemblymember Eloise Reyes

I have increased the membership of the committee from 10 to 11 members.

**Labor and Employment**

Assemblymember Ash Kalra, Chair

Assemblymember Heath Flora, Vice Chair

Assemblymember Wendy Carrillo

Assemblymember Tyler Diep

Assemblymember Lorena Gonzalez

Assemblymember Reginald Jones-Sawyer

Assemblymember Luz Rivas

**Local Government**

Assemblymember Cecilia Aguiar-Curry, Chair

Assemblymember Tom Lackey, Vice Chair

Assemblymember Richard Bloom

Assemblymember Tasha Boerner Horvath

Assemblymember James Ramos

Assemblymember Luz Rivas

Assemblymember Robert Rivas

Assemblymember Randy Voepel

I have decreased the membership of the committee from 9 to 8 members.

**Natural Resources**

Assemblymember Laura Friedman, Chair

Assemblymember Heath Flora, Vice Chair

Assemblymember Ed Chau

Assemblymember Susan Eggman

Assemblymember Cristina Garcia

Assemblymember Monique Limón

Assemblymember Devon Mathis

Assemblymember Kevin McCarty

Assemblymember Melissa Melendez

Assemblymember Al Muratsuchi

Assemblymember Mark Stone

I have increased the membership of the committee from 10 to 11 members.

**Privacy and Consumer Protection**

Assemblymember Ed Chau, Chair

Assemblymember Kevin Kiley, Vice Chair

Assemblymember Rebecca Bauer-Kahan

Assemblymember Marc Berman

Assemblymember Ian Calderon

Assemblymember Jesse Gabriel

Assemblymember James Gallagher

**Privacy and Consumer Protection (continued)**

Assemblymember Jacqui Irwin  
Assemblymember Jay Obernolte  
Assemblymember Christy Smith  
Assemblymember Buffy Wicks

I have increased the membership of the committee from 10 to 11 members.

**Public Employment and Retirement**

Assemblymember Freddie Rodriguez, Chair  
Assemblymember Randy Voepel, Vice Chair  
Assemblymember Sabrina Cervantes  
Assemblymember Ken Cooley  
Assemblymember Jim Cooper  
Assemblymember Vince Fong  
Assemblymember Patrick O'Donnell

**Public Safety**

Assemblymember Reginald Jones-Sawyer, Chair  
Assemblymember Tom Lackey, Vice Chair  
Assemblymember Rebecca Bauer-Kahan  
Assemblymember Tyler Diep  
Assemblymember Sydney Kamlager-Dove  
Assemblymember Bill Quirk  
Assemblymember Miguel Santiago  
Assemblymember Buffy Wicks

I have increased the membership of the committee from 7 to 8 members.

**Revenue and Taxation**

Assemblymember Autumn Burke, Chair  
Assemblymember Bill Brough, Vice Chair  
Assemblymember Kansan Chu  
Assemblymember Adam Gray  
Assemblymember Chad Mayes  
Assemblymember Melissa Melendez  
Assemblymember Kevin Mullin  
Assemblymember Cottie Petrie-Norris  
Assemblymember Bill Quirk  
Assemblymember Luz Rivas  
Assemblymember Phil Ting

I have increased the membership of the committee from 10 to 11 members.

**Rules**

Assemblymember Ken Cooley, Chair  
Assemblymember Jordan Cunningham, Vice Chair  
Assemblymember Wendy Carrillo  
Assemblymember Tyler Diep  
Assemblymember Heath Flora  
Assemblymember Timothy Grayson

**Rules (continued)**

Assemblymember Sydney Kamlager-Dove  
Assemblymember Sharon Quirk-Silva  
Assemblymember James Ramos  
Assemblymember Robert Rivas  
Assemblymember Buffy Wicks  
Assemblymember Marc Levine, Democratic Alternate  
Assemblymember Devon Mathis, Republican Alternate

**Transportation**

Assemblymember Jim Frazier, Chair  
Assemblymember Vince Fong, Vice Chair  
Assemblymember Cecilia Aguiar-Curry  
Assemblymember Marc Berman  
Assemblymember Frank Bigelow  
Assemblymember Kansen Chu  
Assemblymember Jordan Cunningham  
Assemblymember Tom Daly  
Assemblymember Tyler Diep  
Assemblymember Laura Friedman  
Assemblymember Mike Gipson  
Assemblymember Timothy Grayson  
Assemblymember Jose Medina  
Assemblymember Adrin Nazarian  
Assemblymember Patrick O'Donnell  
I have increased the membership of the committee from 14 to 15 members.

**Utilities and Energy**

Assemblymember Chris Holden, Chair  
Assemblymember Jim Patterson, Vice Chair  
Assemblymember Autumn Burke  
Assemblymember Wendy Carrillo  
Assemblymember Phillip Chen  
Assemblymember Jordan Cunningham  
Assemblymember Susan Eggman  
Assemblymember Cristina Garcia  
Assemblymember Eduardo Garcia  
Assemblymember Chad Mayes  
Assemblymember Al Muratsuchi  
Assemblymember Bill Quirk  
Assemblymember Eloise Reyes  
Assemblymember Miguel Santiago  
Assemblymember Phil Ting

**Veterans Affairs**

Assemblymember Jacqui Irwin, Chair  
Assemblymember Randy Voepel, Vice Chair  
Assemblymember Tasha Boerner Horvath

**Veterans Affairs (continued)**

Assemblymember Bill Brough  
Assemblymember Tom Daly  
Assemblymember Jim Frazier  
Assemblymember Todd Gloria  
Assemblymember Devon Mathis  
Assemblymember Al Muratsuchi  
Assemblymember Cottie Petrie-Norris  
Assemblymember Rudy Salas

I have increased the membership of the committee from 10 to 11 members.

**Water, Parks, and Wildlife**

Assemblymember Eduardo Garcia, Chair  
Assemblymember James Gallagher, Vice Chair  
Assemblymember Frank Bigelow  
Assemblymember Steven Choi  
Assemblymember Kansen Chu  
Assemblymember Brian Dahle  
Assemblymember Laura Friedman  
Assemblymember Cristina Garcia  
Assemblymember Todd Gloria  
Assemblymember Ash Kalra  
Assemblymember Marc Levine  
Assemblymember Blanca Rubio  
Assemblymember Rudy Salas  
Assemblymember Jim Wood

I have decreased the membership of the committee from 15 to 14 members.

**Joint Legislative Audit**

Assemblymember Rudy Salas, Chair  
Assemblymember Tasha Boerner Horvath  
Assemblymember Tyler Diep  
Assemblymember Jim Patterson  
Assemblymember Blanca Rubio  
Assemblymember Randy Voepel  
Assemblymember Jim Wood

**Joint Legislative Budget**

Assemblymember Phil Ting, Vice Chair  
Assemblymember Joaquin Arambula  
Assemblymember Richard Bloom  
Assemblymember Kevin McCarty  
Assemblymember Melissa Melendez  
Assemblymember Jay Obernolte  
Assemblymember Luz Rivas  
Assemblymember Shirley Weber

Mr. E Dotson Wilson  
December 27, 2018  
Page Thirteen

**Joint Legislative Committee on Climate Change Policies**

Assemblymember Cristina Garcia, Chair  
Assemblymember Autumn Burke  
Assemblymember Eduardo Garcia  
Assemblymember Chad Mayes

**Joint Legislative Committee on Emergency Management**

Assemblymember Christy Smith, Chair  
Assemblymember Cecilia Aguiar-Curry  
Assemblymember Heath Flora  
Assemblymember Adam Gray  
Assemblymember Tom Lackey  
Assemblymember Melissa Melendez  
Assemblymember Freddie Rodriguez

**Legislative Ethics**

Assemblymember Luz Rivas, Co-Chair  
Assemblymember Jordan Cunningham, Co-Chair  
Assemblymember Marc Berman  
Assemblymember Steven Choi  
Assemblymember Heath Flora  
Assemblymember Eloise Reyes

Sincerely,

A handwritten signature in black ink, appearing to read 'A Rendon', with a stylized flourish at the end.

**ANTHONY RENDON**  
Speaker of the Assembly

**FOR IMMEDIATE RELEASE**

Dec. 21, 2018

CONTACT: [Lizelda.Lopez@sen.ca.gov](mailto:Lizelda.Lopez@sen.ca.gov)**Senate Leader Atkins Announces Committee Assignments for the 2019-2020 Legislative Session**

**SACRAMENTO** – California Senate President pro Tempore, Toni G. Atkins (D-San Diego), today announced the Senate’s leadership positions and committee assignments. These assignments reflect a diversity of skills and backgrounds needed to continue to move California forward and achieve the people’s work.

Designated committee chairs and vice chairs will be formally adopted by the Senate in January 2019.

**Senate Leadership Positions**

- Senator Robert M. Hertzberg (D-Los Angeles), Senate Majority Leader.
- Senator Mike McGuire (D-Healdsburg), Assistant Majority Leader.
- Senator Nancy Skinner (D-Berkeley), Majority Whip.
- Senator Maria Elena Durazo (D-Los Angeles) and Senator Scott D. Wiener (D-San Francisco), Assistant Majority Whips.
- Senator Connie M. Leyva (D-Chino), Democratic Caucus Chair.

**Standing Committees***Agriculture*

- Senator Cathleen Galgiani (D-Stockton), Chair.
- Senator Scott Wilk (R-Santa Clarita), Vice Chair.

### *Appropriations*

- Senator Anthony J. Portantino (D-La Cañada-Flintridge), Chair.
- Senator Pat C. Bates (R-Laguna Niguel), Vice Chair.

### *Banking and Financial Institutions*

- Senator Steven Bradford (D-Gardena), Chair.
- Senator Ling Ling Chang (R-Brea), Vice Chair.

### *Budget and Fiscal Review*

- Senator Holly J. Mitchell (D-Los Angeles), Chair.
- Senator Jim Nielsen (R-Tehama), Vice Chair.

### *Business, Professions and Economic Development*

- Senator Steven M. Glazer (D-Contra Costa), Chair.
- Senator Ling Ling Chang (R-Diamond Bar), Vice Chair.

### *Education*

- Senator Connie M. Leyva (D-Chino), Chair.
- Senator Scott Wilk (R-Santa Clarita), Vice Chair.

### *Elections and Constitutional Amendments*

- Senator Thomas J. Umberg (D-Santa Ana), Chair.
- Senator Jim Nielsen (R-Tehama), Vice Chair.

### *Energy, Utilities and Communications*

- Senator Ben Hueso (D-San Diego), Chair.
- Senator John M. W. Moorlach (R-Costa Mesa), Vice Chair.

### *Environmental Quality*

- Senator Benjamin Allen (D-Santa Monica), Chair.
- Senator Pat C. Bates (R-Laguna Niguel), Vice Chair.

### *Governance and Finance*

- Senator Mike McGuire (D-Healdsburg), Chair.
- Senator John M. W. Moorlach (R-Costa Mesa), Vice Chair.

### *Governmental Organization*

- Senator Bill Dodd (D-Napa), Chair.
- Senator Scott Wilk (R-Santa Clarita), Vice Chair.

### *Health*

- Senator Richard Pan (D-Sacramento), Chair.
- Senator Jeff Stone (R-Temecula), Vice Chair.

### *Housing (new committee)*

- Senator Scott D. Wiener (D-San Francisco), Chair.
- Senator Mike Morrell (R-Inland Empire), Vice Chair.

### *Human Services*

- Senator Melissa Hurtado (D-Sanger), Chair.
- Senator Jeff Stone (R-Temecula), Vice Chair.

### *Insurance*

- Senator Susan Rubio (D-Baldwin Park), Chair.
- Senator Brian W. Jones (R-San Marcos), Vice Chair.

### *Judiciary*

- Senator Hannah-Beth Jackson (D-Santa Barbara), Chair.
- Senator Andreas Borgeas (R-Fresno), Vice Chair.

### *Labor, Public Employment and Retirement (new committee)*

- Senator Jerry Hill (D-San Mateo), Chair.
- Senator Mike Morrell (R-Inland Empire), Vice Chair.

### *Legislative Ethics*

- Senator Holly J. Mitchell (D-Los Angeles), Chair.

### *Natural Resources and Water*

- Senator Henry Stern (D-Canoga Park), Chair.
- Senator Brian W. Jones (R-Santee), Vice Chair.

*Public Safety*

- Senator Nancy Skinner (D-Berkeley), Chair.
- Senator John M. W. Moorlach (R-Costa Mesa), Vice Chair.

*Rules*

- Senate President pro Tempore Toni G. Atkins (D-San Diego), Chair.
- Senator Scott Wilk (R-Santa Clarita), Vice Chair.

*Transportation (new committee)*

- Senator Jim Beall (D-San Jose), Chair.
- Senator Shannon Grove (R-Bakersfield), Vice Chair.

*Veterans Affairs*

- Senator Bob Archuleta (D-Pico Rivera), Chair.
- Senator Shannon Grove (R-Bakersfield), Vice Chair.

**Budget Sub-Committees**

*Budget Subcommittee #1 on Education*

- Senator Richard D. Roth (D-Riverside), Chair.

*Budget Subcommittee #2 on Resources, Environmental Protection, Energy and Transportation*

- Senator Bob Wieckowski (D-Fremont), Chair.

*Budget Subcommittee #3 on Health and Human Services*

- Senator Richard Pan (D-Sacramento), Chair.

*Budget Subcommittee #4 on State Administration and General Government*

- Senator Maria Elena Durazo (D-Los Angeles), Chair.

*Budget Subcommittee #5 on Corrections, Public Safety and the Judiciary*

- Senator Nancy Skinner (D-Berkeley), Chair.

Full committee membership will be announced at a later date.

###

Website of President pro Tempore Toni G. Atkins: [www.senate.ca.gov/Atkins](http://www.senate.ca.gov/Atkins).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 2, 2019

Re: Potential Wildfire Smoke Public Health Legislation

---

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Staff will provide an update on activities related to eventual bill introduction which will include draft bill language for Committee discussion.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs

LEGISLATIVE COMMITTEE MEETING  
OF 01/14/2019