

Bay Area Air Quality Management District
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San Francisco, California 94105
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APPROVED MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Wednesday, April 24, 2019

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:41 a.m.

Present: Chairperson Doug Kim; and Directors David J. Canepa, Pauline Russo Cutter, Tyrone Jue, Karen Mitchoff, and Brad Wagenknecht.

Absent: Vice Chairperson Margaret Abe-Koga; and Directors John J. Bauters, John Gioia, Scott Haggerty, and Jim Spering.

Also Present: None.

2. PUBLIC COMMENT ON NON-AGENDA ITEMS, PURSUANT TO GOVERNMENT CODE SECTION 54954.3

No requests submitted.

NOTED PRESENT: Director Wagenknecht was noted present at 9:42 a.m.

3. APPROVAL OF THE MINUTES OF MARCH 27, 2019

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Mitchoff made a motion, seconded by Director Canepa, to **approve** the minutes of March 27, 2019; and the motion **carried** by the following vote of the Committee:

AYES: Canepa, Cutter, Jue, Kim, Mitchoff, Wagenknecht.

NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Bauters, Gioia, Haggerty, Spering.

4. CONSIDERATION OF NEW BILLS

Mr. Abbs explained that an updated Bill Discussion List had been published and distributed since the original release of this meeting packet, as more details about bills became available closer to this meeting date. The Committee and Air District staff discussed the following bills:

- **Assembly Bill (AB) 661 (McCarty):** Requires the Sacramento Metropolitan Air Quality Management District to prepare a wildfire smoke air pollution emergency plan as an informational source for local agencies and the public during a wildfire smoke air pollution emergency, and authorizes air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects with respect to wildfire smoke impact control measures. The Committee and staff discussed whether the author is aware that other California air districts are developing similar plans, and the need for uniformity among those plans, especially regarding health standards; amendments made to the original bill language since the Air District’s Legislative Committee meeting on March 27, 2019; and the Committee’s desire to change from an “Oppose Unless Amended” position to a “**Watch**” position;
- **Senate Bill (SB) 293 (Skinner):** Establishes alternative procedures for the formation of an Oakland Waterfront Revitalization and Environmental Justice Infrastructure Financing District. The Committee and Board discussed the bill’s provision regarding the Howard Terminal, located adjacent to West Oakland, which is impacted by poor air quality and elevated asthma; Air District staffs’ desire that the Committee be made aware of this bill, as aspects of it may conflict with the implementation of the Air District’s Community Air Protection Program (AB 617); and Oakland facilities’ concern of limitations posed by Air District regulations.
- **SB 732 (Allen):** Spot bill that authorizes the South Coast Air Quality Management District Board to impose a transactions-and-use tax within the boundaries of the South Coast district, with the moneys generated from the transactions-and-use tax to be used to supplement existing revenues being used for South Coast district purposes. The Committee and staff discussed the Executive Officer/Air Pollution Control Officer’s desire that the Committee be made aware of this bill; why the South Coast Air Quality Management District is seeking support for this, and whether other California air districts have been asked to support the bill; whether other California air districts will be affected by this bill; and potential outcomes of various positions that the Committee could recommend to the Board.
- **AB 144 (Aguiar-Curry):** Requires the Strategic Growth Council, in consultation with stakeholders and relevant permitting agencies, to prepare and submit a report

to the Legislature that provides a scoping plan for the state to meet its organic waste, climate change, and air quality mandates, goals, and targets and would require the scoping plan to include, among other things, recommendations on policy and funding support for the beneficial reuse of organic waste.

- **AB 345 (Muratsuchi):** Requires all new oil and gas development or enhancement operation, not on federal land, to be located at least 2,500 feet from a residence, school, childcare facility, playground, hospital, or health clinic. The Committee and staff discussed how this bill was amended, following the Air District’s Legislative Committee’s March 27, 2019 meeting; and whether this bill will affect gasoline dispensing facilities (gas stations).
- **AB 423 (Gloria):** Requires the San Diego County Air Pollution Control District to have a specified governing board membership. The Committee and staff discussed whether this bill will affect other California Air Districts.
- **AB 1589 (Salas):** Authorizes as an eligible project (under the Carl Moyer Memorial Air Quality Standards Attainment Program) equipment powered by a diesel engine certified to the cleanest available emission level to replace the baseline equipment for a heavy-duty off-road equipment replacement project that involves farm equipment and the baseline equipment is powered by an uncontrolled gasoline engine. The Committee and staff discussed tractor-replacement projects that are eligible under the current program.
- **SB 44 (Skinner):** Requires the California Air Resources Board (CARB) to update its 2016 Mobile Source Strategy to include a comprehensive strategy for reducing motor vehicle greenhouse gas emissions from the medium and heavy-duty vehicle sector by 2030 and 2050. The Committee and staff discussed the status of this bill; the Committee’s adopted position of “Support If Amended”; and the anticipated invitation to California air districts to participate as stakeholders in the bill’s development.
- **SB 45 (Allen):** Enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which would authorize the issuance of bonds in the amount of \$4,300,000,000 pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources. The Committee and staff discussed how “clean air centers” are defined separately from “cooling centers” in the bill language.
- **SB 210 (Leyva):** Requires CARB to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program; requires CARB to develop

and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for non-gasoline heavy-duty on-road motor vehicles, and to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state.

- **SB 216 (Galgiani):** Adds as an eligible project (under the Carl Moyer Memorial Air Quality Standards Attainment Program) a used heavy-duty truck exchange; requires CARB to hold a public workshop on the heavy-duty truck exchange and to help air pollution control and air quality management districts add a heavy-duty truck exchange as an eligible project under the program. The Committee and staff discussed whether Carl Moyer Program funds would be supplemented, or if more categories would be added to the program, if this bill passes; whether tractors would be eligible under this bill; whether the provisions of this bill and AB 1589 can be combined; the Air District's first impression of the bill; and the fact that California air districts are not required to participate.

- **SB 369 (Hertzberg):** Authorizes jurisdictions to establish, or public and private parking lot owners to agree to, a safe parking program. The purpose of the program would be to designate an area for homeless persons and families, who reside in their vehicles, to park their vehicles and provide those persons access to case management and social services at the safe parking program site. The bill would also exempt vehicles owned by safe parking program participants from smog check requirements for a one-year period. The Committee was informed that recent amendments would likely remove the smog check exemption language. The Committee and staff discussed whether this has been done in San Francisco; whether semi-trailer trucks are included in this bill; whether the vehicles referenced in this bill have a tendency to be registered with the Department of Motor Vehicles, and the concern about wanting to deter the public from failing to register their vehicles; and the fact that this bill does not address air quality.

- **SB 629 (McGuire):** Spot bill that currently addresses air district hearing boards' noticing requirements, but is to become language amending Section 40824 (Air Pollution from Agricultural Sources) of the Health and Safety Code, relating to non-vehicular pollution. Mr. Abbs said that he will attend a meeting in May 2019, where he anticipates receiving new bill language regarding air quality exemptions at wineries.

Public Comments

No requests received.

Committee Action

Director Mitchoff motioned, and Director Wagenknecht seconded, that the Committee recommend that the Board **adopt** the following position on the following bill:

— **AB 661 (McCarty):** change the position of “Oppose Unless Amended” to “Watch”

The motion **carried** by the following vote of the Committee:

AYES: Canepa, Cutter, Jue, Kim, Mitchoff, Wagenknecht.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Bauters, Gioia, Haggerty, Spering.

5. WILDFIRE SMOKE PUBLIC HEALTH BILL

Mr. Abbs summarized the following:

- Assembly Bill 836 (Wicks), an Air District-sponsored bill to increase the number of publicly accessible clean air spaces during emergency events such as wildfires, was unanimously passed by the California Assembly’s Committee on Natural Resources on April 8, 2019.
- During the hearing, Assembly member Wicks accepted Legislative staff-recommended amendments to extend the bill statewide.
- The bill will become a Suspense File Bill within the Assembly’s Appropriations Committee next week, and funding needs to be identified.
- Mr. Abbs will meet with Assembly’s Budget Committee staff tomorrow, and the Air District has received letters of support from the other California air districts. Assembly member Wicks’ staff has been assisting with identifying sources of financial support as well.
- Board members that may have relationships with Assembly member Phil Ting are encouraged to reach out to him to ask for his support, as he Chairs the Assembly’s Budget Committee.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether Air District staff anticipates organized opposition to this bill; whether the Air District anticipates earmarked funds being addressed in the bill; and Air District staff’s projection of the bill’s status in May 2019.

Committee Action

None; receive and file.

6. SACRAMENTO LEGISLATIVE UPDATE

Mr. Abbs reported that the Governor’s Budget is currently being developed, and that the Air District requested \$400,000,000 for statewide incentives and \$100,000,000 for AB 617 implementation.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District is monitoring the increase in gas prices, what potential legislative remedies could be to address this issue, and whether the Air District has heard from the refineries about why gas prices have increased.

Committee Action

None; receive and file.

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBERS’ COMMENTS / OTHER BUSINESS

Director Mitchoff acknowledged scheduling conflicts that affect the attendance of those who serve on both the Air District’s Board and the Metropolitan Transportation Commission and asked if future Legislative Committee meetings can be changed to avoid this issue.

9. TIME AND PLACE OF NEXT MEETING

Wednesday, May 22, 2019, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

10. ADJOURNMENT

The meeting adjourned at 10:41 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards