

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

## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, May 22, 2019

### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:34 a.m.

Present: Chairperson Doug Kim; and Directors John J. Bauters, David J. Canepa, John Gioia, Tyrone Jue, Karen Mitchoff, and Brad Wagenknecht.

Absent: Vice Chairperson Margaret Abe-Koga; and Directors Pauline Russo Cutter, Scott Haggerty, and Jim Spring.

Also Present: None.

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

No requests submitted.

### **3. APPROVAL OF THE MINUTES OF APRIL 24, 2019**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Mitchoff made a motion, seconded by Director Wagenknecht, to **approve** the minutes of April 24, 2019; and the motion **carried** by the following vote of the Committee:

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

#### 4. CONSIDERATION OF NEW BILLS

Alan Abbs, Legislative Officer, 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 that passed in their respective appropriation committees during the previous week:

- **Senate Bill (SB) 629 (McGuire):** Spot bill that currently addresses air district hearing boards' noticing requirements but is anticipated to become language amending Section 40824 (Air Pollution from Agricultural Sources) of the Health and Safety Code, relating to non-vehicular pollution. Discussion: Mr. Abbs stated that the topic of the bill has yet to be changed, and that the author has promised to meet with him before such changes are made. Air District staff's recommendation was to OPPOSE with possible Air District-provided amendments, should future amendments weaken air district authority to regulate stationary sources. However, after much discussion, the Committee decided to take no official position, but provided direction to Air District staff to communicate to the author the Air District's opposition to a bill that would weaken air district authority to regulate stationary sources.
- **Assembly Bill (AB) 423 (Gloria):** Requires the San Diego County Air Pollution Control District to have a specified governing board membership. Discussion: Mr. Abbs reported that this bill currently only affects the San Diego Air Pollution Control District.
- **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. Additionally, it authorizes air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects, with respect to wildfire smoke impact control measures. Discussion: Mr. Abbs stated that this bill currently only affects the Sacramento Metropolitan Air Quality Management District, but it may be expanded to other parts of the state, or the entire state, in the future.
- **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-duty and heavy-duty vehicle sectors by 2030 and 2050. The Committee currently SUPPORTS (if amended) this bill.
- **SB 69 (Wiener):** Requires CARB, in coordination with affected air districts, to develop and implement a voluntary vessel speed reduction incentive program for the Santa Barbara Channel and San Francisco Bay area regions to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. Discussion: Mr.

Abbs said that this bill would help secure annual funding for air districts to promote and run vessel speed reduction programs.

- **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; creates the Truck Emission Check Fund; and requires CARB to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state. The Committee currently SUPPORTS this bill.
- **SB 216 (Galgiani):** Adds a used heavy-duty truck exchange as an eligible project (under the Carl Moyer Memorial Air Quality Standards Attainment Program); 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. Discussion: Mr. Abbs stated it would be very unlikely that this type of program would be used in the Bay Area.

Bills of interest to the Air District that did not pass appropriations and are now inactive:

- **AB 144 (Aguilar-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. The scoping plan would be required 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.
- **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 Air District had added language to the bill that might have provided the Air District with clean air center funding.
- **SB 460 (Beall):** Authorizes the Director of Motor Vehicles, on or after January 1, 2020, to establish a biennial registration period for a vehicle, with subsequent renewals being required at biennial intervals thereafter, as specified.

- **SB 682 (Allen):** Requires the state board, by January 1, 2021, to adopt a climate accounting protocol to evaluate the potential of proposed climate mitigation and restoration actions in reducing radiative forcing and excess heat in the atmosphere, in order to reduce the global and regional mean temperatures.

Discussion of other bills:

- **SB 535 (Moorlach):** Requires CARB to submit a report that assesses greenhouse gas emissions associated with wildfire and forest management activities, which must include information regarding the greenhouse gas, criteria air pollutant, and short-lived climate pollutant emissions from wildfires and forest fires; an assessment of the increased severity of wildfires and forest fires from the impacts of climate change; and a calculation of the increase in the emissions of criteria air pollutants, greenhouse gases, and short-lived climate pollutants based on the increased severity of wildfires and forest fires assessed. Discussion: Director Mitchoff asked why this Committee was not asked to take a position on this bill, and Mr. Abbs said that this bill does not apply to air districts, but to CARB.

#### Public Comments

No requests received.

#### Committee Action

The original staff recommendation regarding SB 629 was disregarded; no action was taken; receive and file.

### **5. ASSEMBLY BILL 836 WICKS – WILDFIRE SMOKE CLEAN AIR CENTERS FOR VULNERABLE POPULATIONS INCENTIVE PROGRAM**

Mr. Abbs summarized the following:

- This bill, championed by the Air District, establishes the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program, to be administered by CARB. Funding will be provided through a grant program to retrofit ventilation systems to create a network of clean air centers, in order to mitigate the adverse public health impacts due to wildfires and other smoke events.
- The bill came out of Assembly Appropriations Committee with one amendment – *“CARB shall prioritize applications to the program where the project is located in an area with a high cumulative smoke exposure burden; CARB shall give priority to a school maintained by a local educational agency that has at least 40 percent of its pupils being from low-income families...”*
- The bill is scheduled for an Assembly Floor vote next week; A budget bill must be approved by both houses by June 15, 2019 and signed by the Governor before July 1, 2019.

- The bill received many letters of support.
- Director Canepa advocated for this bill with staff from the Offices of Assemblymember Ting and Senator Wiener.
- The Assembly Committee on Appropriations’ analysis of this bill is included in the agenda packet.
- A budget appropriation is now needed, and whether any funds are budgeted for this program remains to be seen.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the future of Senator Ben Allen’s proposed Wildfire, Drought, and Flood Protection Bond (SB 45), which would have financed projects to restore fire damaged areas and reduce wildfire risk, among other things, but did not pass Senate Appropriations.

Committee Action

None; receive and file.

**6. SACRAMENTO LEGISLATIVE UPDATE**

Mr. Abbs reported that initial budget discussions have begun. The Committee received copies of the Assembly and Senate’s 2019-2020 Proposed Cap and Trade Expenditure Plans, and the Governor’s May revision of his 2019-2020 Cap and Trade Expenditure Plan, as they relate to requested AB 617 (Community Air Protection Program) funding and other expenditures from the Greenhouse Gas Reduction Fund. The 2019-2020 proposed expenditure plans generally reflected budgeted expenditures less than 2018-2019 allocations. Negotiations between all three bodies are anticipated to close by June 15, 2019.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the breakdown of the Assembly’s proposed \$275 million allocation for the investment category of “Air Toxic and Criteria Pollutants”; speculation as to which house (Assembly or Senate) may prioritize/champion AB 617 funding; how SB 44 (Skinner) will be important because it will require a comprehensive strategy to reduce medium and heavy-duty vehicle emissions, and may generate more funding opportunities for Air District

programs; discretionary versus non-discretionary spending of Cap and Trade funds; and whether the Committee should take action on any of the proposed expenditure plans.

Committee Action

None; receive and file.

**7. PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

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

Director Bauters requested that updated "Bill Discussion Lists," pertaining to Legislative Committee items entitled "Consideration of New Bills," be uploaded to the website for public distribution prior to the Legislative Committee meetings, and not solely given to Committee members at said meetings.

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

The Committee and staff discussed the request to not schedule Legislative Committee meetings that conflict with Metropolitan Transportation Commission meetings, as this affects the attendance of several current Legislative Committee members.

At the Call of the Committee Chair.

**10. ADJOURNMENT**

The meeting adjourned at 10:24 a.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards