

Bay Area Air Quality Management District
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APPROVED MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Monday, November 25, 2019

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 10:45 a.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson John J. Bauters; and Directors David J. Canepa, Pauline Russo Cutter, Scott Haggerty, Tyrone Jue, Jim Spering, and Brad Wagenknecht.

Absent: Directors John Gioia and Karen Mitchoff.

Also Present: Board Vice Chair Rod Sinks.

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

No requests submitted.

3. APPROVAL OF THE MINUTES OF OCTOBER 9, 2019

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Vice Chair Bauters made a motion, seconded by Director Spering, to **approve** the minutes of October 9, 2019; and the motion **carried** by the following vote of the Committee:

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

4. 2020 BUDGET PRIORITIES

Alan Abbs, Legislative Officer, reported the following:

- Overall revenue from California’s Cap-and-Trade program, which is deposited into the Greenhouse Gas Reduction Fund (GGRF), will decline. This is due to state expenditures that were significantly in excess of revenues that were generated, several years after the Cap-and-Trade program was launched in 2013. This decrease in GGRF funds will affect all California Air Districts, who are accustomed to receiving benefits from programs such as: Clean Vehicle Rebate program, California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology program, Clean Cars 4 All, Enhanced Fleet Modernization program, and Funding Agricultural Replacement Measures for Emission Reductions program.
- The Governor’s Budget will be released in the second week of January 2020. The Air District sent a letter to legislators representing the Bay Area, explaining the Air District’s priorities for 2020, including: increased funding for Assembly Bill (AB) 617 (Community Health Protection program) implementation and incentives, and AB 836 (Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program).
- Bond ballot measures anticipated in 2020: Three climate change water bonds are being developed for the November 2020 ballot:
 - **Senate Bill (SB) 45 (Allen)** Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, authorizing the issuance of bonds in the amount of \$4,189,000,000 for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. Identifies funding for hydration centers, clean air centers, and cooling centers in urban areas and would need to be signed by the Governor in May 2020 for the November 2020 ballot.
 - **AB 352 (E. Garcia)** Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, authorizing the issuance of bonds in the amount of \$3,920,000,000 to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill may be merged with SB 45. It also identifies funding for hydration centers, clean air centers, and cooling centers in urban areas and would need to be signed by the Governor in May 2020 for the November 2020 ballot. This bill is moving quickly. The California Air Pollution Control Officers Association (CAPCOA) developed language to potentially be inserted into the bond, requesting additional funds for mitigation (incentive) programs. The author will meet with Air District staff in December 2019.

- **AB 1298 (Mullin)** Enacts the Climate Resiliency, Fire Risk Reduction, Recycling, Groundwater and Drinking Water Supply, Clean Beaches, and Jobs Infrastructure Bond Act of 2020, authorizing the issuance of bonds in an unspecified amount to finance a climate resiliency, fire risk reduction, recycling, groundwater and drinking water supply, clean beaches, and jobs infrastructure program.
- The Air District requested that Congresswoman Anna Eshoo author a companion bill to a senate bill (authored by Oregon Senators, Ron Wyden and Jeff Merkley), establishing a federal clean air center program, and she has done so. The Air District also asked California Senators, Kamala Harris and Dianne Feinstein, to co-author the aforementioned senate bill as well, and they are now supporting it. The goal is to merge the two bills into a federal appropriations bill.
- The upcoming federal transportation bill (multi-year funding bill for surface transportation programs) is being delayed by impeachment proceedings but may be passed in 2021. Proposals are being developed in the meantime.
- Congressman Mark DeSaulnier has submitted legislation for the Clean Corridors Act, directing the Department of Transportation to award grants to certain governmental entities and planning organizations to install electric vehicle charging infrastructure and hydrogen fueling infrastructure along designated alternative fuel corridors. The Air District was asked to review the original bill language and make suggestions.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the costs of retrofitting school air filtration systems, and whether that would be required under AB 836; concerns regarding how students may be impacted if schools act as clean air shelters during school hours; the importance of schools located in areas that the Air District has not currently identified as AB 617 areas upgrading their campuses to create clean air centers; the status of the Air District's engagement with external stakeholders to acquire support for AB 836; the suggestion that an informational hearing on AB 836 be held to build support among California Air Districts; whether the Air District has identified a lobbyist to champion AB 836, and the suggestion that the Committee presents an annual report on current Air District efforts to the legislature prior to committees hearings when the current legislative session reconvenes; whether AB 836 will fund the hardening of overhead powerlines to address wildfire prevention; the suggestion that CAPCOA creates a Political Action Committee; and whether the Air District has an opinion on the Governor's vetoing of SB 1 (California Environmental, Public Health, and Worker Defense Act of 2019) authored by California State Senator, Toni Atkins.

Committee Action

None; receive and file.

5. 2020 LEGISLATIVE PRIORITIES

Mr. Abbs reported the following potential Air District-sponsored bills for 2020:

- The Air District’s Board of Directors’ adoption of the West Oakland Community Action Plan resulted in the Air District’s desire to pursue increased indirect source authority from the California Air Resources Board. Air District staff will propose an Air District-supported bill that revises indirect source authority in the California Air Pollution Control Laws (Health and Safety Code) to address destinations of diesel vehicles.
- Due to recent emission concerns from the Stratford School in Fremont, the Air District is considering proposing amendments to the California Environmental Quality Act. Currently, Local Education Agencies (LEA) are required to consult with their local air district to identify facilities within a quarter mile of the proposed site that might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials, substances, or wastes, and must provide written notification of those findings. Private schools are not yet required to do this when considering new school sites. Air District staff are in the process of speaking with the Governor’s Office of Planning and Research and California Department of Education to assess how to pursue necessary changes in existing requirements.
- The Air District will continue to monitor the movement of AB 423 (Gloria), which would require the San Diego County Air Pollution Control District to have a specified membership (appoint a specified liaison to consult with the United States Navy, Marine Corps, and Coast Guard). By requiring local governments to appoint members to the San Diego County Air Pollution Control District governing board in a specified manner and by adding to the duties of the San Diego air district, this bill would impose a state-mandated local program.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District’s proposed changes to Health and Safety Code § 40716, which includes required data collection of air pollutant emissions, would pose any financial impacts to the community, and whether facilities are already collecting such data; clarification regarding which communities would be subject to the Air District’s indirect source authority; whether the Air District’s proposed changes to indirect source authority would allow application of air district indirect source authority at stationary sources that are known to attract high volumes of diesel pollution; previous and unsuccessful legislative attempts to include air toxics under indirect source authority; concerns that the Air District’s time and energy spent

amending regulations to address the site selection process for private schools may be futile, as some public schools and local planning departments do not implement existing requirements for public schools; whether building codes at private schools must comply with the Field Act of 1933; the anticipated timeline for the legislation regarding indirect source authority; and the suggestion of asking Assemblyman Bill Quirk to champion the Air District's indirect source authority bill.

Committee Action

None; receive and file.

6. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

7. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Director Cutter requested that the City of San Leandro receives available funding for AB 617 early action in 2020.

8. TIME AND PLACE OF NEXT MEETING

Wednesday, January 15, 2020, at the State Capitol - Eureka Room, located at 10th and L Streets, Sacramento, CA 95814 at 1:00 p.m.

9. ADJOURNMENT

The meeting adjourned at 11:58 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards