



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS MEETING

March 6, 2024

MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY BOARD MEMBERS AND MEMBERS OF THE PUBLIC

**Bay Area Metro Center
1st Floor Board Room
375 Beale Street
San Francisco, CA 94105**

**City of Palo Alto City Hall
250 Hamilton Ave.
Palo Alto, CA 94301**

**Office of Contra Costa County
Supervisor Ken Carlson
2255 Contra Costa Blvd., Suite 202
Pleasant Hill, CA 94523**

**Santa Rosa Junior College Campus
Doyle Library, Room 148
1501 Mendocino Ave.
Santa Rosa, CA, 95401**

**Office of Santa Clara County
Supervisor Otto Lee
70 W Hedding St
East Wing, 10th Floor
San Jose, CA 95110**

**Office of Contra Costa County
Supervisor John Gioia
Conference Room
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530**

**Office of Alameda County Supervisor
David Haubert
4501 Pleasanton Avenue
Pleasanton, CA 94566**

**San Ramon City Hall
2nd Floor Community Conference Room
7000 Bollinger Canyon Road
San Ramon, CA 94583**

**Napa County Administration Building
1195 Third Street, Suite 310
Crystal Conference Room
Napa, CA 94559**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Board of Directors reserves the right to conduct the meeting without remote webcast and/or Zoom access.

The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at www.baaqmd.gov/bodagendas.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/83456262488>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 834 5626 2488

Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Board on that agenda item, unless a different time limit is established by the Chair.

No speaker who has already spoken on an item will be entitled to speak to that item again.

The Board welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Board. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Board meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Board meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, MARCH 6, 2024

10:00 AM

Chairperson, Davina Hurt

1. Call to Order - Roll Call

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

2. Pledge of Allegiance

3. Special Orders of the Day

CONSENT CALENDAR (Items 4 - 13)

4. Approval of the Draft Minutes of the Board of Directors Special Meeting/Retreat of January 31, 2024

The Board will consider approving the Draft Minutes of the Board of Directors Special Meeting/Retreat of January 31, 2024.

5. Approval of the Draft Minutes of the Board of Directors Meeting of February 7, 2024

The Board will consider approving the Draft Minutes of the Board of Directors meeting of February 7, 2024.

6. Board Communications Received from February 7, 2024 through March 5, 2024

A copy of communications directed to the Board of Directors received by the Air District from February 7, 2024, through March 5, 2024, if any, will be distributed to the Board Members by way of email.

7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of January 2024

In accordance with Resolution No. 2012-08 the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000, during the month of January 2024.

8. Acceptance of Clean Cars For All Funding

The Board of Directors will consider adopting a resolution accepting up to \$3.5 million from the California Air Resources Board for the Bay Area Clean Cars for All Program and authorizing the Executive Officer/APCO to expend those funds.

9. Designation of Fair Labor Standards Act Status for All Classifications

The Board of Directors will consider designation of Fair Labor Standards Act (FLSA) status for all classifications. As part of the Human Resources corrective action plan, Sloan Sakai Yeung & Wong LLP was retained to review and document the FLSA status for all classifications.

10. Establish a New Classification of Principal Cybersecurity Analyst

The Board of Directors will consider establishing a new classification of Principal Cybersecurity Analyst in the Confidential Unit at Salary Range 139. This position performs complex and specialized projects related to the cybersecurity and confidentiality of the Air District's information management systems.

11. Report of the Stationary Source Committee Meeting of February 14, 2024

The Board of Directors will receive a report of the Stationary Source Committee Meeting of February 14, 2024.

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

12. Report of the Finance and Administration Committee Meeting of February 21, 2024

The Board of Directors will receive a report of the Finance and Administration Committee Meeting of February 21, 2024.

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

13. Report of the Policy Grants, and Technology Committee Meeting of February 21, 2024

The Board of Directors will receive a report of the Policy, Grants, and Technology Committee Meeting of February 21, 2024.

For the full Committee agenda packet and materials, click on the link below:
www.baaqmd.gov/bodagendas

ACTION ITEM(S)

14. Air District Compensation Philosophy

The Board of Directors will consider establishing a Compensation Philosophy for the Bay Area Air Quality Management District. This proposed compensation philosophy, developed in alignment with our strategic plan and organizational values, serves as a foundational framework guiding our approach to employee compensation and benefits. The philosophy emphasizes transparency, accountability, equity, and consistency in compensation practices while also defining our competitive market and strategic direction. This item will be presented by Lisa Baker, Human Resources Officer.

15. State Legislative Bills Update

The Board of Directors will be provided with a summary and status of Air District sponsored and co-sponsored bills and other high-priority bills of interest and will consider taking the following positions on current legislation. This item will be presented by Alan Abbs, Legislative Officer.

Staff recommends the following positions on current legislation:

- *Support and offer to Co-sponsor Senate Bill (SB) 382 (Becker) - Single-family residential property: disclosures.*
- *Support SB 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.*
- *Support SB 1193 (Menjivar) - Airports: leaded aviation gasoline.*
- *Oppose Assembly Bill (AB) 1894 (Ta) - Nonvehicular air pollution: civil penalties.*

In addition, Staff requests direction regarding AB 2522 (Carrillo) South Coast AQMD: district board: compensation.

CLOSED SESSION

16. Conference with Legal Counsel re Anticipated Litigation (Government Code Sections 54956.9(a) and (d)(2))

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

17. Conference with Legal Counsel re Anticipated Litigation (Government Code Sections 54956.9(a) and (d)(2))

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss significant exposure to litigation regarding the claims of Makena "Ruby" World related to California Civil Rights Department Case No. 202309-22030520.

18. Conference with Legal Counsel re Existing Litigation (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board will meet in closed session with legal counsel to discuss the following cases:

State of California et al. v. United States Postal Service (N. Dist. Cal. Case Nos. 3:22-cv-02583-RFL & 3:22-cv-02576-RFL);

South Coast Air Quality Management District et al. v. EPA (D.C. Circuit Case No. 19-1241); and

South Coast Air Quality Management District et al. v. National Highway Traffic Safety Administration (D.C. Circuit Case No. 20-1173).

19. Public Employee Evaluation Pursuant to Government Code Section 54957(b)(1)

Title: Executive Officer/APCO

OPEN SESSION

ACTION ITEM

20. Approval of an Amendment to the Employment Agreement for Executive Officer/APCO

This is an action item for the Board of Directors to consider approving an amendment to the employment agreement to the Employment Agreement for Executive Officer/APCO. This item will be presented by Davina Hurt, Board Chairperson.

OTHER BUSINESS

21. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Board of Directors. Members of the public will have two minutes each to address the Board, unless a different time limit is established by the Chair. The Board welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Board. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Board meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Board meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

22. Board Member Comments

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)

23. Report of the Executive Officer/APCO

24. Chairperson's Report

25. Time and Place of Next Meeting

Wednesday, April 3, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

26. 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

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- 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 Air 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 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, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.

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

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

MARCH 2024

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|---|-------------------|--------------------|--------------------|---|
| Board of Directors Meeting | Wednesday | 6 | 10:00 a.m. | 1 st Floor Board Room |
| Board of Directors Stationary Source Committee | Wednesday | 13 | 10:00 a.m. | 1 st Floor, Yerba Buena Room |
| Board of Directors Community Equity, Health and Justice Committee | Wednesday | 13 | 1:00 p.m. | 1 st Floor, Yerba Buena Room |
| Board of Directors Finance and Administration Committee | Wednesday | 20 | 10:00 a.m. | 1 st Floor Board Room |
| Board of Directors Policy, Grants and Technology Committee | Wednesday | 20 | 1:00 p.m. | 1 st Floor Board Room |
| Board of Directors Community Advisory Council | Thursday | 21 | 6:00 p.m. | 1 st Floor, Yerba Buena Room |

APRIL 2024

| <u>TYPE OF MEETING</u> | <u>DAY</u> | <u>DATE</u> | <u>TIME</u> | <u>ROOM</u> |
|--|-------------------|--------------------|--------------------|---|
| Board of Directors Meeting | Wednesday | 3 | 10:00 a.m. | 1 st Floor Board Room |
| Board of Directors Stationary Source Committee | Wednesday | 10 | 10:00 a.m. | 1 st Floor, Yerba Buena Room |
| Board of Directors Community Equity, Health and Justice Committee - CANCELLED AND RESCHEDULED TO 5:30 P.M., APRIL 22, 2024 | Wednesday | 10 | 1:00 p.m. | 1 st Floor, Yerba Buena Room |
| Board of Directors Finance and Administration Committee | Wednesday | 17 | 10:00 a.m. | 1 st Floor Board Room |
| Board of Directors Policy, Grants and Technology Committee | Wednesday | 17 | 1:00 p.m. | 1 st Floor Board Room |
| Board of Directors Community Equity, Health and Justice Committee | Monday | 22 | 5:30 p.m. | City of San Pablo City Hall Council Chambers 1000 Gateway Ave. San Pablo, CA 94806 |

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Approval of the Draft Minutes of the Board of Directors Special Meeting/Retreat of
January 31, 2024

RECOMMENDED ACTION

Approve the Draft Minutes of the Board of Directors Special Meeting/Retreat of January 31, 2024.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Board of Directors Special Meeting/Retreat of January 31, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Special Meeting/Retreat of January 31, 2024

Bay Area Air Quality Management District
Southeast Community Center
1550 Evans Avenue
Alex Pitcher Pavilion Room
San Francisco, CA 94124

Board of Directors Special Meeting / Retreat
Wednesday, January 31, 2024

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*

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson Davina Hurt, called the meeting to order at 10:03 a.m. This meeting was held in person, with no remote teleconferencing locations offered.

Roll Call:

Present: Chairperson Davina Hurt; Vice Chairperson Lynda Hopkins; and Directors Brian Barnacle, John J. Bauters, Ken Carlson, Joelle Gallagher, John Gioia, Juan Gonzalez, David Haubert, Tyrone Jue, Sergio Lopez, Otto Lee, Ray Mueller, Katie Rice, Mark Ross, Vicki Veenker, Shamann Walton, and Steve Young.

Absent: Directors Margaret Abe-Koga, Noelia Corzo, Erin Hannigan, David Hudson, and Nate Miley.

I. MORNING SESSION

2. **EVERY BREATH WE TAKE: SHAPING THE AIR DISTRICT FOR THE FUTURE**

A. Indigenous Land Acknowledgement

Chair Davina Hurt acknowledged the unceded ancestral homeland of the Ramaytush Ohlone, the original inhabitants of the land on which this Board Retreat was held.

B. Bayview Hunters Point Welcome and Community History

The Board of Directors received a welcome from a community youth representative of Bayview Hunters Point, Dominick Ramirez, who was introduced by Director Shamann Walton. Mr. Ramirez gave remarks on the historical and cultural significance of Bayview Hunters Point. As

an intern at Marie Harrison Community Foundation and a senior at Kipp San Francisco College Prep, Mr. Ramirez is a youth Environmental Justice (EJ) leader in the local community.

NOTED PRESENT: Directors Carlson and Jue were noted present at 10:14 a.m.

C. 2024 Vision and Journey

The Board of Directors heard opening remarks by Chair Hurt on the vision and journey for 2024.

D. Regional Planning at a Moment of Transition

Kate Gordon, former Senior Advisor to U.S. Energy Secretary, Jennifer Granholm, and former Director of the Governor's Office of Planning and Research, provided a presentation to the Board of Directors on the future of regional, state, and federal environmental leadership at a time of economic, energy, and geopolitical transition.

E. Assembly Bill (AB) 617 Community Air Protection Program Reimagined - Clean Air Successes and Challenges

i. Community Voices of AB 617

The Board of Directors viewed a brief video produced by the California Air Resources Board, entitled "Community Air Protection Program Blueprint 2.0 Listening Workshops Community Voices

ii. Panel Discussion of Bay Area AB 617 Community Steering Committee Representatives

Community representatives from the Air District's four AB 617 communities participated in a discussion on clean air successes and challenges. Marcia Raymond, Acting Deputy Executive Officer of Equity and Community Programs and Suma Peesapati, Environmental Justice and Community Engagement Officer, moderated. Arieann Harrison from Bayview Hunters Point/ Southeastern San Francisco, Nancy Aguirre from Richmond-North Richmond-San Pablo, Mykela Patton from East Oakland, and Richard Grow from West Oakland, discussed community-level challenges, community priorities, proven real-world solutions, opportunities for strategic pivots, and thoughtful recommendations for Air District staff.

NOTED PRESENT: Director Mueller was noted present at 11:19 a.m.

Public Comments on Morning Session Items

Public comments were given by Ms. Margaret Gordon, West Oakland Environmental Indicators Project (WOEIP); Tonia Randell, Marie Harrison Community Foundation; Ken Szutu, Citizen Air Monitoring Network of Vallejo; and Dani Solakian.

Board Comments on Morning Session Items

Regarding Item 2.D, the Board and staff discussed high voltage transmission lines; the status California Environmental Quality Act reform; ways in which State and education systems can work together regarding the future energy infrastructure workforce and just transition (meeting climate goals by ensuring that all communities, workers, and social groups are brought along in the pivot to a net-zero future); the fact that climate does not respect municipal boundaries, and the concept of multi-municipality and regional partnerships to address this issue; and ways in which Board members can advocate for transmission and distributive generation.

Regarding Item 2.E.ii, the Board and staff discussed appreciation for the Community Advisory Council holding Air District staff accountable and advocating for improved practices, and for the increased focus on Air District engagement with community organizations over the past several years; the importance of the community's desire for meaningful data that is easy to understand; ways that the Air District can build trust with the AB 617 Community Emissions Reduction Plan and Community Action Plan Steering Committees; and appreciation for the Community Advisory Council's grace to the Board, as the relationship between the two entities develops.

The Board recessed at 12:21 and resumed the meeting at 12:38.

II. WORKING LUNCH

3. THE AIR WE BREATHE: TRENDS AND TRADITIONS IN AIR QUALITY REGULATION

A. The Air District's 2023 Accomplishments and the Outlook for 2024

The Board of Directors received a presentation from Dr. Philip M. Fine, Executive Officer/APCO on the Air District's 2023 accomplishments and the outlook for 2024.

B. Executive Team Highlights Current and New Initiatives for the Upcoming Year(s)

The Board of Directors received a presentation on the Executive Team's highlights on current and new initiatives for the upcoming year(s) from Alexander Crockett, General Counsel; Gregory Nudd, Deputy Executive Officer of Science and Policy; Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration; John Chiladakis, Chief Technology Officer; Marcia Raymond, Acting Deputy Executive Officer of Equity and Community Programs; Meredith Bauer, Deputy Executive Officer of Engineering and Compliance; and Viet Tran, Deputy Executive Officer of Public Affairs.

C. Community Advisory Council (CAC)'s Environmental Justice Action Planning

Vernice Miller-Travis of The Metropolitan Group, along with CAC Co-Chairs Latasha Washington and Kevin Jefferson, provided an overview of the development process for the EJ Action Plan. The presentation covered the work of the CAC's EJ Policy Ad Hoc Committee and the creation of the EJ Priorities, which will serve as a foundational guide for both the EJ Action Plan and the Strategic Plan.

Public Comments on Working Lunch Session Items

Public comments were given by Ms. Margaret Gordon, WOEIP.

Board Comments on Working Lunch Session Items

Regarding Item 3.C, the Board and staff discussed whether the Air District's current engagement methods (with EJ organizations) can will achieve the nine proposed/requested EJ priorities, and the desired implementation timeline for the EJ priorities; and the distinction between EJ and Diversity, Equity, & Inclusion work, and the encouragement of the Air District's work in both areas, despite vitriol toward DE&I initiatives in other states.

The Board recessed at 2:00pm and resumed the meeting at 2:05pm.

III. AFTERNOON SESSION

4. AIR DISTRICT'S 5-YEAR AIR QUALITY STRATEGIC PLAN WORKSHOP

A. The Importance of Long-Term Thinking

Rachel Hatch, Chief Operating Officer of Institute for the Future (a nonprofit with a track record of ten-year forecasting), provided a presentation to the Board of Directors, regarding the importance of long-term thinking while priming deliberations on strategic plan development.

B. Strategic Plan Development

The Board of Directors received an interactive presentation from BluePoint Planning, the Air District's strategic planning consultant, who, together with Vernice Miller-Travis of the Metropolitan Group, presented an overview of the Air District's strategic planning process, a review of the input gathered from staff and external stakeholders, and an outline of next steps. Board members were invited to give input on proposed language for the Air District's goals and vision statement.

Public Comments on Afternoon Session Items

Public comments were given by Bob Tuck, Sheet Metal and Air Conditioning Contractors' National Association; and Ms. Margaret Gordon, WOEIP.

Board Comments on Afternoon Session Items

None, other than input that was captured by BluePoint Planning during Item 4B.

IV. OTHER BUSINESS

5. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Brian Schmidt, Menlo Spark; Nancy Aguirre, Richmond-North Richmond-San Pablo Community Emissions Reduction Plan Steering Committee; Ken Szutu, Citizen Air Monitoring Network of Vallejo; and Kalyan Godden, Benicia resident.

6. BOARD MEMBER COMMENTS

None.

7. SPECIAL ORDERS OF THE DAY

A. Recognition of Interim Chief Operating Officer, Sharon Landers

Dr. Fine and the Board thanked Ms. Landers for her service as Interim Executive Officer/Air Pollution Control Officer, and then as Interim Chief Operating Officer.

B. Recognition of former Board of Director, Myrna Melgar

Chair Hurt stated that Supervisor Melgar had announced her resignation from the Air District's Board at the end of the 2023 calendar year and thanked her for her service.

C. Recognition of former Board of Directors Chair John J. Bauters

Chair Hurt read the certificate of recognition that captured the work of Director Bauters while he served as the Air District's Board Chairperson from May 2022 to January 2024.

Public comments were given by Jed Holtzman, Rocky Mountain Institute; Ken Szutu, Citizen Air Monitoring Network of Vallejo; Laura Feinstein, San Francisco Planning and Urban Research Association; John McKenna, Menlo Park resident; and Dr. Stephen Rosenblum, Palo Alto resident.

8. TIME AND PLACE OF NEXT MEETING

Wednesday, February 7, 2024, at 10:00 a.m., at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

9. ADJOURNMENT

The meeting adjourned at 3:55 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Approval of the Draft Minutes of the Board of Directors Meeting of February 7, 2024

RECOMMENDED ACTION

Approve the attached Draft Minutes of the Board of Directors meeting of February 7, 2024.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Board of Directors meeting of February 7, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of February 7, 2024

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

Board of Directors Regular Meeting
Wednesday, February 7, 2024

DRAFT MINUTES

*This meeting was webcast, and a video recording is available on the website of the
Bay Area Air Quality Management District at
www.baaqmd.gov/bodagendas*

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Davina Hurt, called the meeting to order at 10:00 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Chairperson Davina Hurt; Vice Chairperson Lynda Hopkins; and Directors Margaret Abe-Koga, John J. Bauters, Ken Carlson, John Gioia, Juan Gonzalez, Erin Hannigan, David Haubert, Tyrone Jue, Sergio Lopez, and Shamann Walton.

Present, In-Person Satellite Location: (Palo Alto City Hall, 250 Hamilton Ave., Palo Alto, California, 94301): Directors Ray Mueller and Vicki Veenker.

Present, In-Person Satellite Location: (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding St, East Wing, 10th Fl., San Jose, California, 95110): Director Otto Lee.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, 11780 San Pablo Ave., Suite D, Conference Room, El Cerrito, California, 94530): Directors Mark Ross and Steve Young.

Present, In-Person Satellite Location: (Napa County Administration Building, 1195 Third Street, Suite 310, Crystal Conference Room, Napa, California, 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location: (San Ramon City Hall, 7000 Bollinger Canyon Rd., 2nd Floor Community Conference Room, San Ramon, California, 94583): Director David Hudson.

Absent: Directors Brian Barnacle, Noelia Corzo, Nate Miley, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. SPECIAL ORDERS OF THE DAY

Chair Hurt welcomed the following new employees: Chris Lindstrand, Senior Payroll Analyst in Finance; Udval Argo, Air Quality Technician I in Engineering; Kevin Perez, Air Quality Engineer I in Engineering; and Jenn Ferreria, Assistant Staff Specialist I in Community Engagement. She also congratulated Dr. Song Bai, who was promoted to the position of Director of Assessment, Inventory, and Modeling. Finally, Chair Hurt acknowledged the annual observance of Black History Month during the month of February, commemorating the resilience, achievements, and cultural heritage of the black community. She also emphasized that environmental justice is intertwined with Black History.

NOTED PRESENT: Director Hannigan was noted present at 10:09 a.m.

CONSENT CALENDAR (ITEMS 4 – 13)

4. Approval of the Draft Minutes of the Board of Directors Meeting of December 20, 2023
5. Board Communications Received from December 20, 2023, through February 6, 2024
6. Personnel Out-of-State Business Travel Report for December 2023
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of November and December 2023
8. Authorization to Amend Legal Services Agreement with Shute Mihaly & Weinberger
9. Authorization to Amend Legal Services Agreement with Woodruff & Smart
10. Funding to Support the Bay Area Regional Collaborative (BARC)
11. Participation in Community Air Protection Program Implementation Funds Fiscal Year Ending (FYE) 2023-2024

[CLICK HERE TO VIEW BOARD RESOLUTION NO. 2024-01](#)

12. Report of the Finance and Administration Committee Meeting of December 20, 2023
13. Report of the Community Advisory Council Meeting of January 18, 2024

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Bauters made a motion, seconded by Director Gonzalez, to **approve** Consent Calendar Items 4 – 13, inclusive; and the motion **carried** by the following vote of the Board:

| | |
|----------|---|
| AYES: | Abe-Koga, Bauters, Carlson, Gallagher, Gioia, Gonzalez, Hannigan, Haubert, Hopkins, Hudson, Hurt, Jue, Lee, Lopez, Mueller, Ross, Veenker, Young. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Barnacle, Corzo, Miley, Rice, Walton. |

INFORMATIONAL ITEMS

14. DISCUSSION OF PARTICULAR MATTER (PM)_{2.5} NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS) AND INITIAL AREA DESIGNATIONS

Dr. Katherine Hoag, Assistant Manager of Ambient Air Quality Analysis in the Meteorology and Measurements Division, gave the staff presentation *PM_{2.5} National Ambient Air Quality Standards and Initial Area Designations*, including: outcome; outline; presentation for information only; NAAQS; long-term NAAQS trends; proposed 2024 PM NAAQS (primary); preliminary 2023 PM_{2.5} data; what happens after the US Environmental Protection Agency (EPA) revises a NAAQS; NAAQS initial area designations; two-year timeline for EPA designations; designation scenarios; exceptional events; wildfire smoke impacts and annual PM_{2.5} designations; scenario 1: designated attainment; scenario 2: designated non-attainment; and next steps.

NOTED PRESENT: Director Walton was noted present at 10:26 a.m.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the meaning of the various colors of the data points in the preliminary 2023 PM_{2.5} data chart, whether design values have been improving each year, and why particular areas have higher design values; whether prescribed burns (controlled application of fire to the land to reduce wildfire hazards) are considered exceptional events; whether decreasing wildfire smoke impacts will help the Bay Area become an attainment area; whether the Bay Area will still be able to allow prescribed burns if the EPA's proposed revisions are adopted; ways in which Board members can help facilitate discussions or get involved with community engagement regarding this NAAQS revision; the difference between annual and 24-hour PM_{2.5} standards; contributing factors of upward PM_{2.5} levels (annual and 24-hour design values) from 2015 to present day; the locations of monitoring stations the role of the stations; the desire for the Air District to prioritize mitigating impacts in already vulnerable communities; why the EPA currently allows exclusion of air quality measurements clearly caused by exceptional events, what criteria determine exceptional events, whether Air District staff or the Board will determine which events are considered exceptional, and whether reports will be produced to indicate those decisions; how to best obtain and utilize all entities' monitoring data for designation purposes and penalize violating facilities by using collective data; and the Air District's involvement with the California Air Resources Board and EPA, as the State makes its initial designation.

Board Action

None; receive and file.

15. FOLLOW-UP TO BOARD RETREAT STRATEGIC PLAN DISCUSSION

At the Board of Directors' Annual Retreat on January 31, 2023, the Board had received an interactive presentation from BluePoint Planning, the Air District's strategic planning consultant, who, with Vernice Miller-Travis of the Metropolitan Group, presented an overview of the Air District's strategic

planning process, a review of the input gathered from staff and external stakeholders, and an outline of next steps. Board members were invited to give input on proposed language for the Air District's goals and vision statement.

At the February 7, 2024, Board meeting, Mindy Craig of Blue Point Planning, and Dr. Deborah Jordan, gave the presentation PPT *Follow-Up to Board Retreat: Strategic Planning Discussion*, which provided a summary of Board member and public feedback received from the January 31, 2024, Board Retreat session on Strategic Plan development. The discussion on the draft Strategic Plan framework was continued.

Public Comments

No requests received.

Board Comments

The Board and staff discussed protecting public health versus improving it; the request for context and tangible goal of the words "lead" and "leadership"; and the desire to include more language regarding future energy infrastructure workforce and just transition (meeting climate goals by ensuring that all communities, workers, and social groups are brought along in the pivot to a net-zero future).

Board Action

None; receive and file.

OTHER BUSINESS

16. PUBLIC COMMENT ON NON-AGENDA MATERS

No requests received.

17. BOARD MEMBER COMMENTS

Director Gonzalez expressed his desire to see the Air District address lead exposure from general aviation fuel.

Director Walton thanked the Air District for selecting Bayview Hunters Point as the location for the Board's annual retreat on January 31, 2024.

Director Ross suggested that the Air District take a fresh look at potential challenges of just transition, including disparities in electric vehicle (EV) access and benefits, lack of charging infrastructure, turnover of EVs (secondary and tertiary markets), battery disposal, etc.

18. REPORT OF THE EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)

Dr. Philip M. Fine, Executive Officer/APCO, had nothing to report.

19. **CHAIRPERSON'S REPORT**

Chair Hurt announced the following:

- The Board's Stationary Source and Climate Impacts Committee will meet on February 14, 2024, at 10:00 a.m.,
- The Solano County City Selection Committee reappointed Director Young to serve on the Air District's Board for a new two-year term, expiring in January 2026.
- On February 1, 2024, Chair Hurt met with representatives from various Bay Area petroleum refineries to hear their personal experiences and thoughts on just transition. Participants included Tyson Bagley and David Schoenthal (Phillips 66), Jessica Schreiber (Shell) and Israel Leon.
- On January 23, Chair Hurt was invited to be a panelist at **KALW** Radio's Town Hall: Getting Ready for California's New Electrical Grid, co-hosted by the San Francisco Bay Area Planning and Urban Research Association (SPUR.) Chair Hurt spoke on Air District Regulations 9-4 and 9-6, which reduce emissions of nitrogen oxides from residential and commercial furnaces and water heaters in buildings in the Bay Area.

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

Wednesday, March 6, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION (11:32 a.m.)

21. **CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), the Board met in Closed Session with Legal Counsel to discuss the following cases:

Chevron U.S.A Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1739.

REPORTABLE ACTION: Alexander Crockett, District Counsel, had nothing to report

Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1568.

REPORTABLE ACTION: Mr. Crockett had nothing to report.

The Athletics Investment Group, LLC v. The Bay Area Air Quality Management District, et al., Alameda County Superior Court Case No. 22CV010930.

REPORTABLE ACTION: Mr. Crockett had nothing to report.

22. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2))**

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

REPORTABLE ACTION: Mr. Crockett had nothing to report.

OPEN SESSION (1:07 p.m.)

23. **ADJOURNMENT**

The meeting was adjourned at 1:08 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Board Communications Received from February 7, 2024 through March 5, 2024

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from February 7, 2024, through March 5, 2024, if any, will be distributed to the Board Members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marjorie Villanueva
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of
January 2024

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

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 months prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties are collected and recorded in the Air District's General Fund.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENTS:

1. Notice of Violations Issued and Settlements in Excess of \$10,000 in the Month of January 2024

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violation(s) were issued in January 2024:

| Alameda | | | | | | |
|--------------------------|---------------|-------------|--------------|----------------------|-------------------|--|
| Site Name | Site # | City | NOV # | Issuance Date | Regulation | Comment |
| MASS Precision Inc. | E3601 | Fremont | A63034A | 1/18/2024 | 2-1-301 | No Authority to Construct and No Permit to Operate |
| MASS Precision Inc. | E3601 | Fremont | A63034B | 1/18/2024 | 2-1-302 | No Authority to Construct and No Permit to Operate |
| Tesla, Inc. | A1438 | Fremont | A63033A | 1/3/2024 | 2-6-307 | Title V Permit Requirement/Condition Violation |
| Western Colloid Products | A3651 | Oakland | A61934A | 1/18/2024 | 9-7-307.1 | Boiler Emissions Violation |

| Contra Costa | | | | | | |
|--|---------------|-------------|--------------|----------------------|-------------------|--------------------------------------|
| Site Name | Site # | City | NOV # | Issuance Date | Regulation | Comment |
| Acme Fill Corporation | A1464 | Martinez | A62554A | 1/9/2024 | 8-34-303 | Landfill Violation |
| Acme Fill Corporation | A1464 | Martinez | A62554B | 1/9/2024 | 10 | Code of Federal Regulation Violation |
| Acme Fill Corporation | A1464 | Martinez | A62559A | 1/9/2024 | 8-34-301.2 | Landfill Violation |
| Phillips 66 Company - San Francisco Refinery | A0016 | Rodeo | A61538A | 1/3/2024 | 8-2-301 | Miscellaneous Operation Violation |
| Tesoro Refining & Marketing Company, LLC | B2758 | Martinez | A61957A | 1/17/2024 | 6-1-301 | Visible Emissions Violation |

| San Francisco | | | | | | |
|----------------------|---------------|---------------|--------------|----------------------|-------------------|--|
| Site Name | Site # | City | NOV # | Issuance Date | Regulation | Comment |
| Precise Auto | FC454 | San Francisco | A62270A | 1/8/2024 | 2-1-307 | Permit Requirement/Condition Violation |

| Santa Clara | | | | | | |
|---------------------------|---------------|-------------|--------------|----------------------|-------------------|--|
| Site Name | Site # | City | NOV # | Issuance Date | Regulation | Comment |
| NARJ, LLC | FB722 | San Jose | A63129A | 1/18/2024 | 8-7-301.6 | Gasoline Dispensing Facility Violation |
| San Jose State University | A9339 | San Jose | A64203A | 1/4/2024 | 2-1-301 | No Authority to Construct |
| San Jose State University | A9339 | San Jose | A64204A | 1/4/2024 | 2-1-307 | Permit Requirement/Condition Violation |
| San Jose State University | A9339 | San Jose | A64205A | 1/4/2024 | 2-1-307 | Permit Requirement/Condition Violation |
| San Jose State University | A9339 | San Jose | A64206A | 1/4/2024 | 9-7-112.2 | Boiler Emissions Violation |
| San Jose State University | A9339 | San Jose | A64207A | 1/4/2024 | 9-7-112.2 | Boiler Emissions Violation |

| Sonoma | | | | | | |
|--|---------------|-------------|--------------|----------------------|-------------------|--|
| Site Name | Site # | City | NOV # | Issuance Date | Regulation | Comment |
| Republic Services of Sonoma County, Inc. | A2254 | Petaluma | A62478A | 1/11/2024 | 2-1-301 | No Authority to Construct and No Permit to Operate |
| Republic Services of Sonoma County, Inc. | A2254 | Petaluma | A62478B | 1/11/2024 | 2-1-302 | No Authority to Construct and No Permit to Operate |

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 6 settlement(s) for \$10,000 or more completed in January 2024.

1) On January 2, 2024, the District reached settlement with Keysight Technologies for \$90,000, regarding the allegations contained in the following 1 Notice of Violation:

| NOV # | Issuance Date | Occurrence Date | Regulation | Comments from Enforcement |
|--------------|----------------------|------------------------|-------------------|--|
| A59218A | 4/6/2021 | 11/10/2020 | 2-1-307 | Permit Requirement/Condition Violation |

2) On January 3, 2024, the District reached settlement with Hudson 1455 Market LLC for \$46,150, regarding the allegations contained in the following 3 Notices of Violations:

| NOV # | Issuance Date | Occurrence Date | Regulation | Comments from Enforcement |
|--------------|----------------------|------------------------|-------------------|----------------------------------|
| A60441A | 7/14/2021 | 1/1/2020 | 9-7-506 | Boiler Emissions Violation |
| A60442A | 7/14/2021 | 1/1/2020 | 9-7-506 | Boiler Emissions Violation |
| A60443A | 7/14/2021 | 1/1/2020 | 9-7-506 | Boiler Emissions Violation |

3) On January 5, 2024, the District reached settlement with CA Department of Water resources for \$15,000, regarding the allegations contained in the following 2 Notices of Violations:

| NOV # | Issuance Date | Occurrence Date | Regulation | Comments from Enforcement |
|--------------|----------------------|------------------------|-------------------|--|
| A60862A | 4/20/2023 | 10/1/2022 | 2-1-302 | No Permit to Operate |
| A60864A | 3/7/2023 | 3/24/2022 | 2-1-307 | Permit Requirement/Condition Violation |

4) On January 10, 2024, the District reached settlement with Reliance Construction for \$16,000, regarding the allegations contained in the following 1 Notice of Violation:

| NOV # | Issuance Date | Occurrence Date | Regulation | Comments from Enforcement |
|--------------|----------------------|------------------------|-------------------|----------------------------------|
| A60146A | 6/27/2023 | 6/27/2023 | 11-2-303.1 | Asbestos Violation |
| A60146B | 6/27/2023 | 6/27/2023 | 11-2-303.6 | Asbestos Violation |

5) On January 25, 2024, the District reached settlement with West Contra Costa County for \$160,000, regarding the allegations contained in the following 13 Notices of Violations:

| NOV # | Issuance Date | Occurrence Date | Regulation | Comments from Enforcement |
|--------------|----------------------|------------------------|-------------------|---|
| A57892A | 9/12/2019 | | 8-34-301.2 | Landfill Violation |
| A57893A | 9/11/2019 | 9/11/2019 | 8-34-303 | Landfill Violation |
| A57893B | 9/11/2019 | 9/11/2019 | CCR | California Code of Regulation Violation |
| A57894A | 9/11/2019 | 9/11/2019 | 8-34-305.1 | Landfill Violation |
| A57894B | 9/11/2019 | 9/11/2019 | CCR | California Code of Regulation Violation |
| A57895A | 9/12/2019 | 9/11/2019 | 6-1-301 | Visible Emissions Violation |
| A57899A | 10/15/2019 | 9/1/2019 | 8-34-301.1 | Landfill Violation |
| A58648A | 4/19/2022 | 10/24/2021 | 8-34-301.1 | Landfill Violation |
| A58648B | 4/19/2022 | 10/24/2021 | 2-6-307 | Title V Requirement/Condition Violation |
| A59537A | 11/9/2020 | 10/27/2019 | 2-6-307 | Title V Requirement/Condition Violation |
| A59537B | 11/9/2020 | 10/27/2019 | 8-34-301.1 | Landfill Violation |
| A59538A | 11/9/2020 | 12/16/2019 | 2-6-307 | Title V Requirement/Condition Violation |
| A59538B | 11/9/2020 | 12/16/2019 | 8-34-301.1 | Landfill Violation |
| A59539A | 11/9/2020 | 4/6/2020 | 2-6-307 | Title V Requirement/Condition Violation |
| A59539B | 11/9/2020 | 4/6/2020 | 8-34-301.1 | Landfill Violation |
| A59540A | 11/9/2020 | 9/24/2020 | 2-6-307 | Title V Requirement/Condition Violation |
| A59540B | 11/9/2020 | 9/24/2020 | 8-34-301.1 | Landfill Violation |
| A59550A | 8/24/2021 | 8/17/2021 | 8-34-301.2 | Landfill Violation |
| A62066A | 12/27/2022 | 9/5/2022 | 2-6-307 | Title V Requirement/Condition Violation |
| A62068A | 4/24/2023 | 3/14/2023 | 2-6-307 | Title V Requirement/Condition Violation |

6) On January 29, 2024, the District reached settlement with San Mateo Medical Center for \$18,000, regarding the allegations contained in the following 3 Notices of Violations:

| NOV # | Issuance Date | Occurrence Date | Regulation | Comments from Enforcement |
|--------------|----------------------|------------------------|-------------------|--------------------------------------|
| A59372A | 8/26/2021 | 10/1/2019 | 9-8-502 | Internal Combustion Engine Violation |
| A59373A | 8/26/2021 | 10/1/2019 | 9-8-502 | Internal Combustion Engine Violation |
| A59374A | 8/26/2021 | 10/1/2019 | 9-8-502 | Internal Combustion Engine Violation |

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Acceptance of Clean Cars For All Funding

RECOMMENDED ACTION

1. Adopt a resolution approving the acceptance of up to \$3.5 million from the California Air Resources Board for the Bay Area Clean Cars For All Program; and
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

BACKGROUND

Wide-scale adoption of zero-emission vehicles (ZEVs) and electrification of all types of transportation are essential to achieving local, state, and federal emission reduction targets for greenhouse gases and criteria pollutants. California has set a goal of five million ZEVs sold by 2030, and the Bay Area has set a target of 90% of vehicles in the Bay Area being ZEVs by 2050. The Bay Area and California also share the goal to cut greenhouse gas emissions to 80% below 1990 levels by 2050. Additionally, Governor Newsom's 2020 Executive Order N-79-20 sets a goal for 100% of state sales of new passenger cars and trucks be zero emission by 2035, which was included as part of the California Air Resources Board (CARB) Advanced Clean Cars II Regulation.

Through the Clean Cars for All Program (Program or CCFA) the Air District provides incentives for low-income households (up to 300% of the Federal Poverty Level - FPL) to retire older, high-polluting vehicles and replace them with a newer, cleaner vehicle or with mobility options (e.g. public transit card or e-bikes). Participants may purchase or lease a new or used hybrid electric vehicle, Plug-in Hybrid Electric Vehicle (PHEV), Battery Electric Vehicle (BEV) or Fuel Cell Electric Vehicle (FCEV). A rebate to install a home charger or to purchase a portable charger is available for participants that purchase a PHEV or BEV through CCFA. Alternatively, participants may opt to retire their vehicle in exchange for funding for public transit or an electric bike. The Program reduces criteria pollutants and greenhouse gas emissions throughout the Bay Area and supports the goal of equitable access to electric vehicles and clean transportation.

DISCUSSION

The Bay Area CCFA Program began in 2019 and has been supported by a total of \$73 million from a variety of state and local funds and continues to be a popular and beneficial program. The Air District administers the CCFA program along with its partners – CARB, GRID Alternatives, a network of more than 80 vehicle dealerships, and two auto dismantlers. The demand for the CCFA incentives has steadily increased since the Program began. The Program quickly allocates new funding to qualified low-income residents and is an important tool in achieving our air quality and climate goals.

Staff presented a detailed CCFA program update to the Mobile Source & Climate Impacts Committee on November 8, 2023. As of early November 2023, over 3,881 applications have been awarded in the Bay Area. About 74% of applicants traded in their existing vehicle for a PHEV or BEV, with about 24% of applicants purchasing hybrid vehicles. Of those that purchased vehicles through the Program, 66% purchased new while 34% purchased used vehicles. About 62% of applicants reside in low-income or disadvantaged communities as identified by CalEnviroscreen. Over 75% of the awards made were to applicants with household income less than 225% of the FPL. Finally, 64% of participants live in single-family homes and 26% live in apartments or condos.

FY2024 Funding allocation

In November 2023, CARB notified the Air District that up to \$3.5 million was available in state funds for the Air District's CCFA Program. This funding is available as part of the Fiscal Year (FY) 2023-24 Funding Plan for Clean Transportation Incentives which has a total FY 2023-2024 statewide CCFA Program allocation of \$14 million. This allocation will allow the Air District to continue providing incentives to low-income residents in disadvantaged communities to increase access to clean transportation to more residents. Up to 15% of the funds awarded to the Air District may be used to administer the Program, with 10% available to support Air District staff costs to manage applications. The remaining 5% may be used to subcontract with third-party entities to assist applicants and help increase participation. CARB requires the Air District Board adopt a resolution to accept funds before it will enter into a contract with the Air District for the Program funds.

BUDGET CONSIDERATION/FINANCIAL IMPACT

These funds from CARB are considered “pass-through” funds, which are offered to grantees directly or to reduce the purchase or lease costs for vehicles. Up to 10% of the funds awarded can be used for Air District staff costs and other program costs.

Each cycle of grant funding that is accepted by the Air District creates an obligation of effort that has a typical duration of multiple years, whereby most work occurs in the first two years, involving project solicitation and outreach, awarding, and reimbursements, as well as project monitoring and reporting to CARB. Future work includes continued project monitoring, reporting to CARB, and enforcement action when needed.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Tin Le
Reviewed by: Anthony Fournier

ATTACHMENTS:

1. Draft Board Resolution to Accept CARB Clean Cars For All Funding

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2024-_____

**A Resolution Accepting Clean Cars for All Program funds
From the California Air Resources Board**

WHEREAS, the purpose of this Resolution is to authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend up to \$3.5 million in additional funding from the California Air Resources Board (CARB) to administer the Bay Area Clean Cars For All Program and to authorize the Executive Officer/Air Pollution Control Officer to execute all necessary agreements, required documents, and amendments required to expend this funding;

WHEREAS, the California Legislature added item 3900-101-3228 to Section 111 of the Budget Act of 2023 which directed at least \$14 million of the Low Carbon Transportation appropriation be allocated for air districts currently operating their own Clean Cars For All Program (previously named the EFMP and EFMP Plus-up Program), a vehicle retirement and replacement program;

WHEREAS, in November 2023, CARB staff notified the Air District that they will award up to \$3.4 million in Fiscal Year (FY) 2023-2024 Low Carbon Transportation Funds to the Air District's Bay Area Clean Cars For All Program;

WHEREAS, CARB will authorize a grant of up to \$3.5 million to the Air District to continue to implement the Bay Area Clean Cars For All program, upon approval by the Board of Directors to accept such grant of funds;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the Air District's acceptance of CARB funds and commits the Air District to comply with the CARB Clean Cars For All regulatory requirements.

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the Executive Officer/Air Pollution Control Officer to accept, obligate, and execute all agreements, required documents, and any amendments thereto to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2024 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

Davina Hurt
Chair of the Board of Directors

ATTEST:

Lynda Hopkins
Vice Chair

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Designation of Fair Labor Standards Act Status for All Classifications

RECOMMENDED ACTION

Recommend the Board of Directors approve the designation of Fair Labor Standards Act status for all classifications.

BACKGROUND

The Performance Audit of Human Resources Report dated November 2, 2022 found several deficiencies in the area of classification plans. A corrective action plan was created to address the key audit recommendations, one of which includes designating and documenting the Fair Labor Standards Act (FLSA) status to each classification. FLSA status establishes overtime pay for certain positions and includes exemptions from the overtime pay requirement for employees who qualify under a specified set of guidelines related to different types of positions, including executive, professional, administrative, and others.

DISCUSSION

Sloan Sakai Yeung & Wong LLP in consulting with Air District staff reviewed each classification and designated the FLSA status as exempt or non-exempt in compliance with federal guidelines. Attached is a document of the FLSA designations of all classifications that has been reviewed by the Employees' Associations (EA).

The Memorandum of Understanding (MOU) between the Air District and the EA Section 9.04 provides overtime pay to all represented staff who are authorized to work overtime. In addition, the Board of Directors adopted Resolution No. 2020-04 to provide the same overtime pay to confidential staff who are authorized to work overtime. Staff will continue to be compensated overtime pay accordingly.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Lisa Baker
Reviewed by: Hyacinth Hinojosa

ATTACHMENTS:

1. FLSA Designation

**FAIR LABOR STANDARDS ACT (FLSA)
DESIGNATION**

| Class Title | Bargaining Unit | FLSA |
|---|------------------------|-------------|
| ACCOUNTANT I/II | REP | Exempt |
| ACCOUNTING ASSISTANT I/II | REP | Non-Exempt |
| ADMINISTRATIVE ANALYST | REP | Non-Exempt |
| ADMINISTRATIVE ASSISTANT I/II | REP | Non-Exempt |
| ADMINISTRATIVE SECRETARY | REP | Non-Exempt |
| ADVANCED PROJECTS ADVISOR | REP | Exempt |
| AIR MONITORING MANAGER | MGMT | Exempt |
| AIR QUALITY CASE SETTLEMENT SPECIALIST I/II | REP | Non-Exempt |
| AIR QUALITY CHEMIST I/II | REP | Exempt |
| AIR QUALITY ENGINEER I/II | REP | Exempt |
| AIR QUALITY ENGINEERING INTERN | INTERN | Non-Exempt |
| AIR QUALITY ENGINEERING MANAGER | MGMT | Exempt |
| AIR QUALITY INSPECTOR I/II | REP | Non-Exempt |
| AIR QUALITY INSTRUMENT SPECIALIST I/II | REP | Non-Exempt |
| AIR QUALITY INTERN | INTERN | Non-Exempt |
| AIR QUALITY LABORATORY TECHNICIAN I/II | REP | Non-Exempt |
| AIR QUALITY METEOROLOGIST I/II | REP | Exempt |
| AIR QUALITY PERMIT TECHNICIAN I/II | REP | Non-Exempt |
| AIR QUALITY PLANNING MANAGER | MGMT | Exempt |
| AIR QUALITY PROGRAM MANAGER | MGMT | Exempt |
| AIR QUALITY SPECIALIST I/II | REP | Non-Exempt |
| AIR QUALITY TECHNICAL ASSISTANT | REP | Non-Exempt |
| AIR QUALITY TECHNICIAN I/II | REP | Non-Exempt |
| ASSISTANT AIR QUALITY SPECIALIST I/II | REP | Non-Exempt |
| ASSISTANT COUNSEL I/II | MGMT | Exempt |

FAIR LABOR STANDARDS ACT (FLSA)

DESIGNATION

| Class Title | Bargaining Unit | FLSA |
|--|------------------------|-------------|
| ASSISTANT MANAGER | MGMT | Exempt |
| ASSISTANT STAFF SPECIALIST I/II | REP | Non-Exempt |
| ATMOSPHERIC MODELER | REP | Exempt |
| AUDIT & SPECIAL PROJECTS MANAGER | MGMT | Exempt |
| BUILDING MAINTENANCE MECHANIC | REP | Non-Exempt |
| BUSINESS MANAGER | MGMT | Exempt |
| CHIEF OPERATING OFFICER | EXEC | Exempt |
| CLERK OF THE BOARDS | CONF | Exempt |
| COMMUNICATIONS OFFICER | MGMT | Exempt |
| COUNSEL | MGMT | Exempt |
| DATA ENTRY OPERATOR | REP | Non-Exempt |
| DATABASE SPECIALIST | REP | Non-Exempt |
| DEPUTY AIR POLLUTION CONTROL OFFICER | EXEC | Exempt |
| DEPUTY CLERK OF THE HEARING BOARD | REP | Non-Exempt |
| DEPUTY EXECUTIVE OFFICER | EXEC | Exempt |
| DIRECTOR OF ADMINISTRATION | EXEC | Exempt |
| DIRECTOR OF COMMUNICATIONS & OUTREACH | EXEC | Exempt |
| DIRECTOR OF ENFORCEMENT | EXEC | Exempt |
| DIRECTOR OF ENGINEERING | EXEC | Exempt |
| DIRECTOR OF INFORMATION SERVICES | MGMT | Exempt |
| DIRECTOR OF PLANNING AND CLIMATE PROTECTION | EXEC | Exempt |
| DIRECTOR OF PUBLIC INFORMATION | EXEC | Exempt |
| DIRECTOR OF STRATEGIC INCENTIVES | EXEC | Exempt |
| DIRECTOR OF TECHNICAL SERVICES | MGMT | Exempt |
| DIRECTOR/OFFICER | EXEC | Exempt |
| ENVIRONMENTAL PLANNER I/II | REP | Exempt |
| EXECUTIVE ASSISTANT I/II | CONF | Non-Exempt |
| EXECUTIVE OFFICER /AIR POLLUTION CONTROL OFFICER | EXEC | Exempt |
| EXECUTIVE SECRETARY I/II | CONF | Non-Exempt |
| FACILITIES MAINTENANCE WORKER | REP | Non-Exempt |
| FACILITIES SERVICES SUPERVISOR | REP | Non-Exempt |

FAIR LABOR STANDARDS ACT (FLSA)

DESIGNATION

| Class Title | Bargaining Unit | FLSA |
|--|------------------------|-------------|
| Fellow (CivicSpark) | TEMP | Exempt |
| FINANCE MANAGER | MGMT | Exempt |
| FISCAL SERVICES SUPERVISOR | REP | Exempt |
| FLEET AND FACILITIES MANAGER | MGMT | Exempt |
| HEALTH AND SCIENCE OFFICER | MGMT | Exempt |
| HEALTH OFFICER | MGMT | Exempt |
| HIGH SCHOOL INTERN | INTERN | Non-Exempt |
| HUMAN RESOURCES ANALYST I/II | CONF | Exempt |
| HUMAN RESOURCES MANAGER | MGMT | Exempt |
| HUMAN RESOURCES OFFICER | MGMT | Exempt |
| HUMAN RESOURCES TECHNICIAN I/II | CONF | Non-Exempt |
| INFORMATION SYSTEMS MANAGER | MGMT | Exempt |
| INFORMATION TECHNOLOGY OFFICER | MGMT | Exempt |
| LABORATORY SERVICES MANAGER | MGMT | Exempt |
| LEGAL INTERN | TEMP | Non-Exempt |
| LEGAL OFFICE SERVICES SPECIALIST | CONF | Non-Exempt |
| LEGAL SECRETARY I/II | CONF | Non-Exempt |
| LEGISLATIVE ANALYST | REP | Exempt |
| LIBRARIAN | REP | Exempt |
| MANAGER | MGMT | Exempt |
| MANAGER OF EXECUTIVE OPERATIONS | MGMT | Exempt |
| Manager of Executive Operations | MGMT | Exempt |
| MECHANIC I/II | REP | Non-Exempt |
| METEOROLOGY AND DATA ANALYSIS MANAGER | MGMT | Exempt |
| OFFICE ASSISTANT I/II | REP | Non-Exempt |
| OFFICE SERVICES SUPERVISOR | REP | Non-Exempt |
| ORGANIZATIONAL DEVELOPMENT & TRAINING SPECIALIST | REP | Non-Exempt |
| PARALEGAL | CONF | Non-Exempt |
| PERMIT COORDINATOR | REP | Non-Exempt |

FAIR LABOR STANDARDS ACT (FLSA)

DESIGNATION

| Class Title | Bargaining Unit | FLSA |
|--|------------------------|-------------|
| PRINCIPAL ACCOUNTANT | REP | Exempt |
| PRINCIPAL AIR AND METEOROLOGICAL MONITORING SPECIALIST | REP | Exempt |
| PRINCIPAL AIR QUALITY CHEMIST | REP | Exempt |
| PRINCIPAL AIR QUALITY ENGINEER | REP | Exempt |
| PRINCIPAL AIR QUALITY INSTRUMENT SPECIALIST | REP | Non-Exempt |
| PRINCIPAL AIR QUALITY METEOROLOGIST | REP | Exempt |
| PRINCIPAL AIR QUALITY SPECIALIST | REP | Non-Exempt |
| PRINCIPAL ENVIRONMENTAL PLANNER | REP | Exempt |
| PRINCIPAL HUMAN RESOURCES ANALYST | CONF | Exempt |
| PRINCIPAL STAFF SPECIALIST | REP | Non-Exempt |
| PROGRAMMER ANALYST I/II | REP | Non-Exempt |
| PUBLIC INFORMATION OFFICER I/II | REP | Non-Exempt |
| PURCHASING AGENT | REP | Non-Exempt |
| RADIO/TELEPHONE OPERATOR | REP | Non-Exempt |
| RADIO/TELEPHONE OPERATOR SUPERVISOR | REP | Non-Exempt |
| RECEPTIONIST | REP | Non-Exempt |
| RESEARCH ANALYST | REP | Exempt |
| RESEARCH AND MODELING MANAGER | MGMT | Exempt |
| SECRETARY | REP | Non-Exempt |
| SENIOR ACCOUNTANT | REP | Exempt |
| SENIOR ACCOUNTING ASSISTANT | REP | Non-Exempt |
| SENIOR ADVANCED PROJECTS ADVISOR | REP | Exempt |
| SENIOR AIR QUALITY CHEMIST | REP | Exempt |
| SENIOR AIR QUALITY ENGINEER | REP | Exempt |
| SENIOR AIR QUALITY INSPECTOR | REP | Non-Exempt |
| SENIOR AIR QUALITY INSTRUMENT SPECIALIST | REP | Non-Exempt |

FAIR LABOR STANDARDS ACT (FLSA)

DESIGNATION

| Class Title | Bargaining Unit | FLSA |
|---|------------------------|-------------|
| SENIOR AIR QUALITY METEOROLOGIST | REP | Exempt |
| SENIOR AIR QUALITY PERMIT TECHNICIAN | REP | Non-Exempt |
| SENIOR AIR QUALITY SPECIALIST | REP | Non-Exempt |
| SENIOR AIR QUALITY TECHNICIAN | REP | Non-Exempt |
| SENIOR ASSISTANT COUNSEL | MGMT | Exempt |
| SENIOR ATMOSPHERIC MODELER | REP | Exempt |
| SENIOR ENVIRONMENTAL PLANNER | REP | Exempt |
| SENIOR EXECUTIVE ASSISTANT | CONF | Non-Exempt |
| SENIOR EXECUTIVE SECRETARY | CONF | Non-Exempt |
| SENIOR HUMAN RESOURCES ANALYST | CONF | Exempt |
| SENIOR PAYROLL ANALYST | CONF | Exempt |
| SENIOR POLICY ADVISOR | MGMT | Exempt |
| SENIOR PUBLIC INFORMATION OFFICER | REP | Non-Exempt |
| SENIOR STAFF SPECIALIST | REP | Non-Exempt |
| STAFF ATTORNEY | MGMT | Exempt |
| STAFF SPECIALIST I/II | REP | Non-Exempt |
| STATISTICIAN | REP | Exempt |
| STRATEGIC FACILITIES PLANNING MANAGER | MGMT | Exempt |
| SUPERVISING AIR QUALITY ENGINEER | REP | Exempt |
| SUPERVISING AIR QUALITY INSPECTOR | REP | Non-Exempt |
| SUPERVISING AIR QUALITY INSTRUMENT SPECIALIST | REP | Non-Exempt |
| SUPERVISING AIR QUALITY METEOROLOGIST | REP | Exempt |
| SUPERVISING AIR QUALITY SPECIALIST | REP | Non-Exempt |
| SUPERVISING ENVIRONMENTAL PLANNER | REP | Exempt |
| SUPERVISING HUMAN RESOURCES ANALYST | CONF | Exempt |
| SUPERVISING PUBLIC INFORMATION OFFICER | REP | Non-Exempt |
| SUPERVISING STAFF SPECIALIST | REP | Non-Exempt |

**FAIR LABOR STANDARDS ACT (FLSA)
DESIGNATION**

| Class Title | Bargaining Unit | FLSA |
|--------------------------------------|-----------------|------------|
| SUPERVISING SYSTEMS ANALYST | REP | Non-Exempt |
| SYSTEMS ANALYST | REP | Non-Exempt |
| SYSTEMS QUALITY ASSURANCE SPECIALIST | REP | Non-Exempt |
| TOXICOLOGIST | REP | Exempt |
| WEB MASTER | REP | Non-Exempt |

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Establish a New Classification of Principal Cybersecurity Analyst

RECOMMENDED ACTION

Recommend the Board of Directors establish a new classification of Principal Cybersecurity Analyst in the Confidential Unit at Salary Range 139.

BACKGROUND

Pursuant to Administrative Code Division III Section 5, the Air District periodically reviews, updates, and creates classifications to effectively administer the workforce.

DISCUSSION

In November 2022, the Human Resources Management Audit conducted by Sjoberg Evashenk Consulting recommended centralizing the administration of the information systems, and the creation of a cybersecurity program to ensure proper security and internal controls are performed by information technology professionals, and that key decisions related to information technology will be informed by agency-wide priorities. Staff have assessed the staffing resource needs and recommend that the addition of a Principal Cybersecurity Analyst would allow for the complex and specialized duties related to the security and confidentiality of information systems.

Attached is the proposed classification specification.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. This recommendation creates an employee classification and does not fund a position or modify the current number of funded positions.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Regina Soo
Reviewed by: Lisa Baker

ATTACHMENTS:

1. Principal Cybersecurity Analyst

PRINCIPAL CYBERSECURITY ANALYST

DEFINITION

Under direction, performs complex and specialized projects relating to the security, confidentiality, and integrity of the Air District's information management systems; develops information security policy; monitors, detects, analyzes, and audits security threats; conducts confidential research; and performs related work as assigned.

DISTINQUISHING CHARACTERISTICS

This advanced, specialized classification performs complex duties in support of the District's goals and objectives. Incumbents are responsible for providing project leadership in coordinating and developing programs and require considerable technical knowledge and use of independent judgment in those areas. This class is distinguished from the Manager in that the latter has overall managerial responsibility for the staff and activities of a section or program.

EXAMPLES OF DUTIES

Provides lead direction, coordinates, and carries out the most complex assignments relating to the development, implementation, and processes of new or revised programs to achieve and maintain compliance to security standards for information systems.

Researches technical feasibility of new information systems designs and coordinates the development of technological justifications.

Provides lead direction, training, and work review to technical and support staff; prioritizes and follows up on work assignments to ensure timely completion.

Provides leadership and works directly to develop information security related policies and guidelines for all programs.

Designs, develops, tests and implements new systems to meet information security requirements and needs.

Confers with District management and staff regarding information systems security; develops long- and short-range plans, including implementing changes for information system hardware and software.

Reviews, analyzes, and administers information system vendors, contracts, and other agreements in support of District activities; monitors expenditures and charges against agreements; prepares fiscal status reports for management; advises contractors and management regarding issues involving contract administration and interpretation; and prepares cost analyses.

Prepares Requests for Proposal (RFPs) and Requests for Quotations (RFQs); prepares contract documents and other agreements using standard District procedures; and reviews contract terms and conditions.

Analyzes cost-effectiveness of information systems, assesses new information technologies and performs other technical work within the context of information systems; reviews and summarizes data, prepares special and periodic reports.

Coordinates and facilitates, meetings, and trainings on the technical application and interpretation of District information systems programs, makes presentations and develops supporting technical materials.

Maintains information management systems and program records.

Prepares clear and concise program documentation, user procedures, reports of work performed and other written materials.

Leads internal and external audits for information systems programs and assists in physical inspections of information systems to ensure compliance with program requirements.

Prepares and presents staff reports to the District's Board of Directors, and/or sub-committees.

Researches, interprets, and explains technical policies, rules and regulations regarding programs; gathers and prepares background information.

Assists in the development of the information systems budget relating to computer hardware and software acquisition and maintenance.

Provides input into selection decisions and performance evaluations; provides for staff technical development and training.

Performs other duties as assigned.

QUALIFICATIONS

NOTE: The level and scope of the knowledge and skills listed below are related to job duties as defined under Distinguishing Characteristics.

Knowledge of:

Principles of design, operation, maintenance and capabilities of computer systems, networking, data communications, telecommunications, and database systems.

In-depth knowledge of information controls, information security and best practices for information security frameworks.

Computer programming principles, techniques and procedures for technical, administrative and business applications.

Methods and techniques of information security administrative analyses both in the cloud systems and on premises.

Administrative organization and operating principles and practices.

In-depth knowledge of project development and management.

Knowledge of applicable District, local, state and federal laws, rules and regulations applicable to information systems security.

Correct English usage, including spelling, grammar and punctuation.

Skill in:

Project planning and project communication, training others in procedures.

Root cause analysis of cybersecurity events.

Cloud based and on premises security administration.

Exercising judgement for confidential matters.

Developing and administering effective cybersecurity policies and procedures.

Preparing clear and concise technical reports, correspondence and other written materials.

Exercising sound independent judgment within established guidelines, policies and procedures.

Establishing and maintaining effective working relationships with those contacted in the course of the work including internal users, management and vendors.

Other Requirements:

Specified positions must possess a valid California driver's license.

Education and Experience:

A typical way to obtain the knowledge and skills is:

Equivalent to graduation from a four-year college or university with major coursework in computer science, information systems, mathematics, or a closely related field and four years of professional information technology experience, including developing and administering of cybersecurity policies and procedures. Cybersecurity certification is preferred.

Additional experience may substitute for the education on a year for year basis, up to two years.

Physical Demands/Working Conditions

Physical Demands:

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard, or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

Working Conditions:

Incumbents perform work in an office setting with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances.

BOARD MEETING DATE: March 6, 2024

REPORT: Stationary Source Committee

SYNOPSIS: The Stationary Source Committee (Committee) held a meeting on Wednesday, February 14, 2024. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

John J. Bauters, Chair
Stationary Source Committee

JB:mh

Committee Members

Opening Comments: Stationary Source Committee (Committee) Chairperson, John J. Bauters, called the meeting to order at 10:00 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Committee Chairperson John J. Bauters; and Director Brian Barnacle.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor, John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Directors John Gioia and Steve Young.

Present, In-Person Satellite Location (Palo Alto City Hall, 250 Hamilton Ave., 7th Floor, Palo Alto, California, 94301): Director Vicki Veenker.

Present, In-Person Satellite Location (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding St., East Wing, 10th Floor, San Jose, California, 95110): Director Otto Lee.

Absent: Committee Vice Chair Mark Ross; and Directors Ken Carlson and Lynda Hopkins

Call to Order

Chair Bauters called the meeting to order at 10:00 a.m.

For additional details of the Stationary Source Committee Meeting, please refer to the webcast, which can be found [here](#). Please use the webcast's index to view specific agenda items.

CONSENT CALENDAR

3. APPROVAL OF THE DRAFT MINUTES OF THE STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF NOVEMBER 8, 2023

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Gioia made a motion, seconded by Director Barnacle, to **approve** the Draft Minutes of the Stationary Source and Climate Impacts Committee Meeting of November 8, 2023; and the motion **carried** by the following vote of the Committee:

| | |
|----------|--|
| AYES: | Barnacle, Bauters, Gioia, Lee, Veenker, Young. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Carlson, Hopkins, Ross |

INFORMATIONAL ITEMS

4. UPDATE ON SCHNITZER STEEL INDUSTRIES, WEST OAKLAND, DOING BUSINESS AS (DBA) RADIUS RECYCLING

John Marvin, Compliance & Enforcement Division Manager, gave the staff presentation *Update on Schnitzer Steel Industries, West Oakland, dba Radius Recycling*, including: outcome; outline; Schnitzer Steel Industries; Schnitzer's metal recycling operations; light fibrous material (LFM); Schnitzer Steel fires; Air District response; permits issued; permits under Air District consideration; emission reduction improvements; Rapid Response Task Force (RRTF) and work with community; and next steps.

Public Comments

Public comments were given by Jan Warren, *Interfaith Climate* Action Network of Contra Costa County; and Linda Shaffer, Schnitzer Steel.

Committee Comments

The Committee and staff discussed whether fires are more frequent at Schnitzer Steel Industries than at other Bay Area metal recycling operation facilities, and whether LFM is produced at all other Bay Area metal recycling operation facilities; the history of the 2001 and 2021 settlements with Schnitzer Steel Industries, the California Attorney General, Alameda County District Attorney, and *Department of Toxic Substances Control*, and whether the settlements are still being enforced; the reduction of pile sizes, to minimize the chance of fires; the sizes of the fires in 2018 and 2020, in comparison to the 2023 fire; whether pre-shred scrap piles are feedstock piles that go into a shredder; whether the materials that have been burned in the previous fires are materials that Schnitzer was planning to use; the nature of the fires, and contributing factors that made them difficult to extinguish; whether the Air District's regulations address feedstock pile height limitations; potential implications from the request to increase the shipping limit by six (to 32 ship calls per year); the status of the Emissions Minimization Plan required by Air District Rule 6-4 (Metal Recycling and Shredding Operations) that has been submitted by Schnitzer, and how long it may take to implement the proposed changes; whether piles can be enclosed when they burn; whether the battery separation process can be improved to ensure proper removal before metal (former vehicles) is burned; and how Schnitzer's request for a Synthetic Minor Operating Permit that would replace the Title V Operating Permit, based on lower limits from abatement equipment, if approved, and their request to increase maximum hourly operating rate at shredder, would intersect.

Committee Action

None; receive and file.

5. DISCUSSION OF THE METAL RECYCLING AND SHREDDING OPERATIONS WHITE PAPER

Poornima Dixit, Senior Air Quality Engineer, Rules & Strategic Policy Division gave the staff presentation *Metal Recycling & Shredding Emissions - Evaluation & Recommendations*, including: outcome; outline; requested action; background; White Paper development; current rules that mitigate metal recycling emissions; gap analysis of metal recycling emissions rules; potential recommendations; scoping phase of the Reul Development process; and feedback requested.

Public Comments

Public comments were given by Jan Warren, *Interfaith Climate* Action Network of Contra Costa County; and Linda Shaffer, Schnitzer Steel.

Committee Comments

The Committee and staff discussed the agencies that the Air District has partnered with that have jurisdiction over metal recycling facilities to jointly enforce regulations and issue violations when they occur; and the anticipated timeline for public engagement and review of the White Paper.

Committee Action

None; receive and file.

OTHER BUSINESS

6. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

7. COMMITTEE MEMBER COMMENTS

Director Young said that he received positive comments from Benicia constituents regarding the Air District's recent agreements with Chevron and Martinez Refining Company, resulting in an end to the litigation against the agency over its groundbreaking Regulation 6, Rule 5, major emissions reductions from both refineries, unprecedented penalties, and other payments of up to \$138 million, and a Richmond-area Community Air Quality Fund. Director Young thanked the Air District for the press conference that was held on February 13, 2024.

8. TIME AND PLACE OF NEXT MEETING

Wednesday, March 13, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Stationary Source Committee members and members of the public will be able to either join in-person or via webcast.

Adjournment

The meeting was adjourned at 11:11 a.m.

Attachments

- #3 – Draft Minutes of the Stationary Source and Climate Impacts Committee Meeting of November 8, 2023
- #4 – Update on Schnitzer Steel Industries, West Oakland, dba Radius Recycling
- #5 – Discussion of the Metal Recycling and Shredding Operations White Paper

BOARD MEETING DATE: March 6, 2024

REPORT: Finance and Administration Committee

SYNOPSIS: The Finance and Administration Committee (Committee) held a meeting on Wednesday, February 21, 2024. The following is a summary of the meeting.

RECOMMENDED ACTION:

4. AIR DISTRICT COMPENSATION PHILOSOPHY

Recommend the Board establishes a Compensation Philosophy for the Bay Area Air Quality Management Air District.

Davina Hurt, Chair
Finance and Administration Committee

DH:mh

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Board Chairperson Davina Hurt; and Director Juan Gonzalez.

Present, In-Person Satellite Location (San Mateo County Hall of Justice, 400 County Center, Criminal Justice Training Room, 1st Floor, Redwood City, CA 94063): Director Ray Mueller

Present, In-Person Satellite Location (Mountain View City Hall, 500 Castro Street, 2nd Floor, Mountain View, CA 94041): Director Margaret Abe-Koga.

Present, In-Person Satellite Location (Office of Alameda County Supervisor David Haubert, 4501 Pleasanton Avenue, Pleasanton, CA 94566): Directors David Haubert and Mark Ross.

Absent: Vice Chairperson Lynda Hopkins; and Directors Tyrone Jue and Katie Rice.

Call to Order

Chair Hurt called the meeting to order at 10:00 a.m.

For additional details of the Finance and Administration Committee Meeting, please refer to the webcast, which can be found [here](#) 24 hours after the meeting as concluded. Please use the webcast's index to view specific agenda items.

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE FINANCE AND ADMINISTRATION COMMITTEE MEETING OF DECEMBER 20, 2023**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Gonzalez made a motion, seconded by Director Mueller to **approve** the Minutes of the Finance and Administration Committee meeting of December 20, 2023; and the motion **carried** by the following vote of the Committee:

| | |
|----------|---|
| AYES: | Abe-Koga, Haubert, Gonzalez, Hurt, Mueller. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Hopkins, Jue, Rice, Ross. |

ACTION ITEM

4. **AIR DISTRICT COMPENSATION PHILOSOPHY**

Lisa Baker, Human Resources Officer, gave the staff presentation *Air District Compensation Philosophy*, including: requested action; overview; project overview; definition and key elements of a Compensation Philosophy; proposed Compensation Philosophy; comprehensive compensation; our proposed talent market; sustainability and public stewardship; our proposed compensation program; stakeholder input; communication plan; and recommended action.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether compensation should be data-driven, given the potential for bias; the suggestion of conducting salary surveys to collect data, and whether other California Air Districts and the private sector are appropriate comparators; whether Air District staff compensation should be continue to be above market rates for government employers, challenges with merit-based compensation; the desire to see an Air District workforce that mirrors and represents the communities that are served by the Air District; MAK: the desire for continued remote work flexibility, and the status of the Air District's Remote Work Policy); the perspectives that the Air District is a "marquee" agency that is well-known, attracts large

audiences, can lead to career progression, and is also altruistic; the importance of highlighting the non-cash benefit of a work culture where innovation, dedication, and belonging are recognized and celebrated; and the need for management training that will develop individuals to increase relational and problem-solving skills.

Committee Action

Director Gonzalez made a motion, seconded by Director Abe-Koga, to recommend the Board **establishes** a Compensation Philosophy for the Bay Area Air Quality Management Air District; and the motion **carried** by the following vote of the Committee:

| | |
|----------|---|
| AYES: | Abe-Koga, Gonzalez, Haubert, Hurt, Mueller, Ross. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Hopkins, Jue, Rice. |

INFORMATIONAL ITEM

5. AIR DISTRICT SPONSORSHIP PROGRAM

Viet Tran, Deputy Executive Officer of Public Affairs, gave the staff presentation *Air District Sponsorship Procedures*, including: background; sponsorship policy; criteria; internal and external procedures; and end of year summary.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the budget trends for sponsorships over the years; whether “the number of people impacted by the sponsorship” is an existing sponsorship criteria; the cost associated with sponsorships; encouragement to be purposeful and consider the motivation of sponsoring; the suggestion of streamlining applications so as not to create barriers to diverse sponsorship; and whether the Air District engages in community outreach regarding sponsorship opportunities.

Committee Action

None; receive and file.

OTHER BUSINESS

6. PUBLIC COMMENT ON NON-AGENDA MATTERS (ITEM 7)

No requests received.

7. COMMITTEE MEMBER COMMENTS (ITEM 8)

Chair Hurt asked the Committee members to complete a survey that was sent to them regarding a review of the Air Pollution Control Officer.

8. TIME AND PLACE OF NEXT MEETING (ITEM 9)

Wednesday, March 20, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Finance and Administration Committee members and members of the public will be able to either join in-person or via webcast.

Adjournment

The meeting was adjourned at 10:53 a.m.

Attachments

#3- Approval of the Draft Minutes of the Finance and Administration Committee Meeting of December 20, 2023

#4- Air District Compensation Philosophy

#5- Air District Compensation Philosophy

BOARD MEETING DATE: March 6, 2024

REPORT: Policy, Grants, and Technology Committee

SYNOPSIS: The Policy, Grants, and Technology Committee (Committee) held its first meeting on Wednesday, February 21, 2024. The following is a summary of the meeting.

RECOMMENDED ACTION:

6. REPORT ON TRANSPORTATION FUND FOR CLEAN AIR (TFCA) PROJECTS EXPENDITURES AND EFFECTIVENESS FOR FISCAL YEAR ENDING (FYE) 2023

Adopt a determination that the Fiscal Year Ending 2023 Transportation For Clean Air 60% Fund expenditures were effective in improving air quality, based on staff's report and presentation

8. AIR DISTRICT SPONSORED/CO-SPONSORED BILLS

Adopt the position of "Support and offer to sponsor/co-sponsor, if necessary" for 2024 California Senate Bill 382 (Becker) – Single-family residential property: disclosures.

9. STATE LEGISLATIVE BILL REVIEW

Adopt the following positions for the following bills:

| <i>Bill</i> | <i>Proposed Action</i> |
|---|-------------------------------|
| <i>SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment Program</i> | <i>Support</i> |
| <i>SB 1193 (Menjivar) – Airports: leaded aviation gasoline</i> | <i>Support</i> |
| <i>AB 1894 (Ta) – Nonvehicular air pollution: civil penalties</i> | <i>Oppose</i> |

Vicki Veenker, Chair
Policy, Grants, and Technology Committee

VV:mh

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Committee Chairperson Vicki Veenker; Committee Vice Chairperson Sergio Lopez; and Directors Noelia Corzo and Juan Gonzalez.

Present, In-Person Satellite Location (Napa County Administration Building, 1195 Third St., Suite 310, Crystal Conference Room, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor Ken Carlson, 2255 Contra Costa Blvd., Suite 202, Pleasant Hill, CA 94523): Director Ken Carlson.

Absent: Directors Margaret Abe-Koga, Erin Hannigan, and Katie Rice.

Call to Order

Chair Veenker called the meeting to order at 1:02 p.m.

For additional details of the Policy, Grants, and Technology Committee Meeting, please refer to the webcast, [which can be found here](#), 24 hours after the meeting adjourns. Please use the webcast's index to view specific agenda items.

CONSENT CALENDAR (Items 3 – 5)

3. **APPROVAL OF THE DRAFT MINUTES OF THE TECHNOLOGY IMPLEMENTATION OFFICE STEERING COMMITTEE MEETING OF OCTOBER 14, 2022**
4. **APPROVAL OF THE DRAFT MINUTES OF THE MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETINGS OF OCTOBER 11, 2023 AND NOVEMBER 8, 2023**
5. **APPROVAL OF THE DRAFT MINUTES OF THE LEGISLATIVE COMMITTEE MEETING OF NOVEMBER 29, 2023**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to **approve** the Consent Calendar, Items 3 – 5, inclusive; and the motion **carried** by the following vote of the Committee:

| | |
|----------|--|
| AYES: | Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Abe-Koga, Hannigan, Rice. |

ACTION ITEMS

6. **REPORT ON TRANSPORTATION FUND FOR CLEAN AIR (TFCA) PROJECTS EXPENDITURES AND EFFECTIVENESS FOR FISCAL YEAR ENDING (FYE) 2023**

Dr. Minda Berbeco, Manager in the Strategic Incentives Division, gave the staff presentation *Report on Transportation Fund for Clean Air Projects Expenditures and Effectiveness for Fiscal Year Ending 2023*, including: requested action; outline; Transportation for Clean Air (TFCA); summary of project and program results – FYE TFCA expenditures; TFCA expenditures by project category; effectiveness and emissions reductions; key report findings for Board effectiveness determination; next steps; and recommendation.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed the manner in which the Air District evaluates a project's emissions reductions; a micro-transit shuttle project (awarded in 2020) that was deemed not cost-effective; the Air District's definition of "weighted average cost-effectiveness"; whether the Air District approaches potential project sponsors that are anticipated to have projects with high cost-effectiveness, and whether there is a lack of applicants in general; the accuracy of the numbers (costs) that project sponsors report back to the Air District; and whether Particulate Matter (PM) emissions are more important to reduce than those of reactive organic gases (ROGs).

Committee Action

Director Gonzalez made a motion, seconded by Vice Chair Lopez, to recommend the Board of Directors adopt a determination that the Fiscal Year Ending 2023 TFCA 60% Fund expenditures were effective in improving air quality, based on staff's report and presentation; and the motion **carried** by the following vote of the Committee:

| | |
|----------|--|
| AYES: | Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker. |
| NOES: | None. |
| ABSTAIN: | None. |
| ABSENT: | Abe-Koga, Hannigan, Rice. |

7. **APPROVAL OF THE LEGISLATIVE PLATFORM FOR 2024**

Alan Abbs, Legislative Officer, gave the staff presentation *2024 Legislative Platform*, including: outcome; outline; requested action; State Budget; State Legislation; and Federal Legislation and regulatory activity.

Public Comments

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

Committee Comments

The Committee and staff discussed whether the Air District can regulate cigarette smoke within confined spaces, and if not, whether the Air District advocates with the proper regulatory authority; whether the Air District is collaborating with peer agencies and advocates on various issues; whether the Air District is strategizing about how to advocate for program funding if the presidential administration changes in 2024; and whether the Air District is pursuing any grants.

Committee Action

Director Corzo made a motion, seconded by Director Gonzalez, to **approve** the proposed Legislative Platform for 2024:

| Topic | State Budget | State Legislation | Federal Legislation & Regulatory Activity |
|--|---------------------|--------------------------|--|
| State Funding for Clean Air Projects | X | | |
| AB 617 Community Air Protection Program Implementation and Incentive Funding | X | X | |
| Wildfire Smoke Public Health Response | X | X | X |
| Support for Air District Activities Related to Wildfire Mitigation | X | | |
| Wildfire Smoke Mitigation/Prescribed Fire | | X | |
| Clean Tech Financing | X | | |
| Low-Carbon Transportation Incentives | X | | |
| Commercial Harbor Craft Funding | X | | |
| Vehicle Emissions (Standards) and Congestion Relief | | X | X |
| Climate Change | | X | X |
| Green and Healthy Buildings | | X | X |
| Emergency Backup Generation | | X | |
| Toxic Air Emissions | | X | |
| Stationary Source Greenhouse Gas Authority | | X | |
| Land Use | | X | |
| Federal Funding for Air District Clean Air Programs | | | X |
| Clean Transportation Programs | | | X |
| Clean Energy Programs | | | X |
| Particulate Matter Standards | | | X |
| Leaded Aviation Gas | | | X |

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

AYES: Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Hannigan, Rice

8. AIR DISTRICT SPONSORED/CO-SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District-Sponsored and Co-Sponsored Bills*, including: outcome; outline; requested action; action item for Senate Bill (SB) 382 (Becker); updated on AB 1465 (Wicks); updated on AB 2298 (Hart, et al.); and update on SB 1095 (Becker).

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed why AB1465 was not passed by the Senate in 2023, and whether the bill will have to be heard by committees again in 2024; the widening of the scope of AB 1465 since 2023, despite pushback from the Western States Petroleum Association; penalty increases per AB 1465; how home warrantee programs may be affected by SB 382; and whether the language of SB 382 can be revised to not entirely disempower homeowners associations.

Committee Action

Director Corzo made a motion, seconded by Director Gonzalez, to recommend that the Board adopt the following positions for the following bills:

| Bill | Proposed Action |
|---|--|
| SB 382 (Becker) – Single-family residential property: disclosures | Support and offer to sponsor/co-sponsor, if necessary. |
| AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties | Sponsor (Board already voted to sponsor) |
| AB 2298 (Hart, et al.) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program | Co-Sponsor (Board already voted to co-sponsor) |
| SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances | Sponsor (Board already voted to sponsor) |

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

AYES: Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Hannigan, Rice.

9. STATE LEGISLATIVE BILL REVIEW

Mr. Abbs gave the staff presentation *State Legislative Bill Review*, including: outcome; outline; requested action; SB 1158 (Archuleta); SB 1193 (Menjivar); AB 1894 (Ta); AB 817 (Pacheco); SB 537 (Becker); and SB 674 (Gonzalez).

Mr. Abbs then recited a list of bills that were either introduced last week, or are in the process of becoming bills, and had not been included in his presentation:

- AB 1921 (Papan) – Energy: renewable electrical generation facilities: linear generators
- AB 2401 (Ting) – Clean Cars 4 All Program
- SB 1298 (Cortese) – Certification of thermal powerplants: data centers
- AB 2851 (Bonta) – Metal shredding facilities: fence-line monitoring
- Bills regarding organic waste diversion requirements and compost facilities

Public Comments

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

Committee Comments

The Committee and staff discussed concerns over language in SB 1158 that would extend the deadline for the period of liquidation to June 30 of the 6th calendar year (versus the 4th calendar year) following the date of disbursement and raises the administration levels to 12.5% for all local air districts regardless of population; the perception that there is a lack of transparency regarding the public's ability to track and associate awarded funds to Carl Moyer projects; and concerns about airborne lead in aircraft fuel in Santa Clara County.

Committee Action

Director Carlson made a motion, seconded by Director Gallagher, to recommend the Board adopt the following positions for the following bills:

| Bill | Proposed Action |
|--|-----------------|
| SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment Program | Support |
| SB 1193 (Menjivar) – Airports: leaded aviation gasoline | Support |
| AB 1894 (Ta) – Nonvehicular air pollution: | Oppose |

| | |
|--|---------------------------------------|
| civil penalties | |
| AB 817 (Pacheco) – Open meetings: teleconferencing: subsidiary body | Support (Board is already in support) |
| SB 537 (Becker) – Open meetings: multijurisdictional, cross-county agencies: teleconferences | Support (Board is already in support) |
| SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems | Support (Board is already in support) |

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

AYES: Carlson, Corzo, Gallagher, Lopez, Veenker.
 NOES: None.
 ABSTAIN: Gonzalez.
 ABSENT: Abe-Koga, Hannigan, Rice

INFORMATIONAL ITEMS

10. STATE LEGISLATIVE BUDGET UPDATE

Mr. Abbs gave the staff presentation *State Legislative Budget Update*, including: information only; outline; State Budget process and deadlines; and 2024-2025 proposed State Budget versus previous year.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed anticipated budget cuts for program funding that are not yet published.

Committee Action

None; receive and file.

THE COMMITTEE RECESSED AT 3:02 P.M., AND RESUMED AT 3:07 P.M. *Note: At this time, Director Gonzalez left the meeting to attend another, but returned to this meeting during Item 12.*

11. FEDERAL LEGISLATIVE UPDATE

Mr. Abbs, Legislative Officer, gave the staff presentation *Federal Legislative Update*, including: information only; outline; Federal update; and Federal advocacy trip recap to Washington D.C.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed takeaways from Board members who attended the trip to Washington D.C., including building relationships with federal legislators and departments, and their reactions to Air District Rules 9-4 and 9-6.

Committee Action

None; receive and file.

12. STATUS OF ACTIONS TO ADDRESS LEAD FROM GENERAL AVIATION FUEL

Dr. Judith Cutino, Health Officer, gave the staff presentation *Status of Actions to Address Lead from General Aviation Fuel*, including: information only; outline; general aviation lead emissions; general aviation airports in the Bay Area; 2022 lead emissions from piston engine aircraft at ten largest Bay Area general aviation airports; health impacts of lead exposure; US Environmental Protection Agency (EPA) and Federal Aviation Administration (FAA) need to act; update of US EPA endangerment finding; advances in development of unleaded fuel; transition challenges; proposed California SB 1193 (Menjivar); federal grant for pollution prevention to advance environmental justice; and next steps.

Public Comments

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

Committee Comments

The Committee and staff discussed whether the airports in San Mateo County would be subject to SB 1193 and other pending actions by the US EPA and FAA; actions that jurisdictions (counties and cities) can take to advocate for the elimination of lead from general aviation fuel for small piston-engine aircrafts; blood lead levels of children and their proximity to airports; the request for studies that the Air District has on this issue; technical challenges with General Aviation Modifications Inc., and the FAA regarding the transition from leaded aviation fuel to unleaded; the anticipated timelines for rulemakings by the US EPA and FAA, and potential interplay between those two agencies; and whether cities and counties have the authority to regulate the sales of aviation within their jurisdictions.

NOTED PRESENT: Director Gonzalez returned to the meeting at 3:40 p.m.

Committee Action

None; receive and file.

OTHER BUSINESS

13. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

12. COMMITTEE MEMBER COMMENTS

None.

13. TIME AND PLACE OF NEXT MEETING

Wednesday, March 20, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

Adjournment

The meeting was adjourned at 3:51 p.m.

Attachments

- #3: Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022
- #4: Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023
- #5: Draft Minutes of the Legislative Committee Meeting of November 29, 2023
- #6: Report on TFCA Projects Expenditures and Effectiveness for Fiscal Year Ending 2023
- #7: Approval of the Legislative Platform for 2024
- #8: Air District Sponsored/Co-Sponsored Bills
- #9: State Legislative Bill Review
- #10: State Legislative Budget Update
- #11: Federal Legislative Update
- #12: Status of Actions to Address Lead from General Aviation Fuel

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: Air District Compensation Philosophy

RECOMMENDED ACTION

Recommend the Board of Directors adopt the proposed Compensation Philosophy.

BACKGROUND

In November 2022, the Air District received the Management Audit Report of Human Resources. The audit report recommended the Air District adopt a compensation philosophy, providing a foundational framework for our compensation strategy. A compensation philosophy not only articulates guiding principles but also serves as a mission statement, ensuring transparency, accountability, equity, and consistency in our approach to compensation and benefits. Moreover, it defines our competitive market, delineating the talent landscape and positioning us within it.

In June 2023, the Board of Directors approved the FY24 comprehensive compensation package including salaries and benefits for confidential, management, and executive employees. In November 2023, the Board of Directors authorized the memorandum of understanding (MOU) with the Bay Area Air Quality Management District's Employees Association (EA) that provided a comprehensive compensation package for represented employees.

The Human Resources Corrective Action Plan recommended a regularly scheduled review of the Air District's Classification and Compensation system. Compensation Connections, a consulting firm, was hired to develop a compensation philosophy and conduct classification and compensation studies to update the Air District's compensation and classification plans. The first step in the project is to develop a compensation philosophy to align with our strategic goals and to provide clear direction for our compensation decisions moving forward. Compensation Connections completed several stakeholder interviews including current and former Board Chairs, the Air District executive leadership team, and the Employees Association (EA).

DISCUSSION

The Board of Directors will consider the adoption of a Compensation Philosophy for the Bay Area Air Quality Management District. This philosophy, developed in alignment with our strategic plan and organizational values, serves as a foundational framework guiding our approach to employee compensation and benefits. The proposed philosophy emphasizes transparency, accountability, equity, and consistency in compensation practices while also defining our competitive market and strategic direction. Adoption of this philosophy will provide clarity and direction for future compensation decisions, ensuring alignment with our mission of safeguarding air quality and promoting sustainable environmental practices.

The Compensation Philosophy was presented to the Finance and Administration Committee (FAC) on February 21, 2024, and met with favorable results. The FAC recommended that the Board adopt the philosophy and they requested that the Air District staff be sure to 1) consider and account for bias in any data collected as we formulate our classification and compensation plan; and 2) the plan created reflect and support the mission and values of the Air District.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Regina Soo
Reviewed by: Lisa Baker

ATTACHMENTS:

1. Compensation Philosophy



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT COMPENSATION PHILOSOPHY

MISSION (Revisions currently under consideration)

The mission of the Bay Area Air Quality Management District is to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate.

Air District employees ***are*** the District - they keep the air safe to breathe. This philosophy was created to ensure the Air District can attract, retain, and motivate its valued employees.

AIR DISTRICT VALUES (Revisions currently under consideration)

Five core values drive all aspects of our work together and our vision for the future:

Excellence - Our programs and policies are founded on science, developed with technical expertise, and executed with distinction.

Leadership - We are at the forefront of air quality improvement and pioneer new strategies to achieve healthy air and protect the climate.

Collaboration - We include and engage all stakeholders to create broad acceptance for healthy air solutions.

Dedication - Our staff are genuinely committed to our mission and values.

Equity - We maintain the right of Bay Area residents to breathe clean air.

The Air District's Compensation Philosophy

Our compensation philosophy will provide the framework to guide decision-making about the Air District's various compensation programs, (known as Comprehensive Compensation).

Our employees at the Air District are our most valued resources. The Air District's compensation philosophy must allow us the ability to recruit, retain and engage highly qualified employees capable of delivering world-class public service that ensures community engagement and collaboration; complies with regulatory requirements; and carries out the critical mission of improving air quality and addressing climate change for the residents of nine (9) counties in the Bay Area. This compensation philosophy should also reflect the ability over the long term to keep pace with economic inflation through periodic general wage increases. Compensation should be data-driven to ensure



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

internal and external pay equity, while ensuring we account for historical bias in the data we collect. The Compensation Philosophy should be reviewed periodically to make sure it continues to meet the goals of the Air District.

Our comprehensive compensation must:

- Align with our mission, values, and strategic plan.
- Attract, hire, and retain high-performing professionals that reflect and are proportional to the communities we serve to support the Air District's mission.
- Be applied fairly and equitably across the organization.
- Reflect the Air District's commitment to diversity, equity and inclusion.
- Support continual growth and development of employees throughout their careers.

Comprehensive Compensation

We consider a range of factors when assessing our comprehensive compensation package.

Direct compensation consists of, but is not limited to:

- Salaries
- Contributions to flexible benefits (health, life, vision, dental, long-term disability).
- Contributions to pension/retirement benefits and money purchase pension plan (401a)
- Leave benefits (holiday, annual, floating holiday, sick, and management leaves).
- Transit Subsidy payments.

Non-cash benefits:

- Investments in learning and development
- Employee and team recognition
- Health and Wellness Programs
- A work culture where innovation, dedication, and belonging are recognized and celebrated

OUR TALENT MARKET

The Air District attracts talent from federal, state, and local agencies, the private sector, and other special districts across the region. Candidates apply from across the United States and internationally and many share a strong commitment to our mission. Because we compete with private industry where total compensation is generally higher, we must commit to and continue to offer competitive compensation and benefits and to provide the resources needed to create a workplace where our employees are recognized for their performance and can thrive.



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

OUR COMPENSATION PROGRAM

Generally paying above market rates for government employers, we also offer workplace flexibility, paid time off, employee wellness benefits, competitive healthcare and retirement benefits. This has been found to allow us to attract top talent and to be recognized as a desirable workplace. To ensure we are able to attract and retain a diverse workforce from the communities we serve, we must continue this commitment.

To ensure continued effectiveness:

- Review compensation philosophy every three years.
- Review overall benefits package annually, considering market trends, employee needs, and costs.
- Adjust base pay ranges annually based on economic conditions, budget considerations, and labor agreements.
- Perform a compensation market study every three years for competitiveness.

COMMUNICATION

All information regarding comprehensive compensation is considered public, and we are committed to 100% transparency in our communications about our total compensation packages

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Philip M. Fine
Executive Officer/APCO

Date: March 6, 2024

Re: State Legislative Bills Update

RECOMMENDED ACTION

Approve staff's recommendation of SUPPORT and offer to CO-SPONSOR the following bill:

- Senate Bill (SB) 382 (Becker) - Single-family residential property: disclosures.

Approve staff's recommendation of SUPPORT for the following bills:

- SB 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.
- SB 1193 (Menjivar) - Airports: leaded aviation gasoline.

Approve staff's recommendation of OPPOSE for the following bill:

- Assembly Bill (AB) 1894 (Ta) - Nonvehicular air pollution: civil penalties.

Provide direction to staff related to AB 2522 (Carrillo) - South Coast Air Quality Management District: district board: compensation.

BACKGROUND

The Policy, Grants, and Technology Committee (Committee) held its first meeting on February 21, 2024. The Committee discussed high-priority bills of interest to the Air District, including updates on bills that the Air District already has formal positions on and bills that the Air District is currently sponsoring or co-sponsoring during the 2024 Legislative Session.

Air District Sponsored Bills:

- AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.
- SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

Air District Co-Sponsored Bills:

- AB 2298 (Hart, et al.) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

DISCUSSION

Attached is a bill matrix of the bills that Air District staff is tracking, noting their current status and current or recommended positions to support, oppose, and work with the author during the 2024 Legislative Session.

Specifically, staff will be discussing the following bills:

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Current law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs. This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified.

Current Status: AB 1465 passed the Assembly favorably. The bill was double-referred to the Senate Judiciary Committee and the Senate Environmental Quality Committee and passed each committee favorably. The bill was referred to the Senate Floor and was subsequently placed on the inactive file where it can be taken up at a later date.

Position: Sponsor

AB 1894 (Ta) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties. This bill would require a district to provide a person with a period of not less than 30 days to rectify a violation before the person may be subject to those civil penalties.

Current Status: AB 1894 has been double-referred to the Assembly Natural Resources Committee and Assembly Judiciary Committee. It has not yet been set for a hearing.

Staff Recommendation: Oppose

AB 2298 (Hart, et al.) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

CapitolTrack Summary: Current law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood. This bill would require the council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

Staff Notes: This bill is a reintroduction of last year's Air District-sponsored bill, *AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program*, which passed the Assembly, receiving zero "no" votes. The bill was referred to the Senate Committee on Natural Resources and Water, again, receiving zero "no" votes. The bill was referred to the Senate Appropriations Committee where it was placed on the Suspense File, and subsequently held under submission on September 1, 2023. The new version of the bill will address and hopefully reduce some of the fiscal constraints that were added late in the process which ultimately led to AB 953 being held in Senate Appropriations.

Current Status: AB 2298 has been double-referred to the Assembly Water, Parks, and Wildlife Committee and Assembly Natural Resources Committee. It has not yet been set for a hearing.

Position: Co-Sponsor

SB 382 (Becker) Single family residential property: disclosures.

CapitolTrack Summary: Current law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property. This bill would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property.

Staff Notes: SB 382 is a 2-year bill that was originally introduced as a workforce development bill in 2023. The Air District had been working with the Senator's staff on several ideas related to supporting our zero-NO_x appliance rules, as well as future statewide rules, and identified relator disclosures as a potential bill concept (i.e. making sure that potential home buyers were

aware of future zero-NO_x or electrification requirements). As a result of those discussions, the Senator amended SB 382 with an electric panel disclosure requirement that subsequently passed the Senate and is now in the Assembly, meeting its house of origin requirement as a 2-year bill. It is likely that the bill will now wait in the Assembly for Senate bills introduced in 2024 to catch up before restarting committee hearings. During this time, we plan to work with the Senator on a similar disclosure to add to the bill that would note impending deadlines for purchasing zero-NO_x appliances for replacement purposes.

Current Status: SB 382 passed the Senate in January 2024 and is currently awaiting committee referral in the Assembly. It has not yet been set for a hearing.

Staff Recommendation: Support and offer to co-sponsor, if necessary.

SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.
CapitolTrack Summary: The Manufactured Housing Act of 1980 (the “act”) requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. This bill would specify that the definitions of “manufactured home” and “mobilehome” also include the plumbing, heating, air-conditioning, and electrical systems contained outside the structure.

Staff Notes: This bill will update the Civil Code and Health and Safety Code to address language ambiguity related to electric appliances.

Current Status: SB 1095 has been double-referred to the Senate Housing Committee and Senate Judiciary Committee. It has not yet been set for a hearing.

Position: Sponsor

SB 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.
CapitolTrack Summary: Current law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Current law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law

reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. This bill contains other related provisions and other existing laws.

Current Status: SB 1158 has been double-referred to the Senate Environmental Quality Committee and Senate Transportation Committee. It has not yet been set for a hearing.

Staff Recommendation: Support

SB 1193 (Menjivar) - Airports: leaded aviation gasoline.

CapitolTrack Summary: Current law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime. This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided.

Current Status: SB 1193 has been double-referred to the Senate Transportation Committee and Senate Judiciary Committee. It has not yet been set for a hearing.

Staff Recommendation: Support

AB 2522 (Carrillo) - South Coast Air Quality Management District: district board: compensation.

CapitolTrack Summary: Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law provides that the south coast district is governed by a district board consisting of 13 members. This bill would provide that each member of the board shall receive compensation of \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties. The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified.

Staff Notes: The South Coast AQMD is sponsoring AB 2522 (Carrillo) South Coast Air Quality Management District: district board: compensation. The bill addresses a section of the Health and Safety Code specific to the South Coast AQMD related to compensation for their board members attending District board meetings, raising the per meeting compensation rate from \$100 to \$200 per meeting, with a not to exceed limit rising from \$1,000 to \$2,000 per month. Additionally, the meeting rate is proposed to be adjusted annually based on the consumer price index. Current bill language is attached.

The South Coast AQMD has asked the other 34 air districts in the state if they would like to provide amendments relative to their specific part of the Health and Safety Code, that would modify their respective Board compensations. For the Bay Area AQMD, this section would be Health and Safety Code section 40227, which is printed below:

40227

- (a) Each member of the bay district board shall receive actual and necessary expenses incurred in the performance of board duties.
- (b) Each member of the bay district board may receive compensation, to be determined by the bay district board subject to subdivision (c), for any of the following:
 - (1) Attending a meeting of the bay district board or a committee of the bay district board.
 - (2) Attending a meeting, upon authorization of the bay district board, while on official business of the bay district.
 - (3) Active transportation travel to a meeting described in paragraph (1) or (2).
- (c) (1) The compensation provided for attending a meeting pursuant to paragraph (1) or (2) of subdivision (b) shall not exceed one hundred dollars (\$100) for each meeting and shall not exceed two hundred dollars (\$200) per day.
 - (2) The compensation provided for active transportation travel pursuant to paragraph (3) of subdivision (b) may be calculated on a per mile basis or at a fixed daily, weekly, monthly, or annual rate, and may consider benefits to using active transportation travel, including, but not limited to, reduced traffic, improved health outcomes, and reduced air pollution.
 - (3) The compensation provided pursuant to subdivision (b) shall not exceed six thousand dollars (\$6,000) in any one year.
- (d) Compensation pursuant to this section shall be fixed by ordinance. Any change to this ordinance shall be adopted at an open regular meeting of the bay district board.
- (e) For the purposes of this section, “active transportation travel” means walking, bicycling, and other forms of transportation that the bay district board has found reduce traffic, improve health outcomes, and reduce air pollution.

(Amended by Stats. 2022, Ch. 501, Sec. 1. (AB 2721) Effective January 1, 2023.)

As referenced in the current statute, this compensation language was most recently modified in 2022 through AB 2721 (Lee), allowing for up to \$200 per day in compensation for multiple meetings, but keeping the per meeting and annual cap the same. The Board may wish to consider directing staff to opt in to AB 2522 and provide amended language for Health and Safety Code section 40227 addressing per meeting compensation, per day compensation, and annual compensation, as well as annual adjustments due to the Consumer Price Index, that would establish consistency with South Coast AQMD's and other air districts' compensation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. Bills of Interest Matrix - As of February 28, 2024
2. AB 1465 (Wicks) - Bill Text - As Amended on July 13, 2023
3. AB 1894 (Ta) - Bill Text - As Introduced on January 23, 2024
4. AB 2298 (Hart, et al.) - Bill Text - As Introduced on February 12, 2024
5. AB 2522 (Carrillo) - Bill Text - As Introduced on February 13, 2024
6. SB 382 (Becker) – Bill Text – As Amended on January 4, 2024
7. SB 1095 (Becker) - Bill Text - As Introduced on February 12, 2024
8. SB 1158 (Archuleta) - Bill Text - As Introduced on February 14, 2024
9. SB 1193 (Menjivar) - Bill Text - As Introduced on February 14, 2024

| Bill # | Author | Subject | Last Amended | Last Status - As of 2/28/2024 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|---------------------|--|--------------|---|-----------------------------------|-------------|----------|----------------------------|----------------|
| AB 593 | Haney | Carbon emission reduction strategy: building sector. | 7/13/2023 | 09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024) | 09/01/2023 - Senate 2 YEAR | | | Low | Climate Change |
| AB 1992 | Boerner | Coastal resources: coastal development permits: blue carbon demonstration projects. | | 02/12/2024 - Referred to Com. on NAT. RES. | 02/12/2024 - Assembly NAT. RES. | | | Low | Climate Change |
| AB 2008 | Wallis | Hard to Decarbonize Program. | | 02/12/2024 - Referred to Coms. on U. & E. and NAT. RES. | 02/12/2024 - Assembly U. & E. | | | Low | Climate Change |
| AB 2331 | Gabriel | Voluntary carbon market disclosures. | | 02/13/2024 - From printer. May be heard in committee March 14. | 02/12/2024 - Assembly PRINT | Intent Bill | | Low | Climate Change |
| AB 2372 | Bains | Greenhouse gas emissions: state board: report. | | 02/26/2024 - Referred to Com. on NAT. RES. | 02/26/2024 - Assembly NAT. RES. | | | Low | Climate Change |
| AB 2543 | Arambula | California Carbon Sequestration and Climate Resiliency Project Registry. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | Spot Bill | | Low | Climate Change |
| AB 2569 | Connolly | Climate change. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | Intent Bill | | Low | Climate Change |
| AB 2572 | Muratsuchi | Carbon Capture, Removal, Utilization, and Storage Program. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | Spot Bill | | Low | Climate Change |
| AB 2623 | Arambula | Carbon dioxide transport. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | Climate Change |
| AB 2732 | Papan | Climate change: childcare sector. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | Intent Bill | | Low | Climate Change |
| AB 2870 | Muratsuchi | Methane: dairy and livestock. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | Spot Bill | | Low | Climate Change |
| AB 3208 | Boerner | Greenhouse gases: methane. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | Spot Bill | | Low | Climate Change |
| AB 3230 | Petrie-Norris | Greenhouse gas emissions reduction: state agencies. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | Spot Bill | | Low | Climate Change |
| SB 308 | Becker | Carbon Dioxide Removal Market Development Act. | 5/18/2023 | 07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 6/8/2023)(May be acted upon Jan 2024) | 07/14/2023 - Assembly 2 YEAR | | | Low | Climate Change |
| SB 422 | Portantino | California Environmental Quality Act: expedited environmental review: climate change regulations. | 3/20/2023 | 09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024) | 09/14/2023 - Assembly 2 YEAR | | | Medium | Climate Change |
| SB 972 | Min | Methane emissions: organic waste: landfills. | | 02/14/2024 - Referred to Com. on E.Q. | 02/14/2024 - Senate E.Q. | | | Low | Climate Change |
| SB 1036 | Limón | Voluntary carbon offsets: business regulation. | | 02/14/2024 - Referred to Coms. on E.Q. and JUD. | 02/14/2024 - Senate E.Q. | | | Low | Climate Change |
| SB 1136 | Stern | California Global Warming Solutions Act of 2006: report. | | 02/21/2024 - Referred to Com. on E.Q. | 02/21/2024 - Senate E.Q. | | | Low | Climate Change |
| SB 1497 | Menjivar | Climate crisis: fossil fuels. | | 02/20/2024 - From printer. May be acted upon on or after March 18. | 02/16/2024 - Senate RLS. | Intent Bill | | Low | Climate Change |
| AB 124 | Committee on Budget | Energy. | 6/26/2023 | 08/14/2023 - Re-referred to Com. on B. & F.R. | 08/14/2023 - Senate BUDGET & F.R. | | | Low | Energy |
| AB 1176 | Zbur | General plans: Local Electrification Planning Act. | 5/26/2023 | 07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/14/2023)(May be acted upon Jan 2024) | 07/14/2023 - Senate 2 YEAR | | | Low | Energy |
| AB 1921 | Papan | Energy: renewable electrical generation facilities: linear generators. | | 02/05/2024 - Referred to Coms. on U. & E. and NAT. RES. | 02/05/2024 - Assembly U. & E. | | | Medium | Energy |
| AB 2092 | Mathis | Energy: small modular reactors: feasibility study. | | 02/20/2024 - Referred to Com. on U. & E. | 02/20/2024 - Assembly U. & E. | | | Low | Energy |
| AB 2495 | Muratsuchi | Electricity: state policy. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | Spot Bill | | Low | Energy |
| AB 2601 | Ramos | Energy Savings Assistance Program: energy-efficient appliances. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | Energy |
| AB 2805 | Essayli | Electricity: fixed charges: repeal. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | Energy |
| AB 2912 | Dixon | Energy: retail gasoline pricing. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | Energy |
| AB 3076 | Essayli | Energy: gas stoves. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Low | Energy |
| AB 3118 | Wallis | Solar energy: official state energy. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Low | Energy |
| SB 233 | Skinner | Battery electric vehicles and electric vehicle supply equipment: bidirectional capability. | 9/1/2023 | 09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024) | 09/14/2023 - Assembly 2 YEAR | | | Low | Energy |
| SB 438 | Caballero | Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program: incidental and unintentional residual oil production. | 6/6/2023 | 07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/26/2023)(May be acted upon Jan 2024) | 07/14/2023 - Assembly 2 YEAR | | | Low | Energy |
| SB 983 | Wahab | Energy: gasoline stations and alternative fuel infrastructure. | | 02/21/2024 - Referred to Coms. on E., U. & C. and L. GOV. | 02/21/2024 - Senate E. U., & C. | | | Low | Energy |
| SB 993 | Becker | Clean energy development incentive rate tariff. | | 02/14/2024 - Referred to Com. on E., U. & C. | 02/14/2024 - Senate E. U., & C. | | | Low | Energy |
| SB 1003 | Dodd | Electrical corporations: wildfire mitigation plans. | | 02/14/2024 - Referred to Com. on E., U. & C. | 02/14/2024 - Senate E. U., & C. | | | Low | Energy |
| SB 1006 | Padilla | Electricity: transmission capacity: reconductoring and grid enhancing technologies. | | 02/14/2024 - Referred to Com. on E., U. & C. | 02/14/2024 - Senate E. U., & C. | | | Low | Energy |

| Bill # | Author | Subject | Last Amended | Last Status - As of 2/28/2024 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|-----------------|---|--------------|---|---------------------------------------|-------------|-------------------------|----------------------------|--|
| SB 1095 | Becker | Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances. | | 02/21/2024 - Referred to Coms. on HOUSING and JUD. | 02/21/2024 - Senate HOUSING | | Air District-Sponsored | High | Energy |
| AB 2250 | Weber | Social determinants of health: screening and outreach. | | 02/26/2024 - Referred to Com. on HEALTH. | 02/26/2024 - Assembly HEALTH | | | Low | Environmental Justice |
| AB 2851 | Bonta | Metal shredding facilities: fence-line monitoring. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | Intent Bill | | Medium | Environmental Justice |
| SB 720 | Stern | Aviation: airports: report: emissions: GO-Biz. | 7/10/2023 | 07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 7/5/2023)(May be acted upon Jan 2024) | 07/14/2023 - Assembly 2 YEAR | | | Low | Environmental Justice |
| AB 985 | Arambula | San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system. | 7/6/2023 | 09/13/2023 - Assembly refused to concur in Senate amendments. Motion to reconsider made by Assembly Member Arambula. | 09/12/2023 - Assembly RECONSIDERATION | | | Low | General-Air District |
| AB 2188 | Ta | Vehicles: pollution control devices. | | 02/26/2024 - Referred to Com. on TRANS. | 02/26/2024 - Assembly TRANS. | | | Low | General-Air District |
| AB 2298 | Hart | Coastal resources: voluntary vessel speed reduction and sustainable shipping program. | | 02/26/2024 - Referred to Coms. on W., P., & W. and NAT. RES. | 02/26/2024 - Assembly W.,P. & W. | | Air-District Co-Sponsor | High | General-Air District |
| AB 2522 | Carrillo, Wendy | South Coast Air Quality Management District: district board: compensation. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | General-Air District |
| AB 3136 | Reyes | Attorney General: Bureau of Environmental Justice. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Low | General-Air District |
| SB 336 | Umberg | State grant programs: negotiated indirect cost rates. | 9/1/2023 | 09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024) | 09/14/2023 - Assembly 2 YEAR | | | Low | General-Air District |
| SB 674 | Gonzalez | Air pollution: refineries: community air monitoring systems: fence-line monitoring systems. | 9/1/2023 | 09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/14/2023)(May be acted upon Jan 2024) | 09/14/2023 - Assembly 2 YEAR | | Support | Medium | General-Air District |
| SB 1158 | Archuleta | Carl Moyer Memorial Air Quality Standards Attainment Program. | | 02/21/2024 - Referred to Coms. on E.Q. and TRANS. | 02/21/2024 - Senate E.Q. | | Propose Support | Medium | General-Air District |
| AB 627 | Jackson | Drayage trucks: voucher incentive project. | 1/22/2024 | 01/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 67. Noes 1.) In Senate. Read first time. To Com. on RLS. for assignment. | 01/29/2024 - Senate RLS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 637 | Jackson | Zero-emission vehicles: fleet owners: rental vehicles. | 9/6/2023 | 01/25/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 70. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment. | 01/25/2024 - Senate RLS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1349 | Irwin | Electric vehicle charging station networks: data fields. | 6/5/2023 | 07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. U., & C. on 6/13/2023)(May be acted upon Jan 2024) | 07/14/2023 - Senate 2 YEAR | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1567 | Garcia | Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024. | 5/26/2023 | 06/14/2023 - Referred to Coms. on N.R. & W. and GOV. & F. | 06/14/2023 - Senate N.R. & W. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 1969 | Hart | State Air Resources Board: Clean Off-Road Equipment Voucher Incentive Project: unmanned aerial systems. | | 02/20/2024 - Referred to Com. on NAT. RES. | 02/20/2024 - Assembly NAT. RES. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2061 | Wilson | Sales and Use Tax: exemptions: zero-emission public transportation ferries. | | 02/12/2024 - Referred to Com. on REV. & TAX. | 02/12/2024 - Assembly REV. & TAX | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2125 | Garcia | Youth advisory council. | 2/26/2024 | 02/27/2024 - Re-referred to Com. on NAT. RES. | 02/26/2024 - Assembly NAT. RES. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2266 | Petrie-Norris | California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility. | | 02/26/2024 - Referred to Coms. on TRANS. and NAT. RES. | 02/26/2024 - Assembly TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2401 | Ting | Clean Cars 4 All Program. | | 02/26/2024 - Referred to Coms. on TRANS. and NAT. RES. | 02/26/2024 - Assembly TRANS. | | | Medium | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2418 | Patterson, Jim | Vehicular air pollution: heavy-duty trucks. | | 02/26/2024 - Referred to Com. on TRANS. | 02/26/2024 - Assembly TRANS. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2480 | Garcia | Carl Moyer Memorial Air Quality Standards Attainment Program: grants: school buses. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2626 | Dixon | Advanced Clean Fleets regulations: local governments. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2796 | Alvarez | Equitable Access to Zero-Emissions Vehicles Fund. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 2815 | Petrie-Norris | Clean Transportation Program: electric vehicle charging infrastructure. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 3153 | Dixon | Emission standards: marine vessels: exemption. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 3243 | Ta | Vehicle registration fees: amnesty. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| ACA 2 | Alanis | Public resources: Water and Wildfire Resiliency Act of 2023. | | 04/20/2023 - Referred to Coms. on W., P., & W. and NAT. RES. | 04/20/2023 - Assembly W.,P. & W. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 301 | Portantino | Vehicular air pollution: Zero-Emission Aftermarket Conversion Project. | 9/1/2023 | 09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024) | 09/14/2023 - Assembly 2 YEAR | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 638 | Eggman | Climate Resiliency and Flood Protection Bond Act of 2024. | 6/28/2023 | 07/06/2023 - July 11 hearing postponed by committee. | 06/15/2023 - Assembly W.,P. & W. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 867 | Allen | Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024. | 6/22/2023 | 07/06/2023 - July 10 hearing postponed by committee. | 06/20/2023 - Assembly NAT. RES. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1054 | Rubio | Climate Pollution Reduction in Homes Initiative: grants. | | 02/21/2024 - Referred to Com. on E., U. & C. | 02/21/2024 - Senate E. U., & C. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |

| Bill # | Author | Subject | Last Amended | Last Status - As of 2/28/2024 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|----------------|---|--------------|---|-----------------------------------|-------------------------|------------------------|----------------------------|--|
| SB 1135 | Limón | Greenhouse Gas Reduction Fund: income taxes: credit. | | 02/21/2024 - Referred to Coms. on N.R. & W. and REV. & TAX. | 02/21/2024 - Senate N.R. & W. | | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| SB 1387 | Newman | California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project. | | 02/20/2024 - From printer. May be acted upon on or after March 18. | 02/16/2024 - Senate RLS. | Intent Bill | | Low | GGRF, Incentive Programs, Mobile Source, Cap and Trade |
| AB 817 | Pacheco | Open meetings: teleconferencing: subsidiary body. | 1/17/2024 | 01/25/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS. for assignment. | 01/25/2024 - Senate RLS. | | Support | Medium | Other |
| AB 1465 | Wicks | Nonvehicular air pollution: civil penalties. | 7/13/2023 | 09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/6/2023)(May be acted upon Jan 2024) | 09/14/2023 - Senate 2 YEAR | | Air District-Sponsored | High | Other |
| AB 1812 | Gabriel | Budget Act of 2024. | | 01/16/2024 - Referred to Com. on BUDGET. | 01/16/2024 - Assembly BUDGET | January Budget Proposal | | High | Other |
| AB 1857 | Jackson | State Air Resources Board: air quality regulation: valleys. | | 01/29/2024 - Referred to Com. on NAT. RES. | 01/29/2024 - Assembly NAT. RES. | | | Low | Other |
| AB 1864 | Connolly | Pesticides: agricultural use near schoolsites: notification and reporting. | | 02/12/2024 - Referred to Coms. on E.S. & T.M. and ED. | 02/12/2024 - Assembly E.S. & T.M. | | | Low | Other |
| AB 1866 | Hart | Oil and gas: idle wells. | | 01/29/2024 - Referred to Com. on NAT. RES. | 01/29/2024 - Assembly NAT. RES. | | | Low | Other |
| AB 1894 | Ta | Nonvehicular air pollution: civil penalties. | | 02/12/2024 - Referred to Coms. on NAT. RES. and JUD. | 02/12/2024 - Assembly NAT. RES. | | Propose Oppose | Medium | Other |
| AB 1922 | Davies | California Conservation Corps: Green Collar Certification Program. | | 02/05/2024 - Referred to Com. on NAT. RES. | 02/05/2024 - Assembly NAT. RES. | | | Low | Other |
| AB 1923 | Davies | Green Assistance Program. | | 02/05/2024 - Referred to Com. on NAT. RES. | 02/05/2024 - Assembly NAT. RES. | | | Low | Other |
| AB 2037 | Papan | Weights and measures: electric vehicle chargers. | | 02/12/2024 - Referred to Com. on P. & C.P. | 02/12/2024 - Assembly P. & C.P. | | | Low | Other |
| AB 2153 | Lowenthal | California Public Records Act: public agency employees: notice requirements: personnel and medical information. | | 02/20/2024 - Referred to Com. on JUD. | 02/20/2024 - Assembly JUD. | | | Low | Other |
| AB 2190 | Mathis | California Environmental Quality Act: expedited judicial review: infrastructure projects: hydrogen. | | 02/26/2024 - Referred to Coms. on NAT. RES. and JUD. | 02/26/2024 - Assembly NAT. RES. | | | Low | Other |
| AB 2302 | Addis | Open meetings: local agencies: teleconferences. | | 02/26/2024 - Referred to Com. on L. GOV. | 02/26/2024 - Assembly L. GOV. | | | Low | Other |
| AB 2309 | Muratsuchi | City attorney: state law: misdemeanor. | | 02/26/2024 - Referred to Com. on PUB. S. | 02/26/2024 - Assembly PUB. S. | | | Low | Other |
| AB 2394 | Grayson | California Environmental Quality Act. | | 02/13/2024 - From printer. May be heard in committee March 14. | 02/12/2024 - Assembly PRINT | Spot Bill | | Low | Other |
| AB 2453 | Villapudua | Weights and measures: electric vehicle chargers and electric vehicle supply equipment. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | Other |
| AB 2487 | Fong, Mike | Public employment: climate change. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | Intent Bill | | Low | Other |
| AB 2513 | Pellerin | Gas stoves and ranges: warning label. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | Other |
| AB 2557 | Ortega | Local agencies: legislative bodies. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | Spot Bill | | Low | Other |
| AB 2577 | Irwin | Organic waste: reduction regulations. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | Other |
| AB 2639 | Patterson, Joe | California Environmental Quality Act. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | Spot Bill | | Low | Other |
| AB 2658 | Bains | Short-lived climate pollutants: organic waste: reduction regulations: exemption. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | Other |
| AB 2675 | Low | State agencies: electronic transmission of information. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | Spot Bill | | Low | Other |
| AB 2715 | Boerner | Ralph M. Brown Act: closed sessions. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | Other |
| AB 2781 | Irwin | State grants. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | Other |
| AB 2900 | Soria | Toxic air contaminant emissions: California's central valley. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | Intent Bill | | Low | Other |
| AB 2902 | Wood | Organic waste: reduction regulations: exemptions. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | Other |
| AB 2937 | Wicks | California Environmental Quality Act: streamlined environmental reviews. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | Spot Bill | | Low | Other |
| AB 2940 | Muratsuchi | California Environmental Quality Act: environmental leadership development projects: transmission projects. | | 02/16/2024 - From printer. May be heard in committee March 17. | 02/15/2024 - Assembly PRINT | | | Low | Other |
| AB 2958 | Calderon | State Air Resources Board: board members: compensation. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Medium | Other |
| AB 3155 | Friedman | Oil and gas wells: health protection zones: civil liability. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | | | Low | Other |
| AB 3233 | Addis | Oil and gas: operations: restrictions: local authority. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | Intent Bill | | Low | Other |
| SB 312 | Wiener | California Environmental Quality Act: university housing development projects: exemption. | 1/11/2024 | 01/25/2024 - Read third time. Passed. (Ayes 34. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 01/25/2024 - Assembly DESK | | | Low | Other |

| Bill # | Author | Subject | Last Amended | Last Status - As of 2/28/2024 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|------------|---|--------------|---|-------------------------------------|-------------------------|-----------------|----------------------------|----------------|
| SB 382 | Becker | Single-family residential property: disclosures. | 1/4/2024 | 01/18/2024 - Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 01/18/2024 - Assembly DESK | | Propose Support | Medium | Other |
| SB 537 | Becker | Open meetings: multijurisdictional, cross-county agencies: teleconferences. | 9/5/2023 | 09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan. | 09/14/2023 - Assembly INACTIVE FILE | | Support | Medium | Other |
| SB 908 | Cortese | Public records: legislative records: electronic messages. | | 01/09/2024 - From printer. May be acted upon on or after February 8. | 01/08/2024 - Senate RLS. | | | Low | Other |
| SB 917 | Skinner | Budget Act of 2024. | | 01/10/2024 - Introduced. Read first time. Referred to Com. on B. & F.R. To print. | 01/10/2024 - Senate BUDGET & F.R. | January Budget Proposal | | High | Other |
| SB 967 | Padilla | University of California: pilot project: dust forecast and warning system: Imperial County and Coachella Valley. | | 02/14/2024 - Referred to Com. on ED. | 02/14/2024 - Senate ED. | | | Low | Other |
| SB 979 | Grove | Oil and gas: operations: notices of intention: written response for denied notice. | | 02/14/2024 - Referred to Com. on N.R. & W. | 02/14/2024 - Senate N.R. & W. | | | Low | Other |
| SB 1045 | Blakespear | Composting facilities. | | 02/14/2024 - Referred to Com. on E.Q. | 02/14/2024 - Senate E.Q. | | | Low | Other |
| SB 1046 | Laird | Organic waste reduction: program environmental impact report: composting facilities. | | 02/14/2024 - Referred to Com. on E.Q. | 02/14/2024 - Senate E.Q. | | | Low | Other |
| SB 1062 | Dahle | Air quality standards: idled biomass facilities: emissions technology. | | 02/21/2024 - Referred to Com. on RLS. | 02/08/2024 - Senate RLS. | Intent Bill | | Low | Other |
| SB 1087 | Grove | Oil imports: air quality emissions data. | | 02/21/2024 - Referred to Coms. on E.Q. and E., U. & C. | 02/21/2024 - Senate E.Q. | Intent Bill | | Low | Other |
| SB 1193 | Menjivar | Airports: leaded aviation gasoline. | | 02/21/2024 - Referred to Coms. on TRANS. and JUD. | 02/21/2024 - Senate TRANS. | | Propose Support | Medium | Other |
| SB 1204 | Archuleta | Planning and Zoning Law: electric vehicle charging stations. | | 02/16/2024 - From printer. May be acted upon on or after March 17. | 02/15/2024 - Senate RLS. | Spot Bill | | Low | Other |
| SB 1232 | Grove | Organic waste: reduction regulations: exemptions. | | 02/16/2024 - From printer. May be acted upon on or after March 17. | 02/15/2024 - Senate RLS. | | | Low | Other |
| SB 1298 | Cortese | Certification of thermal powerplants: data centers. | | 02/16/2024 - From printer. May be acted upon on or after March 17. | 02/15/2024 - Senate RLS. | | | Medium | Other |
| SB 1308 | Gonzalez | Ozone: indoor air cleaning devices. | | 02/16/2024 - From printer. May be acted upon on or after March 17. | 02/15/2024 - Senate RLS. | | | Low | Other |
| SB 1505 | Stern | Aircraft registration. | | 02/20/2024 - From printer. May be acted upon on or after March 18. | 02/16/2024 - Senate RLS. | | | Low | Other |
| SB 1510 | Stern | Permitting: electric vehicle charging. | | 02/20/2024 - From printer. May be acted upon on or after March 18. | 02/16/2024 - Senate RLS. | Intent Bill | | Low | Other |
| AB 6 | Friedman | Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions. | 3/16/2023 | 07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023)(May be acted upon Jan 2024) | 07/14/2023 - Senate 2 YEAR | | | Low | Transportation |
| AB 99 | Connolly | Department of Transportation: state roads and highways: integrated pest management. | 7/13/2023 | 09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024) | 09/01/2023 - Senate 2 YEAR | | | Low | Transportation |
| AB 1774 | Dixon | Vehicles: electric bicycles. | | 01/16/2024 - Referred to Com. on TRANS. | 01/16/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 1778 | Connolly | Vehicles: electric bicycles. | | 01/16/2024 - Referred to Com. on TRANS. | 01/16/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 1837 | Papan | San Francisco Bay area: public transportation. | | 01/17/2024 - From printer. May be heard in committee February 16. | 01/16/2024 - Assembly PRINT | Intent Bill | | Low | Transportation |
| AB 1953 | Villapudua | Vehicles: weight limits. | | 02/12/2024 - Referred to Com. on TRANS. | 02/12/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 2029 | Jackson | Electric vehicle charging stations: public access. | | 02/12/2024 - Referred to Coms. on TRANS. and U. & E. | 02/12/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 2147 | Mathis | Clean Transportation Program: hydrogen-fueling stations: report: job creation and workforce development. | | 02/26/2024 - Referred to Com. on TRANS. | 02/26/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 2234 | Boerner | Vehicles: electric bicycles. | | 02/26/2024 - Referred to Com. on TRANS. | 02/26/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 2290 | Friedman | Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program. | | 02/26/2024 - Referred to Com. on TRANS. | 02/26/2024 - Assembly TRANS. | | | Low | Transportation |
| AB 2325 | Lee | San Francisco Bay Area Rapid Transit District: officers: designation and appointment. | | 02/26/2024 - Referred to Com. on L. GOV. | 02/26/2024 - Assembly L. GOV. | | | Low | Transportation |
| AB 2427 | McCarty | Electric vehicle charging stations: permitting: curbside charging. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | Transportation |
| AB 2448 | Jackson | Electric Vehicle Economic Opportunity Zone: County of Riverside. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | Transportation |
| AB 2455 | Gabriel | San Francisco Bay Area Water Emergency Transportation Authority. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | Spot Bill | | Low | Transportation |
| AB 2535 | Bonta | Trade Corridor Enhancement Program. | | 02/14/2024 - From printer. May be heard in committee March 15. | 02/13/2024 - Assembly PRINT | | | Low | Transportation |
| AB 2678 | Wallis | Vehicles: high-occupancy vehicle lanes. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | | | Low | Transportation |
| AB 2697 | Irwin | Vehicles: electric vehicle charging. | | 02/15/2024 - From printer. May be heard in committee March 16. | 02/14/2024 - Assembly PRINT | Intent Bill | | Low | Transportation |
| AB 3219 | Sanchez | Advanced Clean Fleets regulations: local governments. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | Intent Bill | | Low | Transportation |
| SB 532 | Wiener | San Francisco Bay area toll bridges: tolls: transit operating expenses. | 6/29/2023 | 08/23/2023 - August 23 set for first hearing canceled at the request of author. | 07/05/2023 - Assembly APPR. | | | Low | Transportation |

| Bill # | Author | Subject | Last Amended | Last Status - As of 2/28/2024 | Location | Notes | Position | Priority (Low/Medium/High) | Category |
|-------------------------|--------------|---|--------------|---|----------------------------------|-------------|--------------------------|-------------------------------|---------------------|
| SB 768 | Caballero | California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study. | 1/11/2024 | 01/29/2024 - Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk. | 01/29/2024 - Assembly DESK | | Work with Author | Medium | Transportation |
| SB 925 | Wiener | San Francisco Bay area: local revenue measure: transportation improvements. | | 02/14/2024 - Referred to Com. on RLS. | 01/11/2024 - Senate RLS. | Intent Bill | | Low | Transportation |
| SB 926 | Wahab | San Francisco Bay area: public transportation. | | 02/14/2024 - Referred to Com. on TRANS. | 02/14/2024 - Senate TRANS. | | | Low | Transportation |
| SB 1393 | Niello | Advanced Clean Fleets Regulation Appeals Advisory Committee. | | 02/20/2024 - From printer. May be acted upon on or after March 18. | 02/16/2024 - Senate RLS. | | | Low | Transportation |
| AB 1951 | Fong, Vince | California Environmental Quality Act: exemption: roadside wildfire prevention projects. | | 02/12/2024 - Referred to Com. on NAT. RES. | 02/12/2024 - Assembly NAT. RES. | | | Low | Wildfire/Smoke/PSPS |
| AB 2330 | Holden | Endangered species: authorized take: routine fuel management activities. | | 02/26/2024 - Referred to Com. on W., P., & W. | 02/26/2024 - Assembly W.,P. & W. | | | Low | Wildfire/Smoke/PSPS |
| AB 2968 | Connolly | Wildfire prevention. | | 02/17/2024 - From printer. May be heard in committee March 18. | 02/16/2024 - Assembly PRINT | Intent Bill | | Low | Wildfire/Smoke/PSPS |
| SB 310 | Dodd | Prescribed fire: civil liability: cultural burns. | 6/28/2023 | 09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024) | 09/01/2023 - Assembly 2 YEAR | | | Low | Wildfire/Smoke/PSPS |
| SB 945 | Alvarado-Gil | The Wildfire Smoke and Health Outcomes Data Act. | | 02/14/2024 - Referred to Coms. on HEALTH and E.Q. | 02/14/2024 - Senate HEALTH | | | Low | Wildfire/Smoke/PSPS |
| SB 946 | McGuire | Wildfires: community hardening. | | 02/14/2024 - Referred to Com. on RLS. | 01/18/2024 - Senate RLS. | Intent Bill | | Low | Wildfire/Smoke/PSPS |
| SB 1176 | Niello | Wildfires: workgroup: toxic heavy metals. | | 02/21/2024 - Referred to Coms. on N.R. & W. and E.Q. | 02/21/2024 - Senate N.R. & W. | | | Low | Wildfire/Smoke/PSPS |
| Total Active Bills | | 150 | | | | | Low: Medium: High: | 131 14 5 | |

AMENDED IN SENATE JULY 13, 2023

AMENDED IN SENATE JUNE 21, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to amend Section 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 1465, as amended, Wicks. Nonvehicular air pollution: civil penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Existing law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge

contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. The bill would also require that civil penalties for a violation be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

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

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

1 SECTION 1. Section 42402.6 is added to the Health and Safety
2 Code, to read:
3 42402.6. (a) Penalties prescribed pursuant to Sections 42402,
4 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 for violations
5 shall be tripled if both of the following occur:
6 (1) The discharge is from a Title V source.
7 (2) The discharge contains or includes one or more air
8 contaminants, as identified by the state board pursuant to Section
9 ~~39567~~, 39657, and as defined in Section 39013, or as listed in the
10 Table of Standards pursuant to Section 70200 of Title 17 of the
11 California Code of Regulations.
12 (b) For purposes of this section, “source” means an
13 establishment that is located on one or more contiguous or adjacent
14 properties.
15 (c) In assessing penalties, health impacts, community
16 disruptions, and other circumstances related to the violation shall
17 be considered, pursuant to Section 42403.
18 SEC. 2. Section 42403 of the Health and Safety Code is
19 amended to read:
20 42403. (a) The civil penalties prescribed in Sections 39674,
21 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be
22 assessed and recovered in a civil action brought in the name of the
23 people of the State of California by the Attorney General, by any
24 district attorney, or by the attorney for any district in which the
25 violation occurs in any court of competent jurisdiction.

- 1 (b) In determining the amount assessed, the court, or in reaching
- 2 any settlement, the district, shall take into consideration all relevant
- 3 circumstances, including, but not limited to, the following:
- 4 (1) The extent of harm caused by the violation.
- 5 (2) The nature and persistence of the violation.
- 6 (3) The length of time over which the violation occurs.
- 7 (4) The frequency of past violations.
- 8 (5) The record of maintenance.
- 9 (6) The unproven or innovative nature of the control equipment.
- 10 (7) Any action taken by the defendant, including the nature,
- 11 extent, and time of response of the cleanup and construction
- 12 undertaken, to mitigate the violation.
- 13 (8) The financial burden to the defendant.

O

ASSEMBLY BILL

No. 1894

Introduced by Assembly Member Ta

January 23, 2024

An act to add Section 42407.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, as introduced, Ta. Nonvehicular air pollution: civil penalties.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties.

This bill would require a district to provide a person with a period of not less than 30 days to rectify a violation before the person may be subject to those civil penalties. By increasing the duties of air pollution control districts and air quality management districts, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 42407.5 is added to the Health and Safety
- 2 Code, to read:
- 3 42407.5. Before a person may be subject to civil penalties for
- 4 a violation described in this article, the district shall provide the
- 5 person an opportunity to rectify the violation. The period for
- 6 rectifying a violation shall be not less than 30 days and not more
- 7 than 60 days, except that a district, in its discretion, may provide
- 8 more than 60 days.
- 9 SEC. 2. If the Commission on State Mandates determines that
- 10 this act contains costs mandated by the state, reimbursement to
- 11 local agencies and school districts for those costs shall be made
- 12 pursuant to Part 7 (commencing with Section 17500) of Division
- 13 4 of Title 2 of the Government Code.

O

ASSEMBLY BILL

No. 2298

Introduced by Assembly Members Hart, Bennett, and Connolly
(Coauthors: Assembly Members Addis and Davies)
(Coauthor: Senator Blakespear)

February 12, 2024

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as introduced, Hart. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and would authorize

the program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, on or before December 31, 2027, to submit a report to the Legislature regarding the implementation of the program.

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) California's seaports are North America's primary intermodal
4 gateway to Asia and Transpacific trade. Maritime industry activities
5 at California's public seaports are responsible for employing more
6 than 500,000 people in the state. Nationwide, more than 2,000,000
7 jobs are linked to maritime industry business conducted at
8 California's public seaports, contributing to California having the
9 largest state economy in the United States.

10 (b) Every year, the world's largest container ships and auto
11 carriers make thousands of transits along the California coast, with
12 an estimated 120 tons per day of nitrogen dioxides, an ozone
13 precursor, being emitted within 100 nautical miles of the coast.
14 These emissions negatively affect the public health of coastal
15 communities and cause some areas of the coast to be in
16 nonattainment with the national ambient air quality standards for
17 ozone and particulate matter.

18 (c) Since 2014, the Santa Barbara County Air Pollution Control
19 District, the Ventura County Air Pollution Control District, and
20 the Bay Area Air Quality Management District, with the federal
21 Office of National Marine Sanctuaries, marine sanctuary
22 foundations, and environmental groups, have administered and
23 promoted the Blue Whales and Blue Skies Program, a voluntary
24 vessel speed reduction program off the Santa Barbara, Ventura,
25 and Bay Area coasts to encourage transit speeds of 10 knots or
26 less to reduce air pollution, the risk of harmful whale strikes, and
27 the level of ocean noise.

(d) Since its inception, through 2021, the Protecting Blue Whales and Blue Skies Program has provided small incentives and publicity to program participants and has achieved 526,211 slow speed miles, a reduction of more than 2,300 tons of nitrogen oxides, a reduction of over 76,000 metric tons of regional greenhouse gas emissions, and an estimated 50 percent decreased risk of whale strikes during prime migration season in the affected coastal areas.

(e) This highly cost-effective voluntary pollution reduction program benefits public health, protects the marine ecosystem, and showcases the beneficial partnership between shipping companies, public health agencies, marine sanctuaries, and environmental organizations.

(f) Creation of a statewide vessel speed reduction program and expansion to other areas of the California coast, including the San Diego and Monterey coasts and the North Coast, would yield additional public health and ecosystem benefits.

SEC. 2. Section 35618 is added to the Public Resources Code, to read:

35618. (a) On or before January 1, 2027, the council shall, in coordination with air pollution control districts and air quality management districts along the coast and in consultation with the federal Office of National Marine Sanctuaries, the federal Environmental Protection Agency, the United States Navy, the United States Coast Guard, the State Air Resources Board, and maritime industry, implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

(b) The program shall expand the existing Protecting Blue Whales and Blue Skies Program and may include all of the following components developed in a manner that is consistent with how the program components were developed for the Protecting Blue Whales and Blue Skies Program:

(1) A marketing program to engage cargo owners and other commercial interests to promote voluntary vessel speed reduction and sustainable shipping, and an acknowledgment of the program's participants.

(2) Data collection on ship speeds along the California coast in order to analyze the program for future refinement, expansion, or both.

1 (3) Data collection on underwater acoustic impacts or fatal
2 vessel strikes on whales, to the extent data is available.

3 (4) Data collection on the regional air quality impacts on the
4 coast and impacts to air quality in coastal disadvantaged
5 communities from oceangoing vessel traffic, as collected and
6 provided by the regional air pollution control districts and air
7 quality management districts.

8 (5) Incentives to program participants based on a percentage of
9 distance traveled by a participating vessel at a reduced speed,
10 including speed zones at 10 knots or less, to the extent that local
11 or federal funding is available.

12 (6) Development of vessel speed reduction zones along the coast
13 that take into account navigational safety, protected marine
14 mammal migration and breeding seasons, federal marine
15 sanctuaries and state marine protected areas, shipping lanes, and
16 any other relevant variables.

17 (7) Seasonality of the program.

18 (8) Description of covered vessels.

19 (c) The program shall exclude any ocean territories that are
20 covered by any vessel speed reduction program other than the
21 Protecting Blue Whales and Blue Skies Program or a memorandum
22 of understanding entered into before January 1, 2025

23 (d) The program shall only apply to vessels that are 300 gross
24 tons or greater.

25 (e) The council may impose additional qualifying criteria on
26 program participants in order to receive incentives under the
27 program, including, but not limited to, individual transit speeds,
28 such as maximum speed in transit or maximum transit average
29 speed.

30 (f) (1) On or before December 31, 2027, the council shall submit
31 a report to the Legislature regarding the implementation of the
32 program.

33 (2) The report required in paragraph (1) shall be submitted in
34 compliance with Section 9795 of the Government Code.

35 (3) Pursuant to Section 10231.5 of the Government Code, the
36 requirement for submitting a report imposed by paragraph (1) is
37 inoperative on December 31, 2031.

38 (g) The program, each component of the program, and actions
39 taken by the council to implement the program are based upon
40 voluntary actions initiated by entities pursuant to this section and

1 are not regulations as defined in Section 11342.600 of the
2 Government Code, and shall not be implemented in a way that
3 conflicts with federal law and regulations.

O

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Wendy Carrillo

February 13, 2024

An act to amend Section 40426 of the Health and Safety Code, relating to air districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as introduced, Wendy Carrillo. South Coast Air Quality Management District: district board: compensation.

Existing law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Existing law provides that the south coast district is governed by a district board consisting of 13 members and that each member of the board shall receive compensation of \$100 for each day, or portion thereof, but not to exceed \$1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties.

This bill would provide that each member of the board shall receive compensation of \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties. The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the board.

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

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

1 SECTION 1. Section 40426 of the Health and Safety Code is
2 amended to read:
3 40426. (a) Each member of the south coast district board shall
4 receive compensation of ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)*
5 for each day, or portion thereof, but not to exceed ~~one~~ *two* thousand
6 dollars ~~(\$1,000)~~ *(\$2,000)* per month, while attending meetings of
7 the south coast district board or any committee thereof or, upon
8 authorization of the south coast district board, while on official
9 business of the south coast district, and the actual and necessary
10 expenses incurred in performing the member's official duties.
11 (b) *The compensation of each member of the south coast district*
12 *board may be increased beyond the amount provided in this section*
13 *by the south coast district board, but the amount of the increase*
14 *shall not exceed the greater of either of the following:*
15 *(1) An amount equal to 5 percent for each calendar year from*
16 *the operative date of the last adjustment of the compensation.*
17 *(2) Beginning January 1, 2025, an amount not exceeding 10*
18 *percent for each calendar year that is equal to the annual change*
19 *in inflation as determined by the California Consumer Price Index.*
20 SEC. 2. The Legislature finds and declares that a special statute
21 is necessary and that a general statute cannot be made applicable
22 within the meaning of Section 16 of Article IV of the California
23 Constitution because of the need to modernize the decades old
24 nominal compensation structure unique to the south coast district
25 board to ensure board members are adequately compensated for
26 the important public service they perform.

O

AMENDED IN SENATE JANUARY 4, 2024

AMENDED IN SENATE JANUARY 3, 2024

AMENDED IN SENATE APRIL 18, 2023

SENATE BILL

No. 382

Introduced by Senator Becker

February 9, 2023

An act to add Section 1102.6i to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Becker. Single-family residential property: disclosures.

Existing law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property.

This bill would, on or after January 1, 2026, require a seller of a single-family residential property to ~~obtain a safety inspection of the building's electrical systems, as specified, and provide~~ *deliver a specified disclosure notice statement* to the prospective buyer ~~of any issues identified in the inspection that may impact the safety of the building or require the prospective buyer to upgrade or replace~~ *regarding* the electrical systems ~~to comply with building codes or health and safety codes.~~ *of the property.*

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

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

SECTION 1. Section 1102.6i is added to the Civil Code, to read:

1102.6i. (a) On or after January 1, 2026, in addition to any other disclosure required pursuant to this article, the seller of any real property subject to this article, or the seller's agent, shall ~~do both of the following:~~ *deliver to the prospective buyer a disclosure statement that provides as follows: "In a purchase of real property, it may be advisable to obtain an inspection of the electrical system(s) of any buildings, including, but not limited to, the main service panel, the subpanel(s), and wiring. Substandard, recalled, or faulty wiring may cause a fire risk and may make it difficult to obtain property insurance. Limited electrical capacity may make it difficult to support future electrical additions to the building(s), such as solar generation, electric space heating, electric water heating, or electric vehicle charging equipment."*

~~(1) Obtain a safety inspection of the building's electrical systems, including, but not limited to, all of the following:~~

~~(A) The main service panel.~~

~~(B) Subpanels.~~

~~(C) Wiring.~~

~~(2) Provide a disclosure notice to the prospective buyer of any issues identified in the safety inspection that may do either of the following:~~

~~(A) Impact the safety of the building.~~

~~(B) Require the buyer to upgrade or replace the electrical systems to comply with building codes or health and safety codes.~~

~~(b) The safety inspection shall consider, at minimum, all of the following:~~

~~(1) An electrical service panel or subpanel model that has been subject to a recall.~~

~~(2) An electrical service panel or subpanel model that is considered to be unsafe according to standard industry practice.~~

~~(3) An electrical service panel or subpanel that employs fuses instead of circuit breakers.~~

~~(4) An electrical service panel that lacks a single main disconnect breaker.~~

~~(5) An electrical service panel or subpanel with significant signs of faulty wiring, wear, corrosion, infiltration of moisture, or other~~

- 1 ~~issues that indicate the electrical panel has an elevated risk of~~
- 2 ~~malfunction.~~

O

Introduced by Senator Becker

February 12, 2024

An act to add Section 4737 to the Civil Code, and to amend Sections 17958.8, 18007, 18008, 18031.7, and 18031.8 of, to add Section 18031.9 to, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1095, as introduced, Becker. Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

(1) Existing law, the Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure.

This bill would specify that the definitions of “manufactured home” and “mobilehome” also include the plumbing, heating, air-conditioning, and electrical systems contained outside the structure.

The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified.

This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome.

This bill would provide that the act, including any regulation, rule, or bulletin adopted pursuant thereto, does not prohibit the installation of plumbing, heating, or air-conditioning systems for manufactured homes, mobilehomes, or multifamily manufactured homes from being located outside of the home if necessary to replace an existing fuel-gas-burning water heater.

(2) The act requires replacement fuel-gas-burning water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

This bill would also require replacement electric water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

The act requires fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

This bill would also require electric water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

The act required the Department of Housing and Community Development, on or before July 1, 2009, to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping.

This bill would require the department, on or before August 15, 2025, to promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping, as specified.

This bill would also require the department, if necessary, by December 31, 2025, to update rules and regulations that facilitate the use of electricity-powered space and water heating technologies for manufactured homes, mobilehomes, and multifamily manufactured homes when necessary to replace fuel-burning appliances with electric appliances.

The act provides that any person who knowingly violates any provision of the act or any rule or regulation issued pursuant to the act is guilty of a misdemeanor.

By establishing new standards applicable to the installation and replacement of electric water heaters, the bill would expand the above-mentioned crime and thus impose a state-mandated local program.

(3) The act provides that it does not prohibit the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with fuel-gas-burning ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

This bill would authorize the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with electric ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

The act requires replacement gas-fuel-burning ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

This bill would require replacement electric ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

(4) Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. The State Housing Law requires local ordinances or regulations that govern the alteration and repair of existing buildings to permit the replacement, retention, and extension of original materials and the use of original methods of constructions, provided that the portion of the building and structure complies with applicable building code provisions and the building does not become or continue to be a substandard building, as specified.

This bill would provide that the above provision regarding the use of original materials and methods of construction does not prevail over any state or local law that prohibits the use or installation of fuel-gas-burning appliances or that requires the use or installation of electric appliances.

(5) The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.

This bill would make void and unenforceable any provision of the governing documents or architectural guidelines or policies to the extent

that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(6) This bill would state that specified provisions of the bill are declaratory of existing law.

(7) 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: yes.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Cozy Homes Cleanup Act.

3 SEC. 2. Section 4737 is added to the Civil Code, to read:

4 4737. Notwithstanding any other law, any provision of the
5 governing documents or architectural guidelines or policies shall
6 be void and unenforceable to the extent that the provision prevents
7 the replacement of a fuel-gas-burning appliance with an electric
8 appliance.

9 SEC. 3. Section 17958.8 of the Health and Safety Code is
10 amended to read:

11 17958.8. (a) Local ordinances or regulations governing
12 alterations and repair of existing buildings shall permit the
13 replacement, retention, and extension of original materials and the
14 use of original methods of construction for any building or
15 accessory structure subject to this part, including a hotel,
16 lodginghouse, motel, apartment house, or dwelling, or portions
17 thereof, as long as the portion of the building and structure subject
18 to the replacement, retention, or extension of original materials
19 and the use of original methods of construction complies with the
20 building code provisions governing that portion of the building or
21 accessory structure at the time of construction, and the other rules
22 and regulations of the department or alternative local standards
23 governing that portion at the time of its construction and adopted
24 pursuant to Section 13143.2 and the building or accessory structure
25 does not become or continue to be a substandard building.

1 ***(b) This section shall not prevail over any other state or local***
2 ***law that prohibits the use or installation of fuel-gas-burning***
3 ***appliances or that requires the use or installation of electric***
4 ***appliances.***

5 SEC. 4. Section 18007 of the Health and Safety Code is
6 amended to read:

7 18007. (a) “Manufactured home,” for the purposes of this part,
8 means a structure that was constructed on or after June 15, 1976,
9 is transportable in one or more sections, is eight body feet or more
10 in width, or 40 body feet or more in length, in the traveling mode,
11 or, when erected on site, is 320 or more square feet, is built on a
12 permanent chassis and designed to be used as a single-family
13 dwelling with or without a foundation when connected to the
14 required utilities, and includes the plumbing, heating, air
15 conditioning, and electrical systems contained ~~therein~~ *within or*
16 *outside the structure.* “Manufactured home” includes any structure
17 that meets all the requirements of this paragraph except the size
18 requirements and with respect to which the manufacturer
19 voluntarily files a certification and complies with the standards
20 established under the National Manufactured Housing Construction
21 and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

22 (b) Notwithstanding any other provision of law, if a codified
23 provision of state law uses the term “manufactured home,” and it
24 clearly appears from the context that the term “manufactured home”
25 should apply only to manufactured homes, as defined under
26 subdivision (a), the codified provision shall apply only to those
27 manufactured homes. If any codified provision of state law, by its
28 context, requires that the term applies to manufactured homes or
29 mobilehomes without regard to the date of construction, the
30 codified provision shall apply to both manufactured homes, as
31 defined under subdivision (a), and mobilehomes as defined under
32 Section 18008.

33 SEC. 5. Section 18008 of the Health and Safety Code is
34 amended to read:

35 18008. (a) “Mobilehome,” for the purposes of this part, means
36 a structure that was constructed prior to June 15, 1976, is
37 transportable in one or more sections, is eight body feet or more
38 in width, or 40 body feet or more in length, in the traveling mode,
39 or, when erected onsite, is 320 or more square feet, is built on a
40 permanent chassis and designed to be used as a single-family

1 dwelling with or without a foundation system when connected to
2 the required utilities, and includes the plumbing, heating, air
3 conditioning, and electrical systems contained ~~therein~~ *within or*
4 *outside the structure*. “Mobilehome” includes any structure that
5 meets all the requirements of this paragraph and complies with the
6 state standards for mobilehomes in effect at the time of
7 construction. “Mobilehome” does not include a commercial
8 modular, as defined in Section 18001.8, factory-built housing, as
9 defined in Section 19971, a manufactured home, as defined in
10 Section 18007, a multifamily manufactured home, as defined in
11 Section 18008.7, or a recreational vehicle, as defined in Section
12 18010.

13 (b) Notwithstanding any other provision of law, if a codified
14 provision of state law uses the term “mobilehome,” and it clearly
15 appears from the context that the term “mobilehome” should apply
16 only to mobilehomes, as defined under subdivision (a), the codified
17 provision shall apply only to those mobilehomes. If any codified
18 provision of state law, by its context, requires that the term applies
19 to mobilehomes or manufactured homes without regard to the date
20 of construction, the codified provision shall apply to both
21 mobilehomes, as defined under subdivision (a), and manufactured
22 homes, as defined under Section 18007.

23 SEC. 6. Section 18031.7 of the Health and Safety Code is
24 amended to read:

25 18031.7. (a) (1) Nothing in this part shall prohibit the
26 replacement of water heaters in manufactured homes or
27 mobilehomes with *electric or* fuel-gas-burning water heaters not
28 specifically listed for use in a manufactured home or mobilehome
29 or from having hot water supplied from an approved source within
30 the manufactured home or mobilehome, or in the garage, in
31 accordance with this part or Part 2.1 (commencing with Section
32 18200).

33 ~~(b)~~

34 (2) Nothing in this part shall prohibit the replacement of
35 appliances for comfort heating in manufactured homes,
36 mobilehomes, or multifamily manufactured homes with *electric*
37 *or* fuel-gas appliances for comfort heating not specifically listed
38 for use in a manufactured home or mobilehome within the
39 manufactured home, mobilehome, or multifamily manufactured

home in accordance with this part, Part 2.1 (commencing with Section 18200), or Part 2.3 (commencing with Section 18860).

(b) Nothing in this part, nor any regulation, rule, or bulletin adopted pursuant to this part, shall prohibit the installation of plumbing, heating, or air-conditioning systems for manufactured homes, mobilehomes, or multifamily manufactured homes from being located outside of the home if necessary to replace an existing fuel-gas-burning water heater.

(c) Replacement electric or fuel-gas-burning water heaters shall be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

(d) Replacement electric or fuel-gas-burning water heaters installed in accordance with subdivision (c) shall bear a label permanently affixed in a visible location adjacent to the fuel gas inlet or electrical power source which reads, as applicable:

WARNING

This appliance is approved only for use with natural gas (NG).

OR

WARNING

This appliance is approved only for use with liquified petroleum gas (LPG).

OR

WARNING

This appliance is approved only for electrical use.

Lettering on the label shall be black on a red background and not less than $\frac{1}{4}$ inch in height except for the word “WARNING” which shall be not less than $\frac{1}{2}$ inch in height.

(e) (1) All electric or fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes installed in the state shall be seismically braced, anchored,

1 or strapped pursuant to paragraph (3) *or* (4) and shall be completed
2 before or at the time of installation of the homes.

3 (2) Any replacement *electric or* fuel-gas-burning water heater
4 appliances installed in existing mobilehomes, existing
5 manufactured homes, or existing multifamily manufactured homes
6 that are offered for sale, rent, or lease shall be seismically braced,
7 anchored, or strapped pursuant to paragraph ~~(3)~~: (3) *or* (4).

8 (3) On or before July 1, 2009, the department shall promulgate
9 rules and regulations that include standards for water heater seismic
10 bracing, anchoring, or strapping. These standards shall be
11 substantially in accordance with either the guidelines developed
12 pursuant to Section 19215 or the California Plumbing Code (Part
13 5 of Title 24 of the California Code of Regulations), and shall be
14 applicable statewide.

15 (4) *On or before August 15, 2025, the department shall*
16 *promulgate rules and regulations that include standards for electric*
17 *water heater seismic bracing, anchoring, or strapping. These*
18 *standards shall be substantially in accordance with either the*
19 *guidelines developed pursuant to Section 19215 or the California*
20 *Plumbing Code (Part 5 of Title 24 of the California Code of*
21 *Regulations), and shall be applicable statewide.*

22 ~~(4)~~

23 (5) The dealer, or manufacturer acting as a dealer, responsible,
24 as part of the purchase contract, for both the sale and installation
25 of any home subject to this subdivision shall ensure all water
26 heaters are seismically braced, anchored, or strapped in compliance
27 with this subdivision prior to completion of installation.

28 ~~(5)~~

29 (6) In the event of a sale of a home, pursuant to either paragraph
30 (1) of subdivision (e) of Section 18035 or Section 18035.26, the
31 homeowner or contractor responsible for the installation of the
32 home shall ensure all *electric or* fuel-gas-burning water heater
33 appliances are seismically braced, anchored, or strapped consistent
34 with the requirements of paragraph (3). This requirement shall be
35 satisfied when the homeowner or responsible contractor signs a
36 declaration stating each *electric or* fuel-gas-burning water heater
37 is secured as required by this section on the date the declaration
38 is signed.

39 (f) All used mobilehomes, used manufactured homes, and used
40 multifamily manufactured homes that are sold shall, on or before

1 the date of transfer of title, have the *electric or* fuel-gas-burning
2 water heater appliance or appliances seismically braced, anchored,
3 or strapped consistent with the requirements of paragraph (3) *or*
4 (4) of subdivision (e). This requirement shall be satisfied if, within
5 45 days prior to the transfer of title, the transferor signs a
6 declaration stating that each water heater appliance in the used
7 mobilehome, used manufactured home, or used multifamily
8 manufactured home is secured pursuant to paragraph (3) *or* (4) of
9 subdivision (e) on the date the declaration is signed.

10 (g) For sales of manufactured homes or mobilehomes installed
11 on real property pursuant to subdivision (a) of Section 18551, as
12 to real estate agents licensed pursuant to Division 4 (commencing
13 with Section 10000) of the Business and Professions Code, the
14 real estate licensee duty provisions of Section 8897.5 of the
15 Government Code shall apply to this section.

16 SEC. 7. Section 18031.8 of the Health and Safety Code is
17 amended to read:

18 18031.8. (a) Nothing in this part or the regulations promulgated
19 thereunder shall prohibit the replacement in manufactured homes
20 or mobilehomes of ovens, ranges, or clothes dryers with *electric*
21 *or* fuel gas burning ovens, ranges, or clothes dryers not specifically
22 listed for use in a manufactured home or mobilehome.

23 (b) Replacement *electric or* fuel gas burning ovens, ranges, or
24 clothes dryers shall be listed for residential use and installed in
25 accordance with the specifications of that listing to include tiedown
26 and bracing to prevent displacement.

27 (c) Replacement *electric or* fuel gas burning ovens, ranges, or
28 clothes dryers installed in accordance with subdivision (b) shall
29 bear a label in compliance with subdivision (c) of Section 18031.7.

30 SEC. 8. Section 18031.9 is added to the Health and Safety
31 Code, to read:

32 18031.9. The department shall, if necessary, by December 31,
33 2025, update existing rules and regulations that facilitate the use
34 of electricity-powered space and water heating technologies for
35 manufactured homes, mobilehomes, and multifamily manufactured
36 homes when necessary to replace fuel-burning appliances with
37 electric appliances.

38 SEC. 9. The amendments to Sections 17958.8, 18007, and
39 18008 of the Health and Safety Code made by this act do not
40 constitute a change in, but are declaratory of, existing law.

1 SEC. 10. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

O

Introduced by Senator Archuleta

February 14, 2024

An act to amend Sections 44287, 44299.1, and 44299.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1158, as introduced, Archuleta. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Existing law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation.

This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes.

Under the Carl Moyer Program, existing law limits the amount of moneys that a local air district may use from its allocation for indirect costs of implementation of the program. Under existing law, that limit is 6.25% of the allocated moneys for a district with a population of 1,000,000 or more and 12.5% of the allocated moneys for a district with a population of less than 1,000,000.

This bill would instead set that limit at 12.5% for all local air districts regardless of population.

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

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

1 SECTION 1. Section 44287 of the Health and Safety Code, as
2 amended by Section 121 of Chapter 131 of the Statutes of 2023,
3 is amended to read:

4 44287. (a) The state board shall establish grant criteria and
5 guidelines consistent with this chapter for covered vehicle projects
6 as soon as practicable, but not later than January 1, 2000. The
7 adoption of guidelines is exempt from the rulemaking provisions
8 of the Administrative Procedure Act, Chapter 3.5 (commencing
9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
10 Government Code. The state board shall solicit input and comment
11 from the districts during the development of the criteria and
12 guidelines and shall make every effort to develop criteria and
13 guidelines that are compatible with existing district programs that
14 are also consistent with this chapter. Guidelines shall include
15 protocols to calculate project cost-effectiveness. The grant criteria
16 and guidelines shall include safeguards to ensure that the project
17 generates surplus emissions reductions. Guidelines shall enable
18 and encourage districts to cofund projects that provide emissions
19 reductions in more than one district. The state board shall make
20 draft criteria and guidelines available to the public 45 days before
21 final adoption, and shall hold at least one public meeting to
22 consider public comments before final adoption.

23 (b) The state board, in consultation with the participating
24 districts, may propose revisions to the criteria and guidelines
25 established pursuant to subdivision (a) as necessary to improve
26 the ability of the program to achieve its goals. A proposed revision
27 shall be made available to the public 45 days before final adoption

1 of the revision and the state board shall hold at least one public
2 meeting to consider public comments before final adoption of the
3 revision.

4 (c) The state board shall reserve funds for, and disburse funds
5 to, districts from the fund for administration pursuant to this section
6 and Section 44299.1.

7 (d) The state board shall develop guidelines for a district to
8 follow in applying for the reservation of funds, in accordance with
9 this chapter. It is the intent of the Legislature that district
10 administration of any reserved funds be in accordance with the
11 project selection criteria specified in Sections 44281, 44282, and
12 44283 and all other provisions of this chapter. The guidelines shall
13 be established and published by the state board as soon as
14 practicable, but not later than January 1, 2000.

15 (e) Funds shall be reserved by the state board for administration
16 by a district that adopts an eligible program pursuant to this chapter
17 and offers matching funds at a ratio of one dollar (\$1) of matching
18 funds committed by the district or the Mobile Source Air Pollution
19 Reduction Review Committee for every two dollars (\$2) committed
20 from the fund. Funds available to the Mobile Source Air Pollution
21 Reduction Review Committee may be counted as matching funds
22 for projects in the South Coast Air Basin only if the committee
23 approves the use of these funds for matching purposes. Matching
24 funds may be any funds under the district's budget authority that
25 are committed to be expended in accordance with the program.
26 Funds committed by a port authority or a local government, in
27 cooperation with a district, to be expended in accordance with the
28 program may also be counted as district matching funds. Matching
29 funds provided by a port authority or a local government may not
30 exceed 30 percent of the total required matching funds in any
31 district that applies for more than three hundred thousand dollars
32 (\$300,000) of the state board funds. Only a district, or a port
33 authority or a local government teamed with a district, may provide
34 matching funds.

35 (f) The state board may adjust the ratio of matching funds
36 described in subdivision (e), if it determines that an adjustment is
37 necessary in order to maximize the use of, or the air quality benefits
38 provided by, the program, based on a consideration of the financial
39 resources of the district.

(g) Notwithstanding subdivision (e), a district need not provide matching funds for state board funds allocated to the district for program outreach activities pursuant to paragraph (2) of subdivision (a) of Section 44299.1.

(h) A district may include within its matching funds a reasonable estimate of direct or in-kind costs for assistance in providing program outreach and application evaluation. In-kind and direct matching funds shall not exceed 15 percent of the total matching funds offered by a district. A district may also include within its matching funds any money spent on or after February 25, 1999, that would have qualified as matching funds but were not previously claimed as matching funds.

(i) A district desiring a reservation of funds shall apply to the state board following the application guidelines established pursuant to this section. The state board shall approve or disapprove a district application not later than 60 days after receipt. Upon approval of any district application, the state board shall simultaneously approve a reservation of funding for that district to administer. Reserved funds shall be disbursed to the district so that funding of a district-approved project is not impeded.

(j) Notwithstanding any other provision of this chapter, districts and the Mobile Source Air Pollution Reduction Review Committee shall not use funds collected pursuant to Section 41081 or Chapter 7 (commencing with Section 44220), or pursuant to Section 9250.11 of the Vehicle Code, as matching funds to fund a project with stationary or portable engines, locomotives, or marine vessels.

(k) Any funds reserved for a district pursuant to this section are available to the district for a period of not more than two years from the time of reservation. Funds not expended by June 30 of the ~~second~~ *sixth* calendar year following the date of the ~~reservation~~ *disbursement* shall revert back to the state board as of that June 30, and shall be deposited in the fund for use by the program. The funds may then be redirected based on applications to the fund. Regardless of any reversion of funds back to the state board, the district may continue to request other reservations of funds for local administration. Each reservation of funds shall be accounted for separately, and unused funds from each application shall revert back to the state board as specified in this subdivision.

(l) The state board shall specify a date each year when district applications are due. If the eligible applications received in any

year oversubscribe the available funds, the state board shall reserve funds on an allocation basis, pursuant to subdivision (b) of Section 44299.1. The state board may accept a district application after the due date for a period of months specified by the state board. Funds may be reserved in response to those applications, in accordance with this chapter, out of funds remaining after the original reservation of funds for the year.

(m) Guidelines for a district application shall require information from an applicant district to the extent necessary to meet the requirements of this chapter, but shall otherwise minimize the information required of a district.

(n) A district application shall be reviewed by the state board immediately upon receipt. If the state board determines that an application is incomplete, the applicant shall be notified within 10 working days with an explanation of what is missing from the application. A completed application fulfilling the criteria shall be approved as soon as practicable, but not later than 60 working days after receipt.

(o) The state board, in consultation with the districts, shall establish project approval criteria and guidelines for infrastructure projects consistent with Section 44284 as soon as practicable, but not later than February 15, 2000. The commission shall make draft criteria and guidelines available to the public 45 days before final adoption, and shall hold at least one public meeting to consider public comments before final adoption.

(p) The state board, in consultation with the participating districts, may propose revisions to the criteria and guidelines established pursuant to subdivision (o) as necessary to improve the ability of the program to achieve its goals. A revision may be proposed at any time, or may be proposed in response to a finding made in the annual report on the program published by the state board pursuant to Section 44295. A proposed revision shall be made available to the public 45 days before final adoption of the revision and the commission shall hold at least one public meeting to consider public comments before final adoption of the revision.

(q) This section shall become operative on January 1, 2034.

SEC. 2. Section 44287 of the Health and Safety Code, as amended by Section 122 of Chapter 131 of the Statutes of 2023, is amended to read:

1 44287. (a) The state board shall establish or update grant
2 criteria and guidelines consistent with this chapter for covered
3 vehicle and infrastructure projects as soon as practicable, but not
4 later than July 1, 2017. The adoption of guidelines is exempt from
5 the rulemaking provisions of the Administrative Procedure Act
6 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
7 Division 3 of Title 2 of the Government Code). The state board
8 shall solicit input and comment from the districts during the
9 development of the criteria and guidelines and shall make every
10 effort to develop criteria and guidelines that are compatible with
11 existing district programs that are also consistent with this chapter.
12 Guidelines shall include protocols to calculate project
13 cost-effectiveness. The grant criteria and guidelines shall include
14 safeguards to ensure that the project generates surplus emissions
15 reductions. Guidelines shall enable and encourage districts to
16 cofund projects that provide emissions reductions in more than
17 one district. The state board shall make draft criteria and guidelines
18 available to the public 45 days before final adoption, and shall
19 hold at least one public meeting to consider public comments
20 before final adoption. The state board may develop separate
21 guidelines and criteria for the different types of eligible projects
22 described in subdivision (a) of Section 44281.

23 (b) The state board, in consultation with the participating
24 districts, may propose revisions to the criteria and guidelines
25 established pursuant to subdivision (a) as necessary to improve
26 the ability of the program to achieve its goals. A proposed revision
27 shall be made available to the public 45 days before final adoption
28 of the revision and the state board shall hold at least one public
29 meeting to consider public comments before final adoption of the
30 revision.

31 (c) The state board shall reserve funds for, and disburse funds
32 to, districts from the fund for administration pursuant to this section
33 and Section 44299.1.

34 (d) The state board shall develop guidelines for a district to
35 follow in applying for the reservation of funds, in accordance with
36 this chapter. It is the intent of the Legislature that district
37 administration of any reserved funds be in accordance with the
38 project selection criteria specified in Sections 44281, 44282, and
39 44283 and all other provisions of this chapter. The guidelines shall

1 be established and published by the state board as soon as
2 practicable, but not later than January 1, 2006.

3 (e) Funds shall be reserved by the state board for administration
4 by a district that adopts an eligible program pursuant to this chapter
5 and offers matching funds at a ratio of one dollar (\$1) of matching
6 funds committed by the district or the Mobile Source Air Pollution
7 Reduction Review Committee for every two dollars (\$2) committed
8 from the fund. Funds available to the Mobile Source Air Pollution
9 Reduction Review Committee may be counted as matching funds
10 for projects in the South Coast Air Basin only if the committee
11 approves the use of these funds for matching purposes. Matching
12 funds may be any funds under the district's budget authority that
13 are committed to be expended in accordance with the program.
14 Funds committed by a port authority or a local government, in
15 cooperation with a district, to be expended in accordance with the
16 program may also be counted as district matching funds. Matching
17 funds provided by a port authority or a local government shall not
18 exceed 30 percent of the total required matching funds in any
19 district that applies for more than three hundred thousand dollars
20 (\$300,000) of the state board funds. Only a district, or a port
21 authority or a local government teamed with a district, may provide
22 matching funds.

23 (f) The state board may adjust the ratio of matching funds
24 described in subdivision (e), if it determines that an adjustment is
25 necessary in order to maximize the use of, or the air quality benefits
26 provided by, the program, based on a consideration of the financial
27 resources of the district.

28 (g) Notwithstanding subdivision (e), a district need not provide
29 matching funds for state board funds allocated to the district for
30 program outreach activities pursuant to paragraph (2) of subdivision
31 (a) of Section 44299.1.

32 (h) A district may include within its matching funds a reasonable
33 estimate of direct or in-kind costs for assistance in providing
34 program outreach and application evaluation. In-kind and direct
35 matching funds shall not exceed 15 percent of the total matching
36 funds offered by a district. A district may also include within its
37 matching funds any money spent on or after February 25, 1999,
38 that would have qualified as matching funds but were not
39 previously claimed as matching funds.

(i) A district desiring a reservation of funds shall apply to the state board following the application guidelines established pursuant to this section. The state board shall approve or disapprove a district application not later than 60 days after receipt. Upon approval of any district application, the state board shall simultaneously approve a reservation of funding for that district to administer. Reserved funds shall be disbursed to the district so that funding of a district-approved project is not impeded.

(j) Any funds reserved for a district by the state board pursuant to this section are available for disbursement to the district for a period of not more than two years from the time of reservation. Funds not liquidated by a district by June 30 of the ~~fourth~~ *sixth* calendar year following the date of ~~the reservation~~ *disbursement* shall be returned to the state board within 90 days for future allocation pursuant to this chapter. Each reservation of funds shall be accounted for separately, and unused funds from each application shall revert back to the state board for use pursuant to this chapter as specified in this subdivision.

(k) The state board shall specify a date each year when district applications are due. If the eligible applications received in any year oversubscribe the available funds, the state board shall reserve funds on an allocation basis, pursuant to Section 44299.2. The state board may accept a district application after the due date for a period of months specified by the state board. Funds may be reserved in response to those applications, in accordance with this chapter, out of funds remaining after the original reservation of funds for the year.

(l) Guidelines for a district application shall require information from an applicant district to the extent necessary to meet the requirements of this chapter, but shall otherwise minimize the information required of a district.

(m) A district application shall be reviewed by the state board immediately upon receipt. If the state board determines that an application is incomplete, the applicant shall be notified within 10 working days with an explanation of what is missing from the application. A completed application fulfilling the criteria shall be approved as soon as practicable, but not later than 60 working days after receipt.

(n) The commission, in consultation with the districts, shall establish project approval criteria and guidelines for infrastructure

1 projects consistent with Section 44284 as soon as practicable, but
2 not later than February 15, 2000. The commission shall make draft
3 criteria and guidelines available to the public 45 days before final
4 adoption, and shall hold at least one public meeting to consider
5 public comments before final adoption.

6 (o) The commission, in consultation with the participating
7 districts, may propose revisions to the criteria and guidelines
8 established pursuant to subdivision (n) as necessary to improve
9 the ability of the program to achieve its goals. A revision may be
10 proposed at any time, or may be proposed in response to a finding
11 made in the annual report on the program published by the state
12 board pursuant to Section 44295. A proposed revision shall be
13 made available to the public 45 days before final adoption of the
14 revision and the commission shall hold at least one public meeting
15 to consider public comments before final adoption of the revision.

16 (p) Unclaimed funds will be allocated by the state board in
17 accordance with Section 44299.2.

18 (q) This section shall remain in effect only until January 1, 2034,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2034, deletes or extends that date.

21 SEC. 3. Section 44299.1 of the Health and Safety Code is
22 amended to read:

23 44299.1. (a) To ensure that emission reductions are obtained
24 as needed from pollution sources, any moneys deposited in the
25 fund for use by the program or appropriated to the program shall
26 be segregated and administered as follows:

27 (1) Not more than 2.5 percent of the moneys in the fund for use
28 by the program shall be allocated to program support and outreach
29 costs incurred by the state board and the commission directly
30 associated with implementing the program pursuant to this chapter.
31 These funds shall be allocated to the state board and the
32 commission in proportion to total program funds administered by
33 the state board and the commission.

34 (2) Not more than 2.5 percent of the moneys in the fund for use
35 by the program shall be allocated to direct program outreach
36 activities. The state board may use these funds for program
37 outreach contracts or may allocate outreach funds to participating
38 districts in proportion to each district's allocation from the program
39 moneys in the fund. The state board shall report on the use of

1 outreach funds in their reports to the Legislature pursuant to Section
2 44295.

3 (3) The balance shall be deposited in the fund to be expended
4 to offset added costs of new very low or zero-emission vehicle
5 technologies, and emission reducing repowers, retrofits, and add-on
6 equipment for covered vehicles and engines, and other projects
7 specified in Section 44281.

8 (b) Moneys in the fund shall be allocated to a district that
9 submits an eligible application to the state board pursuant to
10 Section 44287. The state board shall determine the maximum
11 amount of annual funding from the fund for use by the program
12 that each district may receive. This determination shall be based
13 on the population in each district as well as the relative importance
14 of obtaining covered emission reductions in each district,
15 specifically through the program.

16 ~~(e) Not more than 6.25 percent of the moneys allocated pursuant~~
17 ~~to this chapter to a district with a population of one million or more~~
18 ~~may be used by the district for indirect costs of implementation of~~
19 ~~the program, including outreach costs that are subject to the~~
20 ~~limitation in paragraph (2) of subdivision (a).~~

21 ~~(d)~~

22 (c) Not more than 12.5 percent of the moneys allocated pursuant
23 to this chapter to a district ~~with a population of less than one~~
24 ~~million~~ may be used by the district for indirect costs of
25 implementation of the program, including outreach costs that are
26 subject to the limitation in paragraph (2) of subdivision (a).

27 SEC. 4. Section 44299.2 of the Health and Safety Code is
28 amended to read:

29 44299.2. Funds shall be allocated to districts, and shall be
30 subject to administrative terms and conditions as follows:

31 (a) Available funds shall be distributed to districts taking into
32 consideration the population of the area, the severity of the air
33 quality problems experienced by the population, and the historical
34 allocation of the program funds, except that the south coast district
35 shall be allocated a percentage of the total funds available to
36 districts that is proportional to the percentage of the total state
37 population residing within the jurisdictional boundaries of that
38 district. For the purposes of this subdivision, population shall be
39 determined by the state board based on the most recent data
40 provided by the Department of Finance. The allocation to the south

1 coast district shall be subtracted from the total funds available to
2 districts. Each district, except the south coast district, shall be
3 awarded a minimum allocation of two hundred thousand dollars
4 (\$200,000), and the remainder, which shall be known as the
5 “allocation amount,” shall be allocated to all districts as follows:

6 (1) The state board shall distribute 35 percent of the allocation
7 amount to the districts in proportion to the percentage of the total
8 residual state population that resides within each district’s
9 boundaries. For purposes of this paragraph, “total residual state
10 population” means the total state population, less the total
11 population that resides within the south coast district.

12 (2) The state board shall distribute 35 percent of the allocation
13 amount to the districts in proportion to the severity of the air quality
14 problems to which each district’s population is exposed. The
15 severity of the exposure shall be calculated as follows:

16 (A) Each district shall be awarded severity points based on the
17 district’s attainment designation and classification, as most recently
18 promulgated by the federal Environmental Protection Agency for
19 the National Ambient Air Quality Standard for ozone averaged
20 over eight hours, as follows:

21 (i) A district that is designated attainment for the federal
22 eight-hour ozone standard shall be awarded one point.

23 (ii) A district that is designated nonattainment for the federal
24 eight-hour ozone standard shall be awarded severity points based
25 on classification. Two points shall be awarded for transitional,
26 basic, or marginal classifications, three points for moderate
27 classification, four points for serious classification, five points for
28 severe classification, six points for severe-17 classification, and
29 seven points for extreme classification.

30 (B) Each district shall be awarded severity points based on the
31 annual diesel particulate emissions in the air basin, as determined
32 by the state board. One point shall be awarded to the district, in
33 increments, for each 1,000 tons of diesel particulate emissions. In
34 making this determination, 0 to 999 tons shall be awarded no
35 points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
36 2,999 tons shall be awarded two points, and so forth. If a district
37 encompasses more than one air basin, the air basin with the greatest
38 diesel particulate emissions shall be used to determine the points
39 awarded to the district. The San Diego County Air Pollution
40 Control District and the Imperial County Air Pollution Control

1 District shall be awarded one additional point each to account for
2 annual diesel particulate emissions transported from Mexico.

3 (C) The points awarded under subparagraphs (A) and (B), shall
4 be added together for each district, and the total shall be multiplied
5 by the population residing within the district boundaries, to yield
6 the local air quality exposure index.

7 (D) The local air quality exposure index for each district shall
8 be summed together to yield a total state exposure index. Funds
9 shall be allocated under this paragraph to each district in proportion
10 to its local air quality exposure index divided by the total state
11 exposure index.

12 (3) The state board shall distribute 30 percent of the allocation
13 amount to the districts in proportion to the allocation of funds from
14 the program moneys in the fund, as follows:

15 (A) Because each district is awarded a minimum allocation
16 pursuant to subdivision (a), there shall be no additional minimum
17 allocation from the program historical allocation funds. The total
18 amount allocated in this way shall be subtracted from total funding
19 previously awarded to the district under the program, and the
20 remainder, which shall be known as directed funds, shall be
21 allocated pursuant to subparagraph (B).

22 (B) Each district with a population that is greater than or equal
23 to 1 percent of the state's population shall receive an additional
24 allocation based on the population of the district and the district's
25 relative share of emission reduction commitments in the state
26 implementation plan to attain the National Ambient Air Quality
27 Standard for ozone averaged over one hour. This additional
28 allocation shall be calculated as a percentage share of the directed
29 funds for each district, derived using a ratio of each district's share
30 amount to the base amount, which shall be calculated as follows:

31 (i) The base amount shall be the total program funds allocated
32 by the state board to the districts in the 2002–03 fiscal year, less
33 the total of the funds allocated through the minimum allocation to
34 each district in the 2002–03 fiscal year.

35 (ii) The share amount shall be the allocation that each district
36 received in the 2002–03 fiscal year, not including the minimum
37 allocation. There shall be one share amount for each district.

38 (iii) The percentage share shall be calculated for each district
39 by dividing the district's share amount by the base amount, and

1 multiplying the result by the total directed funds available under
2 this subparagraph.

3 (b) Funds shall be distributed as expeditiously as reasonably
4 practicable, and a report of the distribution shall be made available
5 to the public.

6 (c) All funds allocated pursuant to this section shall be liquidated
7 as provided for in the guidelines adopted pursuant to Section ~~44287~~
8 ~~by June 30 of the fourth year following the year of allocation.~~
9 ~~Funds not liquidated within the four years shall be returned to the~~
10 ~~state board within 90 days for future allocation pursuant to this~~
11 ~~chapter. 44287.~~

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**Introduced by Senator Menjivar
(Principal coauthor: Senator Stern)**

February 14, 2024

An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as introduced, Menjivar. Airports: leaded aviation gasoline.

Existing law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime.

This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided.

This bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. The bill would require the department, on or before July 1, 2025, to publish on its internet website initial guidance for airport operators regarding best airport operating practices to minimize environmental and public health impacts of lead exposure. The bill would require the department to publish updated guidance on or before July 1, 2026, as specified.

This bill would require each airport operator, on or before November 1, 2025, to submit to the department, and begin implementing, a plan

to implement the best practices identified by the department to minimize environmental impacts and public health risks associated with leaded aviation gasoline use at airports. The bill would require each airport operator, by December 1, 2026, and each December 1 thereafter, to provide a status report to the department regarding its implementation of the plan, including the status of planning and investments to facilitate the supply of unleaded aviation gasoline at the airport, except as specified. The bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to offer technical assistance to each airport operator that has not submitted a plan, or that does not implement the plan submitted to the department in the manner described in the plan.

This bill would provide that a person in violation of the prohibition on selling, distributing, or otherwise making available leaded aviation gasoline to consumers is subject to a civil penalty of up to \$1,000 per day that leaded aviation gasoline was sold, distributed, or supplied. The bill would provide that a person who remains in violation of the requirements to submit a plan or status report to the department 30 days after the offer of technical assistance by the department is subject to a civil penalty of up to \$1,000 per day of continued noncompliance. The bill would also make its provisions severable.

Because the above provisions would be a part of the State Aeronautics Act, the 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: yes.

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

1 SECTION 1. Chapter 8 (commencing with Section 21710) is
2 added to Part 1 of Division 9 of the Public Utilities Code, to read:

3

4 CHAPTER 8. LEADED AVIATION GASOLINE

5

6 21710. (a) An airport operator or aviation retail establishment
7 shall not sell, distribute, or otherwise make available leaded

1 aviation gasoline to consumers consistent with the following
2 timeline:

3 (1) Beginning January 1, 2026, for airports and aviation retail
4 establishments located in or adjacent to either of the following:

5 (A) A disadvantaged community, as identified pursuant to
6 Section 39711 of the Health and Safety Code.

7 (B) A city with a population of at least 700,000 as of January
8 1, 2024, as determined using the latest official estimate published
9 by the Department of Finance.

10 (2) Beginning January 1, 2028, for airports and aviation retail
11 establishments located in or immediately adjacent to an urban
12 growth boundary.

13 (3) Beginning January 1, 2030, for all other airports and aviation
14 retail establishments.

15 (b) For purposes of this section, “aviation retail establishment”
16 means any public or private entity that sells aviation gasoline, or
17 offers or otherwise makes available aviation gasoline to a customer,
18 including other businesses or government entities, for use in this
19 state.

20 21711. (a) The department, in consultation with the State
21 Department of Public Health and the California Environmental
22 Protection Agency, and using all available information, shall
23 identify best management practices for reducing public health and
24 environmental exposures to lead associated with airport operations.

25 (b) On or before July 1, 2025, the department shall publish on
26 its internet website initial guidance for airport operators regarding
27 best airport operating practices to minimize environmental and
28 public health impacts of lead exposure. The department shall
29 publish updated guidance on or before July 1, 2026, and may
30 periodically review and update its guidance thereafter.

31 (c) In developing the guidance pursuant to subdivision (b), the
32 department shall consider including measures to address all of the
33 following:

34 (1) Managing runup practices, including by increasing the
35 distance between runup areas and public areas on or off the airport,
36 or increasing the size of runup areas.

37 (2) Eliminating the castoff of leaded aviation gasoline, and
38 minimizing and mitigating other spills and releases of unexpended
39 leaded aviation gasoline.

40 (3) Minimizing airport employee exposures.

1 (4) Minimizing releases of leaded aviation gasoline caused by
2 refueling and maintenance activities at the airport, including
3 processes used to store and dispense aviation gasoline at the airport.

4 (5) Minimizing idle time and engine runup time.

5 (6) Educating and financially incentivizing consumers that have
6 the option to purchase and use unleaded aviation gasoline at the
7 airport to do so.

8 (d) The department may adopt rules and regulations to
9 implement, administer, and enforce the requirements of this
10 chapter.

11 21712. (a) On or before November 1, 2025, each airport
12 operator shall submit to the department, and begin implementing,
13 a plan to implement the best practices identified by the department
14 pursuant to Section 21711 designed to minimize environmental
15 impacts and public health risks associated with leaded aviation
16 gasoline use at airports.

17 (b) Each airport operator shall update its plan by the November
18 1 following an updated publication of the guidance issued by the
19 department pursuant to subdivision (b) of Section 21711.

20 (c) At minimum, each airport operator shall include in its plan
21 both of the following:

22 (1) A description of how the airport operator plans to implement
23 the operational and logistical recommendations contained in the
24 guidance issued pursuant to subdivision (b) of Section 21711.

25 (2) A plan and budget for the financing of any needed fueling
26 infrastructure improvements at the airport to enable the airport to
27 begin supplying unleaded aviation gasoline by the timelines
28 established in Section 21710.

29 (d) By December 1, 2026, and each December 1 thereafter, each
30 airport operator shall provide a status report to the department
31 regarding its implementation of the plan submitted pursuant to
32 subdivision (a), including the status of planning and investments
33 to facilitate the supply of unleaded aviation gasoline at the airport.

34 (e) The department, in consultation with the State Department
35 of Public Health and the California Environmental Protection
36 Agency, shall offer technical assistance to each airport operator
37 that has not submitted a plan pursuant to subdivision (a), or that
38 does not implement the plan submitted to the department in the
39 manner described in the plan.

1 (f) This section does not apply to the operator of an airport at
2 which leaded aviation gasoline is not sold, distributed, or otherwise
3 made available. When an airport ceases to sell, distribute, or
4 otherwise make available leaded aviation gasoline, the airport
5 operator shall notify the department within 30 days of the cessation
6 of the use of leaded aviation gasoline at the airport.

7 21713. (a) A person in violation of the requirements of Section
8 21710 is subject to a civil penalty of up to one thousand dollars
9 (\$1,000) per day that leaded aviation gasoline was sold, distributed,
10 or supplied.

11 (b) A person who remains in violation of the requirements of
12 Section 21712 30 days after the offer of technical assistance under
13 subdivision (e) of Section 21712 is subject to a civil penalty of up
14 to one thousand dollars (\$1,000) per day of continued
15 noncompliance.

16 21714. (a) If the provisions of this section are in conflict with
17 federal grant assurances in effect on or before January 1, 2025,
18 those provisions of this section shall apply to an airport operator
19 upon the expiration of those grant assurances.

20 (b) The provisions of this chapter are severable. If any provision
21 of this chapter or its application is held invalid, that invalidity shall
22 not affect other provisions or applications that can be given effect
23 without the invalid provision or application.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Board of Directors

From: Hyacinth G. Hinojosa
Deputy Executive Officer, Finance and Administration

Date: March 6, 2024

Re: Approval of an Amendment to the Employment Agreement for Executive
Officer/APCO

RECOMMENDED ACTION

Recommend the Board of Directors consider approving the attached amendment to the Employment Agreement for Executive Officer/APCO increasing the base salary by 5%.

BACKGROUND

Dr. Philip Fine has served as the Executive Officer/APCO at the Air District since February 21, 2023. On March 6, 2024, the Board of Directors will consider a base salary increase up to five percent (5%) as stipulated in the employment agreement between the Air District and Dr. Fine.

DISCUSSION

The Board will consider amending the employment contract for Executive Officer/APCO by providing up to a 5% base salary increase consistent with Executive Officer/APCO's employment agreement. The proposed amendment is included as Attachment 1.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. This salary is included in the 2024 budget under program 104.

Respectfully submitted,

Hyacinth Hinojosa
Deputy Executive Officer, Finance and Administration

Prepared by: Hyacinth Hinojosa

ATTACHMENTS:

1. Draft Amended Employment Agreement No. 2024.03.06 - BAAQMD Executive Officer_APCO

AMENDMENT TO EMPLOYMENT AGREEMENT

Executive Officer/APCO

This Amendment To Employment Agreement ("Agreement") is made and entered into on this 6th day of March, 2024, by and between the **Bay Area Air Quality Management District** (the "District") and Executive Officer/APCO **Philip M. Fine** ("Employee").

WHEREAS, the District and Employee are parties to an Agreement setting forth the terms and conditions of Employee's employment as Executive Officer/APCO, dated December 21, 2022 ("Employment Agreement");

WHEREAS, Employee has been employed as Executive Officer/APCO pursuant to the Employment Agreement since February 21, 2023;

WHEREAS, the Employment Agreement provides that Employee shall receive a one-year performance evaluation whereby the District Board will consider a salary increase of up to five percent (5%);

WHEREAS, the District Board conducted a performance evaluation of Employee which included a closed session review on March 6, 2024; and

WHEREAS, the District desires to provide Employee a five percent (5%) salary increase consistent with the favorable performance evaluation and the provisions of the Employment Agreement.

NOW, THEREFORE, the District and Employee agree to modify the Employment Agreement as follows:

1. Employee's annual base salary is increased five percent (5%) from Employee's current yearly salary effective February 20, 2024. Section 4.a. of the Employment Agreement is hereby amended to reflect the new annual base salary of \$388,500 effective February 20, 2024.
2. All other provisions of Employee's Employment Agreement remain in full force and effect without amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment to Employment Agreement which shall be effective upon the commencement date specified above.

**BAY AREA AIR QUALITY MANAGEMENT
DISTRICT**

EMPLOYEE

Davina Hurt
Board Chair

Philip M. Fine
Executive Officer/APCO