



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

DOUG KIM - CHAIR  
JOHN BAUTERS  
PAULINE RUSSO CUTTER  
SCOTT HAGGERTY  
KAREN MITCHOFF  
BRAD WAGENKNECHT

MARGARET ABE-KOGA - VICE CHAIR  
DAVID CANEPA  
JOHN GIOIA  
TYRONE JUE  
JIM SPERING

WEDNESDAY  
APRIL 24, 2019  
9:30 A.M.

1<sup>ST</sup> FLOOR YERBA BUENA ROOM #109  
375 BEALE STREET  
SAN FRANCISCO, CA 94105

**AGENDA**

1. **CALL TO ORDER - ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC MEETING PROCEDURE**

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

*This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas) at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.*

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

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

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

Staff/Phone (415) 749-

3. **APPROVAL OF THE MINUTES OF MARCH 27, 2019**

Clerk of the Boards/5073

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of March 27, 2019.*

4. **CONSIDERATION OF NEW BILLS**

A. Abbs/5109

[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will discuss and review bills and take positions where appropriate.*

5. **WILDFIRE SMOKE PUBLIC HEALTH BILL**

A. Abbs/5109

[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on the status of Assembly Bill 836 (Wicks), an Air District sponsored bill to increase the number of publicly accessible clean air spaces during emergency events such as wildfires.*

6. **SACRAMENTO LEGISLATIVE UPDATE**

A. Abbs/5109

[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on recent events of significance in Sacramento.*

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

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

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

*Any member of the Committee, 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)*

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

*Wednesday, May 22, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.*

10. **ADJOURNMENT**

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

**CONTACT:**

**MANAGER, EXECUTIVE OPERATIONS**  
**375 BEALE STREET, SAN FRANCISCO, CA 94105**  
[vjohnson@baaqmd.gov](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Legislative Committee” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Committee meeting. Any correspondence received after that time will be presented to the Committee at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](http://www.baaqmd.gov/accessibility) to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@baaqmd.gov).

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

### MONTHLY CALENDAR OF AIR DISTRICT ANTICIPATED MEETINGS

#### APRIL 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Climate Protection Committee	Monday	22	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Budget and Finance Committee	Monday	22	10:30 a.m.	1 <sup>st</sup> Floor, Board Room
Board of Directors Legislative Committee	Wednesday	24	9:30 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	25	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Stationary Source Committee	Monday	29	9:30 a.m.	1 <sup>st</sup> Floor Board Room

#### MAY 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting	Wednesday	1	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Special Meeting Budget Hearing	Wednesday	15	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Special Meeting	Wednesday	15	10:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Community and Public Health Committee	Monday	20	9:30 a.m.	1 <sup>st</sup> Floor, Board Room
Board of Directors Legislative Committee	Wednesday	22	9:30 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	23	9:30 a.m.	1 <sup>st</sup> Floor Board Room

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 19, 2019

Re: Approval of the Minutes of March 27, 2019

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of March 27, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of March 27, 2019.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Committee Meeting of March 27, 2019

## AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of March 27, 2019

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

### **DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, March 27, 2019

#### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:35.

Present: Chairperson Doug Kim; Vice Chairperson Margaret Abe-Koga; and Directors John J. Bauters, David J. Canepa, Scott Haggerty, Karen Mitchoff, and Brad Wagenknecht.

Absent: Directors Pauline Russo Cutter, John Gioia, Tyrone Jue, and Jim Spering.

Also Present: None.

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

No requests submitted.

#### **3. APPROVAL OF THE MINUTES OF FEBRUARY 28, 2019**

##### Public Comments

No requests received.

##### Committee Comments

None.

##### Committee Action

Director Mitchoff made a motion, seconded by Director Canepa, to **approve** the minutes of February 28, 2019; and the motion **carried** by the following vote of the Committee:

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

**4. UPDATE ON MARCH 8, 2019, LEGISLATIVE TOUR OF WEST OAKLAND AND MARCH 18, 2019, LEGISLATIVE HEARING ON ASSEMBLY BILL (AB) 617 PROGRAM**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, introduced Alan Abbs, Legislative Officer, and Greg Nudd, Deputy Air Pollution Control Officer of Policy, who summarized the tour of West Oakland that the Air District provided for legislative staff on March 8, 2019, as well as the Air District’s involvement at the AB 617 Oversight Hearing before the Assembly Natural Resources Committee on March 18, 2019.

Mr. Abbs reported that the tour of West Oakland was requested by the Office of the Assembly Pro-Tempore and Assembly’s Committee on Natural Resources. On March 8, 2019, legislative staff was driven through the Port of Oakland, and received a joint presentation by the West Oakland Environmental Indicators Project (WOEIP) and the Air District about local efforts on the AB 617 Community Air Protection Program.

Mr. Abbs and Mr. Nudd both spoke about the Air District’s testimony given at the Oversight Hearing before the Assembly Natural Resources Committee on March 18, 2019. Mr. Broadbent and Ms. Margaret Gordon of the WOEIP gave testimony about Community Air Protection Program implementation efforts in West Oakland and Richmond. Air District staff believes that the tour on March 8, 2019, supported the testimony that was given, which included: cancer risk data and contributing factors, building capacity and monitoring efforts, the need for continual implementation funding, and the Air District’s limited authority regarding mobile sources and land use, which prompted the Air District’s request for indirect source authority.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the delayed formation of the Richmond-San Pablo Area Community Air Monitoring Plan Steering Committee; why the organization, Communities for a Better Environment, is not participating in the Community Health Protection Program; allocation of State funds for Year-1 communities and other implementation costs; controversy over indirect source authority, and whether the Air District anticipates compliance from facilities, if granted indirect source authority; the cost of reducing emissions (per ton); and whether the Assembly’s Natural Sources Committee recognizes the need for continual implementation funding.

NOTED PRESENT: Vice Chair Abe-Koga was noted present at 9:54 a.m.



Committee Action

None; receive and file.

**5. CONSIDERATION OF NEW BILLS**

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

- **Senate Bill (SB) 44 (Skinner):** Requires the California Air Resources Board (CARB) to develop a comprehensive strategy for the deployment of medium-duty and heavy-duty vehicles that results in bringing the state into compliance with federal ambient air quality standards, a reduction of motor vehicle greenhouse gas emissions by 40% by 2030, and a reduction of motor vehicle greenhouse gas emissions by 80% by 2050. Recent amendment: ten percent of the annual proceeds of the Greenhouse Gas Reduction Fund (GGRF) would be appropriated in each annual Budget Act through the 2024–25 fiscal year to CARB for the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program to support the commercialization and deployment of medium-duty and heavy-duty vehicles that reduce greenhouse gas emissions. The Committee and Board discussed how the ten percent would be in addition to current level funding in the GGRF revenue; the risk of fully supporting this bill too soon; the Air District’s desire for CARB to include air districts when developing/before finalizing strategies; and entities that may be hindered or impacted if this bill is passed. **Staff recommendation: Support if Amended.**
- **SB 45 (Allen):** Enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which would authorize the issuance of bonds to restore fire damaged areas, reduce wildfire risk, and promote climate resiliency. The Committee and staff discussed the Air District’s desire for the bill language to be amended to include clean air centers; the difference between a “cooling center” and a “clean air center”; how much of the appropriation the Air District would receive; and whether the bill includes funding for other initiatives of interest to the Air District. **Staff recommendation: Support if Amended.**
- **AB 1744 (Salas):** Requires CARB to develop and implement an Emissions Reduction Credit Program for any regulation to reduce emissions of diesel particulate matter, oxides of nitrogen, and other criteria air pollutants from in-use, heavy-duty diesel-fueled vehicles. **Staff recommendation: Oppose.**
- **SB 69 (Wiener):** Requires CARB, in coordination with affected air districts along the coast, to develop and implement a voluntary vessel speed-reduction incentive program for the Santa Barbara Channel and San Francisco Bay area regions to reduce air pollution. By adding to the duties of air districts, the bill would impose a state-mandated local program. The Committee and staff discussed whether to advocate for incentives for bar pilots who voluntarily reduce their vessels’ near-shore speed, or save that incentive funding and advocate for mandatory near-shore speed reductions; why CARB does not

believe there is a significant-enough net greenhouse gas benefit to justify enforcing speed-reduction; the suggestion that Air District staff reaches out to bar pilots to gauge potential voluntary speed reductions; and whether the Air District or CARB has addressed the pollution from bunker fuel oil used by vessels. **Staff's original recommendation** was to **Support if Amended**, but following discussion with the Committee, Mr. Abbs said that the Air District will continue to **watch** the bill at this time.

- **AB 210 (Voepel):** Exempts from the smog check program all motor vehicles manufactured prior to the 1983. The Committee and staff discussed the “oppose” position that air districts and CARB adopted regarding this bill; and how the bill was pulled after the recent hearing held by the Assembly’s Transportation Committee.
- **AB 423 (Gloria):** Requires the San Diego County Air Pollution Control District to have a specified membership and imposes a state-mandated local program. The Committee and staff discussed the Committee’s prior concern that the Air District would be affected by this bill; Mr. Abbs’ confirmation that the Air District will not be included in this bill language and that he conveyed to the author the Air District’s desire to remain disassociated with this bill; and the Committee’s desire to watch the bill and testify, should it seem apparent that the language could expand to affect the Bay Area.
- **AB 661 (McCarty):** Requires air districts to prepare a wildfire smoke air pollution emergency plan as an informational source for local agencies and the public during a wildfire smoke air pollution emergency; authorizes air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects with respect to wildfire smoke impact control measures. impose a state-mandated local program. The Committee and staff discussed the option of adopting a position of “Oppose unless Amended”; anticipated amendments; and the difference between adopting a position of “Oppose unless Amended” and a “soft oppose”; **Staff recommendation: Watch.**
- **AB 935 (R. Rivas):** Authorizes a city or county, as part of its authority over land use permitting and after consultation with the relevant air districts, to (A) develop and adopt air monitoring plans, (B) require, after the adoption of an air monitoring plan, the installation of continuous and periodic monitoring systems for hydrocarbon emissions from non-refinery stationary sources, and (C) impose reasonable charges on non-refinery sources of hydrocarbon emissions within the city’s or county’s respective jurisdiction as necessary to cover the cost of developing, adopting, implementing, and enforcing those air monitoring plans, including the installation of continuous and periodic monitoring systems for hydrocarbon emissions from non-refinery stationary sources. **Staff recommendation: Watch.**
- **AB 1167 (Mathis):** Continually appropriates 25% of the annual proceeds of the GGRF to the Department of Forestry and Fire Protection to purchase new engines and equipment, hire new firefighters, and clear overgrowth or tree mortality and to the Firefighter Home Relief Trust Fund Program; creates the Firefighter Home Relief Trust Fund, where

moneys appropriated from the GGRF would be deposited and available for allocation under the program. The bill would no longer continuously appropriate 25% of the annual proceeds of the GGRF for certain components of a specified high-speed rail project. **Staff recommendation: Watch.**

- **AB 1589 (Salas):** Changes the Carl Moyer Memorial Air Quality Standards Attainment Program. Deems an off-road project that involves farm equipment to have a minimum project life of at least 10 years; authorizes as an eligible project under the program equipment powered by a diesel engine certified to the cleanest available emission level to replace the baseline equipment for a heavy-duty off-road equipment replacement project that involves farm equipment and the baseline equipment is powered by an uncontrolled gasoline engine. **Staff recommendation: Watch.**
  
- **SB 629 (McGuire):** (Currently) requires Air District Hearing Boards to send Notices of Hearings not less than 72 hours before the hearing to any person who requests the Notice, thereby making changes to conform the Notice provisions within the Notice provisions of the act. The Committee and staff discussed the bill’s anticipated change of topic to wineries and best available control technology. **Staff recommendation: Watch.**

NOTED PRESENT: Director Haggerty was noted present at 10:28 a.m.

Public Comments

No requests received.

Committee Action

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

- **SB 44 (Skinner)** – Support if amended.

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

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

Director Canepa motioned, and Committee Vice Chair Abe-Koga seconded, that the Committee recommend that the Board **adopt** the following position on the following bill:

- **SB 45 (Allen)** – Support if Amended.

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

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

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

— **AB 1744 (Salas)** – Oppose.

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

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

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

— **AB 423 (Gloria)** – Watch.

Director Bauters made an amendment to the motion, requesting that the Air District adopt an official WATCH position on all the bills on discussion lists prepared by staff that do not have an official recommended position. Directors Haggerty and Mitchoff approved the amendment.

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

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

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

— **AB 661 (McCarty)** – Oppose Unless Amended.

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

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

**6. AB 836 BAY AREA CLEAN AIR INCENTIVE PROGRAM**

Mr. Abbs gave an update on the status of AB 836 (Wicks), an Air District-sponsored bill to increase the number of publicly accessible clean air spaces during emergency events, such as wildfires. He reported that he spoke to ten legislators on the Assembly’s Natural Resources Committee about this bill and noticed the meager Bay Area representation on the Natural Resources Committee. Assemblymember (Committee Chair) Laura Friedman said that she planned to move the bill in two weeks.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the suggestion of asking Assemblymember Mark Stone (Santa Clara County), if he would advocate for this bill as a Bay Area representative; whether the Air District will request bill amendments, and what those might be; and the anticipated status of the bill by the time of the Air District’s next Legislative Committee meeting.

Committee Action

None; receive and file.

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

No requests received.

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

None.

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

Wednesday, April 24, 2019, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

**10. ADJOURNMENT**

The meeting adjourned at 11:07 a.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 19, 2019

Re: Consideration of New Bills

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RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Committee will discuss and review the attached list, as well as an updated list of bills introduced by the date of its meeting. The Committee will also consider any new recommendations resulting from amended bills submitted by its meeting date.

DISCUSSION

Staff will provide a brief summary of bills on the attached list, with a focus on the following bills:

***Bills Recommended for Further Monitoring***

**AB 661** is authored by Assemblymember Kevin McCarty (D-Sacramento) and was recently amended to become a wildfire smoke emergency response bill. As originally proposed, the bill had elements that would be very problematic, including a requirement that the Air District would determine local agencies that were statutorily responsible to take actions based on the Air District's emergency plan, as well determining thresholds for individual action recommendations based on indoor air quality. At the March 27, 2019, Committee meeting, the Committee had directed staff to take an "oppose unless amended" position, however the bill was amended during the Natural Resources Committee to be applicable to the Sacramento Metro Air District only, along with other amendments. Attached is the amended bill that passed out of the Committee. Staff will continue to watch this bill as it moves forward.

**SB 293** is authored by Senator Nancy Skinner (D-Oakland) and was recently amended to become a bill creating an infrastructure financing district for the City of Oakland and the Oakland A's sports facility at Howard Terminal. The intent language notes the air quality impacts of the Port of Oakland and freeways on West Oakland, and potential benefits of the development of Howard Terminal to the area. Staff is not proposing to take a position, but brings this bill to the Committee's attention as a bill of interest.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

Attachment 4A: BAAQMD Bill Discussion List – as of April 10, 2019  
Attachment 4B: 2019 Assembly Bill 661 (McCarty), as amended April 10, 2019  
Attachment 4C: 2019 Senate Bill 293 (Skinner)

# BAAQMD BILL DISCUSSION LIST

April 10, 2019

BILL NO.	AUTHOR	SUBJECT	STATUS	POSITION
AB 40	Ting	Zero Emission Vehicles: Comprehensive Strategy	Trans/Nat Res	Support
AB 126	Cooper	Air Quality Improvement Program: Clean Vehicle Rebate Program	Trans	
AB 144	Aguiar Curry	Public Resource Management: Solid Waste	Approps	
AB 148	Quirk-Silva	Regional Transportation Plans: Sustainable Community Strategies	Trans	
AB 185	Grayson	California Transportation Commission: Transportation Policies: Joint Meetings	Trans	
AB 210	Voepel	Smog Check: Exemption	Trans	Oppose
AB 254	Quirk-Silva	Alternative Fuel Vehicles: Flexible Fuel Vehicles	Trans	
AB 257	Mathis	Solid waste: Woody Biomass: Disposal	Approps	
AB 285	Friedman	California Transportation Plan	Nat Res	
AB 293	E. Garcia	Greenhouse Gases: Offset Protocols	Approps	
AB 296	Cooley	Climate Change: Climate Innovation Grant Program: Voluntary Tax Contributions	Nat Res	
AB 315	C. Garcia	Stationary Sources: Emissions Reporting (Spot)	Nat Res	
AB 343	Patterson	Forestry: Fuels Transportation Program: Biomass Energy Facility: Grant Program	Approps	
AB 345	Muratsuchi	Oil and Gas: Operations: Location Restrictions	Nat Res	
AB 352	E. Garcia	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: Investment Plan: Transformative Climate Communities Program	Approps	
AB 383	Mayes	Clean Energy Financing Clearinghouse	Approps	
AB 386	E. Garcia	Agricultural Working Poor Energy Efficient Housing Program	Approps	
AB 409	Limon	Climate Change: Agriculture: Grant Program	Approps	
AB 423	Gloria	San Diego County Air Pollution Control District: Members	Approps	
AB 457	Quirk	Occupational Safety and Health: Lead: Permissible Exposure Levels	Approps	
AB 464	C. Garcia	California Global Warming Solutions Act of 2006 (Spot)	Nat Res	
AB 470	Limon	California Green Business Program	Approps	
AB 490	Salas	CEQA: Development Projects: Streamlining	Nat Res	
AB 491	B. Rubio	Energy: Hydrogen	Util & Energy	
AB 556	Carrillo	Outdoor Experiences: Community Access Program: Grant Program	Approps	
AB 639	Cervantes	Financing Lower Carbon Emissions: Seaports	Nat Res	
AB 661	McCarty	Wildfire Smoke Air Pollution Emergency Plan	Approps	
AB 735	Melendez	Vehicular Air Pollution: Child Labor	Trans	
AB 753	E. Garcia	Alternative and Renewable Fuel and Vehicle Technology Program: Fuels	Trans	



AB 755	Holden	California Tire Fee: Stormwater Permit Compliance Fund	ES&TM	
AB 784	Mullin	Sales and Use Taxes: Transit Bus Vehicles	Rev & Tax	
AB 821	O'Donnell	Transportation: Trade Corridor Enhancement Account: Project Nomination: California Port Efficiency Program	Trans	
AB 836	Wicks	Bay Area Clean Air Incentive Program	Approps	Support
AB 839	Mullin	Climate Adaptation: Strategy: Adaptation through Resiliency, Economic vitality, and Equity Account	Nat Res	
AB 915	Mayes	California Renewables Portfolio Standards Program	U&E	
AB 935	R. Rivas	Oil and Gas: Facilities and Operations: Monitoring and Reporting	Nat Res & LG	
AB 939	Frazier	California Environmental Protection Agency: Regulations	A&AR	
AB 966	Bonta	Cement Plants	Nat Res	
AB 970	Salas	California Department of Aging: Grants: Transportation	Trans	
AB 983	Boerner Horvath	Transportation Electrification	U&E, E&C	
AB 1038	Muratsuchi	Air Quality Management Districts: Scientific and Engineering Review	Nat Res	
AB 1046	Ting	Charge Ahead California Initiative	Trans	
AB 1056	E. Garcia	Regional Transportation Plans: State Air Resources Board: Report	Trans	
AB 1100	Kamlager-Dove	Electric Vehicles: Parking Requirements	LG	
AB 1115	Quirk-Silva	State Air Resources Board: Low Carbon Fuel Standard and Regulations	Nat Res	
AB 1124	Maienschein	Employment Safety: Outdoor Works: Wildfire Smoke	Approps	
AB 1142	Friedman	Strategic Growth Council: Transportation Pilot Projects: Regional Transportation	Trans	
AB 1143	Quirk	Energy: Fuels, Technology, and Equipment for Clean Heating (TECH) Initiative	U&E, Nat Res	
AB 1149	Fong	California Environmental Quality Act (Spot)	Nat Res & Trans	
AB 1156	E. Garcia	Methane: Dairy and Livestock: Pilot Financial Mechanism	Nat Res	
AB 1167	Mathis	Greenhouse Gas Reduction Fund: High-Speed Rail: Forestry and Fire Protection	Trans	
AB 1195	O'Donnell	California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard Regulations	Nat Res	
AB 1236	Lackey	Public Resources: Greenhouse Gases: Utilities: Recycling: California Environmental Quality Act	Nat Res	
AB 1238	Cunningham	Electric Vehicle Charging Stations	Trans	
AB 1262	O'Donnell	GGRF: California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program	Trans	
AB 1276	Bonta	Green New Deal (Spot)		
AB 1284	Carrillo	Carbon Neutrality	Nat Res	
AB 1347	Boerner Horvath	Electricity: Renewable Energy and Zero-Carbon Resources: State and Local Government Buildings	U&E, Nat Res	
AB 1350	Gonzalez	Youth Transit Pass program (Spot)	Trans	

AB 1371	Cunningham	California Renewables Portfolio Standard Program: Offshore Wind Generation	U&E, Nat Res	
AB 1406	O'Donnell	Alternative and Renewable Fuel and Vehicle Technology Program	Trans	
AB 1411	Reyes	Integrated Action Plan for Sustainable Freight	Trans	
AB 1418	Chiu	Transportation Electrification: Electric School Buses	Trans, U&E	
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act	Trans	
AB 1430	E. Garcia	State Government: Public Investment Opportunities: Cost-Effectiveness Definition	Acct & Admin	
AB 1445	Gloria	Climate Change: Emergency Declaration and Policy		
AB 1463	Gabriel	California Global Warming Solutions Act of 2006 (Spot)		
AB 1500	Carrillo	Hazardous Substances	Approps	
AB 1578	L. Rivas	School Pavement to Parks Grant Program	Ed	
AB 1589	Salas	Carl Moyer Memorial Air Quality Standards Attainment Program : HD on Road Replacement	Trans	
AB 1594	Bauer-Kahan	Heavy Duty Vehicles: Electric Vehicle Charging Stations: Ports	Trans	
AB 1621	Frazier	Alternative and Renewable Fuel and Vehicle Technology Program (Spot)		
AB 1655	O'Donnell	Hydrogen Fuel	Trans	
AB 1673	Salas	California Environmental Quality Act: Judicial Challenge	Nat Res	
AB 1744	Salas	CARB: Emission Reduction Credit Program	Trans	Oppose
AB 1778	Boerner Horvath	Greenhouse Gas Reduction Fund: Investment Plan (Spot)		
AJR 7	Gloria	Green New Deal	Nat Res	
SB 1	Atkins	California Environmental, Public Health, and Worker Defense Act of 2019	Nat Res, Jud	
SB 43	Allen	Carbon Taxes	G&F	
SB 44	Skinner	Medium-Duty and Heavy-Duty Vehicles: Comprehensive Strategy	EQ, Trans	Support, if amended
SB 45	Allen	Wildfire, Drought, and Flood Protection Bond Act of 2020	G&F	Support, if amended
SB 59	Allen	Autonomous Vehicle Technology: Statewide Policy	Trans, EQ	
SB 69	Wiener	Ocean Resiliency Act of 2019	NR&W, EQ	
SB 127	Wiener	Transportation Funding: Active Transportation: Complete Streets	Trans	
SB 168	Wieckowski	Climate Change: Chief Climate Resilience Officer	NR&W	
SB 209	Dodd	Wildfire: California Wildfire Warning Center: Weather Monitoring	EU&C	
SB 210	Leyva	Heavy-Duty Vehicle Inspections and Maintenance Program	Trans	Support
SB 216	Galgiani	Carl Moyer Memorial Air Quality Standards Attainment Program: Used Heavy-Duty Truck Exchange	Trans	
SB 236	Wilk	Low Carbon Innovation Grant Program: Low Carbon Innovation Panel	Rules	
SB 293	Skinner	Infrastructure Financing Districts: Oakland Waterfront Revitalization and EJ Infrastructure Financing District	G&F	
SB 319	Moorlach	State Highways: Interstate Route 5: State Route 99: Speed Limits	Trans, EQ	

SB 369	Hertzberg	Safe Parking Program	Trans	
SB 400	Umberg	Reduction of Greenhouse Gases Emissions: Mobility Options	Trans	
SB 460	Beall	DMV Biennial Registration	Trans	
SB 498	Hurtado	Trade Corridors Improvement Fund	Rules	
SB 515	Caballero	California Renewables Portfolio Standard Program: Bioenergy Renewable Feed-in Tariff	Rules	
SB 535	Moorlach	California Global Warming Solutions Act of 2006: Scoping Plan	EQ	
SB 613	Stern	State Agency Greenhouse Gas Emissions Report Cards	Rules	
SB 629	McGuire	Air Districts: Hearing Boards: Notice Requirements (Spot)	Gov & Fin	
SB 662	Archuleta	Green Electrolytic Hydrogen	EU&C, Trans	
SB 676	Bradford	Transportation Electrification: Electric Vehicles: Grid Integration	EU&C	
SB 677	Allen	<del>California Global Warming Solutions Act of 2006 (Spot)</del>	Rules	
SB 682	Allen	Climate Change: Radiative Forcing Management Climate Accounting Protocol	NR&W	
SB 736	Umberg	Airport Greenhouse Gas Reduction Account(spot)	EQ	

AMENDED IN ASSEMBLY APRIL 10, 2019

AMENDED IN ASSEMBLY MARCH 19, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 661**

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**Introduced by Assembly Member McCarty**

February 15, 2019

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An act to add ~~Chapter 6.5 (commencing with Section 42730) to Part 4 Article 8 (commencing with Section 41090) to Chapter 11 of Part 3~~ of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 661, as amended, McCarty. Wildfire Smoke Air Pollution Emergency—~~Plan~~. *Plan: Sacramento Metropolitan Air Quality Management District.*

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would require ~~air districts~~ *the Sacramento Metropolitan Air Quality Management District* to prepare a wildfire smoke air pollution emergency plan as an informational source for local agencies and the public during a wildfire smoke air pollution emergency, as specified. The bill would authorize air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects with respect to wildfire smoke impact control measures. By requiring ~~air districts~~ *the Sacramento Metropolitan Air Quality Management District* to develop a wildfire smoke air pollution emergency plan, the bill would impose a state-mandated local program.

*This bill would make legislative findings and declarations as to the necessity of a special statute for the Sacramento Metropolitan Air Quality Management District.*

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. Chapter 6.5 (commencing with Section 42730)~~  
2     ~~is added to Part 4 of Division 26 of the Health and Safety Code,~~  
3     ~~to read:~~

4  
5     ~~CHAPTER 6.5. WILDFIRE SMOKE AIR POLLUTION EMERGENCY~~  
6                                     ~~PLAN~~  
7  
8     ~~42730.—~~

9     ~~SECTION 1. Article 8 (commencing with Section 41090) is~~  
10    ~~added to Chapter 11 of Part 3 of Division 26 of the Health and~~  
11    ~~Safety Code, to read:~~

12  
13         ~~Article 8. Wildfire Smoke Air Pollution Emergency Plan~~

14  
15     ~~41090. (a) (1) Every—~~The district shall prepare a wildfire  
16 smoke air pollution emergency plan as an informational source  
17 for local agencies and the public during a wildfire smoke air  
18 pollution emergency.

19     (2) A district shall develop the wildfire smoke air pollution  
20 emergency plan in coordination with its county health officer and  
21 in consultation with all of the following:

- 22         (A) Local offices of emergency management or emergency  
23 services.
- 24         (B) School districts.
- 25         (C) Regional planning agencies.

1 (b) The plan prepared pursuant to this section shall include, but  
2 need not be limited to, all of the following:

3 (1) Recommendations and guidelines that will be health  
4 protective during wildfire smoke air pollution emergencies that  
5 include all of the following:

6 ~~(A) Air quality thresholds for action on indoor and outdoor air  
7 quality.~~

8 (A) *Specific recommendations based on different tiers of air  
9 quality during a wildfire smoke event.*

10 (B) Strategies, protocols, and guidelines for the monitoring at  
11 schools of air quality using low-cost sensors and other air quality  
12 monitoring information.

13 (C) A short-term air quality metric that is advisory and provides  
14 details of the health effects of the wildfire smoke that occur on a  
15 time scale of less than ~~24 hours~~. *hours, subject to the approval of  
16 the state board.*

17 ~~(D) Tiered recommendations based on the intensity of the  
18 wildfire smoke air pollution emergency using different thresholds.~~

19 (2) An identification of the local agency statutorily responsible  
20 to take action at different thresholds.

21 (3) Recommendations and best practices for private businesses  
22 and public agencies to reduce or modify certain activities that  
23 contribute to the worsening of air pollution during a wildfire smoke  
24 air pollution emergency.

25 (4) Specific strategies to address vulnerable populations,  
26 including, but not limited to, all of the following:

27 (A) School-age children.

28 (B) The elderly.

29 (C) People experiencing homelessness.

30 (D) People who work outdoors.

31 (E) People with health issues that are exacerbated by a wildfire  
32 smoke air pollution emergency.

33 ~~42732.~~

34 ~~41092.~~ (a) ~~The~~ district board shall adopt the plan prepared  
35 pursuant to Section ~~42730~~ *41090* to be eligible for any available  
36 funding to implement the plan.

37 (b) ~~The~~ district may work with local agencies to implement  
38 recommendations in the plan prepared pursuant to Section ~~42730~~.  
39 *41090.*

40 ~~42734.~~ ~~A~~

1     41093. The district may conduct public education, marketing,  
2 demonstration, monitoring, research, and evaluation programs or  
3 projects with respect to wildfire smoke impact control measures.

4     SEC. 2. The Legislature finds and declares that a special statute  
5 is necessary and that a general statute cannot be made applicable  
6 within the meaning of Section 16 of Article IV of the California  
7 Constitution because of the unique circumstances faced by the  
8 Sacramento Metropolitan Air Quality Management District.

9     ~~SEC. 2.~~

10     SEC. 3. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

AMENDED IN SENATE MARCH 27, 2019

**SENATE BILL****No. 293****Introduced by Senator Skinner**

February 14, 2019

An act to ~~amend Section 53398.5 of~~ *add Section 53395.82 to the Government Code, relating to infrastructure financing districts.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 293, as amended, Skinner. ~~Infrastructure financing districts in the border development zone. districts: Oakland Waterfront Revitalization and Environmental Justice Infrastructure Financing District.~~

Existing law authorizes a legislative body of a ~~city, county, or city and county, to establish an~~ *city or county to designate one or more infrastructure financing district in the border development zone, as defined, districts, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities. Existing law requires the legislative body to perform specific actions if any dwelling units are proposed to be removed or destroyed in the course of private development or public works construction within the area of the district. capital facilities of communitywide significance. Existing law specifies procedures for the preparation and adoption of an infrastructure financing plan and the issuance of bonds by a district, including requiring that the issuance of bonds be approved by  $\frac{2}{3}$  of the voters residing within the boundaries of the district voting on the proposition. Existing law authorizes the inclusion of a provision for the division of taxes in an infrastructure financing plan. Existing law establishes certain alternative procedures for the formation and*



*financing activities of a waterfront district, as defined, in the City and County of San Francisco.*

~~This bill would make nonsubstantive changes to that latter provision.~~

*This bill would establish alternative procedures for the formation of an Oakland Waterfront Revitalization and Environmental Justice Infrastructure Financing District under these provisions. The bill would require the City Council of the City of Oakland to initiate proceedings for the formation of the district by adoption of a resolution of intention to establish the district that, among other things, directs the preparation of an infrastructure financing plan. The bill would require the infrastructure financing plan to include a provision for the division of taxes, but would prohibit the division of taxes with respect to nonconsenting affected taxing agencies and specified local educational agencies. The bill would require the city council to hold a public hearing on the infrastructure financing plan and authorize it to establish the district by adopting an ordinance. The bill would also authorize the city council to approve and issue bonds for the district by adopting a resolution that contains specified information.*

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

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. The Legislature finds and declares the following:*
- 2     *(a) The City of Oakland (hereafter referred to as the city) desires*
- 3     *to retain the Oakland Athletics professional baseball franchise in*
- 4     *the city while maximizing the economic benefit of the sports team*
- 5     *and its facilities to the city.*
- 6     *(b) The city has identified a viable site for the development of*
- 7     *a state of the art sports facility for the Oakland Athletics: Howard*
- 8     *Terminal, which is controlled by the Port of Oakland (hereafter*
- 9     *referred to as the port).*
- 10    *(c) Howard Terminal was previously used as a shipping*
- 11    *container terminal. However, the port's prior container shipping*
- 12    *tenant vacated the site in 2014 and the facilities are currently used*
- 13    *for truck parking and chassis storage. A public report prepared*
- 14    *by the port's economic consultant concluded that Howard Terminal*
- 15    *is likely to be obsolete as a container terminal due to its relatively*

1 *small size, limited expansion potential, and limited berth length*  
2 *and water depth.*

3 *(d) Howard Terminal is located adjacent to West Oakland, a*  
4 *neighborhood bounded by freeways and located in close proximity*  
5 *to the eighth largest container port in the United States. Due to*  
6 *these adjacencies, West Oakland has been highly impacted by poor*  
7 *air quality and elevated asthma rates. West Oakland has also*  
8 *suffered from a lack of recreational and commercial resources*  
9 *and higher than average unemployment. Its waterfront-adjacent*  
10 *location makes it particularly susceptible to flooding due to climate*  
11 *change and sea level rise.*

12 *(e) Given the limited potential for future maritime terminal use*  
13 *at Howard Terminal, redevelopment of the property as a site for*  
14 *the Oakland Athletics' privately financed ballpark, together with*  
15 *complementary commercial and residential uses, new public access*  
16 *to world-class waterfront parks and open spaces, remediation of*  
17 *existing soil and groundwater contaminants, and implementation*  
18 *of a community benefits package that provides jobs and economic*  
19 *development opportunities to the surrounding residents and*  
20 *neighborhoods, including West Oakland, would provide significant*  
21 *public benefits for the city, adjacent communities, and the region.*  
22 *Further, the incremental tax revenues generated by the proposed*  
23 *redevelopment of Howard Terminal will provide an additional*  
24 *source of funds for much needed infrastructure investment in the*  
25 *community, which would not be available but for the*  
26 *implementation of the proposed project.*

27 *(f) The city wishes to establish an infrastructure financing*  
28 *district to finance certain public facilities required for the*  
29 *successful redevelopment of the Howard Terminal waterfront and*  
30 *the revitalization of its West Oakland environs. It is therefore the*  
31 *intent of the Legislature to provide the city with additional latitude,*  
32 *within the framework of the laws governing infrastructure financing*  
33 *districts, to create and operate an infrastructure financing district*  
34 *in a manner that optimizes its financing options to facilitate the*  
35 *construction of much needed public facilities meeting the stated*  
36 *goals of statewide significance. In order to adapt the provisions*  
37 *of Chapter 2.8 (commencing with Section 53395) of Part 1 of*  
38 *Division 2 of Title 5 of the Government Code, relating to*  
39 *infrastructure financing districts, to these unique circumstances,*  
40 *a special act is necessary.*

1 SEC. 2. Section 53395.82 is added to the Government Code,  
2 to read:

3 53395.82. (a) This section applies only to the City of Oakland  
4 and the proposed Oakland Waterfront Revitalization and  
5 Environmental Justice Infrastructure Financing District described  
6 in this section.

7 (b) In addition to the findings and declarations in Section 53395,  
8 the Legislature further finds and declares that consolidating in a  
9 single agency the ability to capture property tax increment  
10 revenues to finance qualified public facilities in the City of Oakland  
11 will further the enjoyment of the waterfront by the people of this  
12 state.

13 (c) For purposes of this section:

14 (1) "Affected taxing entity" means any governmental taxing  
15 agency, except Oakland and its local educational agencies, that  
16 levied or had levied on its behalf a property tax on all or a portion  
17 of the land located in the proposed district in the fiscal year prior  
18 to the designation of the district, all or a portion of which the  
19 district proposes to collect in the future under its infrastructure  
20 financing plan.

21 (2) "Base year" means the fiscal year in which the assessed  
22 value of taxable property in the district was last equalized prior  
23 to the effective date of the ordinance adopted to create the district,  
24 or a subsequent fiscal year specified in the infrastructure financing  
25 plan for the district.

26 (3) "City council" means the City Council of the City of  
27 Oakland, which shall be the legislative body for any district formed  
28 under this section.

29 (4) "County auditor-controller" means the auditor-controller  
30 for the County of Alameda.

31 (5) "Debt" means loans, advances, or other forms of  
32 indebtedness and financial obligations, including, but not limited  
33 to, commercial paper, variable rate demand notes, all moneys  
34 payable in relation to the debt, and all debt service coverage  
35 requirements in any debt instrument, in addition to the obligations  
36 specified in the definition of "debt" in Section 53395.1.

37 (6) "District" or "Oakland revitalization district" means the  
38 Oakland Waterfront Revitalization and Environmental Justice  
39 Infrastructure Financing District created pursuant to this section,  
40 including any project area within the district.

1 (7) “Local educational agencies” means, collectively, the  
2 Oakland Unified School District, the Peralta Community College  
3 District, and the Alameda County Office of Education.

4 (8) “Oakland” means the City of Oakland.

5 (9) “Project” means the construction at Howard Terminal of  
6 a privately financed ballpark that will be home to the Oakland  
7 Athletics baseball franchise, together with complementary  
8 commercial, residential, and public open-space development and  
9 amenities, new public access to the waterfront, and onsite and  
10 offsite infrastructure improvements.

11 (10) “Project area” means a defined area designated for  
12 development within a waterfront district formed under this chapter  
13 in accordance with subdivision (e).

14 (11) “Public facilities” means facilities authorized to be  
15 financed in whole or in part by a district formed under this chapter  
16 in accordance with subdivision (e). Public facilities may be publicly  
17 owned or privately owned if they are available to or serve the  
18 general public, but shall not include the stadium for the Oakland  
19 Athletics baseball franchise.

20 (d) (1) The Oakland revitalization district may finance the  
21 purchase, construction, expansion, improvement, seismic retrofit,  
22 or rehabilitation of any real or other tangible property with an  
23 estimated useful life of 15 years or longer, as described in Sections  
24 53395.5 and 53396.5. The facilities need not be physically located  
25 within the boundaries of the district. Subdivision (b) of Section  
26 53395.3 shall not apply to the district, but the district shall only  
27 finance public facilities of communitywide significance.

28 (2) The district shall not finance routine maintenance, repair  
29 work, or the costs of ongoing operation or providing services of  
30 any kind.

31 (e) Notwithstanding Sections 53395.10 to 53395.25, inclusive,  
32 the city council may adopt or amend one or more infrastructure  
33 financing plans for the Oakland revitalization district according  
34 to the procedures in this section. The district may be divided into  
35 project areas, each of which may be subject to distinct limitations  
36 established under this section. The city council may, at any time,  
37 add territory to the district or amend the infrastructure financing  
38 plan for the district in accordance with the same procedures for  
39 the formation of the district and adoption of the infrastructure  
40 financing plan pursuant to this section.

1 (1) The city council shall initiate proceedings for the  
2 establishment of a district by adopting a resolution of intention to  
3 establish the proposed district that does all of the following:

4 (A) States an infrastructure financing district is proposed to be  
5 established and describes the boundaries of the proposed district.  
6 The boundaries may be described by reference to a map on file in  
7 the office of the clerk of the city council.

8 (B) States the type of public facilities proposed to be financed  
9 by the district.

10 (C) States that incremental property tax revenue from Oakland  
11 and some or all affected taxing entities within the district, but none  
12 of the local educational agencies, may be used to finance these  
13 public facilities.

14 (D) Directs the preparation of a proposed infrastructure  
15 financing plan.

16 (2) The city council shall direct the city clerk to mail a copy of  
17 the resolution of intention to any affected taxing entities.

18 (3) The proposed infrastructure financing plan shall be  
19 consistent with the general plan of Oakland, as amended from time  
20 to time, and shall include all of the following:

21 (A) A map and legal description of the proposed district, which  
22 may include all or a portion of the district designated by the board  
23 in its resolution of intention.

24 (B) A description of the public facilities required to serve the  
25 development proposed in the district, including those to be provided  
26 by the private sector, those to be provided by governmental entities  
27 without assistance under this chapter, those public facilities to be  
28 financed with assistance from the proposed district, and those to  
29 be provided jointly. The description shall include the proposed  
30 location, timing, and projected costs of the public facilities. The  
31 description may consist of a reference to the capital plan for the  
32 territory in the district that is approved by the city council, as  
33 amended from time to time.

34 (C) A financing section that shall contain all of the following:

35 (i) A provision that specifies the maximum portion of the  
36 incremental tax revenue of Oakland and of any affected taxing  
37 entity proposed to be committed to the district, and affirms that  
38 the plan will not allocate any portion of the incremental tax  
39 revenue of the local educational agencies to the district.

1 (ii) Limitations on the use of levied taxes allocated to and  
2 collected by the district that provide that incremental tax revenues  
3 allocated to a district must be used within the district for purposes  
4 authorized under this section.

5 (iii) A projection of the amount of incremental tax revenues  
6 expected to be received by the district, assuming a district receives  
7 incremental tax revenues for a period no later than 45 years after  
8 Oakland projects that the district will have received one hundred  
9 thousand dollars (\$100,000) in incremental tax revenues under  
10 this chapter. In the event that the city council divides the district  
11 into multiple project areas, the projection of the amount of  
12 incremental tax revenues expected to be received by the district  
13 shall be calculated separately for each project area.

14 (iv) Projected sources of financing for the public facilities to  
15 be assisted by the district, including debt to be repaid with  
16 incremental tax revenues, projected revenues from future leases,  
17 sales, or other transfers of any interest in land within the district,  
18 and any other legally available sources of funds. The projection  
19 of sources of financing may refer to the capital plan for the  
20 territory in the district that is approved by the city council, as  
21 amended.

22 (v) A limitation on the aggregate number of dollars of levied  
23 taxes that may be divided and allocated to the district. Taxes shall  
24 not be divided or be allocated to the district beyond this limitation,  
25 except by amendment of the infrastructure financing plan pursuant  
26 to the procedures in this subdivision. If the city council divides the  
27 district into multiple project areas, the project areas may share  
28 this limit and the limit may be divided among the project areas or  
29 a separate limit may be established for a project area.

30 (vi) A date on which the infrastructure financing plan will cease  
31 to be in effect and all tax allocations to the district will end and a  
32 date on which the district's authority to repay indebtedness with  
33 incremental tax revenues received under this chapter will end, not  
34 to exceed 45 years from the date the district has actually received  
35 one hundred thousand dollars (\$100,000) in incremental tax  
36 revenues under this chapter. After the time limits established under  
37 this subparagraph, a district shall not receive incremental tax  
38 revenues under this chapter. If the city council divides the district  
39 into multiple project areas, the city council may establish a  
40 separate time limit applicable to each project area that is shorter

1 *than the time limit on the infrastructure financing plan pursuant*  
2 *to this clause.*

3 *(vii) An analysis of the costs to Oakland for providing facilities*  
4 *and services to the district while the district is being developed*  
5 *and after the district is developed, and of the taxes, fees, charges,*  
6 *and other revenues expected to be received by Oakland as a result*  
7 *of expected development in the district.*

8 *(viii) An analysis of the projected fiscal impact of the district*  
9 *and the associated development upon any affected taxing entity.*  
10 *If no affected taxing entities exist within the district because the*  
11 *plan does not provide for collection by the district of any portion*  
12 *of property tax revenues allocated to any taxing entity other than*  
13 *Oakland, the district has no obligation to any other taxing entity*  
14 *under this subdivision.*

15 *(ix) A statement that the district will maintain accounting*  
16 *procedures in accordance, and otherwise comply, with Section*  
17 *6306 of the Public Resources Code for the term of the plan.*

18 *(D) A provision that meets the requirements of Section 53396*  
19 *providing for the division of taxes, if any, levied upon taxable*  
20 *property within the district and the allocation of a portion of the*  
21 *incremental tax revenue of Oakland and other designated affected*  
22 *taxing entities to the district.*

23 *(4) The proposed infrastructure financing plan shall be mailed*  
24 *to each affected taxing entity for review, together with, to the extent*  
25 *available, any report required by the California Environmental*  
26 *Quality Act (Division 13 (commencing with Section 21000) of the*  
27 *Public Resources Code) that pertains to the proposed public*  
28 *facilities and any proposed development project for which the*  
29 *public facilities are needed, and shall be made available for public*  
30 *inspection. The report also shall be sent to the Oakland Planning*  
31 *Department and the city council.*

32 *(5) The city council shall not enact a resolution proposing*  
33 *formation of a district and providing for the division of taxes of*  
34 *any affected taxing entities for use in the district as set forth in the*  
35 *proposed infrastructure financing plan unless the governing body*  
36 *of each affected taxing entity adopts a resolution approving the*  
37 *plan, and that resolution has been filed with the city council at or*  
38 *before the time of the hearing. A resolution approving the plan*  
39 *adopted by the governing body of an affected taxing entity shall*

1 *be deemed the affected taxing entity's agreement to participate in*  
2 *the plan for the purposes of this section.*

3 (6) *If the governing body of an affected taxing entity has not*  
4 *approved the infrastructure financing plan before the city council*  
5 *considers the plan, the city council may amend the infrastructure*  
6 *financing plan to remove the allocation of the tax revenues of the*  
7 *nonconsenting affected taxing entity.*

8 (7) *The city council shall hold a public hearing regarding the*  
9 *infrastructure financing plan that shall be scheduled on a date no*  
10 *earlier than 60 days after the plan has been sent to each affected*  
11 *taxing entity, or in the absence of any affected taxing entities, no*  
12 *earlier than 30 days after the plan has been lodged with the clerk*  
13 *of the city council. The city council shall publish notice of the*  
14 *public hearing not less than once a week for four successive weeks*  
15 *in a newspaper designated by the city council for the publication*  
16 *of official notices in Oakland, or if the city council no longer*  
17 *designates a newspaper for the publication of official notices, a*  
18 *newspaper of general circulation serving primarily Oakland*  
19 *residents. The notice shall state all of the following:*

20 (A) *That the district will be established to finance public*  
21 *facilities.*

22 (B) *Briefly describe the public facilities and the proposed*  
23 *financial arrangements, including the proposed commitment of*  
24 *incremental tax revenue.*

25 (C) *Describe the boundaries of the proposed district.*

26 (D) *The day, hour, and place when and where any persons*  
27 *having any objections to the proposed infrastructure financing*  
28 *plan, or the regularity of any of the previous proceedings, may*  
29 *appear before the board and object to the adoption of the proposed*  
30 *infrastructure financing plan by the board.*

31 (8) *At the hour set in the required notices, the city council shall*  
32 *proceed to hear and pass upon all written and oral objections.*  
33 *The hearing may be continued from time to time. The city council*  
34 *shall consider any recommendations of affected taxing entities,*  
35 *and all evidence and testimony for and against the adoption of the*  
36 *infrastructure financing plan.*

37 (9) *No election will be required to form the district, and at the*  
38 *conclusion of the hearing, the city council may adopt an ordinance*  
39 *adopting the infrastructure financing plan, as drafted or as*  
40 *modified by the city council, or it may abandon the proceedings.*



1     (10) Any public or private owner of land that is not within the  
2 district may petition the city council for inclusion of the land in  
3 the district, and the city council may grant that petition without  
4 an election.

5     (11) The ordinance creating a district and adopting or amending  
6 an infrastructure financing plan shall establish the base year for  
7 the district. The city council may amend an infrastructure financing  
8 plan by ordinance for any purpose, including, but not limited to,  
9 the following:

10    (A) Dividing an established district into one or more project  
11 areas.

12    (B) Reducing the district area.

13    (C) Expanding the district to include the petitioning landowner's  
14 land in the district in accordance with the city council's established  
15 procedures.

16     (12) Oakland may enter into an agreement for the construction  
17 of discrete portions or phases of public facilities within the district.  
18 The agreement may include any provisions that Oakland  
19 determines are necessary or convenient, but shall do all of the  
20 following:

21    (A) Identify the specific public facilities or discrete portions or  
22 phases of public facilities to be constructed and purchased.  
23 Oakland may agree to purchase discrete portions or phases of  
24 public facilities if the portions or phases are capable of serviceable  
25 use as determined by Oakland.

26    (B) Identify procedures to ensure that the public facilities are  
27 constructed pursuant to plans, standards, specifications, and other  
28 requirements as determined by Oakland.

29    (C) Specify a price or a method to determine a price for each  
30 public facility or discrete portion or phase of a public facility.

31    (D) Specify procedures for final inspection and approval of  
32 public facilities or discrete portions or phases of public facilities,  
33 for approval of payment and for acceptance and conveyance.

34    (f) Notwithstanding Sections 53397.1 to 53397.11, inclusive,  
35 the city council may approve and issue bonds for the Oakland  
36 revitalization district according to the procedures in this section.

37    (1) The city council may, by resolution adopted at the time of  
38 the formation of the district, authorize the issuance of bonds in  
39 one or more series by determining the aggregate principal amount  
40 of bonds that may be issued in the district. The city council may

1 undertake the proceedings and actions described in this subdivision  
2 with respect to the district as a whole, or separately with respect  
3 to one or more project areas. If the city council undertakes the  
4 proceedings for the district as a whole, it may thereafter, by  
5 resolution, allocate the principal amount of the authorized bond  
6 issuance to one or more project areas within the district. The city  
7 council may increase the principal amount of bonds that may be  
8 issued for the district or a project area within the district by  
9 undertaking the proceedings in this subdivision with respect to  
10 that increased amount. The bonds may be sold at a negotiated sale  
11 subject to the notice requirements of paragraph (5).

12 (2) At any time after formation of the district, the legislative  
13 body may, by a majority vote of its members, issue tax-exempt or  
14 taxable bonds in one or more series. Bonds shall be issued  
15 following adoption of a resolution containing all of the following  
16 information:

17 (A) A description of the facilities to be financed with the  
18 proceeds of the proposed bond issue.

19 (B) The estimated cost of the facilities, the estimated cost of  
20 preparing and issuing the bonds, and the principal amount of the  
21 proposed bond issuance.

22 (C) The maximum interest rate and discount on the proposed  
23 bond issuance.

24 (D) A determination of the amount of tax revenue available or  
25 estimated to be available, for the payment of the principal of, and  
26 interest on, the bonds.

27 (E) A finding that the amount necessary to pay the principal of,  
28 and interest on, the proposed bond issuance will be less than, or  
29 equal to, the amount determined pursuant to subparagraph (D).

30 (F) The issuance of the bonds in one or more series.

31 (G) The date the bonds will bear.

32 (H) The date of maturity of the bonds.

33 (I) The denomination of the bonds.

34 (J) The form of the bonds.

35 (K) The manner of execution of the bonds.

36 (L) The medium of payment in which the bonds are payable.

37 (M) The place or manner of payment and any requirements for  
38 registration of the bonds.

39 (N) The terms of call or redemption, with or without premium.

1 (3) *The city council may, by majority vote, provide for refunding*  
2 *of bonds issued pursuant to this subdivision. However, refunding*  
3 *bonds shall not be issued if the total net interest cost to maturity*  
4 *on the refunding bonds plus the principal amount of the refunding*  
5 *bonds exceeds the total net interest cost to maturity on the bonds*  
6 *to be refunded. The city council shall not extend the time to*  
7 *maturity of the bonds being refunded.*

8 (4) *The city council or any person executing the bonds shall not*  
9 *be personally liable on the bonds by reason of their issuance. The*  
10 *bonds and other obligations of a district issued pursuant to this*  
11 *chapter are not a debt of the city or of any of its political*  
12 *subdivisions, other than the district, and none of those entities,*  
13 *other than the district, shall be liable on the bonds and the bonds*  
14 *or obligations shall be payable exclusively from funds or properties*  
15 *of the district. The bonds shall contain a statement to this effect*  
16 *on their face. The bonds do not constitute an indebtedness within*  
17 *the meaning of any constitutional or statutory debt limitation.*

18 (5) *Bonds may be sold at a negotiated sale. At least five days*  
19 *before the sale, the city council shall publish notice of the sale,*  
20 *pursuant to Section 6061, in a newspaper of general circulation*  
21 *and in a financial newspaper published in the City of Oakland and*  
22 *in the City of Los Angeles. The bonds may be sold at not less than*  
23 *par to the federal government at private sale without any public*  
24 *advertisement.*

25 (6) *If any member of the city council whose signature appears*  
26 *on bonds ceases to be a member of the city council before delivery*  
27 *of the bonds, that member's signature is as effective with respect*  
28 *to those bonds as if the member had remained in office at the time*  
29 *of delivery of those bonds.*

30 (7) *Bonds issued pursuant to this subdivision are fully*  
31 *negotiable.*

32 *SEC. 3. The Legislature finds and declares that a special statute*  
33 *is necessary and that a general statute cannot be made applicable*  
34 *within the meaning of Section 16 of Article IV of the California*  
35 *Constitution because of the unique circumstances, described in*  
36 *Section 1 of this act, in the City of Oakland.*

37 ~~SECTION 1. Section 53398.5 of the Government Code is~~  
38 ~~amended to read:~~

39 ~~53398.5. It is the intent of the Legislature that the area of the~~  
40 ~~districts created be substantially undeveloped, and the~~

1 establishment of a district should not ordinarily lead to the removal  
2 of existing dwelling units. If, however, any dwelling units are  
3 proposed to be removed or destroyed in the course of private  
4 development or public works construction within the area of the  
5 district, the legislative body shall do all of the following:

6 ~~(a) Within four years of the removal or destruction, cause or~~  
7 ~~require the construction or rehabilitation, for rent or sale to persons~~  
8 ~~or families of low or moderate income, of an equal number of~~  
9 ~~replacement dwelling units at affordable housing cost, as defined~~  
10 ~~in Section 50052.5 of the Health and Safety Code, within the~~  
11 ~~territory of the district if the dwelling units removed were inhabited~~  
12 ~~by persons or families of low or moderate income, as defined in~~  
13 ~~Section 50093 of the Health and Safety Code.~~

14 ~~(b) Within four years of the removal or destruction, cause or~~  
15 ~~require the construction or rehabilitation, for rent or sale to persons~~  
16 ~~of low or moderate income, a number of dwelling units that is at~~  
17 ~~least one unit but not less than 20 percent of the total dwelling~~  
18 ~~units removed at affordable housing cost, as defined in Section~~  
19 ~~50052.5 of the Health and Safety Code, within the territory of the~~  
20 ~~district if the dwelling units removed or destroyed were not~~  
21 ~~inhabited by persons of low or moderate income, as defined in~~  
22 ~~Section 50093 of the Health and Safety Code.~~

23 ~~(c) Provide relocation assistance and make all the payments~~  
24 ~~required by Chapter 16 (commencing with Section 7260) of~~  
25 ~~Division 7 of Title 1, to persons displaced by any public or private~~  
26 ~~development occurring within the territory of the district. This~~  
27 ~~displacement shall be deemed to be the result of public action.~~

28 ~~(d) Ensure that removal or destruction of any dwelling units~~  
29 ~~occupied by persons or families of low or moderate income does~~  
30 ~~not take place unless and until there are suitable housing units, at~~  
31 ~~comparable cost to the units from which the persons or families~~  
32 ~~were displaced, available and ready for occupancy by the residents~~  
33 ~~of the units at the time of their displacement. The housing units~~  
34 ~~shall be suitable to the needs of these displaced persons or families~~  
35 ~~and shall be decent, safe, sanitary, and otherwise standard~~  
36 ~~dwelling.~~

O

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 19, 2019

Re: Wildfire Smoke Public Health Bill

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RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Assembly Bill (AB) 836 – Buffy Wicks (D-Oakland) was heard in Assembly Natural Resources on April 8, 2019, and passed out of committee on an 11-0 vote. In Committee, Assemblymember Wicks accepted amendments proposed by Natural Resources staff to expand the program statewide. The bill next goes to Assembly Appropriations, but has not been scheduled at this time. Staff will discuss next steps for the bill and timelines.

Attached is the Natural Resources Committee analysis and current bill, with amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent

Attachment 5A: 2019 Assembly Bill 836 (Wicks), as amended  
Attachment 5B: Assembly Committee on Natural Resources Analysis

AMENDED IN ASSEMBLY APRIL 11, 2019

CALIFORNIA LEGISLATURE—2019—20 REGULAR SESSION

**ASSEMBLY BILL**

**No. 836**

**Introduced by Assembly Member Wicks**  
*(Principal coauthor: Assembly Member Kalra)*  
*(Coauthor: Assembly Member Chiu)*

February 20, 2019

An act to add ~~Article 6 (commencing with Section 40280) to Chapter 4 of Part 3 of Division 26 Chapter 9.5 (commencing with Section 39960) to Part 2 of Division 26~~ of the Health and Safety Code, relating to ~~the Bay Area Air Quality Management District. nonvehicular air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 836, as amended, Wicks. ~~Bay Area Wildfire Smoke Clean Air Centers for Vulnerable Populations~~ Incentive Program.

~~(1) Existing~~

*Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma.*

This bill would establish the ~~Bay Area Wildfire Smoke Clean Air Centers for Vulnerable Populations~~ Incentive Program, to be administered by the ~~district, state board,~~ to provide funding through a

grant program to retrofit ventilation systems to create a network of clean air centers ~~within the boundaries of the district~~ in order to mitigate the adverse public health impacts due to wildfires and other smoke events, as specified. The bill would specify that moneys for the program would be available upon appropriation. ~~By adding to the duties of the Bay Area Air Quality Management District, the bill would impose a state-mandated local program.~~

(2) ~~This bill would make legislative findings and declarations as to the necessity of a special statute for the Bay Area Air Quality Management District.~~

(3) ~~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-no*.

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

1     ~~SECTION 1. Article 6 (commencing with Section 40280) is~~  
 2     ~~added to Chapter 4 of Part 3 of Division 26 of the Health and Safety~~  
 3     ~~Code, to read:~~

4  
 5             ~~Article 6. Bay Area Clean Air Incentive Program~~  
 6  
 7     ~~40280.—~~

8     ~~SECTION 1. Chapter 9.5 (commencing with Section 39960)~~  
 9     ~~is added to Part 2 of Division 26 of the Health and Safety Code,~~  
 10    ~~to read:~~

11  
 12             ~~CHAPTER 9.5 WILDFIRE SMOKE CLEAN AIR CENTERS FOR~~  
 13             ~~VULNERABLE POPULATIONS INCENTIVE PROGRAM~~

14  
 15     ~~39960. (a) (1) The Bay Area Wildfire Smoke Clean Air~~  
 16     ~~Centers for Vulnerable Populations Incentive Program is hereby~~  
 17     ~~established to be administered by the bay district state board to~~  
 18     ~~provide funding through a grant program to retrofit ventilation~~

1 systems to create a network of clean air centers ~~within the~~  
2 ~~boundaries of the bay district~~ in order to mitigate the adverse public  
3 health impacts due to wildfires and other smoke events.

4 (2) Moneys for the program shall be available upon  
5 appropriation by the Legislature.

6 (b) Qualified applicants shall include, but need not be limited  
7 to, all of the following:

8 (1) Schools.

9 (2) Community centers.

10 (3) Senior centers.

11 (4) Sports centers.

12 (5) Libraries.

13 (c) ~~The bay district~~ *state board* shall develop guidelines for the  
14 program in consultation with ~~the districts,~~ cities, counties, public  
15 health agencies, school districts, and other ~~stakeholders located~~  
16 ~~within the boundaries of the bay district.~~ *stakeholders*. The  
17 guidelines shall address all of the following:

18 (1) Location of the applicant.

19 (2) Size of the applicant's facility.

20 (3) Facility ventilation characteristics that could provide  
21 healthier indoor air quality in the event of a localized smoke  
22 impact.

23 (d) *The state board shall prioritize applications to the program*  
24 *where the project is located in an area with a high cumulative*  
25 *smoke exposure burden.*

26 ~~SEC. 2. The Legislature finds and declares that a special statute~~  
27 ~~is necessary and that a general statute cannot be made applicable~~  
28 ~~within the meaning of Section 16 of Article IV of the California~~  
29 ~~Constitution because of the unique circumstances that the Bay~~  
30 ~~Area was significantly affected by smoke impacts during the~~  
31 ~~wildfires of the last several years.~~

32 ~~SEC. 3. If the Commission on State Mandates determines that~~  
33 ~~this act contains costs mandated by the state, reimbursement to~~  
34 ~~local agencies and school districts for those costs shall be made~~  
35 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
36 ~~4 of Title 2 of the Government Code.~~



Date of Hearing: April 8, 2019

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Laura Friedman, Chair

AB 836 (Buffy Wicks) – As Introduced February 20, 2019

**SUBJECT:** Bay Area Clean Air Incentive Program

**SUMMARY:** Establishes an incentive program to be administered by the Bay Area Air Quality Management District (BAAQMD) that will provide funds to retrofit ventilation systems to create a network of clean air centers within the boundaries of BAAQMD in order to mitigate adverse health impacts due to wildfires and other smoke events.

**EXISTING LAW:**

- 1) Establishes the Air Resources Board (ARB) as the air pollution control agency in California and requires the ARB, among other things, to control emissions from a wide array of mobile sources and coordinate with local air districts to control emissions from stationary sources in order to implement the federal Clean Air Act.
- 2) Provides for regular and consolidated reporting of emissions from major stationary sources by requiring ARB to establish a uniform statewide system of annual reporting of criteria pollutants and toxic air contaminants, including reporting by sources of facility-level emissions data and third-party verification.
- 3) Requires, subject to the powers and duties of the ARB, the local air districts to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction, and to enforce all applicable provisions of state and federal law.
- 4) Requires air districts to develop plans, as specified, and submit those plans to ARB detailing how they will achieve state air quality standards.
- 5) Requires the ARB to develop a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden.
- 6) Requires the strategy described above to include criteria for the development of community emissions reductions programs (CERPs), and requires the criteria to include, but not be limited to:
  - a) An assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants.
  - b) A methodology for assessing and identifying the contributing sources, including, but not limited to, stationary and mobile sources.
  - c) An assessment of whether an air district should update and implement the risk reduction audit and emissions reduction plan for any facility to achieve emissions reductions commensurate with its relative contribution, if the facility's emissions either cause or

significantly contribute to a material impact on a sensitive receptor location or disadvantaged community.

- d) An assessment of the existing and available measures for reducing emissions from contributing sources.
- 7) Requires, by July 1, 2019, an air district to deploy community air monitoring systems in communities identified by the process described above that have high exposure burdens for toxic air contaminants and criteria air pollutants.
- 8) Defines disadvantaged communities, for investment opportunities related to Greenhouse Gas Reduction Fund investments, based on geographic socioeconomic, public health, and environmental hazard criteria.
- 9) Defines sensitive receptors as schools, daycare centers, hospitals, and other locations an air district or ARB may determine.
- 10) Establishes school modernization appointment funds, which may be used for improvements to extend the useful life of, or to enhance the physical environment of, the school.

**THIS BILL:**

- 1) Establishes the Bay Area Clean Air Incentive Program, to be administered by the BAAQMD, which will provide funding through a grant program to retrofit ventilation systems and create a network of clean air centers within the boundaries of the BAAQMD, in order to mitigate the adverse public health impacts due to wildfires and other smoke events.
- 2) Specifies that money for the incentive program will be available upon appropriation by the Legislature.
- 3) Establishes that qualified applicants for the incentive programs shall include, but need not be limited to schools, community centers, senior centers, sports centers, and libraries.
- 4) Directs BAAQMD to develop guidelines for the incentive program in consultation with the cities, counties, public health agencies, school districts, and other stakeholders to address all of the following:
  - a) Location of the applicant;
  - b) Size of the applicant's facility; and
  - c) Facility ventilation characteristics that could provide healthier indoor air quality in the event of a localized smoke impact.

**FISCAL EFFECT:** Unknown

**COMMENTS:****1) Author's statement.**

In the past few years, wildfires in California have burned over 1.5 million acres of public and private forest land and destroyed over 24,000 homes.

The 2017 and 2018 wildfires demonstrated how catastrophic wildfire events impact the quality of air for residents, even those who live hundreds of miles away from the burned area. This toxic air, which often contains elevated levels of wood smoke and contaminants from burned structures, vehicles, and consumer products, can travel the length of the state, causing negative health impacts to children, elderly, and individuals with existing respiratory problems.

The health impact of such wildfire smoke can be devastating. According to the Centers for Disease Control and Prevention (CDC), people who have heart or lung diseases, chest pain, or asthma are at higher risk from wildfire smoke. The CDC also notes that older adults are more likely to be affected by smoke due to their increased risk of heart and lung diseases. Moreover, children are more likely to be affected by smoke because their airways are still developing and they breathe more air per pound of body weight than adults.

In addition, Bay Area residents are especially vulnerable to wildfire smoke and contaminated air because of the high prevalence of asthma in the region. As data from the California Department of Health show, six of the Bay Area's nine counties have a higher prevalence of asthma than the state average.

AB 836 will create a pilot program in the Bay Area that provides designated ventilated spaces to the public during emergency air quality events.

- 2) Bay area wildfires pollution impacts.** Many of the wildfires over the last two years have severely impacted the air quality in the nine counties that define the Bay Area. Sixteen of the 20 worst air quality days ever recorded in the Bay Area since 1999 have been due to wildfires, due to elevated levels of wood smoke, and toxic air contaminants from burned structures, vehicles, and consumer products.
- 3) Health impacts of air pollution.** Air pollution, particularly ozone and particulate pollution, poses significant risks to human health, including premature death, reproductive harm, asthma, lung cancer, cardiovascular disease, and more.

Air pollution can have particularly significant impacts on children's health. Eighty percent of a child's alveoli, where the transfer of oxygen to blood occurs, develop after birth, and lungs and alveoli aren't fully developed until adulthood. Children are also generally more active than adults and are outside for more hours per day on average, increasing their exposure to air pollution. The Southern California Children's Health study tracked 1,759 children between the ages of 10 and 18 from 1993 to 2001 and found that the decrease in lung function associated with growing up in polluted areas was similar to that of children raised in households with parents who smoked. A follow-up study of 863 children in the same area between the years of 2007 and 2011, when air quality had significantly improved compared to the period from 1993 to 2001, found that the population studied had significantly greater lung function than the first study cohort, demonstrating the impact that air quality improvements can have on human health.

Pollution exposure also increases the probability that children will develop other respiratory symptoms or suffer from impaired development of their nervous, endocrine, and immune systems. These health risks are often disproportionately concentrated in low-income areas and communities of color. A 2015 study on school campuses in the Sacramento region found that increased student exposure to emissions from road traffic was positively correlated with the percentage of the student population that was non-white or low income.

- 4) **Public health impacts of wildfire smoke exposure.** Wildfires expose populations to a number of environmental hazards, e.g., fire, smoke, and the byproducts of combustion of wood, as well as plastics and other chemicals that can be released from burning structures and furnishings. Particulate matter (PM) exposure is the principal public health threat from short-term exposures to wildfire smoke. The effects of smoke range from eye and respiratory tract irritation to more serious disorders, including reduced lung function, bronchitis, exacerbation of asthma and heart failure, and premature death. Studies have found that short-term exposures (i.e., days to weeks) to fine particles, a major component of smoke, are linked with increased premature mortality and aggravation of preexisting respiratory and cardiovascular disease. Children, pregnant women, and elderly are also especially vulnerable to smoke exposure. In addition, fine particles are respiratory irritants. Exposures to fine particles can also affect healthy people, causing respiratory symptoms, transient reductions in lung function, and pulmonary inflammation.
- 5) **Road proximity and air pollution exposure.** Proximity to freeways and busy roads increases exposure to hazardous particulate air pollution, subsequently increasing health risks. SB 352 (Escutia), Chapter 668, Statutes of 2003, prohibited the construction of new schools within 500 feet of freeways or other major roadways, but did not outline plans to address schools located in this area prior to 2003. Further, recent research shows that air pollution can still be present at hazardous levels far outside the 500 foot buffer, and that pollution levels also depend on air circulation patterns, geography, time of day and other factors. To mitigate the risks of air pollution, Los Angeles and San Francisco require high-efficiency air filters to be installed on new homes built near freeways, and the California Energy Commission is considering regulations to require air filtration systems in the construction of all new homes starting in 2020.

In its current form, the bill does not consider the benefits that retrofit ventilation systems can provide to schools and other community centers located in areas of high cumulative exposure burden. By prioritizing applicants located in communities with high cumulative air pollution burdens, the retrofit ventilation systems could provide immediate air pollution reductions, in addition to future wildfire smoke impact mitigation.

- 6) **Community air filtration systems.** Air districts, including the BAAQMD, have occasionally received funding through enforcement actions that have been used to upgrade ventilation systems of schools near freeways to reduce particulate exposure. The BAAQMD has also begun initial work with cities and counties to define and identify regions that would be best served through the proposed incentive program.

In 2008, the South Coast Air Quality Management District partnered with the University of California, Riverside's Center for Environmental Research and Technology on a pilot project to research the efficacy of 15 different air filtration technologies. The study findings identified technologies capable of removing over 90% of ultrafine particulate matter, and the best performing units have subsequently been installed in 72 schools and related facilities across the district since 2008. In schools without modern mechanical central air systems, stand-alone filters

that re-circulate air in classrooms can be an effective means of improving air quality if windows and doors are closed. This work has been funded on a project-by-project basis using fees assessed for pollution violations in the district, and there is a persistent and ongoing need to update facilities to mitigate pollution exposure.

This bill would allow BAAQMD through the incentive program to work with public health departments, cities, counties, school districts, and other nongovernmental stakeholders to create a network of facilities eligible for a “clean air center” designation and enable eligible facilities (e.g. schools, libraries, community and senior centers, and other publicly accessible spaces) to build, retrofit, or maintain ventilation systems. However, by limiting the bill exclusively to the Bay Area district boundary, this bill will not address other communities in the state that have also been burdened by both wildfire smoke and on-going exposure to other sources of air pollution.

- 7) **Community emissions reduction programs.** By October 1, 2018, ARB was required to develop a strategy for the development of CERPs, including identification of communities with high cumulative exposure burdens to toxic air contaminants and criteria air pollutants, a methodology for assessing and identifying responsible stationary and mobile sources, and assessments of the options available to air districts to reduce pollution. By July 1, 2019, air districts are required to deploy air monitoring systems in communities identified by the process. The first year of CERP implementation included 10 communities across the state. Pursuant to AB 2453 (E. Garcia), Chapter 714, Statutes of 2018, communities with a high cumulative exposure burden were given the ability to apply for grants through the CERP to mitigate air pollution in schools.
- 8) **Suggested amendments.** The *committee may wish to* amend the bill as follows:
- a) Expand the Clean Air Incentive Program to be statewide rather than Bay Area focused. The impacts of air pollution from smoke have affected many communities in California outside the Bay Area. By allowing applicants from across the state, the incentive funds can be used to support projects in the areas of highest need.
  - b) Add language to prioritize those applicants that have faced high cumulative exposure burdens.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Bay Area Air Quality Management District (sponsor)  
American Lung Association in California

### **Opposition**

None on file

**Analysis Prepared by:** Achintya Madduri / NAT. RES. /

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: April 19, 2019

Re: Sacramento Legislative Update

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RECOMMENDED ACTION

None; receive and file.

DISCUSSION

The Senate and Assembly have individually held their first budget hearings related to air quality and Cap and Trade funding in their respective subcommittees, with staff testifying in both on behalf of continued funding for Assembly Bill (AB) 617 implementation and related incentives. Separately, we continue to meet with budget staff as follow up, and will provide an update to the Committee

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alan Abbs  
Reviewed by: Jack P. Broadbent